

Dispute Resolution Longitudinal Study

Phase 3

FINAL REPORT



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REPORT SUMMARY

Broad Description of the Research

The Dispute Resolution Longitudinal Study Report presents the findings of a 3 1/2 year, three phase, cross-sectoral panel study that examined the impacts and outcomes of dispute resolution on clients who took part in a dispute resolution process to resolve a family justice issue at a Family Justice Centre in British Columbia. The duration of the study was from 2004 – 2008. Dispute resolution is a voluntary, collaborative process facilitated by professionally trained and accredited Family Justice Counsellors (FJCs), that assists parents to resolve disputes related to family matters such as child custody, access, guardianship, child and spousal support.

The study assessed changes in parent and child adjustment, level of non-residential parent contact and parent conflict, use of Family Justice and other legal services, the level of agreement development, observance of agreement terms and client satisfaction with the process and outcomes of dispute resolution.

Two hundred and thirty-five clients who participated in dispute resolution at one of the twelve participating Family Justice Centres were involved in Phase 1 of the study. Two hundred and five of these respondents continued to Phase 2 and 175 to Phase 3.

Respondents were screened into the study if they had first contacted a Family Justice Centre between May and October, 2004, if they were the biological parents of the children in the case and if they had actively engaged in dispute resolution.

Methodologies

Seven methodologies were used in the Longitudinal Study. The main methodology was the *Dispute Resolution Outcomes Questionnaire* which was implemented in all phases of the study through a comprehensive client interview. Client assessments of the process and outcomes of dispute resolution were also collected at these telephone interviews. Service contact data was collected on an ongoing basis by Family Justice Counsellors by means of a *Service Contact and Referral Form*. The FIS Running Record was used to clarify details about the respondent's case and the services provided.

Research Issues and Challenges

The Dispute Resolution Longitudinal Study began at the point when parents first contacted a Family Justice Centre for dispute resolution services, rather than at the point of their relationship dissolution. It is known that parental communication, conflict or child adjustment problems often occur *prior* to relationship dissolution and may influence later adjustment. The weight of these pre-dissolution factors was noted but not extensively studied during the research.

It is difficult to attribute changes in the status of respondents in the Longitudinal Study directly to their involvement in dispute resolution. As is true in all other program-related initiatives, respondents may be influenced by many other personal, family or social factors that affect outcomes and well-being. Family justice literature also suggests that there are "resilience" characteristics in families that may influence the adjustment of parents and children. In addition, the majority of families who undergo relationship dissolution show improvements approximately 2 – 3 years after their relationship has ended.

Participant Demographic and Relationship Characteristics

More mothers (63%) than fathers (37%) participated in the Longitudinal Study. Seventy-four percent of the respondents were case initiators and, in most cases, case initiators were mothers. Seventy-three percent of the respondents were in the age group 31 – 50. Three percent of the respondents were of Aboriginal or Metis origin.

The Longitudinal Study respondents were slightly better educated than the BC population; 9% had not completed high school, while 26% had completed university.

Family justice literature indicates that mothers, who are usually the custodial parent, suffer more negative consequences from relationship dissolution than fathers, but that economic status for both parents improves over time for most parents. In Phase 1, 50 – 60% of the respondents reported very low annual incomes and 73% of those in the two lowest income categories were mothers. By Phase 3 the number of respondents in the lowest income categories had dropped to 27%.

While the economic status of mothers generally improved throughout the three phases of the study, almost 60% of the mothers still reported having low incomes in Phase 3. Most respondents felt their incomes had remained basically the same throughout the study. No relationship was found between the respondent's view of whether their income had increased or decreased and whether they were in a new longer-term relationship.

Employment levels improved for both the fathers and mothers throughout the study but these improvements were more significant for fathers.

The relocation of parents after separation or divorce is common and is linked to a drop in economic status and less frequent non-residential parent contact. Twenty-six percent of the Longitudinal respondents moved in Phase 1, 41% in Phase 2, and by Phase 3 a total of 53% of the respondents had relocated. Twenty percent of the respondents had relocated two or more times. There was no association between the respondent's gender, residential/custody status or income level and whether or not they had relocated.

Prior to the dispute resolution relationship, 28% of the respondents had been married or had lived in a common-law relationship. In terms of the dispute resolution relationship itself, 60% percent of the respondents were married and 27% were involved in common-law relationships. About 60% of the respondents contacted the Family Justice Centre before or within the first year after relationship dissolution.

More respondents described themselves as being in new stable relationships between Phases 1 and 2 than between Phases 2 and 3. Twenty-seven percent of the respondents said that they had been involved in a longer term relationship or had remarried during the Longitudinal Study.

Almost half of the respondents had only one child from the dispute resolution relationship. There was a steady increase in the number of households that had *no* children under six from Phase 1 (49%) to Phase 3 (70%).

Custody and Residential Data

Legal custody arrangements remained fairly stable for parents throughout the study. In Phase 1, 23% of the respondents reported that they had sole custody of their children, 11% said that the other parent had custody, and 48% said that they had joint custody. Custody arrangements appeared to change more frequently between Phase 1 and 2 than between Phases 2 and 3.

Forty-seven percent of the respondents retained their status as the primary residential parent through all the phases of the study; while 21% of the respondents said that their residential status had changed at least once. Eighty-seven percent of the respondents who retained their primary residential status were mothers.

Number and Type of Family Issues or Problems Affecting the Family

Ninety percent of the respondents reported experiencing at least one significant issue affecting the family leading up to or during the three phases of the study. The number of respondents who reported being affected by a family problem dramatically diminished as the study progressed. However, even at Phases 2 and 3, 40% – 50% of the respondents reported that family issues were continuing to affect them.

Spousal abuse was the most frequently noted family issue in Phases 1 and 2; mental health issues were most frequently cited in Phase 3.

Almost 70% of the respondents reported historical or current spousal abuse issues in Phase 1. The father was most frequently described as the perpetrator. Emotional or psychological abuse was the most common type of abuse described. No serious frequent physical abuse was reported among those clients, suggesting that Family Justice Centre violence screening protocols are being effectively implemented.

Level of Parent Acrimony and Conflict

Several measures were used to assess the quality of the parental relationship during the study – the respondents assessment of the cordiality of the relationship, the perceived level of conflict and the level of conflict in front of children.

Parental acrimony and conflict pre and post relationship dissolution has deleterious effects on most children. Children exposed to high levels of conflict pre or post marriage dissolution are at risk of developing behavioural problems in childhood and adolescence, of experiencing more depression and anxiety and having a higher prevalence of future marital problems.

Family Justice research suggests that parents who have been involved in mediation have less conflict than those who have been involved in litigation. Findings from the Longitudinal Study also suggest that involvement in dispute resolution has a positive effect on parental relationships.

Longitudinal Study respondents showed an increasingly positive assessment of the other parent throughout the study: 37% described their relationship as positive in Phase 3 compared to 25% in Phase 1. There was a pattern of decreased conflict between parents and this decrease was strongly statistically significant at Phase 3. Only 7% of the respondents appeared to be involved in chronically conflicted relationships. This is a lower incidence than has been cited in comparable studies.

There was a statistically significant drop in the level of conflict parents reported having in front of their children between Phases 1 and 2 but this trend did not persist into Phase 3.

There was a significant increase in the number of parents who said that they generally or completely accepted the separation or divorce between Phases 1 and 2. Acceptance is a factor that appears to have been consolidated early in the study. Those who had been separated for a shorter period of time were less likely to have accepted the separation or divorce. Whether or not parents were living in a new longer-term relationship was not associated with acceptance of the separation or divorce.

Respondents described a dramatic improvement in their sense of well-being between Phases 1 and 3 and this, coupled with the respondent's assessment of the value of dispute resolution, suggests that involvement in dispute resolution may have influenced this outcome.

Adjustment of Children

Separation and divorce almost always lead to a period of distress and sadness for children, with the major distress lasting approximately two years post separation. At Phases 1 and 2, parents reported their children showing anxiety, worry, obsessive thoughts, crying, sadness, emotional outbursts, belligerence, acting out, behavioural problems and children performing poorly at school as a result of the relationship dissolution.

Longitudinal results indicate that there was a significant improvement in child adjustment as the study continued. By Phase 3, less than a third of the parents reported that their children had adjustment problems, compared to 62% in Phase 1. Children from families whose parents had been in relationships lasting ten years or more were more likely to suffer adjustment problems. There were fewer problems of child adjustment reported by parents who had been separated for a longer period of time.

Twenty percent of respondents at Phase 3 still considered their children's adjustment problems serious enough to require some form of counselling or therapy, suggesting that there is a small but significant number of children who continue to suffer adjustment problems four or more years after the separation or divorce of their parents.

The level of general parent conflict was associated with child adjustment problems at Phase 1 of the study but not in Phases 2 or 3. Parents who had less conflict in front of their children were less likely to have children with adjustment problems, although this was only statistically significant at Phase 3.

There was no association between child adjustment, parental income levels, number of parent relocations or whether the parent had become involved in a new relationship.

Contact of Children with the Non-Residential Parent

In most cases, the continuing contact between children and their non-residential parent (NRP) carries significant benefits to both the NRP and children. Family Justice research also suggests that parent involvement in dispute resolution helps maintain NRP contact with children.

In most cases following divorce, contact with the NRP declines rapidly. Family justice literature data indicates that about 26% of children have very rare contact by about 2 – 3 years after divorce, while about 25% have regular or weekly contact.

Longitudinal results indicate that although the level of frequent contact between the NRP and his/her children decreased in Phase 2, it appeared to rise slightly in Phase 3 (this change was not statistically significant). The proportion of NRPs with no or very infrequent contact with their children ranged from 9 – 15%. When compared with non-residential parents in other comparable studies, the Longitudinal Study's NRPs were less likely to have no or little contact with their children. The level of *frequent* NRP contact was also higher among the NRPs in the Longitudinal Study.

The rate of non-NRP contact in the Longitudinal Study closely matches the results from the mediated group of the Emery (2001) study which compares mediated and litigated clients.

There was no statistical association between the frequency of conflict between the parents and the level of the NRP's contact with his/her children. However, if the NRP perceived his/her relationship with the other parent as cordial then s/he was more likely to be having frequent contact with his/her children (even if they perceived the relationship to have conflict). This association was statistically significant in Phase 3.

Parental Involvement in Discussions and Decision-Making About Their Children

Parents became less involved in frequent discussions about major issues in their children's lives between Phases 1 and 3. However, parents who saw their relationship as cordial were more likely to be involved in discussions about their children's major issues.

Service Delivery Data

Slightly over half of the respondents in the study were referred to a Family Justice Centre by an informal referral source such as a friend or the other parent; 17% were referred by legal services or resources. There were relatively few referrals from other ministries of government or from community services such as women-serving organizations.

The need to resolve a custody or access problem was the main reason why case initiators first contacted a Family Justice Centre.

Ninety percent of the respondents received some kind of settlement readiness counselling or support from the Family Justice Counsellor. The most frequent type of counselling provided to respondents was on the impact of separation and divorce on children.

Service Contact Levels

In Phase 1, 95% of the respondents had an individual face-to-face meeting with the Family Justice Counsellor and 66% participated in a joint meeting. When contact levels for all phases of the study are considered, 22% of the respondents had a low level (1-3) of contacts, 56% had a medium level (4-7) and 22% had a high level (8+). Thirty-six percent of the respondents had further contact with a Family Justice Counsellor after Phase 1, and 23% in Phase 3. Most respondents who re-contacted an FJC in Phases 2 or

3 did so to get general information or counselling, to attempt to resolve a dispute or to vary or change an existing agreement.

Seventy-five percent of the respondents received at least one referral to another service or agency during their contact with the FJC. Parenting After Separation received the highest number of referrals. Most referrals occurred in Phase 1.

Some of the respondents who had additional family legal issues in Phases 2 and 3 did not return to the Family Justice Centre for assistance. Thirty-seven percent of these cases involved divorce (not within the mandate of the FJC) and in 31% of the cases the other parent did not want to collaborate on reaching a solution. Only three respondents with further family justice concerns said that they did not return to the Family Justice Centre because they were dissatisfied with the services they had previously received.

Respondent Use of Other Legal Services and Resources

About 20% of the respondents said that they visited court in one of the phases of the study. In the majority of cases the visit involved a court appearance.

One quarter of the respondents had contacted a lawyer prior to contacting a Family Justice Counsellor. There was a statistically significant increase in the frequency of contact with lawyers between Phases 1 and 2 and a decrease between Phases 2 and 3.

Private lawyers were more frequently consulted by respondents than Legal Services Society or Legal Aid lawyers. There was an increase in the proportion of Legal Services lawyers consulted in Phase 2.

Agreement Status of Respondents

Thirty-nine percent of the respondents said that they had some form of agreement governing a family justice issue prior to their first contact with a Family Justice Counsellor. The longer parents had been separated the more likely they were to have had a previous agreement.

Sixty-four percent of the respondents reported reaching an agreement relating to their family justice issues in Phase 1, 83% reported having an agreement in Phase 2 and 90% in Phase 3. The trend towards increasing agreements during the study was statistically significant.

Seventy-seven percent of the respondents said that their agreements had been developed solely or partially with the assistance of a Family Justice Counsellor. Classic "mediation," (where there was at least one joint meeting between the parents and the FJC), was more likely to be associated with respondents reaching an agreement than was shuttle mediation or the hybrid model. This result was statistically significant in Phase 2.

The more *individual* office visits made by respondents, the more likely they were to have reached an agreement. There was no statistical association between the respondents' agreement status and whether or not they had had a joint meeting or with their number of overall service contacts. These results suggest that individual client preparation may be one of the most important service components in terms of helping respondents reach agreements.

Parents who saw themselves as having a cordial relationship were more likely to reach an agreement. In addition, if Family Justice Counsellors assessed parents as being cooperative at service entry they were more likely to achieve an agreement. Thus findings suggest that Family Justice Counsellors are often able to accurately predict those who will achieve an agreement at service onset.

In Phase 2, 34% of the respondents attempted to vary their previous agreement. FJCs assisted with 38% of these variations to some degree. Sixty percent of the attempts to vary the agreements were successful. In Phase 3, 32% of the respondents attempted variations. Sixty-four percent of these attempts were considered to be successful by the respondents.

Variables Associated with Agreement Status

The study found that there were no demographic characteristics including the respondent's age, gender, income, number of children, length or type of relationship or number of relocations that were associated with the agreement status of respondents. Although the presence of specific issues or problems in the family was not associated with agreement status, if a respondent reported having experienced two or more family issues such as spousal abuse, mental health or drug/alcohol problems they were less likely to have reached an agreement. This association was significant in Phase 1.

If respondents were satisfied with how the mediation had been conducted or were generally satisfied with the outcomes arising from dispute resolution they were more likely to have reached an agreement. Respondents who felt that they had improved their communication and problem solving skills with the other parent were more likely to have reached an agreement. Whether parents felt that they had achieved a better understanding of the impact of separation and divorce or conflict on their children was not associated with the achievement of an agreement.

Respondent Observance of Agreement Terms

There was a high level of self-reported observance of agreement terms (80 – 90%) at each phase of the research. The level of good or complete observance of agreement terms increased during the study and was highest in Phase 3.

Data aggregated in Phase 3 indicated that 67% of the respondents who had at least one agreement during any phase of the study had no agreement breakdown while 24% reported at least one agreement breakdown.

Variables Associated with Agreement Breakdown

There was no association between the total number of contacts respondents had with the FJC and observance of agreement terms when this was measured in Phases 1 and 2. Aggregated service contact results suggest that respondents with a higher level of service contact may experience a higher level of agreement breakdown, (although this association was not statistically significant). This suggests that increases in service contact may indicate attempts to resolve more problematic family justice issues.

There was an association between the observance of agreement terms and whether a respondent had entered into a new permanent relationship at Phase 3. Those who had become involved in a new relationship were less likely to be observing the terms of their agreement at Phase 3. There was also a

statistically significant association between the observance of agreement terms and the total number of common-law relationships or marriages the respondent had had. If a respondent had been involved in two or more previous marital or common-law relationships, they were less likely to have observed the terms of their agreements. This suggests that being involved in previous multiple relationships is associated with and may affect future agreement stability.

The observance of agreement terms was not associated with any client characteristic such as income, education, number of children in the household, type and length of relationship or number of parent relocations during the study.

At Phase 3, if a family had identified two or more significant issues or problems affecting the family it was more likely that they had experienced at least one agreement breakdown.

There was no association between the type of dispute resolution provided to respondents and the observance of agreement terms at any phase.

The degree to which parents accepted their separation and divorce was not associated with the observance of agreement terms in Phases 1 and 2, but was statistically significant in Phase 3.

There was no association between the reported frequency of conflict between parents and their observance of agreement terms in Phases 1 and 2. Phase 3 results indicated that respondents who reported more conflict were more likely to have had at least one agreement breakdown but this was not statistically significant. Parents who described their relationship as cordial (even if they reported some conflict in the relationship) in Phase 3 were less likely to have had an agreement breakdown.

Study results indicate that there was a statistically significant association between the level of the non-residential parent's contact with children and agreement breakdown. NRPs who had more frequent contact with their children were less likely to have experienced an agreement breakdown.

Although FJCs were able to "predict" agreement achievement in many cases through their assessment of clients at the initial phase of service delivery, this did not hold true for agreement observance. There was no association between the assessment of the FJC and the observance of agreement terms. The number of referrals or types of counselling provided to respondents were not associated with agreement breakdown.

If respondents were generally satisfied with the overall process of dispute resolution they were less likely to have had an agreement breakdown and this was a statistically significant association at all phases. However, the association between agreement breakdown and specific elements of the process weakened over time. No specific elements of the dispute resolution process were associated with agreement observance by Phase 3.

There was a general association between the respondent's overall positive assessment of the outcomes of dispute resolution and observance of agreement terms in Phase 1 but not in Phases 2 or 3. However, if parents felt that dispute resolution had benefited their children at Phase 3, they were more likely to have observed their agreements. In Phase 2 parents were more likely to have observed the terms of their agreements if they felt involvement in dispute resolution had resulted in improved problem-solving and communication between the parents.

Although respondents generally felt that dispute resolution had helped them gain knowledge about how the legal system worked, had provided them with skills that could be used with the other parent and had increased their knowledge of parenting and legal resources, these results were not associated with an increased observance of agreement terms.

There was, however, a statistically significant association between the observance of agreement terms and whether parents felt they were currently applying skills they had learned in dispute resolution.

Respondent Satisfaction with Dispute Resolution

Respondents were very positive about how dispute resolution was conducted with specific elements being rated an average score of 5.9 out of 7.0. Five out of nine delivery elements were rated at 6.0 out of 7.0, including aspects such as whether the mediation addressed the respondent's most important concerns and was seen as fair, neutral and non-judgemental.

The outcomes that respondents felt they had achieved through their involvement in dispute resolution were not rated as highly as the dispute resolution process. The average rating for the thirteen outcome elements was 4.9 out of 7.0. The specific outcome items that were rated most highly were those related to gains in awareness of options for handling legal disputes, awareness of legal and family resources in the community and increased knowledge of how the legal system works. These items were consistently positively rated in all phases.

There were lower ratings given for the achievement of objectives related to improved communication or problem solving skills to be used between the parents. Ratings decreased for many of these communication and problem-solving outcomes in Phase 2 but rose in Phase 3, suggesting that the value of dispute resolution is seen differently at different points in time after the dispute resolution has taken place and may be valued more highly as time passes.

The highest rated outcome of dispute resolution in all phases was that involvement had increased the awareness of options for addressing family disputes.

Respondents felt that their children were better off as a result of the parent being involved in dispute resolution. Respondents identified the reduction of conflict between the parents as being the most important benefit of dispute resolution for children.

About 60% of the respondents said that they were still using specific skills gained in dispute resolution at Phase 3.

Variables Associated with Client Satisfaction

There was no association in any phase of the study between overall client satisfaction with dispute resolution and any client characteristic such as age, gender, income, current or past relationship status, number of children in the family, time since separation, length of relationship or number of relocations. The involvement of the respondent in a new common-law or marriage relationship also had no association with client satisfaction.

The only demographic characteristic statistically associated with client satisfaction with dispute resolution (in Phase 2 only) was the age of the client at the birth of his/her first child. Parents who had their first child prior to age 21 tended to be less satisfied with dispute resolution than parents in other age groups and this was statistically significant. There is no clear explanation for this association.

In Phase 1, respondents who rated their relationship with the other parent positively were much more likely to be satisfied with dispute resolution. This association was statistically significant. The level of parent cordiality was linked with respondent satisfaction with dispute resolution in Phase 2, although this was only statistically significant at $p\text{-value}=0.05$. There was no link between the level of cordiality and respondent satisfaction with dispute resolution in Phase 3.

The level of parent conflict was strongly associated with client satisfaction in Phases 2 and 3. Phase 2 results clearly show that those who had less conflict were generally more satisfied with dispute resolution. There was no association in Phase 1.

There was no relationship between the level of face-to-face contact of the NRP with his/her children and the overall satisfaction with dispute resolution in any phase of the study.

There was no statistical association between the total number or type of service contact the respondent had with the FJC and their level of satisfaction with dispute resolution. Satisfaction was also not linked to whether or not a respondent had a joint meeting with an FJC. There was no association between the type of dispute resolution offered and the level of respondent satisfaction at any phase.

All the specific elements related to process or delivery of dispute resolution *were* associated with overall client satisfaction with dispute resolution at all phases of the study.

These results suggest that it is not the length or type of service contact but rather the quality of the dispute resolution that is the most critical aspect of client satisfaction. If a client feels that the mediation is fair and neutral, that they have an equal opportunity to set the agenda and participate in the mediation and do not feel rushed or pressured, then they are very likely to be satisfied with dispute resolution.

Many of the specific elements related to the outcomes of dispute resolution were also statistically associated with overall respondent satisfaction with dispute resolution. In Phase 1, learning more about how the legal system works, having an increased awareness of parenting, family and legal resources in the community and becoming more aware of options for resolving disputes were not associated with general satisfaction levels but were statistically associated in Phases 2 and 3.

In Phases 2 and 3 all specific outcome elements were associated with overall respondent satisfaction. That is, if parents felt that dispute resolution had resulted in practical skill or knowledge gains in terms of improving communication with the other parent or helping parents understand the effects of separation and divorce on their children, they were likely to be satisfied with the outcome of dispute resolution.

Respondent Satisfaction with Service Quality

Respondents were asked to assess six elements of Family Justice Centre service quality including the location of the Centre, promptness of service delivery and the knowledge, experience and empathy of

Family Justice Counsellors. There was a high rating for five out of six service elements including the knowledge and experience of Family Justice Counsellors. The promptness of service response was given a slightly lower rating.

Respondent Interest in Re-Engaging in Dispute Resolution

Over 80% of the respondents said that it was likely or very likely they would participate in dispute resolution again if the circumstances warranted it. Only 9% said that this was unlikely. These assessments were relatively stable at all phases of the study. More mothers than fathers said it was likely they would participate in dispute resolution again if the circumstances warranted it. Respondents who had experienced no agreement breakdowns in the study were more likely to consider becoming engaged in dispute resolution again and this finding was statistically significant.

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1.0 INTRODUCTION & ORGANIZATION OF THIS REPORT

This report presents the findings of a 3 1/2 year, three phase, cross-sectoral panel study that examined the impacts and outcomes of dispute resolution on clients who took part in a dispute resolution process at one of the Family Justice Centres in British Columbia selected to participate in the research.

The study tracked the type and duration of dispute resolution services provided to clients who first contacted a Family Justice Centre for assistance between May and October, 2004. The study assessed changes in client status and child adjustment, level of non-residential parent contact, use of Family Justice and other legal services, level of agreement development, observance of agreement terms and client satisfaction with the process and outcomes of dispute resolution.

Dispute resolution is a voluntary, collaborative process facilitated by professionally trained and accredited Family Justice Counsellors (FJCs) that assists parents in the resolution of disputes related to family matters, such as child custody, access, guardianship, child and spousal support.

There are twenty-eight Family Justice Centres in British Columbia that are funded and coordinated under the Family Justice Services Division (FJSD), within the BC Ministry of Attorney General. Twelve centres, representing different levels of client use and located in different parts of the province, were selected to participate in the research.

Two hundred and thirty-five respondents participated in Phase 1 of the research (2005), two hundred and five participated in Phase 2 (2006), and 175 (74% of the original sample) in Phase 3 (2007).

Comprehensive reports were completed at the end of Phases 1 and 2 describing client, case, service, agreement, agreement observance, client satisfaction and other outcomes. The Phase 3 Final Report incorporates and analyses data from all phases of the study and includes an overall analysis of Phase 3 results in comparison to Phase 1 and 2. The 175 respondents involved in Phase 3 participated in all phases of the study.

This report is organized into nine sections. After the Introductory Section, Section 2.0 provides an overview of the characteristics of dispute resolution and a description of the Family Justice Services Division Model. Section 3.0 describes the research design, including a summary of the research questions, respondent selection criteria and the methodologies.

Section 4.0 provides a description of the respondents involved in the study. Demographic, case and family data are described, such as the respondent's economic and relationship changes, levels of parent acrimony and conflict, child adjustment and the frequency of non-residential parent contacts with children. These elements are discussed for each of the three phases of the study and changes and improvements over the phases are noted, where applicable.

Section 5.0 presents FJC service delivery data including the level and types of respondent contact with the Centre. Section 6.0 discusses the agreement status of respondents in all phases of the study and the case, client and service variables that are associated with agreement development. Section 7.0 presents data on the level of client observation of agreement terms and Section 8.0 reviews aspects of client

satisfaction with the process and outcomes of dispute resolution. Section 9.0 presents the key findings of the study.

2.0 DESCRIPTION OF DISPUTE RESOLUTION AND THE FAMILY JUSTICE SERVICES DIVISION MODEL

2.1 Overview of Services Offered by the Family Justice Services Division

The Family Justice Services Division of the British Columbia Ministry of Attorney General provides settlement readiness counselling and dispute resolution services, including mediation or shuttle mediation, to parents who are undergoing separation and divorce. Services are provided through twenty-eight Family Justice Centres across British Columbia and low income clients are given priority.

Dispute resolution is a voluntary collaborative process through which parents undergoing separation or divorce attempt to settle their family justice matters with the assistance of a trained and certified mediator. Family matters dealt with by Family Justice Counsellors include guardianship, custody, access, child and spousal support. According to the BC Dispute Resolution Office,

Mediation is a process for resolving disputes. Two or more parties to a dispute meet and attempt, with the assistance of a mediator, to settle the matters in dispute. The mediation takes place in a private, informal setting, where the parties participate in the negotiation and design of the settlement agreement. The mediator is trained to help people settle conflicts collaboratively and has no decision-making power. The dispute is settled only if all the parties agreed to the settlement (Government of British Columbia: Dispute Resolution Office – Guide to Mediation).

Clients who approach Family Justice Centres for assistance initially receive settlement readiness counselling services. Settlement readiness counselling provides clients with options for handling disputes, referrals to emergency and other services, general information related to child custody, access, guardianship and support, counselling and assistance with administrative procedures and legal/court documents. Approximately half of all clients who initially contact Family Justice Services require or utilize only settlement readiness counselling and do not participate in dispute resolution. Settlement readiness counselling usually continues to be provided to clients who become engaged in dispute resolution.

2.2 Benefits of Dispute Resolution

In the past two decades, dispute resolution or mediation¹ has become widely used as an alternative to litigation as a method for handling family justice matters. Mediation is,

... increasingly recognized as a means of promoting efficiency in the dispute resolution process (compared with adversarial court litigation), improving party satisfaction and raising compliance with ... agreement(s).

In comparison with adversarial settlement procedures, such as court litigation, mediation also is hypothesized to promote individual well-being and preserve family relationships that continue despite the end of marriage (Sbarra and Emery, 2005: 65).

¹ Mediation is a type of dispute resolution but in some cases the term is used to broadly describe all forms of dispute resolution.

Beck and Sales (2000), note that there are three outcomes associated with mediation that are not attainable in the litigation process. These are,

- *The opportunity for each parent to completely air his or her concerns while the other parent listens;*
- *To do so in front of a neutral third party; and*
- *To do so in a less adversarial forum than in a courtroom (Beck & Sales, 2000: 996).*

Kelly (2004) notes that,

... family mediation has been consistently successful in resolving custody and access disputes, comprehensive divorce disputes and child protection disputes. Mediation has given evidence of its power to settle complex, highly emotional disputes and reach agreements that are generally durable (Kelly, 2004: 28).

While mediation has not clearly been shown to improve the adjustment of parents and children after separation and divorce in measurable ways, it has been shown to increase cooperation and decrease conflict between parents in the first few years after divorce. Emery et al. (2001), have shown that fathers who are involved with mediation may stay more involved with their children.

Mediation is consistently associated with higher levels of satisfaction.

Repeatedly, clients indicated that they felt heard, respected, given a chance to say what is important, not pressured to reach agreements, helped to work together as parents and felt their agreements would be good for their children (Kelly, 2007: 29).

2.3 Description of the Family Justice Services Dispute Resolution Model

Three broad types of dispute resolution are provided by Family Justice Counsellors who are trained and professionally certified mediators. These are:

- *Mediation* – is a process where parties meet jointly with the Family Justice Counsellor to negotiate and work collaboratively to develop the terms of an agreement. Joint meetings are held after individual meetings with each party. During mediation, at least one face-to-face meeting (joint meeting) between both parents and the Family Justice Counsellor (FJC) is held. A typical mediation includes: 1) initial individual meetings with each party to determine whether mediation is appropriate. Separate initial meetings are held in all cases with each party; 2) a joint meeting between parents and the FJC to identify issues; 3) one or more joint meetings to explore problem areas and determine consensus; and 4) a final meeting to enable parents to sign or formalize the agreement.
- *Shuttle Mediation* – is a term used to describe a dispute resolution process where the FJC acts as a “go-between” between the two parents who do not want to meet because of power or control issues in their relationship or where logistics or other problems prevent joint meetings. In shuttle mediation the mediator communicates the issues raised by one client to the other (frequently by telephone or through meetings with one parent). Joint meetings between both parents and the FJC are not held if shuttle mediation is taking place.

- Hybrid Model of Dispute Resolution – is a term used to describe a process which typically begins as mediation (with at least one joint meeting between the parents and the FJC), but becomes shuttle mediation when the two parents are unable or unwilling to continue to meet jointly.

The dispute resolution used by Family Justice Services Division most closely follows an approach described as “facilitative mediation.” “Facilitative mediation” is not a fully articulated model but is more of a general approach and a statement of values and goals. Bayer (2004) describes facilitative mediation as being characterized by four “hallmarks.”

- *Orientation to process.* In facilitative mediation the mediator does not superimpose a solution on the parties (in this case parents) but assists the parties in their own deliberations. Facilitators can make process recommendations.
- *Client orientation.* In facilitative mediation the mediator’s job is to help clients be effective communicators and problem solvers.
- *Communication focus.* The ultimate goal of facilitative mediation is to help the parties communicate with each other about their concerns and the issues that they want to resolve.
- *Focus on client interests and needs.* In facilitative mediation the mediators help the parties understand their own needs and concerns more clearly as well as those of the other parties. They then work with both parties to identify ways in which these needs can be adequately met.

Facilitative mediation is empowerment oriented. It operates from the assumption that the parties themselves are most able to make decisions and arrive at productive solutions to their disputes.

The components involved in a facilitative mediation process include the following:

- Explaining the client’s issues and options for resolving the issues;
- Determining the appropriateness of mediation for the clients;
- Clarifying the goals of mediation with the clients;
- Defining the roles of the parties involved in the mediation;
- Building rapport between the mediator and the parties;
- Helping the clients tell their stories (including how each party views the conflict);
- Helping the clients to identify their problems, issues and interests;
- Facilitating communication between the clients;
- Discussing strategies for resolution;
- Gathering information;
- Dealing with impasse;
- Facilitating a resolution to the dispute and developing an agreement (if required).

2.4 Elements of the Family Justice Services Division Dispute Resolution Model

Programs that provide dispute resolution to assist in the resolution of family matters differ in terms of their structure, organization, general approach and service delivery methods. Table 1 summarizes the central characteristics of dispute resolution services as delivered by the Family Justice Services Division through their network of Family Justice Centres in BC.

Table 1: Elements of the BC Family Justice Services Division Dispute Resolution Model

Element	Description
<i>Service Delivery Sites</i>	Services are provided through twenty eight Family Justice Centres and some court based sites throughout British Columbia. In some communities Family Justice Centres are situated within a "hub" of related family justice services.
<i>Client Entry</i>	Client entry is primarily voluntary. Most clients are referred from informal sources (friends, the other parent or a family member) or by community or justice/legal agencies. At four Family Justice Registry (Rule 5) sites most applicants and respondents to provincial court for family matters must attend at the Centre. The purpose for attending is to let people know of other options for resolution of their family issues such as mediation. In some cases, a judge will order a client to see a Family Justice Counsellor (Rule 5). Clients at Rule 5 sites were not included in the Longitudinal Study sample.
<i>Staffing</i>	Family Justice Centres are staffed by Family Justice Counsellors who are trained and certified professional mediators. All Family Justice Counsellors are certified at a national level with Family Mediation Canada.
<i>Governance</i>	Family Justice Centres are coordinated and funded under the auspices of the Family Justice Services Division (FJSD) under the BC Ministry of Attorney General.
<i>Areas of Law Covered</i>	Family Justice Centres address family justice matters – primarily guardianship, custody, access, child and spousal support.
<i>Initial Orientation</i>	The needs of clients determine the level and types of service provided. Needs and options are reviewed with the Family Justice Counsellor. Screening for violence in the relationship is also carried out (see Section 2.5).
<i>Duration of Services</i>	The duration of services provided by the Family Justice Counsellor is variable and dependent on client needs. Although there is no time limit in terms of the number of hours of service that can be provided to clients, most cases are expected to be concluded within three months. Permission is required from the Family Justice Centre local manager to extend past the three month period.
<i>Types of Service Contact with Clients</i>	Services are provided through individual office visits, telephone calls and through joint meetings with both parents. Family Justice Counsellors can provide settlement readiness counselling or dispute resolution services by telephone, and through individual or joint parent meetings.
<i>Cost of Services</i>	No cost: the service gives priority to low-income clients.

Element	Description	
<p><i>Description of the Range of Services Provided by Family Justice Centres</i></p>	<p>BRIEF SERVICES/ BRIEF COUNSELLING (BS/BC)</p>	<ul style="list-style-type: none"> ▪ Prior to the official opening of a client case file, clients may be provided with brief services/brief counselling (BS/BC). ▪ A Brief Service (BS) is an intervention with a client, typically by telephone, to provide information or referrals to other agencies or services but which does not involve the official opening of a counselling file. A brief service is limited to one or two contacts that, on average, amount to about 15 minutes of service. A brief service does not result in an application being made to the court or an action resulting in intake or the provision of client dispute resolution during that month. ▪ Brief Counselling (BC) is a slightly longer brief intervention with a client, typically in-person, to provide information or brief counselling to assist a client in dealing more effectively with their family issues. A BC may include assisting the client to make an application to court. The family justice counsellor may meet with the client on one or two occasions that amount, on average, to one hour of service.
	<p>SETTLEMENT READINESS COUNSELLING</p>	<ul style="list-style-type: none"> ▪ Settlement readiness counselling consists of general support and informational counselling that is provided after a client file is officially opened and a case number is assigned. Clients can be provided with settlement readiness counselling whether or not they become engaged in dispute resolution. ▪ Settlement readiness counselling can include: <ul style="list-style-type: none"> • The provision of basic information on access, custody, guardianship, child or spousal support; • A discussion of the options available for resolving family disputes; • A description of the role of Family Justice Counsellors and discussion of the confidentiality of the service; • Screening for family violence issues; • Information on the impacts of separation/divorce on children and parents; • A discussion of methods to improve parent communication; • Assistance with the preparation of court documents and administrative procedures related to court; • Referrals to other organizations that provide emergency services, counselling, legal or other assistance.
	<p>DISPUTE RESOLUTION</p>	<ul style="list-style-type: none"> ▪ Clients become engaged in mediation if there are no outstanding violence issues in their relationship, if they are motivated to participate in the process and if mediation is appropriate. Appropriateness for involvement is established by: <ul style="list-style-type: none"> • Screening for violence in the relationship; • Reviewing the capacity of the parties to negotiate and the motivation of the parties to engage in dispute resolution. ▪ Dispute resolution services typically consist of: <ul style="list-style-type: none"> • An exploration with clients of the issues in dispute; • A discussion of the best interests of the child; • A discussion of the options available to resolve the disputes; • A discussion of parental needs and preferences; • The development and discussion of preliminary agreement terms; • The development of final agreement terms; • The formalization of the agreement (not all clients reach or formalize an agreement as a result of dispute resolution).
<p><i>Ancillary Services</i></p>	<p>PARENTING AFTER SEPARATION</p>	<ul style="list-style-type: none"> ▪ The FJSD provides the <i>Parenting After Separation</i> program (PAS), a free three-hour information session for parents and other family members who are dealing with family issues such as child custody, guardianship, access and support. While not part of the dispute resolution service, participation in PAS is required for some Family Justice Centre clients before they can go to court to obtain a change in child support, custody, guardianship or an access order.

2.5 Screening for Violence and Power Imbalances Prior to, and During Dispute Resolution

In their initial meetings with clients, Family Justice Counsellors assess the power dynamics and the potential for violence and abuse in the parental relationship to determine whether, and what type of, dispute resolution is appropriate. If one parent is negotiating under duress, or is being intimidated by the other parent, it is unlikely that a fair and equitable agreement can be reached.

Prior to engaging clients in any type of dispute resolution, a Family Justice Counsellor contacts both parents, interviews them individually, and screens them for violence, power and control imbalances. Screening for violence is undertaken in a three-step process:

- At the first contact with the client;
- In individual interviews with the client; and,
- As dispute resolution progresses. During this time the Family Justice Counsellor will watch for signs of coercion and intimidation between the parents.

If the Family Justice Counsellor or either parent believes that the process or decisions arrived at are not fully voluntary and fair, the Family Justice Counsellor usually meets with each parent to discuss the issues and, if necessary, ends the mediation.

Screening for violence requires an assessment of both current and historical family abuse or violence. The dynamics of the abuse and violence must also be assessed, including whether it was infrequent, episodic chronic or severe. A history of infrequent, historical abuse may not automatically disqualify parents from participating in dispute resolution. It is recognized, however, that over time, intimidation can reduce a person's capacity to make independent decisions. If required, the FJC can counsel clients individually to ensure that the process and outcomes of dispute resolution are fair and voluntary.

3.0 RESEARCH DESIGN

3.1 Research Questions Addressed in the Study

The overall objective of the Dispute Resolution Longitudinal Study was to assess whether involvement in dispute resolution can be associated with changes or improvements to client or family functioning, level of observance of agreements on family justice issues, or client satisfaction. Specific questions addressed in the study include:

➤ QUESTIONS RELATED TO CHANGES IN CLIENT AND FAMILY CHARACTERISTICS

- What are the demographic and case characteristics of Family Justice Centre dispute resolution clients? How do these clients differ from the general population?
- How have specific characteristics (e.g., income and employment levels) changed over the three phases of the study?
- Are there any improvements in the well-being and adjustment of parents and children over the three phases?
- What are the family issues or problems of clients (e.g. prevalence of abuse or alcohol/drug problems) and how do these change over time?
- Is the level and type of family problem associated with agreement development, observance of agreement terms or client satisfaction with dispute resolution?
- To what degree does the relationship status of clients change over time? How many parents re-partner or remarry? To what degree does re-partnering affect other variables?
- To what degree do parents relocate over time? Are relocation patterns associated with other client or case variables?
- What gender differences, if any, exist in relation to case or other demographic characteristics (such as frequency of relocation)?
- To what degree does non-residential parent (NRP) contact with children change over time? Are NRP contact levels associated with agreement status, client satisfaction with mediation or other variables?
- To what degree does parent communication, contact or conflict change over time? Can these changes be associated with agreement status, client satisfaction with mediation or other variables?
- Are any other client characteristics associated with agreement status, observance of agreement terms, client satisfaction or other variables?

➤ QUESTIONS RELATED TO THE TYPE, DURATION AND OUTCOME OF DISPUTE RESOLUTION SERVICES

- What is the type and duration of dispute resolution received by clients over the three year period?
- To what degree do clients return to the Family Justice Centre for services or re-engage in dispute resolution after the first set of services are provided?
- What is the nature of parental disputes and who refers clients to the Family Justice Centre?
- To what degree does dispute resolution result in the development of an agreement?

➤ QUESTIONS RELATED TO THE USE OF OTHER LEGAL RESOURCES OR SERVICES

- To what degree do clients who have engaged in Family Justice Centre dispute resolution use other legal resources (such as private or legal aid lawyers) or visit court to address their family justice problems? Does the use of these resources change over time?
- To what degree do clients who have engaged in dispute resolution at a Family Justice Centre use other mediation services?

➤ QUESTION RELATED TO AGREEMENT DEVELOPMENT

- What client or case variables are associated with the development of an agreement? For example, is client age, income or time since separation associated with agreement development?
- What service characteristics are associated with agreement development? For example, is the type of dispute resolution provided or the duration of dispute resolution associated with agreement development?

➤ QUESTIONS RELATED TO THE OBSERVANCE OF AGREEMENT TERMS

- To what degree do parents observe the terms of their agreements?
- How frequently are applications to vary the terms of an agreement made? How successful are those applications?
- What client, case or service variables are associated with the observance of agreement terms?

➤ QUESTIONS ASSOCIATED WITH CLIENT SATISFACTION

- How satisfied are clients with the process and outcomes of dispute resolution? Does the assessment of the outcomes of dispute resolution change over time?
- Is client satisfaction associated with client, family, case or service characteristics, agreement status or observance of agreement terms?
- How do clients assess the specific quality of dispute resolution services provided at Family Justice Centres?

3.2 Research Sites and Phases of the Study

3.2.1 Research Sites

Twelve Family Justice Centres in BC were chosen as the sites for the Longitudinal Study. The sites were selected to represent different regions of the province as well as small, medium and large centres of population and levels of client use. Table 2 describes the number of respondents included in the study by their original research site and in each subsequent phase. Respondents were retained in the study from all originating research sites with the highest retention rates at Vernon (89%). The Victoria Family Justice Centre had the highest level of attrition from Phase 1 to 3, although it had the highest number of respondents in Phase 1.

Table 2: Number of Clients in the Study by Originating Site

Location	Phase 1 Respondents	Phase 2 Respondents	Phase 3 Respondents
Cranbrook	10 (4%)	9 (4%)	8 (5%)
Abbotsford	21 (9%)	17 (7%)	15 (9%)
Kamloops	25 (11%)	22 (11%)	20 (11%)
Nanaimo	19 (8%)	17 (8%)	16 (9%)
Northern Interior/Prince George	18 (8%)	17 (8%)	13 (7%)
North Shore/North Vancouver	30 (13%)	28(14%)	22 (13%)
Sechelt/Powell River	9 (4%)	9 (4%)	7 (4%)
Penticton	20 (9%)	16 (8%)	15 (9%)
Vernon	9 (4%)	9 (4%)	8 (5%)
Victoria	32 (14%)	26 (13%)	18 (10%)
Port Coquitlam	24 (10%)	21 (10%)	20 (11%)
Maple Ridge	18 (8%)	14 (7%)	13 (7%)
Total	235 (102%)	205 (98%)	175 (100%)

3.2.2 Phases of the Study

The Longitudinal Study began in October 2003 with a Design and Planning Phase. The screening and selection of respondents occurred from May to October 2004. Comprehensive client interviews, contact and referral data collection, data analysis and reporting occurred in Phases 1 (2004 – 2005), 2 (2005 – 2006) and 3 (2006-2007).

Phase 1 interviews were conducted approximately 8 months after respondents made their initial contact with the Family Justice Centre. This allowed sufficient time for respondents to complete the dispute resolution process. Client interview time periods are described in Table 3.

Table 3: Client Interview Time Periods

Research Phase	When Interviews Conducted	Approximate Period of Time After First Service Contact
Phase 1	February – April 2005	8 – 10 months
Phase 2	February – April 2006	20 – 24 months
Phase 3	February – April 2007	32 – 38 months

3.3 Respondent Screening and Selection Process

3.3.1 Respondent Screening Criteria

All clients who contacted one of the twelve participating Family Justice Centres between May and October, 2004 were potential participants in the study and were provided with research consent forms. Only those who signed “Yes” consent forms proceeded to a screening process to determine whether they had engaged in dispute resolution with a Family Justice Counsellor. Seven hundred and thirty-six clients were registered as new clients in this period, and 85% (626/736) signed YES on the consent form.

Of the six hundred and twenty six clients who signed consent forms, 336 (54%) were screened into the *Longitudinal Dispute Resolution Study* and 290 clients were screened out. Most of the 290 screened-out clients received settlement readiness counselling and did not become involved in dispute resolution.

Four criteria were used to determine whether clients were eligible for the Longitudinal Study. These were:

1. If clients had signed a yes on the research consent form.
2. If client's case file had been opened at one of the twelve designated research sites for the first time between May to October, 2004. File opening was determined by the client receiving an ID case number during this time period.
3. If clients were the *biological* parents of the children involved in the family dispute matter. Associated parents (e.g., grandparents and step-parents) are sometimes involved in dispute resolution and/or in the development of an agreement pertaining to a family justice issue. Because issues arising from the involvement of associate parties could not be adequately addressed in this study, these cases were excluded.
4. If clients had engaged in a process of dispute resolution (mediation, shuttle mediation or the hybrid model) in order to try to reach an informal or formal agreement on a family matter. Engagement in dispute resolution was defined as clients moving from the stage of describing their issues or concerns into an active process where the options for resolving issues were being discussed with a Family Justice Counsellor.

Whether a client had participated in dispute resolution was determined by a review and analysis of the client's running record. The running record is a narrative description of the client's case and the service provided by the FJC (including dispute resolution) and dispute resolution outcomes (e.g., whether an agreement was developed). The running record is completed by the Family Justice Counsellor involved. Each client's running record was reviewed at least twice to determine whether dispute resolution had occurred.

Research eligibility criteria did not include factors such as the level, type and duration of dispute resolution services provided to clients or whether the dispute resolution ended in an agreement.

3.3.2 Number of Clients in the Study: All Phases

Of the 336 clients screened into the Longitudinal Study, 70% (235/336) were successfully contacted and involved in the Phase 1 interview. Of the 101 respondents who were not involved, 86% (87/101) could not be contacted because the telephone number provided was not in service, was incorrect or there was no response. In 9% (9/101) of the cases the respondent did not show for a pre-arranged interview, 4% (4/101) of the respondents declined taking part and in one case the respondent was unable to complete the interview.

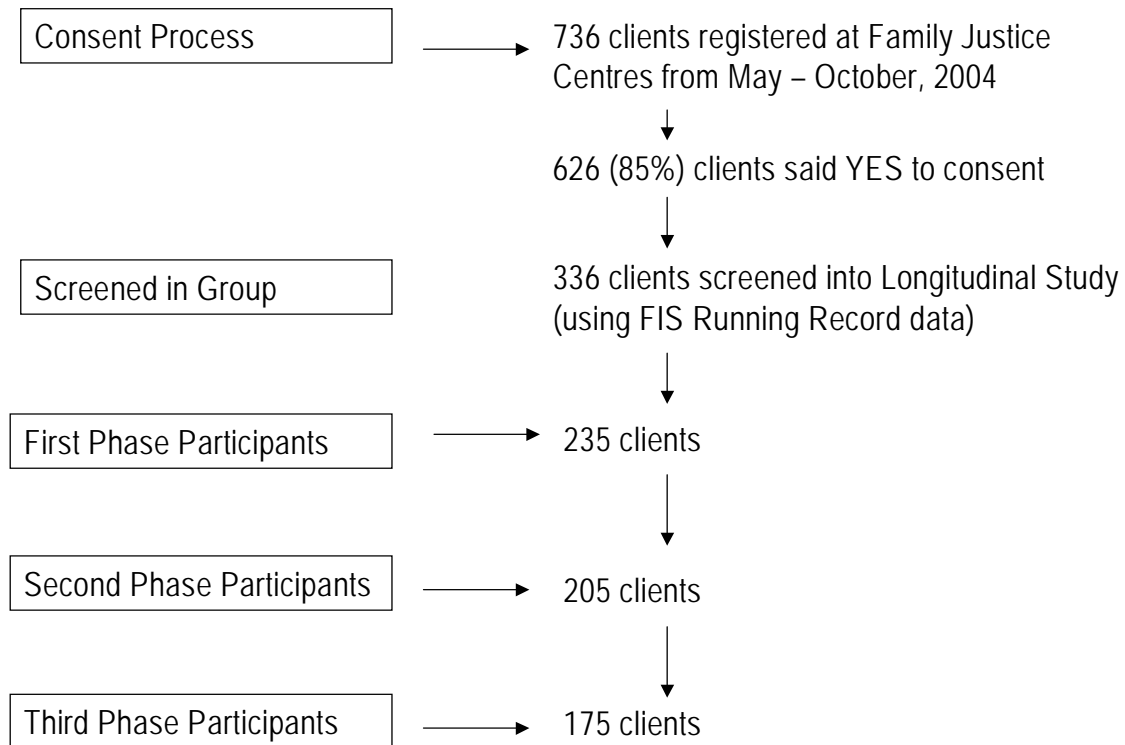
The reasons for declining the interview were given as 1) stress, 2) attempted reconciliation with partner, 3) anger at the other partner, and 4) illness.

Two hundred and five respondents were interviewed in the second phase of the study, an interview completion rate of 87%. Of the thirty clients who did not continue to Phase 2, nine had NIS telephone

numbers, nine had moved with no forwarding address and twelve did not respond to attempted, repeated (10-12) telephone contacts at different times of the day or week.

One hundred and seventy five clients were interviewed in the third phase of the study. This represented 85% (175/205) of the Phase 2 group and 74% (175/235) of the Phase 1 respondents. In most cases Phase 3 respondents who could not be contacted had not-in-service or incorrect telephone numbers. In two cases respondents did not want to be interviewed because of family stress or illness.

Chart 1: Screening and Interview Totals: All Phases



3.4 Representativeness of the Sample Population

The population for the study group consisted of the 336 who were eligible to be included in the study at Phase 1. The Phase 3 group of 175 cases represents a confidence level close to 95% (179 cases represents a confidence level of 95%).

Table 4: Size of Sample

Original Population Size	336
Confidence level	95%
Confidence Interval	5
Sample size required	179

An analysis was undertaken of the Phase 3 respondents to determine whether they were statistically similar to the Phase 1 and 2 respondents in terms of demographic characteristics such as age and gender. The groups in each of the phases showed no statistically significant differences in terms of these variables. This indicates that the populations were basically similar in each of the three phases and that client characteristics were basically consistent across the three phases. Phase 1 and Phase 2 data was recalculated for the Phase 3 group and is presented in this report.

The respondents involved in the Longitudinal Study do not reflect the general Canadian adult population in terms of both general and specific characteristics. The rate of legal divorce in Canada is 39.8/100 divorces after thirty years of marriage, while the majority of the participants in the study had been separated and divorced. A higher percentage (70%) of respondents in the Longitudinal Study are in the 31 – 50 age range compared to the general population of BC (56%). Females are more represented in the respondent group and as clients of Family Justice Centres.

3.5 Methodologies and Data Analysis

3.5.1 Methodologies

Seven data collection methods were used in the *Dispute Resolution Longitudinal Study*. A brief description of the data collection instruments is presented in Table 5. All of the data collection instruments are included in the *Longitudinal Dispute Resolution Study Appendix Report*.

Most of the case, client, service use and dispute resolution outcomes data was collected by means of the *Dispute Resolution Client Outcomes Questionnaire*. This was a comprehensive (24 page, 94 item) questionnaire which was administered by telephone in each of the three phases of the research. The questionnaire took 60 – 90 minutes to administer and clients were paid \$25.00 for each completed interview.

The Family Justice Counsellor compiled client service contact level and referral information on the *Service Contact and Referral Form* throughout all three phases of the study. Client baseline and initial contact information was collected in Phase 1 of the study.

Client satisfaction ratings were collected by means of two rating questionnaires which addressed the process and delivery of dispute resolution (nine elements) and the outcomes of dispute resolution (thirteen elements). Dispute resolution process/delivery ratings were assessed in Phase 1, while outcomes were assessed in all three phases. Both rating forms took approximately twenty minutes to administer. The Dispute Resolution Delivery and Process Rating Form also collected data on the client's assessment of the quality of services provided at the Family Justice Centre.

Each respondent's Running Record was reviewed to determine whether the client had participated in dispute resolution in any phase, to collect corroborating information on the status of agreements and on specific family characteristics. The Running Record is an electronic record compiled by the Family Justice Counsellors that describes the client's situation, family issues, services provided and the outcomes of the services provided. Running Records are compiled in a narrative form and vary in terms of their length, detail and comparability.

Table 5: Summary of Data Collection Methods

	Instrument	Description	Implementation Period	Data Collection Method
1	SERVICE CONTACT AND REFERRAL FORM	<ul style="list-style-type: none"> Collected data on the total number of client telephone and office contacts Included an FJC assessment of the couple's willingness to mediate and level of parental acrimony Tracked all FJC referrals provided to clients 	<ul style="list-style-type: none"> Section on acrimony and willingness to mediate assessment was completed within the first month of service delivery by the FJC All other data was collected continuously by the FJC during all three phases of the study 	<ul style="list-style-type: none"> Instrument is attached to all client case files screened into the study FJC completes data
2	CLIENT BASELINE DATA COLLECTION FORM	<ul style="list-style-type: none"> Collected client demographic, family and case data (e.g., age, length of relationship, dispute resolution needs and prior agreement date) 	<ul style="list-style-type: none"> Established a baseline set of data on which to measure client change Administered in Phase 1 only 	<ul style="list-style-type: none"> Questionnaire administered by telephone
3	CLIENT ADDRESS AND CONTACT FORM	<ul style="list-style-type: none"> Gathered client contact data for Phase 1 interview 	<ul style="list-style-type: none"> FJC entered initial contact information at the time YES consent form is submitted Contact information was updated at the end of each interview phase 	<ul style="list-style-type: none"> Collected by Family Justice Counsellor Researcher updated as required
4	DISPUTE RESOLUTION OUTCOMES QUESTIONNAIRE	<ul style="list-style-type: none"> This questionnaire was developed prior to Phase 1 and revised somewhat to reflect changing themes in Phase 2 and 3. The questionnaire collected data in each of the three phases on: <ul style="list-style-type: none"> The custodial and residential status of parents Income and occupational status and changes Changes in parent relationships Parent residence and relocation Involvement of parents in decision making Whether an agreement had been developed and the type of agreement made The status of the agreement at the Phase 1, 2 & 3 interviews The client's compliance with the terms of any agreement Parental communication and conflict levels Child and parent adjustment Contact of non-residential parent with children Contact of client with court and legal services Prevalence of specific family characteristics 	<ul style="list-style-type: none"> Questionnaire is administered at Phase 1, 2 and 3 	<ul style="list-style-type: none"> Questionnaire administered by telephone

	Instrument	Description	Implementation Period	Data Collection Method
5	RATING QUESTIONNAIRES (DISPUTE RESOLUTION DELIVERY/PROCESS AND OUTCOMES)	<ul style="list-style-type: none"> The two rating forms collected client ratings on the process and outcomes of dispute resolution. Twenty-one items were assessed using a 7-point scale Rating forms also collected client assessment of the value of mediation The Dispute Resolution Delivery/Process Rating Form also included an assessment of the specific services provided at the Family Justice Centre 	<ul style="list-style-type: none"> Assessment of dispute resolution delivery and process (Phase 1) Assessment of quality of service (Phase 1) Assessment of dispute resolution outcomes and overall value of dispute resolution (all phases) 	<ul style="list-style-type: none"> Rating forms administered by telephone
6	REVIEW AND ANALYSIS OF CLIENT'S RUNNING RECORD	<ul style="list-style-type: none"> The Running Record is an electronic database compiled by Family Justice Counsellors. It describes each client's case and family situation, family matters, whether settlement readiness counselling or dispute resolution has been provided, the services provided and the outcomes of services 	<ul style="list-style-type: none"> The Running Record was used as a screening tool in order to screen clients for research eligibility The Running Record was reviewed prior to telephone interviews with clients at each phase of the study to provide the interviewer with background on changes in the client's situation or case 	<ul style="list-style-type: none"> Review of Running Record
7	SELECTED LITERATURE REVIEW	<ul style="list-style-type: none"> A selected review of the literature was undertaken to provide background on current research findings in relation to specific topics such as child adjustment or non-residential contact after separation or divorce. This provided context to the research findings 		

3.5.2 Data Analysis Methods

The chi-square statistical test was used in most cases to establish the statistical significance of the association between variables such as dispute resolution outcomes and client or case characteristics. Chi-square is a non-parametric test of statistical significance for bivariate tabular analysis and is typically used to determine whether two different samples are different enough so that results can be generalized to the populations from which the samples are drawn. Chi-square measures the statistical significance of an *association* of variables but does not necessarily indicate whether or how the relationship is important.

On tables that contained cell values of less than 5, a Fisher's Exact Test was used to determine statistical associations. The Fisher's Exact Test is a test of statistical significance that is used in the analysis of categorical data where sample sizes are small. It is also useful where table frequencies are unbalanced.

The analysis presented in this report was based on a three way analysis. Initially, associations between all three phases were assessed. If statistical significance was indicated, further chi-square analyses were completed looking at associations of data between the end of phases. Aggregated data at Phase 3 was also used to determine overall changes at the end of Phase 3.

3.6 Role of Family Justice Centre Staff and the Advisory Committee

3.6.1 Family Justice Centre Staff

Family Justice Services Division administrative staff, twelve Family Justice Centre Local Managers, and at least forty-eight Family Justice Counsellors were involved in the collection of data for the Dispute Resolution Longitudinal Study. Family Justice Counsellors received evaluation training in May, 2004 to inform them about the study and to explain their roles and responsibilities.

The role of Family Justice Centre Local Managers and staff in the Longitudinal research included:

- Reviewing of the initial parameters and instruments used in the study;
- Recommending clients for the evaluation pre-test;
- Attending training related to the consent process and research implementation;
- Distributing, explaining, collecting and transmitting the *Client Consent Forms*;
- Tracking the *Client Consent Forms*, where required;
- Collecting and transmitting the *Client Address and Contact* forms to the research office;
- Completing the *Service Contact and Referral* forms on an on-going basis and transferring completed data to the research office;
- Reviewing missing or incomplete data, when required.

An Advisory Group was developed to oversee the Longitudinal Study research during its development and early implementation phase. The group consisted of FJSD managers, a private family mediator, a management consultant and a dispute resolution policy analyst. Three Advisory Group meetings were held during the developmental phase of the project.

3.7 Research Issues and Challenges

A number of issues and/or challenges arose during the implementation of the Dispute Resolution Longitudinal Study. These are summarized below.

3.7.1 Scope of the Study Period

Longitudinal data collection and research analysis began at the point when respondents first contacted a Family Justice Centre and became engaged in dispute resolution. While some historical data prior to this point of entry (e.g. length of time the client had been separated) was collected, the scope of this data was limited.

It is known that parental communication, conflict or child adjustment problems often occur *prior* to relationship dissolution and may influence later adjustment of parents and children and the level of non-residential parent contact (Sun, 2001, Amato, 2001, Kelly, 1998). The pre-dissolution status of parents and children was not comprehensively studied in the study, although some references related to these issues are included.

3.7.2 Reliability of Data on Family Issues

Respondents were asked to describe the incidence of historical and current family problems and issues in Phase 1 and these findings were updated in Phases 2 and 3. Results suggest that some level of spousal abuse, physical or mental health, drug/alcohol or child safety problems were present in 90% of the families of respondents and that the number of problems affects agreement development. Family issues were self-reported and results could not be independently verified. Records kept by Family Justice Counsellors were consulted in some cases to help cross-check results.

3.7.3 Completeness of Data

Two types of data were compiled by Family Justice Counsellors throughout the study: 1) service contact data, and 2) data on the number and types of referrals provided to clients. When data indicated that there was no referrals, it was not clear whether these findings reflected the actual status of referrals or incomplete data entry.

There were some discrepancies in a few Phase 2 and 3 records, suggesting that some data may not have been entered on the *Service Contact and Referral Forms* or in the FIS Running Record. In most cases, however, data completion rates appeared to be consistent and data entry was well managed by the Family Justice Centre Counsellors, Administrative Assistants and Local Managers at the Family Justice Centre research sites.

3.7.4 Time Frame of the Study and Difficulties with Client Recall

Interviews for each of the three phases of the study took place approximately 12 – 14 months apart. Phase 3 interviews occurred approximately 3 – 3.5 years after initial service contact. Because of these lengthy time periods, clients sometimes had difficulty recalling what they had said in their previous interview.

In a small number of cases, respondents in Phase 3 changed the answers they had provided in Phase 2. In these cases, Phase 2 data was corrected and incorporated into the Phase 2 findings. This primarily occurred for data related to agreement development or the custody status of children.

3.7.5 Issues Related to the Complexity of Agreements

Some clients appeared to have difficulty understanding or recalling the complexities or the legal status of their agreements. In a few cases, where both parents were involved in the study, there were cases where one parent had a different understanding of the status of the agreement than the other.

While agreements potentially have many components (e.g. custody, access, guardianship and support) we did not attempt to track changes or compliance levels related to each component. Instead we attempted to examine broader, more formal changes to agreements from phase to phase and to determine whether parents were complying with *all or most* of the elements of their agreements in each phase. Even using these broad parameters, the tracking of agreement status, observance, changes, variations and observation of terms became more complex at Phases 2 and 3. One way this complexity was addressed in Phase 3 was to determine whether clients had experienced a breakdown at any phase of the study. This aggregate measure was also used to assess the degree to which respondents had maintained the terms of their agreements.

3.7.6 Difficulty of Attributing Client Outcomes to Dispute Resolution

One of the main objectives of the Longitudinal Study was to examine whether client involvement in dispute resolution can be associated with changes in the lives of parents or their children at any point post dispute resolution. It is important to note, however, that for most clients, involvement in dispute resolution was of limited duration. Many other factors, outside of involvement in dispute resolution, (such as relocation, re-partnering and changes in economic situation) also have the potential to affect parents and their children.

Family justice literature also suggests that the majority of parents and children begin to experience more stability simply because of the passage of time. Two or three years after separation or divorce, personal and economic well-being improves for many patients (Amato, 2000; Kelly, 2003). This happens apart from any programmatic interventions.

The literature also suggests that there are protective factors that can increase the resilience of parents and children to the negative effects of separation and divorce (Amato, 2000). These include the economic status or level of education of the parent.

While it was impossible to *conclusively* establish the impact of involvement in dispute resolution on parents and their children, the report cites many examples of statistical associations that suggest a positive effect. Respondents also identified the most important benefits of dispute resolution to themselves and their children.

4.0 DESCRIPTION OF CLIENTS AND FAMILIES IN THE STUDY

4.1 Number of Clients Participating in Each Phase of the Study

Of the three hundred and thirty-six clients who were eligible for the study, 235 were contacted and interviewed in Phase 1. Two hundred and five respondents were interviewed in Phase 2 and one hundred and seventy-five in Phase 3. Phase 3 respondents represented 74% of those who participated in Phase 1.

In Phase 3 there were 33 respondents who had the other parent in the study (66 respondents in all) and 109 individual respondents. In total, 142 families were represented in Phase 3.

Most data is reported by individual respondent although some data is reported by family.

4.2 Gender and Service Initiator Status

More mothers than fathers participated in all phases of the study. There was a small drop-off in the proportion of fathers involved in the study at Phase 3, but this was not statistically significant. At Phase 3, 63% (110/175) of the respondents were mothers and 37% (65/175) were fathers.

The case initiator is the parent who makes the initial service contact with the Family Justice Centre. Seventy-four percent (129/175) of the Phase 3 respondents were case initiators. Sixty-nine percent (89/129) of the case initiators were mothers, suggesting that it is typically the mother who makes the first attempt to contact services for help to resolve a family justice issue.

4.3 Age of Respondents

Seventy-three percent of the Phase 3 respondents were in the 31 – 50 age category at the onset of service contact (Phase 1). Mothers in the study were younger than the fathers. Among those thirty years and under 79% (33/42) were women.

Table 6: Age of Respondents at Phase 1

Age Range	Total	Gender/Role of Respondents	
		Fathers	Mothers
Under 22	6 3%	1 2%* 17%**	5 5% 83%
22 – 30	36 21%	8 12% 22%	28 25% 78%
31 – 40	70 40%	22 34% 31%	48 44% 69%
41 – 50	57 33%	29 45% 51%	28 25% 49%
51 – 60	4 2%	3 5% 75%	1 1% 25%
61 – 70	1 1%	1 2% 100%	0 0% 0%
71+	1 1%	1 2% 100%	0 0% 0%
TOTAL	175 101%	65 102%	110 100%

*This percentage represents the percentage of this age group in the total population of clients for whom this characteristic was tabulated, i.e. 2% of the fathers in the study were under 22 years of age.

**This percentage relates to the row data, i.e. 17% of those under 22 in the study were fathers, 83% were mothers.

4.4 Ethnic and Immigration Background of Respondents

Eight percent (14/175) of the Phase 3 respondents described themselves as belonging to an ethno-cultural minority group. Of these 6/14 described themselves as Aboriginal or Metis. There was a slight drop-off in the percentage of Aboriginal/Metis clients participating in the study (5.5% in Phase 1, 4.4% in Phase 2 and 3.4% in Phase 3) but this was not statistically significant. Two percent of the Phase 3 respondents were Asian.

Only 2% of the respondents (3/175) described themselves as recently immigrating to Canada (within the past 2 – 5 years).

4.5 Educational Level at Phase 1

At Phase 1, 9% (16/175) percent of the respondents reported that they had not completed high school and 62% (109/175) said that they had attended or completed college or university. Using the latest Canada Census data (2001) as a comparison, the respondents appeared to be somewhat better educated than the provincial population. Nineteen percent of the Longitudinal Study respondents had graduated from high school compared to 12.3% of the provincial population and more respondents had attended college or university without graduating.

Table 7: Education Level of Respondents at Phase 1

Education Level	Total
Grade 9 or under	2 (1%)
Grades 10 and 11	14 (8%)
Graduated high school	33 (19%)
Attended vocational or trade school/apprenticeship program	16 (9%)
Attended some college/university	63 (36%)
Graduated college/university	35 (20%)
Post graduate	11 (6%)
Other schooling	1 (1%)
Unknown	0 (0%)
TOTAL	175 (100%)

4.6 Employment and Economic Levels

4.6.1 Employment Levels

Two indicators (employment and income levels) were examined to help establish the economic well-being of respondents at all three phases of the study and to determine whether their economic situation had improved. According to Amato (2000),

Research is consistent in showing that the economic consequences of divorce are greater for women than for men (Amato, 2000: 1726).

Studies indicate that after marital dissolution, custodial mothers suffer both significant decreases in their standard of living as well as chronic financial difficulties. Using Canadian Longitudinal Study data, Finnie (1993) found that the income of mothers drops roughly by one half while that of fathers drops about one quarter in the first year after divorce.

... divorce is not only associated with relatively lower levels of well-being for women and their dependent children, but is also characterized by absolute deprivation; for example, the poverty rate of mother-only families with children is around the 50% mark, versus 10% for two-parent families. Thus, marital splits are associated with (1) large differences in economic well-being between men and women and, (2) low-income levels for women, including a large proportion in poverty, and (3) associated and absolute deprivation of children (Finnie, 1993: 207).

In a US study, Bartfeld (2000) found that custodial mothers with children fare dramatically worse than non-custodial fathers and that their poverty level would be more serious without having access to child support.

Research data indicates that men may suffer greater economic consequences if their former partners contributed significantly to the household income (McManus and DiPrete, 2001). The higher the father's economic contribution to the household, the more likely it is that he will make gains (of about 10%) in economic well-being after the marriage dissolves. Men who contribute less will suffer more economic consequences when the marriage ends. However, divorced women, especially if they have custody of their children, appear to be more economically disadvantaged than married women or divorced men.

4.6.2 Employment Status of Respondents

Two aspects of economic status (employment levels and income) were measured throughout the study. Data from Table 8 indicates that full-time employment among the study respondents increased steadily throughout the three phases of the study from 50% in Phase 1 to 63% in Phase 3.

The most dramatic increase was from Phase 1 to Phase 2 and this level was basically maintained (with a slight drop) in Phase 3. The increase in full-time employment and decrease in unemployment among respondents was statistically significant.

Table 8: Phase 3: Employment Data

Employment Status	Phase 1 Respondents	Phase 2 Respondents	Phase 3 Respondents
Unemployed	38 (22%)	20 (11%)	22 (13%)
Part-time employment	24 (14%)	30 (17%)	20 (11%)
Full-time employment	87 (50%)	98 (56%)	111 (63%)
Self employed	24 (14%)	27 (15%)	22 (13%)
Employed, no data	2 (1%)	0 (0%)	0 (0%)
Total Employed	137 (78%)	155 (89%)	153 (87%)
TOTAL	175 (100%)	175 (100%)	175 (100%)

(Phases 1-2, p-value=0.014)

The interpretation of employment data as an indicator of economic improvement is complex, and comparing respondent employment data with provincial trends is difficult. BC Stats (Statistics Canada) data comparing employment rates from May 2006 to May 2007 (Phase 2 – 3) showed a drop in the unemployment rate in BC from 4.9% to 4.4% and an improvement in the employment rate from 62.9% to 63.9% (BC Stats, Statistics Canada, Summary of Employment Data for May 2007). Longitudinal Study results, while showing an improvement from Phases 1 to 2, appeared to show less of an improvement than the general population from 2006 – 2007. Without knowing the specific reasons for unemployment, the two sets of data are difficult to compare.

Of the twenty-two respondents who were unemployed in Phase 3, 32% (7/22) were receiving disability payments, 23% (5/22) were receiving Employment Insurance, 18% (4/22) were being supported by a partner, 5% (1/22) were on Income Assistance and 23% (5/22) had an unspecified means of support.

A comparison of employment data by gender in the three research phases indicated the following:

- While employment levels improved for both mothers and fathers, it was more significant for fathers. Dramatic improvements for fathers occurred between Phase 1 and Phase 2 in the area of increased employment and full-time employment. For example, 15% (10/65) of the fathers said that they were unemployed in Phase 1, compared to 6% (4/65) in Phase 3. The trend towards increased employment among the fathers was statistically significant (p -value=0.029).
- The level of employment among mothers improved most dramatically between Phases 1 and 2, but by Phase 3 appeared to have leveled off. The increase in full-time employment among women appeared to be due to women moving from part to full-time employment. Changes in employment status for women through the three phases of the study were not statistically significant.
- There was a higher proportion of mothers than fathers who were unemployed and a higher percentage of men who were self-employed.
- At Phase 3 the majority of those who were unemployed were women (80% or 18/22).

4.6.3 Income Levels of Respondents

Fifty to sixty percent of the respondents in the Longitudinal Study had low incomes (under \$30,000 per year). Data in Table 9 indicates that there was a drop in the number of respondents who had very low incomes from Phase 1 to Phase 3, with the largest drop between Phases 2 and 3. These changes were not statistically significant.

Table 9: Phase 3: Income Levels of Respondents (before taxes)

	Income Levels	Phase 1 Respondents	Phase 2 Respondents	Phase 3 Respondents
Low	Under \$12,000 per year	28 (16%)	21 (12%)	11 (6%)
	\$12,000 to under \$20,000 per year	43 (25%)	37 (21%)	36 (21%)
	\$20,000 to under \$30,000 per year	37 (21%)	35 (20%)	43 (25%)
Moderate	\$30,000 to under \$40,000 per year	24 (14%)	33 (19%)	33 (19%)
	\$40,000 to under \$60,000 per year	27 (15%)	35 (20%)	37 (21%)
High	\$60,000 to under \$80,000 per year	8 (5%)	11 (6%)	12 (7%)
	\$80,000 or over per year	3 (2%)	2 (1%)	2 (1%)
	No data	5 (3%)	1 (1%)	1 (1%)
	TOTAL	175 (101%)	175 (100%)	175 (101%)

When incomes levels are grouped together into low, medium and high categories, the number of lower income earners shows the most dramatic decrease between Phases 1 and 2. There was little change in the proportion of middle and high income earners.

4.6.4 Income Levels of Respondents by Gender

When income levels are examined by gender, income disparity levels and changes from phase to phase can be seen more clearly. While there was a decrease in the number of women in the most impoverished group (under \$12,000 per year) and a general improvement in income levels throughout the three phases, almost sixty percent of women in the study were still in the lower income category in Phase 3. In terms of the lowest income category, the greatest improvements were made for women between Phase 1 and Phase 2. There was little movement into high income categories among the mothers.

Table 10: Phase 3: Income Levels by Mothers

Income Levels	Phase 1 Respondents	Phase 2 Respondents	Phase 3 Respondents
Under \$12,000 per year	21 (19%)	17 (15%)	9 (8%)
\$12,000 to under \$20,000 per year	31 (28%)	30 (27%)	28 (25%)
\$20,000 to under \$30,000 per year	26 (24%)	20 (18%)	28 (25%)
\$30,000 to under \$40,000 per year	12 (11%)	20 (18%)	21 (19%)
\$40,000 to under \$60,000 per year	12 (11%)	16 (15%)	17 (15%)
\$60,000 to under \$80,000 per year	2 (2%)	5 (5%)	5 (5%)
\$80,000 or over per year	2 (2%)	1 (1%)	1 (1%)
No data	4 (4%)	1 (1%)	1 (1%)
TOTAL	110 (101%)	110 (100%)	110 (99%)

There was somewhat more consistent, but less dramatic economic improvement by men, however, very few men were in the lowest income category (under \$12,000). There was relative stability among fathers in the middle to high income categories. None of these gender related trends were statistically significant.

When respondents were asked about their income levels, most said that their income had “basically remained the same” throughout the study. More fathers than mothers said their incomes had decreased from phases 1-2 to 2-3. Fewer mothers said their incomes had decreased. None of these changes were statistically significant.

No association was found in Phases 2 or 3 between the respondent’s view of whether their income had increased or decreased and whether or not they were in a new marriage or longer-term relationship.

4.7 Relocation Data

4.7.1 Overview

Family justice literature suggests that the relocation of parents after separation or divorce, particularly among mothers, is common and is closely linked to a decrease in income. Between 25% and 45% of children move with their custodial parent within two years following separation, some many times (Booth & Amato, 2001; Hetherington & Kelly, 2002). A study by Brauer et al., (2003) found that 30% of custodial parents moved out of their residential area within two years after separation.

Relocations of more than 75 – 100 miles appear to create substantial barriers to continuity in non-resident parent-child relationships, and studies indicate that distances of 400 – 500 miles are common (Hetherington & Kelly, (2002), quoted in Kelly, 2007).

When parents have limited economic resources, inflexible work schedules and distances which cannot be measured by car, a pattern of diminishing contacts, drifting apart and deterioration in attendants and closeness in non-resident, parent-child relationships is a common outcome, particularly for very young children (Kelly, 2007: 9-10).

Relocation to other communities or neighbourhoods may have implications for children such as limiting contact with the non-residential parent (usually the father) and with social or neighbourhood support networks (Kelly & Emery, 2003). The hostility of parents can contribute to the breakdown of some residential parent and child contact due to the necessity of planning visits. Brauer et al., (2003) notes that college students report a less favourable view of parents who have relocated. In addition, some of the impacts of relocation may lead to families living in “neighbourhoods with high crime rates, poor schools, antisocial peers and few job opportunities or resources” (Hetherington et al., 1998, p. 82).

On the other hand, research also suggests that children can benefit from relocation if they are distanced from abusive, self-centered, or coercive and controlling non-residential parents (Kelly, 2007: 10).

4.7.2 Extent of Respondent Relocation

In Phase 1, 26% of the respondents said they had relocated, in Phase 2 this increased to 41%. By Phase 3, 53% of the respondents said that they relocated at least once. Of the ninety-three respondents in Phase 3 who said they had relocated, most said that they had moved only once; 38% said that they had relocated multiple times.

Table 11: Phase 3: Rate of Client Relocation in Each Phase

Has Parent Relocated?	Phase 1	Phase 2	Phase 3
Yes	45 (26%)	46 (26%)	36 (21%)
No	130 (74%)	129 (74%)	139 (79%)
TOTALS	175 (100%)	175 (100%)	175 (100%)

About one quarter of the respondents reported having relocated at least once in each phase of the study. Most of the respondents relocated only once except in Phase 2 where there was a slightly higher rate of multiple relocations. None of these trends were statistically significant.

Table 12: Total Number of Respondent Relocations: All Phases

Number of Relocations	Number and Percentage of Respondents
No relocations	82 (47%)
One	58 (33%)
Two	24 (14%)
Three	5 (3%)
Four	5 (3%)
Five	1 (1%)
TOTAL	175 (101%)

4.7.3 Association of Relocation Data with Other Variables

Data on the income status of parents was examined in relation to whether parents had relocated at least once during the study. There was no statistical association between the income levels of respondents and whether or not they had relocated in any of the phases.

The residential status of parents was also looked at in relation to the number of relocations. Some authors estimate that 25% – 45% of residential parents move with their children within two years after separation. There was no difference in the number of relocations made by respondents and their residential status (e.g. whether they were or were not the primary residential parent).

Mothers relocated more frequently than fathers but this difference was not statistically significant.

Table 13: Number of Relocations by Gender of Parent: All Phases

Number of Relocations	Father	Mother
No relocations	31 (48%)	51 (46%)
One relocation	23 (35%)	35 (32%)
Two relocations	6 (9%)	18 (16%)
Three or more relocations	5 (8%)	6 (5%)
TOTAL	65 (100%)	110 (99%)

There was no significant association between the respondent's level of income and total number of relocations.

Very few parents, no matter what the children's residential status, reporting living at great distance from their children and the percentage who lived in the same community grew throughout the study. Only two to four percent of respondents reported living in communities more than five hours away from their children.

Table 14: Residence of Children: Each Phase

Location of Children	Phase 1	Phase 2	Phase 3
All children lived with parent or in an adjacent community (less than 1 hour distant by car)	160 (91%)	166 (95%)	170 (97%)
All children live in an adjacent community (1 – 2 hours away by car)	10 (6%)	5 (3%)	2 (1%)
All children live in a community 2 – 5 hours away by car	3 (2%)	2 (1%)	2 (1%)
Children live more than 5 hours away by car but in BC	0 (0%)	0 (0%)	0 (0%)
Children live in another province	1 (1%)	1 (1%)	1 (1%)
Children live outside of Canada	0 (0%)	0 (0%)	0 (0%)
No data	1 (1%)	1 (1%)	0 (0%)
TOTAL	175 (101%)	175 (101%)	175 (100%)

4.8 Respondent Relationship Data

4.8.1 Overview

The Longitudinal Study looked at a number of the characteristics of the past and current relationships of respondents. One issue explored in the study was the impact of re-partnering on other variables such as the respondent's economic status.

There is an increasing trend for adults in Canada to have multiple marital or common-law relationships. Statistics Canada estimates that well over 16% of current divorces are re-divorces for one or both parents. It is known that multiple marital transitions lead to a decline in the well-being of children, but there is no data indicating how many children in Canada are affected by this phenomenon.

There is also an increasing number of children living in one parent families at a younger age, according to the National Longitudinal Survey of Children and Youth.

Rising rates of separation and out-of-union births mean more children are experiencing life in a lone parent family: one third of the oldest (research) cohorts (1983-84) had lived in a one-parent family by the age of 15 years, whereas children born just five years later (1988-89) reached this level by their tenth birthday (Juby et al., 2004; vi).

According to Ambert (2005), approximately 70% of men and 58% of women who are divorced in Canada remarry. Hetherington (2003) found, in a review of three longitudinal studies of marriage, divorce and remarriage in the US, that by 6 years post divorce over 50% of the women and 70% of the men had remarried.

4.8.2 Respondent's Relationship Status Prior to the Dispute Resolution Relationship

Prior to the baseline (dispute resolution) relationship, 28% (49/175) of the respondents had been married or had lived in a common-law relationship. Seventy-one percent of these (35/49) had been in one previous relationship, 27% (13/49) had been in two and 2% (1/49) had been in three longer-term relationships.

4.8.3 Description of the Dispute Resolution Relationship

Sixty-four percent (112/175) of the respondents described their dispute resolution relationship as a marital relationship, 27% (48/175) as a common-law relationship and 9% (15/175) said that they had been in a dating or casual arrangement.

Almost 50% of the dispute resolution relationships had lasted ten years or more.

Table 15: Phase 3: Length of Baseline (Dispute Resolution) Relationship

Length of Relationship	Breakdown	Total
Short Term Relationships (14%)	Very short term or intermittent	7 (4%)
	Under 1 year	4 (2%)
	From 1 year to under 3 years	14 (8%)
Mid Term Relationships (38%)	From 3 years to under 6 years	32 (18%)
	From 6 years to under 10 years	34 (19%)
Long Term Relationships (47%)	From 10 years to under 15 years	42 (24%)
	From 15 years to under 20 years	34 (19%)
	20 years and over	7 (4%)
Unknown (1%)	Unknown	1 (1%)
TOTAL		175 (99%)

4.8.4 Length of Time Between the Dissolution of the Relationship and Contact with the Family Justice Centre

Almost 60% of the respondents initially contacted the Family Justice Centre for assistance before or within the first year after their relationship dissolved, however, 10% had been separated for over five years before making a contact.

Table 16: Length of Time Between Separation and First Contact with the FJC

Length of Time Between Separation and First Contact with FJC	Number and Percentage of Respondents
Before separation or within 3 months of separation	50 (29%)
Three to under 12 months after separation	50 (29%)
1 year to under 3 years after separation	41 (23%)
3 years to under 5 years after separation	14 (8%)
5 years to under 10 years after separation	10 (6%)
10+ years after separation	9 (5%)
Unknown	1 (1%)
TOTAL	175 (101%)

4.8.5 Current Relationship Status of Respondents

Table 17 indicates that there was a greater increase in the proportion of respondents who described themselves as being in a stable relationship between Phases 1 and 2 than between Phases 2 and 3, although these differences were not statistically significant.

Table 17: Relationship Status of Participants: All Phases

Type of Relationship	Phase 1	Phase 2	Phase 3
Number of respondents involved in stable relationships (in this phase)	16 (9%)	55 (31%)	42 (24%)
Number of respondents who reconciled with ex-partner	2 (1%)	6 (3%)	5 (3%)
Number of respondents not involved in a longer-term relationship*	157 (90%)	114 (65%)	128 (73%)
TOTAL	175 (99%)	175 (99%)	175 (100%)

*These include respondents who were in casual dating relationships

Of those involved in longer-term relationships (excluding those who reconciled) at Phase 3, 90% (38/42) had been in these relationships for at least a year, although 10% (4/42) were new relationships.

At Phase 3 respondents were asked if they had been involved in a longer-term common-law relationship or had remarried at any time since their divorce or official separation from the other dispute resolution parent. Just over a quarter (27% or 48/175) said that they had had such a relationship while 73% (127/175) said no. There was a lower proportion of fathers who had established new relationships (34% to 24%). These results are congruent with the research literature suggesting that 25% - 40% of parents become involved in newer longer-term relationships within a few years after separation

4.9 Child Custody and Residential Data

4.9.1 Number of Children

Almost half (48% or 84/175) of the respondents had one child from their dispute resolution relationship; 34% (59/175) had two children, 16% (28/175) had three and 2% (4/175) had four or five. At Phase 1 of the study 51% (89/175) of the respondents had children six years of age or under. Nineteen percent (33/175) of the respondents were aged 21 or under when they had their first child.

In Phases 2 and 3 approximately 20% of the respondents in the study reported having no children living primarily with them from the dispute resolution or a previous relationship.

There was a steady increase in the number of households that indicated no children under six years of age from 49% (85/175) in Phase 1 to 70% (122/175) in Phase 3.

4.9.2 Child Custody Arrangements

Respondents were asked to describe both the legal custody and the residential status of their children.

Legal custody is defined as the arrangement under which a parent or parents are legally designated to take care of children on a day to day basis. Parents can have sole or joint custody or custody can reside elsewhere. Under a sole custody arrangement, children usually live with one parent. Under joint custody children typically live part-time with both parents. The actual residential arrangements of children with their parents may be different from their legal custody status.

When looked at as a group, there was an increase in the number of respondents who declared themselves to have sole custodial status from Phases 1 to 2 and this increase was maintained in Phase 3. There was a 50% drop in the number of unresolved custody cases with 5% (9/175) of the respondents at Phase 3 stating that custody was still unresolved.

Table 18: Legal Custody Status of Children

Custody Status of Respondents	Phase 1	Phase 2	Phase 3
Respondent has sole custody of all children	41 (23%)	50 (29%)	50 (29%)
Respondent is the non-custodial parent	20 (11%)	17 (10%)	16 (9%)
Respondent has joint custody of all children	84 (48%)	88 (50%)	90 (51%)
Respondent has sole custody of some children and not others	1 (1%)	1 (1%)	1 (1%)
Custody status is unknown	4 (2%)	0 (0%)	0 (0%)
Custody is unresolved/not determined	20 (11%)	11 (6%)	9 (5%)
N/A (parents reconciled)	2 (1%)	6 (3%)	7 (4%)
Other	3 (2%)	2 (1%)	2 (1%)
TOTAL	175 (99%)	175 (100%)	175 (100%)

Study results indicate that custody arrangements were much more frequently changed between Phase 1 and Phase 2 than from Phases 2 to 3. Fifteen percent (26/175) of the respondents said that their custody arrangement had changed from Phase 1 to Phase 2 compared to 4% (7/175) from Phases 2 to 3 and this change was statistically significant.

A higher proportion of fathers said that their custody changed to sole custody from Phases 1 to 2 but this change was not statistically significant. Of the parents reporting sole custody in Phase 3, 84% (42/50) were mothers, compared to 88% in Phase 1.

4.9.3 Residential Status of Parents

The residential arrangement of children with their parents was the key measurement variable used when examining other issues such as the level of contact between children and the non-residential parent (NRP). We asked parents to consider themselves to be the primary residential parent of their children if "all or most of their children lived with them all or most of the time."

There was little change in the proportion of parents who described themselves as residential or non-residential parents in each of the phases of the study. One respondent out of five described themselves as a non-residential parent.

There were changes in how individual parents described the residential status of their children throughout the three phases of the study, with some parents moving from shared residential to residential or non-residential status. Table 19 describes the type of residential status of parents at each phase of the study.

Table 19: Residential Status of Parents at Each Phase

Parental Status of Parents	Phase 1	Phase 2	Phase 3
Residential parent	97 (55%)	95 (54%)	93 (53%)
Non-residential parent	33 (19%)	34 (19%)	35 (20%)
Shared parent arrangement	45 (26%)	46 (26%)	46 (26%)
Other	0 (0%)	0 (0%)	1 (1%)
TOTAL	175 (100%)	175 (99%)	175 (100%)

Table 20 indicates that approximately 20% of the parents changed their residential status at least once during the study and that the mothers had the most stable residential relationship

Table 20: Residential Status of Parents Throughout the Study

Residential Status of Parent(s)	Fathers	Mothers	Total
Residential: all phases	11 (17%) (13%)*	71 (65%) (87%)	82 (47%)
Non-resident parent: all phases	25 (38%) (93%)*	2 (2%) (7%)*	27 (15%)
Shared residential parent: all phases	16 (25%) (55%)*	13 (12%) (45%)*	29 (17%)
Parent has changed their residential status at least once	13 (20%) (35%)*	24 (22%) (65%)*	37 (21%)
TOTAL	65 (100%) (37%)*	110 (100%) (63%)*	175 (100%)

*The second percentage in each of the rows indicates the total by gender for each category, for example, 87% of the parents who were residential parents at all the phases were mothers and 13% were fathers.

4.10 Prevalence and Type of Family Issues and Problems

4.10.1 Overview

The Longitudinal Study explored the prevalence and type of family problems experienced by respondents in all phases of the study. Family problems were defined as spousal abuse, drug/alcohol, mental or physical health or child safety/protection issues.

The presence of spousal abuse is an important issue in terms of the delivery of dispute resolution services to respondents. If spousal abuse is considered to be severe and of a type to make a balanced, fair and equitable dispute resolution impossible, dispute resolution is unlikely to proceed. Family Justice Counsellors conduct a violence screening assessment with each client prior to and while they are engaging in dispute resolution to determine whether abuse is a factor.

The measurement indicator for determining whether child safety was a factor was whether a provincial Ministry child safety report or investigation had taken place in the family.

The presence and severity of family issues was determined in the client interview. In some cases, results were corroborated by reference to the running record but in most cases findings could not be independently verified. It is not known to what degree respondent reports may have been influenced by the fact that they were involved in dispute with the other parent.

4.10.2 Frequency of Family Issues

Nine out of ten respondents reported at least one problem that had historically or was currently affecting their families in at least one of the research phases. Over a third of the respondents reported being affected by at least three or more current or historical family problems at Phase 1.

Parents and children can be affected by family related problems involving the other parent for months or years after relationship dissolution. For example, issues related to the other parent's alcohol or drug misuse have the potential of affecting the safety of children. Parents can also be emotionally or financially abused by the other parent if child support payments become problematic. The number of respondents who reported being affected by family problems dramatically diminished as contact between the parents lessened. This decrease was statistically significant between Phases 1-2 and 1-3. However, even at Phases 2 and 3, 40% to 50% of respondents said that family issues continued to affect them.

The high level of spousal abuse reported by respondents at Phase 1 prior to or just after service entry seems to be reflected in data from similar types of programs in other jurisdictions. For example, the Australian Family Court provides conciliation counselling to couples who are involved in family disputes after separation. Findings from a study of this program indicated that 61% of the clients attending voluntary counselling reported that physical or emotional abuse was a significant problem for them (Davies et al., 1995). The authors noted two further studies in which 75% of the couples reported incidents of physical aggression and another where 80% of the women and 72% of the men reported experiencing a form of abuse in the relationship.

In one of the snapshot studies initiated by the (California) Centre for Families, Children and the Courts, at least one parent in 76% of the 2,500 hundred mothers and fathers in the study reported interparental violence (Kelly, 2004).

Table 21: Number of Family Issues: All Phases

Number of Issues Reported by Respondent	Phase 1*	Phase 2	Phase 3	Number of Issues Reported: All Phases
No family issues reported	17 (10%)	82 (47%)	107 (61%)	15 (9%)
One issue reported	44 (25%)	57 (33%)	35 (20%)	31 (18%)
Two issues reported	54 (31%)	24 (14%)	21 (12%)	47 (27%)
Three issues reported	46 (26%)	8 (5%)	7 (4%)	52 (30%)
Four issues reported	10 (6%)	4 (2%)	4 (2%)	24 (14%)
Five issues reported	4 (2%)	0 (0%)	1 (1%)	6 (3%)
TOTAL	175 (100%)	175 (100%)	175 (100%)	175 (100%)

*Included current or recent historical abuse.
(Phase 1-2, p-value=0; Phase 2-3, p-value=0.687; Phase 1-3, p-value=0).

4.10.3 Types of Family Issues or Problems Reported

Spousal abuse was the most frequently reported family problem in Phase 1 and Phase 2. Mental health issues were the most frequently cited in Phase 3.

Between Phases 1 and 2 there were dramatic decreases in the frequency of reports for individual issues. This included a drop of 54% for mental health issues and of 83% for child safety investigations. These decreases may be partially explained because Phase 1 reports also included recent historical data.

Table 22: Types of Family Issues: All Phases

N=175

Family Issues Reported	Number Reported in Phase 1*	Number Reported in Phase 2	Number Reported in Phase 3
Spousal abuse issue	120 (69%)	53 (30%)	29 (17%)
Alcohol and drug issue	69 (39%)	25 (14%)	20 (11%)
Mental health issue	99 (57%)	45 (26%)	44 (25%)
Physical illness or disability issue	46 (26%)	18 (10%)	22 (13%)
Child safety issues (child safety investigation frequency)	23 (13%)	4 (2%)	5 (3%)

*Includes current and historical data.

From Phases 2 to 3, the drop in the frequency of reports of spousal abuse continued to dramatically decrease, while there were less substantial decreases in alcohol/drug issues and no real change in the number reporting mental health issues.

Table 23: Decrease in Reported Family Issues Affecting Parents: Phases 1 to 3

Type of Family Issue	Percentage Decrease Phases 1 to 3
Family abuse issue	77%
Child safety issue	73%
Alcohol and drug issue	71%
Mental health issue	55%
Physical illness/disability issue	52%

4.10.4 Spousal Abuse Issues

i. Incidence of Spousal Abuse

Detailed data was collected on the nature of the abuse that had occurred in the dispute resolution relationship at each of the phases (Phase 1 data also included historical information). Of the parents in Phase 1 who described their relationship as having current and historical abuse, 66% (79/120) said the abuse had been primarily historical, 21% (25/120) said it was going on currently, and 13% (16/120) had no answer.

ii Perpetrator

In all phases of the research the father was described as the most frequent perpetrator of the spousal abuse. At Phase 1, (which included reports on historical incidents), 83% of the respondents (100/120) reported the father as being abusive compared to 36% (43/120) reporting the mother.

Table 24: Perpetrator of the Abuse

Perpetrator of Abuse	Phase 1 & Historically	Phase 2	Phase 3
Father*	77 (64%)	39 (74%)	22 (76%)
Mother*	15 (13%)	13 (25%)	6 (21%)
Both father & mother*	28 (23%)	1 (2%)	1 (3%)
TOTAL number being affected by/in an abusive relationship	120 (100%)	53 (101%)	29 (100%)

*Respondents were asked to identify the perpetrator of the violence in their relationship. These partners may or may not have been in the study.

iii. Type and Severity of Spousal Abuse

Spousal abuse in the Longitudinal Study was defined as consisting of a range of types of abuse (e.g., physical, emotional, financial or property damage). Data on the frequency of abuse was also collected (rare, occasional and frequent). All the data on abuse was self-reported by respondents and not independently verified.

Emotional or psychological abuse was the most common form of spousal abuse described by respondents. Ninety-five percent of the female and 96% of the male perpetrators were described as being involved in this form of abuse at Phase 1. Examples of emotional abuse included a parent “belittling, being mean or being involved in isolating or controlling behaviours.” About a quarter of the fathers in this population were described as being financially over-controlling or engaging in property damage.

Over a third of the mothers and fathers who had been described as engaging in abuse were categorized as engaging in “mild physical abuse.” This was described as “being pushed, threatened or slapped” in a “mild,” non-injurious fashion. No serious frequent physical abuse was reported among these respondents, suggesting that Family Justice Centre violence screening protocols are working successfully by excluding these cases. However, in four cases fathers were described as being a perpetrator of serious sexual abuse (related to the other parent).

Table 25 describes the characteristics of the spousal abuse reported by respondents in Phase 1.

Table 25: Type of Spousal Abuse Reported at Phase 1

Type of Abuse	Reported as Perpetrator	
	Father	Mother
Mild physical abuse (total)	41 (39%*)	14 (33%)
Mild physical abuse (rare)	21 (20%)	7 (16%)
Mild physical abuse (occasional)	16 (15%)	5 (12%)
Mild physical abuse (frequent)	4 (4%)	2 (5%)
Serious physical abuse (total)	6 (6%)	2 (5%)
Serious physical abuse (rare)	5 (5%)	1 (2%)
Serious physical abuse (occasional)	1 (1%)	1 (2%)
Serious physical abuse (frequent)	0 (0%)	0 (0%)
Emotional/psychological abuse (total)	101 (96%)	41 (95%)
Emotional/psychological abuse (rare)	6 (6%)	5 (12%)
Emotional/psychological abuse (occasional)	36 (34%)	20 (47%)
Emotional/psychological abuse (frequent)	59 (56%)	16 (37%)
Sexual abuse (total)	8 (8%)	0 (0%)
Sexual abuse (rare)	4 (4%)	0 (0%)
Sexual abuse (occasional)	0 (0%)	0 (0%)
Sexual abuse (frequent)	4 (4%)	0 (0%)
Property damage (total)	26 (25%)	3 (7%)
Property damage (rare)	11 (10%)	2 (5%)
Property damage (occasional)	9 (9%)	1 (2%)
Property damage (frequent)	6 (6%)	0 (0%)
Hurting pets (total)	4 (4%)	0 (0%)
Hurting pets (rare)	2 (2%)	0 (0%)
Hurting pets (occasional)	2 (2%)	0 (0%)
Hurting pets (frequent)	0 (0%)	0 (0%)
Abuse of children (total)	19 (18%)	2 (5%)
Abuse of children (rare)	9 (9%)	1 (2%)
Abuse of children (occasional)	9 (9%)	1 (2%)
Abuse of children (frequent)	1 (1%)	0 (0%)
Harassment (total)	18 (17%)	1 (2%)
Harassment (rare)	6 (6%)	0 (0%)
Harassment (occasional)	4 (4%)	0 (0%)
Harassment (frequent)	8 (8%)	1 (2%)
Financial control (total)	29 (28%)	4 (9%)
Financial control (rare)	1 (1%)	1 (2%)
Financial control (occasional)	5 (5%)	0 (0%)
Financial control (frequent)	23 (22%)	3 (7%)
Total Reporting	105**	43**

*Percentages reflect the total percentage of those respondents reporting.

**Number of perpetrators identified in the father, mother or "both" category.

There was a substantial drop in the number of respondents reporting abuse from Phase 1 to Phase 2. This result is partly accountable to the fact that historical abuse is included in the Phase 1 data. The percentage drop of people being described as engaging in spousal abuse dropped by 62% (men) and 67% (women) from Phase 1 to Phase 2 and a further 42% (men) and 50% (women) from Phase 2 to Phase 3.

By Phase 3, the percentage of male perpetrators still engaging in mild physical abuse was very low (7% or 2/29) and no men were described as engaging in serious physical abuse, although 79% (23/29) were still described as engaging in emotional abuse.

iv. *Other Indicators of Spousal Abuse*

The use of restraining orders is another indicator of abuse within the parental relationship. Almost 10% (15/175) of the respondents had a restraining order prior to first contact with the FJC. The number of respondents with restraining orders in the study totalled 3% for each phase of the study (5 in Phase 1, and 6 in Phases 2 and 3.)

The respondents who had restraining orders were not consistent in the three phases of the study; only two respondents had restraining orders in all three phases.

Eight percent of respondents said that they had fears for their personal safety in at least one of the three phases but who the respondents were differed in each phase. Only two people said that they had fears for their personal safety in all three phases.

4.11 Parental Acrimony and Conflict

4.11.1 Overview

Parental acrimony and conflict has deleterious effects on children² whether it occurs prior to or post marital dissolution. According to Kelly (1998),

There appears to be both direct and indirect effects and mechanisms. Directly, high levels of parental conflict and aggression impact children in physiological and emotional ways, as well as through the modelling of aggressive parental behaviours. Indirectly, intense parental conflict adversely affects parenting and parent-child relationships, which in turn affect children's adjustment (Kelly, 1998: 226-267).

According to Hetherington (1999), a high level of parental conflict has more adverse consequences for children in divorced families because they may lack the positive influence of a second residential parent. The residential parent may lack resources (including economic) or be subject to more stress, both of which can lead to diminished parenting.

² Separation and divorce between parents with serious frequent conflict leads to improved longer-term adjustment for children as young adults. There is some evidence that children from families where there has been minimal conflict may experience poorer long-term adjustment.

According to Kelly (2007) and Hetherington (1999), although the majority of parents substantially reduce their conflict two to three years after divorce, 8 – 20% may continue to have chronic or significant levels of conflict. High level continuing conflict between parents affects paternal (NRP) involvement, and may lead to more difficulties in the father-child relationship.

Increased conflict in the first few years after separation may occur because of the need for parents to work out new arrangements related to location, income support, child custody and access.

Children who are exposed to high levels of parental conflict are at risk of developing emotional and behavioural problems both in childhood and later in life, to show more depression and anxiety, to be more likely to be abusive to future romantic partners and to have higher rates of divorce in adulthood.

Some of the adverse effects associated with divorce are likely due to the conflict between parents *prior* to separation (Grych, 2005). Among parents who continue to have conflict post separation or divorce, some may have significant personal issues such as mental illness or substance abuse problems (Kelly, 2003).

Kelly (2007) has identified three major types of post divorce co-parental relationships. These are:

- 1) Conflicted co-parenting relationships (approximately 20-25% of relationships): These relationships are characterized by "frequent conflict, poor communication, and the failure of one or both former partners to disengage emotionally" (Kelly, 2007:8). These parents have difficulty resolving even small differences and are unable to focus on their children's needs. High conflict couples may involve one or two disengaged uncooperative parents.
- 2) Parallel co-parenting relationships (approximately 50% of relationships): These parents have low conflict but are emotionally disengaged and have a low level of communication. They tend to parent separately with little or no coordination.
- 3) Cooperative parenting relationships (approximately 25% of relationships): These parents are able to resolve differences (with or without help) with minimal conflict.

4.11.2 Impact of Mediation on Parental Conflict

Most research on the issue suggests that involvement in mediation leads to decreased conflict between couples when compared with involvement in litigation.

Sbarra & Emery (2005) compared the parent conflict levels between parents who had been involved in divorce litigation or mediation after twelve years. At the 12-year follow-up, mothers and fathers who mediated reported less co-parenting conflict than those who litigated their custody dispute issues.

In a study of the California Divorce and Mediation Project,

75% of the women who had been involved in mediation and 62% of the men indicated that mediation helped them become more reasonable with each other, compared to 26% and 39% of the women and men who have been involved in an adversarial process (Kelly, 2004:17).

Also according to Kelly,

Compared to the adversarial process, mediation was more effective in increasing the general level of cooperation between beginning of divorce and final divorce, after controlling for initial baseline differences. These differences were still evident at the end of the first year of divorce but were no longer significant two years post-divorce. However, mediation parents continued at two years post divorce to seek parenting help from each other more often than adversarial parents (Kelly, 2004:18).

However, in a study assessing predictions of cooperation and conflict within a sample of 237 divorced parents, Towes and McHenry (2001) found that

... parents who had used mediation reported more conflict with their former spouses than parents who had not used mediation (Towes and McHenry, 2001: 68).

The authors noted that the parents who participated in mediation scored high on co-parenting conflict. The result may also have been affected by the level of client satisfaction with mediation.

4.11.3 Parental Assessment of Relationship

Longitudinal respondents showed a steady improvement in the cordiality of their relationship and this trend was statistically significant between Phases 1 – 3 (p-value=0.025). In Phase 1 only 25% of the respondents described their relationship as positive, compared to 30% in Phase 2 and 35% in Phase 3. Compared to Kelly's (2007) typology, the Longitudinal Study respondents appear to have a higher level of positive relationships, a lower level of "neutral" relationships and about the same number of respondents describing themselves as having negative relationships (27%).

Table 26: Assessment of Relationships by Parents in All Phases

Parent Assessment of Relationship	Phase 1	Phase 2	Phase 3
Very cordial and friendly	19 (11%)	12 (7%)	16 (9%)
Somewhat cordial and friendly	25 (14%)	38 (23%)	47 (28%)
Neutral	64 (37%)	63 (38%)	61 (36%)
Somewhat negative	44 (25%)	35 (21%)	20 (12%)
Very negative	23 (13%)	20 (12%)	25 (15%)
TOTAL	175 (100%)	168 (101%)	169 (100%)

(Phases 1-3, p-value=0.022).

4.11.4 Level of Conflict Between Parents

The Longitudinal Study examined the level of conflict between the parents at all three phases. Results indicate that there was a trend towards decreased conflict between parents as the study period progressed and that the accumulated decrease between Phase 1 and Phase 3 was strongly statistically significant when results were clustered.

These results suggest that Longitudinal respondents may have more positive parental relationships than similar types of respondents in comparable studies. Other studies have suggested that 20 – 25% of relationships experience frequent conflict compared to 10 – 15% of the relationships in the Longitudinal Study. Results also suggest that there is a core group of about 7% of the respondents who appear to have chronic conflict. The size of this group was relatively stable over the three phases.

Table 27: Frequency of Conflict Between Parents: All Phases

Frequency of Conflict	Phase 1	Phase 2	Phase 3
No conflict	23 (15%)	35 (23%)	45 (30%)
Rare conflict	47 (31%)	59 (40%)	54 (36%)
Occasional conflict	49 (33%)	35 (23%)	24 (16%)
Somewhat frequent	14 (9%)	7 (5%)	9 (6%)
Frequent or all the time	10 (7%)	8 (5%)	10 (7%)
Subtotal	149 (99%)	149 (99%)	150 (100%)
No contact with other parent	26	19	19

Reconciled or parents with deceased partners are not included in the table.
(Phases 1 – 3, p-value=0.001).

4.11.5 Prevalence and Level of Parental Conflict in Front of Children

There was a statistically significant drop in the level of conflict parents reported having in front of their children from Phases 1 to 2 ($p=.019$), but this trend did not persist beyond this period. This suggests that, while improvements are made in the first 1 1/2 to 2 years after service contact, improvements may not continue after this point.

Table 28: Level of Parent Conflict in Front of Children: All Phases

Do Parents Have Conflict in Front of Children?	Phase 1	Phase 2	Phase 3
Yes	45 (26%)	25 (15%)	30 (17%)
No	81 (46%)	89 (53%)	75 (43%)
N/A	49 (28%)	54 (32%)	70 (40%)
TOTALS	175 (100%)	175 (100%)	175 (100%)

(Phase 1-2, p-value=0.019; Phase 2-3, p-value=0.258).

Among those who said that they had conflict in front of their children, 25% of the respondents said that this conflict was frequent. There was a drop in the level of frequent/occasional conflict in front of children between Phases 1 and 2 among parents who had this type of conflict, but a slight rise in Phase 3. None of these findings was statistically significant.

4.12 Parental Acceptance of Relationship Dissolution and Well-Being

4.12.1 Parent Acceptance

Sbarra and Emery (2005) found that involvement in mediation *decreased* parental acceptance of their separation or divorce twelve years after relationship dissolution. They theorized that involvement in mediation may help enhance relationship quality among former partners. The downside of this relationship improvement may be to increase the longing of one parent for the other after separation. This post separation longing was particularly common among fathers.

Table 29 indicates that there was a significant increase in the number of parents who said that they generally or completely accepted their separation/divorce from Phases 1 to 2 and this change was strongly statistically significant (p=0). Adjustment to the separation or divorce seems to have consolidated very early for parents – within the first 1 to 1 1/2 years after service contact and to be maintained after this period.

Table 29: Degree of Parent Acceptance of Separation or Divorce: All Phases

Level of Acceptance	Phase 1	Phase 2	Phase 3
Parents have completely or generally accepted the separation or divorce	89 (53%)	164 (98%)	164 (97%)
Parents are still having problems accepting the separation or divorce	79 (47%)	4 (2%)	5 (3%)
TOTAL	168 (100%)	168 (100%)	169 (100%)

(Phases 1 – 2: p-value=0).

Parental acceptance of their separation or divorce was statistically associated in Phase 1 with the length of time parents had been separated before contacting the FJC. Those who had been separated for a shorter period of time were significantly ($p=.01$) less likely to have accepted the separation or divorce. For example, 50 – 55% of Phase 1 respondents who were separated less than 3 years reported still having adjustment problems, compared to only 11% who had been separated for over ten years. There was no statistical association between these two variables in Phases 2 and 3, because in these phases the level of acceptance among parents was high.

There was no association between the gender of the respondents and their level of acceptance of their separation/divorce although a higher percentage of men reported adjustment problems in Phase 1. Whether or not parents were living in a new longer-term, more stable relationship was not statistically associated with the level of acceptance.

4.12.2 Parental Assessment of Well-Being

Respondents were asked to rate their sense of personal well-being at three points in time: immediately after the dissolution of their relationship, at the time of the Phase 1 interview, and at Phase 3. Well-being was assessed by respondents using a seven point scale.

There was an improvement in the sense of well-being described by respondents from the point of their separation to Phase 1 (when FJCs were not involved) but a more dramatic improvement from Phases 1 to 3 (during and after JFC involvement). Sixty percent of the positive change occurred between Phases 1 and 3 suggesting that the well-being of parents started to improve at separation and continued to improve after the first contact with the Family Justice Counsellor. The dramatic improvements between Phases 1 and 3 suggest that involvement in dispute resolution may have influenced this trend.³ All of these improvements in self-reported well-being were statistically significant.

Table 30: Respondents Sense of Well-Being at Three Points in Time

Respondent's Sense of Well-Being	Number and Percentage		
	After Separation	Phase 1	Phase 3
Poor sense of well-being	119 (68%)	56 (32%)	9 (5%)
Moderate sense of well-being	36 (21%)	75 (43%)	28 (16%)
Very positive sense of well-being	20 (11%)	44 (25%)	138 (79%)
TOTAL	175 (100%)	175 (100%)	175 (100%)

(After separation to Phase 1, p -value=0; Phase 1 to Phase 3, p -value=0).

³ Many factors influence improvements in well-being after separation and divorce, including the passage of time and increased acceptance of the separation and divorce.

4.13 Child Adjustment After Relationship Dissolution

4.13.1 Overview

Separation and divorce almost always appear to lead to periods of distress and sadness for children and parents in the short-term, and this period is estimated to last approximately 1 – 2 years (Kelly & Emery, 2003). The family justice literature has also documented a range of moderate to serious short and long term effects on children arising from relationship dissolution. Impacts include cognitive and learning difficulties, psychological adjustment problems, poor academic performance, poverty and/or economic hardship, distress, behavioural problems such as aggression and acting out, poorer self-esteem, problematic use of alcohol and an increased rate of troubled marriages (Clarke-Stewart (2000); Kelly & Emery (2003); Howell et al., (1997); Kelly (2000, 2003); Rogers (2004); Amato (2000); Hetherington (1999 & 2003); Amato (2001); Carlson & Corcoran (2001); Ambert (2005); Shapiro (1999); Emery & Waldron (1999); Rerfman (2001); Sun (2002); Fergusson (1994); and Ham (2003)).

Vandervalk et al., (2004) found that growing up in post-divorce families was negatively related to adolescent emotional adjustment and was particularly problematic for girls.

The frequency and type of parent conflict before relationship dissolution is a major factor affecting the adjustment of children. Peris & Emery (2004) suggest that,

Collectively, studies suggest that many child behaviour problems may be evident well before marital disruption takes place, that they are accompanied by stress and dysfunction in the home and that both children and family problems prior to disruption may serve to explain differences in child outcome following divorce (Peris & Emery, 2004: 695).

The literature also suggests that, in some cases, children in high conflict relationships may be better off and have fewer adjustment problems after the dissolution of their parent's relationship. Some authors have suggested children from low conflict relationships may experience more adjustment problems because the separation of their parents is unexpected.

Despite the impact of the pre-dissolution factors on children, Cheng et al., (2006) suggest that the event of separation itself leads to identifiable adjustment and behavioural problems among children.

Notwithstanding the differences in risk exposure apparent prior to separation, parental separation was still associated with a significant but small increase in children's behavioural/emotional problems. Significantly, the effect of separation that was observed could not be accounted for by partners' relationship quality, socioeconomic circumstances, maternal depression or marital/family type. ... parental separation is experienced as a major stress above and beyond the complex of pre-separation problems (Cheng et al., 2006: 247).

In a recent study of 5,635 families that identified the factors that moderate the adjustment of children to parental separation, Cheng et al., (2006) found that the cohabitating status of parents was one of the most

important factors predicting the adjustment of children. Children in cohabitating families exhibited significantly worse adjustment than did children from married couples.

There is a general consensus in the literature that about 25% of all children from separated and divorced families may experience longer-term and more profound effects from separation and divorce.⁴

i. Factors that Influence Resilience

Children, parents and families have different levels of resilience or the moderating factors that may affect their adjustment post separation/divorce. Other factors that may influence the adjustment levels of children include the developmental stage of children, their gender, the type of relationship the parents had (e.g. married or cohabitating), the number of previous parental relationships and breakdowns, the mental health status of parents and the overall socio-economic status of the family.

The involvement of parents in dispute resolution has not been shown to directly improve the psychological functioning of children (Kelly, 2004), although research suggests that it improves cooperation between parents and supports the continued involvement of the non-residential parents with children. The impact of other types of programmatic interventions (such as divorce education programs) on child adjustment is not discussed in this report.

4.13.2 Level of Child Adjustment

Parents were asked to assess the level of their child's adjustment to the dissolution of the relationship, the degree of seriousness of any symptoms that continued and whether or not parents had sought counselling or therapy for their children. General descriptive information on the types of adjustment problems experienced by children was collected in Phases 1 and 2. The child adjustment or behavioural problems related to the separation and divorce most frequently reported by parents were:

- Anxiety, worry, obsessive thoughts and manifestations of anxiety (e.g. stuttering, pulling out hair);
- Crying, sadness, emotional outbursts and depression;
- Belligerence, acting out and hostile behaviour;
- Behavioural problems or performing poorly at school.

A higher number of parents reported their child being upset by the absence of the other parent in Phase 2 than in Phase 1, although this question was not explored in detail.

Results in Table 31 indicate that child adjustment as assessed by parents improved significantly throughout the study. There was a significant improvement between Phases 1 and 2 ($p=0$) and a moderately significant improvement between Phases 2 and 3 ($p=.016$). By Phase 3, 28% of the parents still reported that their children had some adjustment problems, however, only 2 respondents described these as serious.

⁴ For a more detailed summary of the impacts of separation and divorce on children see "Investing in the Family Justice System: A Review of the Metrics and Impacts of Separation and Divorce." J. Currie (Focus Consultants), March, 2006.

Table 31: Child Adjustment Problems Reported by Parents: All Phases

Child Adjustment Problems	Phase 1	Phase 2	Phase 3
No problems reported by parents	65 (38%)	102 (61%)	122 (72%)
Some problems reported by parents	92 (53%)	56 (33%)	45 (27%)
Many problems reported by parents	16 (9%)	10 (6%)	2 (1%)
Total Number Reporting	173 (100%)	168 (100%)	169 (100%)

(Phase 1 – 2, p-value=0; Phases 2 – 3, p-value=0.016).

4.13.3 Seriousness of Children’s Adjustment Problems

The number and proportion of children with serious adjustment problems reported by parents fell between Phases 1 and 3, but the most significant change occurred between Phases 1 and 2, where this change was statistically significant ($p=.028$). Improvements were not statistically significant between Phases 2 and 3.

Table 32: Seriousness of Child Adjustment Problems Reported by Parents: All Phases

Seriousness of Child’s Adjustment Problems	Phase 1	Phase 2	Phase 3
Child’s adjustment problem is not serious	32 (30%)	31 (47%)	15 (32%)
Child’s adjustment problem is moderately serious	48 (44%)	27 (41%)	25 (53%)
Child’s adjustment problem is very serious	28 (26%)	8 (12%)	7 (15%)
TOTAL	108 (100%)	66 (100%)	47 (100%)

(Phase 1- 2, p-value=0.026).

Although the number of children with serious adjustment problems fell throughout the three phases of the study, the proportion of children with adjustment problems and requiring therapy or counselling rose, particularly between Phases 2 and 3, although these changes were not statistically significant.

This data suggests that while there is general improvement in the adjustment of children over time, 21% of the respondents (36/175) still considered their children’s adjustment problems serious enough at Phase 3 to require counselling assistance. This percentage is slightly lower than reported in comparable literature that suggests that about 25% of children may continue to suffer profound effects from the dissolution of their parent’s relationship.

Table 33: Parent Assessment of Need for Counselling for Children with Adjustment Problems

Children who Required Counselling or Therapy	Phase 1	Phase 2	Phase 3
No counselling/therapy required	34 (31%)	25 (38%)	11 (23%)
Counselling/therapy required	74 (68%)	41 (62%)	36 (77%)
TOTAL	108 (99%)	66 (100%)	47 (100%)

Information on whether parents with these concerns had been able to access counselling or therapy was gathered in Phases 2 and 3. At least half of the parents were not able to access the counselling they needed. Twenty-nine percent (12/41) of the parents in Phase 1 and 50% (18/36) in Phase 3 who felt counselling was required said that they had been unable to access counselling or therapy to help with their children's adjustment problems. The most common form of counselling used by parents for their children was community-based family counselling followed by school counselling.

4.13.4 Child Adjustment and Length of the Parental Relationship

Children from families whose parents had been in longer-term relationships (over 10 years) were much more likely to suffer adjustment problems and this finding was statistically significant in Phases 1 and 2.

Comments from parents about their children's adjustment problems at Phase 2 corroborated these findings. Twenty-four respondents in Phase 2 mentioned their children being traumatized, upset, sad or confused by the absence of one parent or not understanding why the parents were not getting back together. There was no statistically significant association in Phase 3.

Table 34: Length of Parent Relationship and Child Adjustment Problems: Phase 2

Level of Child Adjustment Problems	Very Short Term Relationship (dating)	Short Term (from under 3 years)	Mid Term (3 to under 10 years)	Long Term (10 years and over)
No problems	5 (71%)	13 (72%)	44 (70%)	40 (50%)
Some problems	2 (29%)	2 (11%)	18 (29%)	34 (42%)
Many problems	0 (0%)	3 (17%)	1 (2%)	6 (7%)
TOTAL	7 (100%)	18 (100%)	63 (101%)	80 (99%)

Fisher Exact Test Phase 1 results, p-value=-.0038; Fisher Exact Test Phase 2 results p-value=0.028).

4.13.5 Child Adjustment and Level of Parent Conflict

Child adjustment problems were associated with the level of parent conflict in all phases of the study.

Parents who did not have conflict in front of their children were less likely to have children with adjustment problems throughout the research period, but this was a significant correlation only in Phase 3 ($p=0.0119$). This data suggests that a major factor for children who continue to have longer-term adjustment problems may be the conflict that they observe between their parents.

4.13.6 Child Adjustment and Length of Time Parents Separated

Almost 69% of the respondents in the study had been separated for less than one year before they contacted an FJC for assistance. About 30% contacted the FJC within three months after separation. A smaller number (almost 18%) waited three years or more before seeking assistance at a Family Justice Centre.

Data on the length of time parents had been separated was measured against child adjustment levels at all three phases.

At Phase 1, there were fewer cases of child adjustment problems noted by parents who had been separated for a longer period of time and this association was statistically significant ($p=.012$). The association was not statistically significant in Phases 2 or 3.

4.13.7 Child Adjustment and Parent Income

There was no association between the level of income of the parents and whether or not children had adjustment problems.

4.13.8 Child Adjustment and New Relationships of the Parent

The level of child adjustment problems was also measured against whether parents were in a new longer-term, more stable relationship at Phases 1, 2 and 3. No association between child adjustment levels and whether or not the parent was in a newer longer-term or married relationship was found.

4.13.9 Child Adjustment and Number of Parental Relocations

Parental relocation is considered to affect the adjustment of children because it may disrupt neighbourhood, social and family connections. By Phase 3, 53% (93/175) of the respondents had relocated at least once during the research period and 12% (35/175) had relocated two or more times. There was no association between whether a parent had relocated during a specific phase and child adjustment. When the total number of relocations was assessed in relation to child adjustment in Phase 3, no statistically significant associations were found.

4.14 Level of Children's Contact with the Non-Residential Parent

4.14.1 Measurement and Impact of Non-Residential Parent Contact

Measuring the level, type or quality of non-residential parent (NRP) contact with children after separation or divorce is complex. Smyth (2004) notes that the literature does not adequately address the quality and quantity of parental contact and what impact it has on the well-being of children, on income support for the family and on parent functioning.

Smyth (2005) has identified six broad patterns of father-child contact after separation. These patterns are:

- *Standard contact* – in which children see their NRP each or every other weekend (34%)
- *Little or no contact* – children rarely or never see the NRP (26%)
- *Daytime only contact* – children see their NRP only during the day – overnight stays don't occur (16%)
- *Holiday only contact* – children see the NRP only during holidays (10%)
- *Occasional contact* – children see the NRP once every three to six months (7%)
- *Equal (or near) shared care* – children are in the care of either parent for at least 30% of nights a year (6%)

There is general agreement, however, that in most cases, continuing contact with the NRP carries significant benefits to children as well as to the non-residential parent (the exception would be in cases where the NRP is abusive or violent).

According to Kelly,

... higher levels of paternal involvement were associated with better adaptive behaviour skills, and for the four to six year olds, better communication and socialization skills, compared to those young children with less paternal involvement (Kelly, 2005: 247).

School aged children with greater paternal involvement showed more positive adjustment and better academic performance.

Although there is evidence that more expansive visiting patterns are being used in some situations, current research indicates that only a minority of children have reliable

weekly contact with their non-residential parent (usually fathers) following separation in the United States and elsewhere (Kelly, 2007: 9).

Following divorce, contact between most children and NRPs declines rapidly (Hetherington, 2003). Although about 25% of children have weekly visits with their non-residential fathers, about 20% of children have no contact or see them only a few times a year.

The number of children who have no contact with their non-residential father by 2-3 years post divorce has decreased since the 1980's when it was around 50%, to between 16% - 18% in the mid to late 1990s

(Kelly, 2007). This has been due to changes in parenting arrangements and research outcomes indicating the importance of continuing contact with both parents.

Decreases in NRP contact levels with children are most frequently affected by the re-partnering or relocation of one or both parents and continuing conflict between the mother and father, including maternal attitudes towards the involvement of the father. Sobolewski and King (2005) note that a cooperative relationship between parents enhances the frequency and quality of contact between children and the NRP. The degree of father engagement with the child is also related to the father's relationship with the mother. According to the authors,

Cooperative co-parenting predicts more frequent father-child contact, which in turn predicts higher relationship quality and more responsive fathering (Soboleswki et al., 2005: 1196).

Jury et al., (2007), in a recent Canadian study on residential fathers and children that was drawn from the Canadian National Longitudinal Survey of Children and Youth (NLSCY), found that the changes to father-child visitation was more closely linked to the mother's subsequent remarriage than that of the fathers. The study reached the following conclusions:

- The addition of biological children from new unions is associated with a lower level of NRP contact with non resident children;
- NRP contact is more frequent among fathers paying regular child support;
- NRP contact declines over time;
- NRP contact is less frequent if there is parental tension over living arrangements or visiting rights.

New unions formed by the NRP (father) within 2 months following separation were a strongly significant influence on the frequency of NRP with his children but this time factor was extremely important.

New unions formed within the 2 months following separation have a strongly significant deterrent effort on the frequency of contact that fathers maintain with non-resident children; the negative coefficient for new unions formed between 2 months and 2 years was also substantial although they fall just below the level of significance. Contact levels among fathers who formed a new union two years or more after separating, however, are very close to those of fathers who have never entered a new union (Jury et al., 2007: 1236).

If mothers formed a new union one to two years after separation there was less visitation by the non-residential father. The authors theorize that,

It is also possible that the arrival of a new "father" figure 1 year or 2 years after separation – once custody is settled, but before the non-residential father-child relationship is firmly established – may threaten a father's relationship with non-residential children or may make him less willing to economically invest in children who now have a new father to support them (Furstenberg and Cherlin (1991) quoted in Jury et al., 2007:1242).

The frequency and quality of contact between fathers and children are the main factors determining the quality of relationship and adjustment of children. Dunn et al., found that,

More frequent and regular contact, (between non-residential fathers and children), which included communication by telephone, was associated with closer, more intense relationships with non-residential fathers (relationships that were both more positive and more conflicted) and fewer adjustment problems in the children (Dunn et al., 2004: 562).

Most children are distressed at the loss of the NRP in the household (Hetherington, 1999). Anecdotal reports made by parents about their children at Phase 2 of this study suggest that distress may increase when children finally realize their parents will no longer be living together.

4.14.2 Measuring the Quality of NRP Contact

There is a growing consensus in the literature that the *quality* of the relationship between the NRP and his/her children may be a more important factor than the frequency of contact.

Amato & Gilbreth (1999) found that engaged “authoritative” parenting on the part of non-custodial fathers consistently predicted children’s higher academic achievement and a lower incidence of internalizing and externalizing behaviours.

Kelly (2007) also notes that active, “engaged” and authoritative parenting is significantly linked with more positive adjustment and academic improved achievement of children.

Active involvement in this instance includes help with homework and projects, emotional support, age-appropriate expectations for their children and authoritative parenting (setting limits appropriately, non-coercive discipline and control, enforcement of rules) (Kelly, 2007: 13).

Involvement of the non-residential parent with children in leisure time activities did not yield the same results.

4.14.3 Effect of Dispute Resolution on Non-Residential Parent Child Contact Levels

Research indicates that parental involvement in dispute resolution has a positive effect by helping to encourage and retain the involvement of the non-residential parent with his/her children.

When Emery et al., (2001), looked at outcomes of client custody, mediation and litigation twelve years after initial dispute resolution, they found that non-residential parents who had mediated maintained more contact and involvement with their children in comparison with non-residential parents who litigated. For example, 30% of the NRPs who mediated saw their child at least weekly compared to 9% who litigated (Emery et al., 2001).

4.14.4 Level of Non-Residential Parent Contact with Children

Table 35 describes the level of face to face contact the non-residential parent estimated having with their children at each phase of the study. The data indicates that frequent contact levels dropped in Phase 2 but appeared to be increasing in Phase 3. The proportion of non-residential parents who had no or very infrequent conflict ranged from 9% – 15%, with the highest levels of non-contact in Phase 2. None of these changes from phase to phase were statistically significant.

Table 35: Level of Face to Face Contact between NRP and Children (as reported by NRP): All Phases

Level of Contact	Phase 1	Phase 2	Phase 3
Daily contact	5 (15%)	2 (6%)	2 (6%)
Frequent contact (at least once a week)	19 (58%)	20 (59%)	25 (71%)
Somewhat frequent contact (once or twice a month)	6 (18%)	7 (21%)	4 (11%)
Infrequent contact (a few times a year)	2 (6%)	3 (9%)	3 (9%)
No face to face contact	1 (3%)	2 (6%)	1 (3%)
TOTAL	33 (100%)	34 (101%)	35 (100%)

This data suggests that the proportion of non-residential parents in the Longitudinal Study who had low or very infrequent contact is somewhat lower than has been reported in the literature. The rate of non-contact closely matches the rate of contact of parents who participated in mediation as reported by Emery et al., (2001). These authors found that 11% of non-residential parents in the mediated study sample had no contact with their children in the past year compared to 35% in the litigated group. Emery's study also shows a higher rate of weekly contact (30% who mediated their dispute had weekly visits compared to 9% in the litigated group). Emery used a national sample of families as a comparison group (Seltzer 1991). In those families 8% of the NRPs visited weekly.

It is not clear whether the contact patterns seen among non-residential parents at Phase 3 of the Longitudinal Study will persist. Contact levels are affected by a number of factors, including the growing independence and age of children. In general, data from the Longitudinal Study most closely mirrors data from other mediated groups that show significantly more NRP contact than occurs in cases where family disputes have been litigated.

The study also measured other forms of NRP-child contact over the three phases of the research. This data indicates that the amount of other, non face-to-face contact (such as by telephone or email) dropped dramatically from Phase 1 to Phase 3. For example, the level of NRPs describing themselves as having frequent non face-to-face contact decreased from 48% in Phase 1 to 15% in Phase 3.

Only one non-residential respondent had no contact of any type in any of the three phases. This represented 4% (1/27) of parents who were consistently non-residential throughout all phases of the study.

4.14.5 Residential Parent's View of Non-Residential Parent's Level of Contact with Children

Residential parents were also asked to assess the level of contact by the NRP parent with the children in each of the phases.

Residential parents described a stabilizing of contact levels among 60% of the non-residential parents, but a decreasing level or no contact among a third of the NRPs. Few NRPs were described as increasing their level of contact over the three phases. These changes were statistically significant between all phases, with the greatest change taking place between Phases 1-3 ($p=0.002$).

Table 36: Residential Parent's View of the Level of NRP Contact with Children: All Phases

Level of Contact	Phase 1	Phase 2	Phase 3
Contact levels have become more frequent	27 (28%)	12 (13%)	9 (10%)
Contact levels have remained the same	43 (44%)	43 (46%)	58 (62%)
Contact levels have decreased	24 (25%)	31 (33%)	14 (15%)
No contact	3 (3%)	8 (8%)	12 (13%)
TOTAL	97 (100%)	94 (100%)	93 (100%)

(Phases 1-3, p -value=0.002).

Residential parents were also asked about the reasons why they felt that the NRP might have decreased their contact levels at Phase 2. Thirty-five residential parents with NRPs who had decreased or were now having no contact addressed this question. Thirty-one percent (11/35) of the respondents said that a change in location on the part of the NRP had affected contact levels. The NRP being in a new relationship (17% or 6/35) and disinterest in the children (14% or 5/35) were other reasons cited. Only 6% (2/35) of the residential parents said that decreasing contact was related to unresolved child support issues. At Phase 3 a new location of the NRP was a factor noted by 55% (11/20) respondents although this was not a factor clearly reflected in the relocation data.

4.14.6 Differing Parental Perspectives on the Level of NRP Contact

The study also looked at the differences in the perspectives of both the NRP and residential parent in terms of frequency of contact of the NRP. This analysis, done in Phase 3, was limited to cases where: 1) the residential status of parents was consistent throughout all three phases of the study; and 2) where both parents participated in the Longitudinal Study

This analysis indicated that non-residential parents described themselves as visiting their children more frequently than was perceived by the residential parent. This difference was statistically significant if “frequent” and “somewhat frequent” patterns were differentiated.

In Phase 3 residential parents were asked whether they were satisfied with the level of contact the NRP was having with his/her children. Only 41% of the residential parents were completely satisfied, 31% (29/93) were somewhat satisfied but over a quarter (28% or 26/93) were not satisfied.

4.15 Factors Affecting Non-Residential Parent Contact Levels

Three variables were examined in relation to the contact levels of the NRP:

- The number of relocations of the non-residential parent throughout the study period (this was a factor identified by the residential parent);
- The degree of parent conflict in each phase;
- The effects of re-partnering.

4.15.1 Number of NRP Relocations

The number of relocations over the entire study period was examined in relation to NRP face-to-face contact levels. An analysis of cumulative data in Phase 3 indicated that there was no association between the level of NRP contact at Phase 3 and the number of times the NRP had relocated.

4.15.2 Level of NRP Contact and Parental Conflict Level

There was a statistically significant association in Phase 3 between the frequency of NRP contact and how the NRP perceived the quality of the relationship with the other parent. When parents were perceived to have a positive or neutral relationship, the NRP was significantly more likely to have at least weekly face-to-face contact with his/her children. This pattern was statistically significant in Phase 3 ($p=0.0022$) but not in Phases 1 or 2.

There was no statistical association between the frequency or the level of conflict between the parents and the frequency of face-to-face contact with children at any phase.

4.15.3 The Impact of Re-Partnering on Child Contact Levels

Recent Canadian Data (Jury et al., 2007) indicates that re-partnering may affect child contact levels if the NRP establishes a new relationship within a few months after separation. No data specifically related to this specific time period was available to be analyzed. No statistical associations were found between NRP-child contact levels and whether or not the NRP was in a new, longer-term relationship in any phase.

An analysis was done looking at Phase 3 face-to-face contact data and whether a NRP had been in any longer-term relationship since Phase 1. Although there were more NRPs in daily contact with their children who were *not* in new, more permanent relationships, this pattern was not statistically significant.

Jury et al., (2007) found that new relationships of the residential parent had an effect on NRP (father) contact if the mother formed a new union 1-2 years after separation. An analysis of this time period could not be conducted because of the small number of residential parents who were in new permanent relationships at this specific time.

4.16 Engagement of Parents in Discussions about their Children

The frequency with which parents engage in discussions or decision making related to their children's lives is an important indicator of the quality of the parent-child relationship. Two indicators of the level of engaged parenting were examined:

- The level of involvement of parents in discussions related to major issues involving their children;
- The role of the parents in decision-making about issues that affected their children.

Results from Table 37 indicate that there was a decrease in the involvement of parents in *discussions* about their children's major issues (e.g. schooling) between Phases 1 – 2 and that this change was statistically significant. While there was no statistically significant trend from Phases 2 – 3, there was a strongly significant change between Phases 1 – 3, suggesting that parents become less involved in discussions as time goes on.

Table 37: Level of Parent Involvement in Discussions About their Children's Major Issues

Level of Parent Involvement in Discussions	Phase 1	Phase 2	Phase 3
Very frequent involvement in discussions	54 (31%)	31 (19%)	28 (17%)
Frequent involvement in discussions	57 (33%)	74 (44%)	56 (33%)
Occasional involvement in discussions	36 (21%)	44 (26%)	55 (32%)
No discussions between parents	26 (15%)	18 (11%)	30 (18%)
TOTAL	173 (100%)	167 (100%)	169 (100%)

(Phase 1 – 2, p=0.014; Phase 2 – 3, p=0.077; Phase 1 – 3, p=0.006).

At all phases of the Longitudinal Study, parents who assessed their relationship with the other parent as being cordial were much more likely to have frequent or very frequent discussions about important issues relating to their children. This association was statistically significant (p=0) in all phases. Phase 3 results are presented in Table 38.

Table 38: Parental Assessment of Relationship and Frequency of Discussions about Children's Issues: Phase 3

Frequency of Discussion	Parent's Assessment of Relationship		
	Cordial	Neutral	Negative
Very frequent discussions	23 (36%)	3 (5%)	2 (4%)
Frequent discussions	27 (43%)	21 (34%)	8 (18%)
Occasional discussions	12 (19%)	22 (36%)	21 (47%)
No discussions	1 (2%)	15 (25%)	14 (31%)
TOTAL	63 (100%)	61 (100%)	45 (100%)

(p-value=0).

4.16.1 Role of the NRP and Residential Parent in Decision Making

About half of the respondents said that both the non-residential and residential parents were involved in decision making throughout the study and these findings did not change significantly in the three phases. This suggests that the early patterns of decision-making between the parents are likely to be maintained.

Table 39: Role of the Non-Residential Parent in Decision Making

Decision Making Pattern	Phase 1	Phase 2	Phase 3
Decision-making includes the non-residential parent	69 (41%)	82 (50%)	78 (47%)
Decision-making does not include the non-residential parent	100 (59%)	83 (50%)	88 (53%)
TOTAL	169 (100%)	165 (100%)	166 (100%)

An analysis of the association between the NRPs involvement in decision-making and his/her level of contact with children was also carried out. This analysis showed that there was an association between the frequency of NRP contact and their degree of involvement in decision making about the children. Those who had daily contact with their children were more likely to be involved in decision making. This was statistically significant in Phase 1 only (p-value=0.0084).

5.0 **SERVICE DELIVERY DATA**

This section of the Longitudinal Study Report provides details on the types of Family Justice services provided to respondents, the FJC assessment of the respondent's willingness to mediate and the use of legal and other related services by respondents.

5.1 **Source of Client Referrals to the Family Justice Centre**

Fifty-five percent of the Phase 3 respondents were referred through informal sources, that is, on recommendation from a friend or the other parent; seventeen percent of the parents were referred from specific legal services. There were comparatively few referrals from other government agencies, from Ministries or from specific types of community services such as women-serving agencies.

Table 40: Original Referral Source of Respondents

Original Referral Source	Number and Percentage
Informal Referral Sources	
Friend	36 (21%)
Other parent	27 (15%)
Self	24 (14%)
Phone book	4 (2%)
Family member	3 (2%)
Co-worker	1 (1%)
Family doctor	1 (1%)
Subtotal	96 (55%)
Legal Services/Resources	
Court	13 (7%)
Legal Services Society	9 (5%)
Web-based legal	5 (3%)
Lawyer	3 (2%)
Lawline	0 (0%)
Subtotal	30 (17%)
Government Agencies	
FMEP (Family Maintenance Enforcement Program)	2 (1%)
MCFD (Ministry of Children & Family Development)	1 (1%)
Enquiry BC	2 (1%)
Social worker (undefined)	1 (1%)
Subtotal	6 (3%)
Family Justice Referrals	
FJC contacted other parent	12 (7%)
PAS (Parenting After Separation)	11 (6%)
Subtotal	23 (13%)
Community Services	
Family counselling agency	12 (7%)
Single Parent Resource Centre	3 (2%)
Women-serving organizations	1 (1%)
Subtotal	16 (9%)
Other Sources of Referrals	
Other	2 (1%)
Pamphlet or brochure	1 (1%)
Can't recall	1 (1%)
Subtotal	4 (2%)
TOTAL (ALL)	175 (99%)

5.2 Initial Reasons Why Respondents Contacted a Family Justice Centre

Custody and access issues were the main reason a parent (case initiator) made first contact with a Family Justice Centre. Specific issues, rather than the need for broad information or to improve communication or parenting skills, drove the initial referrals. Data in Table 41 is reported by the case initiator.

Table 41: Initial Reasons Respondents Contacted a Family Justice Centre

Initial Reasons for Contacting a Family Justice Centre	Number and Percentage N=129
Required assistance with an access issue	99 (77%)
Required assistance with a custody issue	93 (72%)
Required assistance with a guardianship issue	85 (66%)
Required assistance with a child support issue	85 (66%)
Required information on legal rights of parents after separation	20 (16%)
Required assistance with a spousal support issue	3 (2%)
Required information on child or parent safety issues	3 (2%)
Required information/referrals to other organizations	2 (2%)
Required counselling (handling of parent responses to separation)	2 (2%)
Required counselling (e.g., ways to handle child responses to separation)	1 (1%)
Required information (improved strategies for communication)	1 (1%)
Needed specific provisions related to supervised access	1 (1%)
Required information about reconciliation	1 (1%)

5.3 Type of Dispute Resolution and Counselling Services Provided

All the respondents in the Longitudinal Study participated in dispute resolution at one of the twelve Family Justice Centres involved in the study. Three types of dispute resolution are offered by Family Justice Counsellors: mediation, shuttle mediation and a “hybrid” model. The type of dispute resolution provided was determined by a review of each respondent’s running record. The running record contains a narrative description of the services provided and their outcomes (agreement or no agreement). This analysis concluded that in Phase 1 just over half of the respondents were involved in mediation.

Table 42: Type of Dispute Resolution Provided in Phase 1

Type of Dispute Resolution Provided	Number and Percentage
Primarily mediation	96 (55%)
Primarily shuttle mediation	64 (37%)
Hybrid model (combination)	15 (9%)
TOTAL	175 (101%)

In addition to being involved in dispute resolution, most Family Justice Centre clients were also provided with general support, information and counselling (i.e. settlement readiness counselling). This counselling, support and information helps build the capacity of parents to understand and respond appropriately to the effects of separation and divorce on their children and on themselves.

Five types of general information and counselling provided at Family Justice Centres were identified with the assistance of staff in the Family Justice Services Division. The frequency with which these types of counselling was offered is described in Table 44.

Table 43: Number of Types of Settlement Readiness Counselling Provided to Respondents

Number and Types of Counselling Provided	Number and Percentage
None of the specific types of counselling provided	17 (10%)
One or two types of counselling were provided	49 (28%)
Three or four types of counselling were provided	42 (24%)
All five types of counselling were provided	67 (38%)
TOTAL	175 (100%)

Over 90% of the respondents received at least one type of counselling and support and almost 40% received all five types. Counselling, information and support related to the impact of separation and divorce on children was the most frequently provided type of counselling provided.

Table 44: Counselling Services Provided

	Type of Counselling Service Provided	Number and Percentage of Respondents who Received Counselling (N=175)
1	Counselling/support/information on the impact of separation and divorce on children	133 (76%)
2	Information/counselling/support on ways parents can improve communication with the other parent	126 (72%)
3	Counselling/support/information on the impact of separation and divorce on parents	107 (61%)
4	Discussions with/assistance to parents to help them resolve conflicts with the other parent when there are differences in values and approaches	106 (61%)
5	Information/counselling on specific ways of handling children's behavioural issues that are caused from separation and divorce	88 (55%)

5.4 Further Contact with the Family Justice Centre Services

Thirty-six percent of the respondents had further contact with a Family Justice Counsellor in Phase 2. At Phase 3, almost one out of four respondents re-contacted the FJC for services or information; 6% were engaged in further dispute resolution.

Table 45: Family Justice Centre Re-Contact Levels and Services Received

Services Received	Phase 1	Phase 2	Phase 3
Respondents who contacted the FJC	175 (100%)	63 (36%)	40 (23%)
Respondents provided with dispute resolution	175 (100%)	38 (22%)	11 (6%)

More detailed qualitative information was collected on the reasons why respondents re-contacted a Family Justice Centre for further assistance in Phases 2 and 3. While the proportion of those who required general information remained stable, there was less focus on reaching agreements in Phase 3 and more on requests for assistance on how to vary an existing agreement. A greater interest in agreement variations is an expected finding in terms of how agreements evolve in relation to the changing needs and characteristics of the family.

Table 46: Reasons Why Respondents Re-Contacted the Family Justice Centre

Reasons for Re-Contacting	Phase 2	Phase 3
To get general information, support or counselling	24 (38%)	16 (40%)
To resolve a dispute or attempt to reach an agreement	21 (33%)	6 (15%)
To vary or change an older agreement	9 (14%)	15 (37%)
To get assistance with understanding or completing legal documents	3 (5%)	0 (0%)
To attempt enforcement of an order	1 (2%)	0 (0%)
To sign an agreement	5 (8%)	2 (5%)
Other (new relationship issue)	0 (0%)	1 (2%)
TOTAL	63 (100%)	40 (99%)

5.5 Reasons Why Respondents with Family Justice Issues did not Re-Contact the Family Justice Centre for Services

Respondents who said they had had a family justice issue after Phase 1 but who had not re-contacted a Family Justice Centre were asked why they did not return for further assistance. Thirty-five respondents responded to this question.

Two main reasons were cited for not re-contacting the FJC for further assistance. Many respondents were involved in divorce proceedings or property division matters which Family Justice Counsellors are not mandated to address. Almost a third of the respondents cited a lack of cooperation from the other parent that made further dispute resolution or collaborative problem-solving impossible. Nine percent (3 respondents) were dissatisfied with the previous services they had received at the Family Justice Centre. These results suggest that, in most cases, the reasons why respondents engage with other family justice services are unrelated to the quality or types of services provided by the FJC.

Table 47: Reasons Why Phase 3 Respondents with Family Justice Problems had not Re-Contacted the Family Justice Centre

Reasons for Not Re-Contacting the FJC	Number and Percentage
Family issue involved divorce or property division	13 (37%)
Other parent uncooperative, refused to participate in dispute resolution process	11 (31%)
Dissatisfaction with previous FJSD services	3 (9%)
Had a (previous) court-ordered agreement	2 (6%)
On social assistance – FMP handled legal issue	2 (6%)
Preferred seeing a lawyer	1 (3%)
Wanted to resolve things ourselves	1 (3%)
FMEP took respondent to court	1 (3%)
Other issues (e.g. wills) involved	1 (3%)
TOTAL	35 (101%)

5.6 FJC Assessment of Respondent's Willingness and Capacity to Engage in Dispute Resolution

Respondents were assessed by Family Justice Counsellors within the first month of service contact in terms of their level of preparedness or motivation to engage in dispute resolution. The parents' level of acrimony or cooperation was also assessed. At the time these ratings were completed, it was usually not clear whether respondents would become engaged in dispute resolution.

At an early stage of service delivery FJCs rated almost 90% of the respondents and 83% of their partners as being moderately or highly willing to engage in dispute resolution.

Table 48: FJC Assessment of the Willingness and Capacity of Clients to be Involved in Dispute Resolution

Ratings by FJC*	Number of Respondents	Low Level of Willingness	Moderate Level of Willingness	High Level of Willingness	Average Rating
FJC Assessment of respondent in the study	163 (100%)	17 (10%)	47 (29%)	99 (61%)	5.63
FJC assessment of other parent	157 (100%)	27 (17%)	45 (29%)	85 (54%)	5.31

*Not all of the client's previous partners were involved in the Longitudinal Study. FJCs estimated the willingness of the ex-partner by discussions with the client.

FJCs were also asked to assess the level of parental cooperation that appeared to exist between the parents at the onset of service delivery. Seventy percent were considered to be moderately or highly cooperative.

Table 49: FJC Assessment of Parental Cooperation

Number of Respondents Rated	High Level of Acrimony	Moderately Cooperative	Highly Cooperative	Average Rating
158 (100%)	47 (30%)	65 (41%)	46 (29%)	4.47

5.7 Level and Type of Service Contacts

The level and type of respondent contact with Family Justice Counsellors was recorded by Family Justice Counsellors on the *Service Contact and Referral Form* in all phases of the study. Data on three types of service contact was collected: 1) telephone contacts that involved discussion or exchange of substantive

information between the respondent and the FJC; 2) participation in joint meetings (both parents meeting together with the FJC); and, 3) participation of respondents in individual office meetings with the FJC.

There was limited data on some of the *Service Contact and Referral Forms* suggesting that data presented in Table 50 may underestimate the total level of contact between respondents and the FJC.

The data analysis looked at the breakdown of types of contacts with the FJC in Phase 1 and the cumulative number of contacts with the FJC at the end of the study. In the first six months after initial service contact, almost 90% of the respondents in the study had at least one face to face meeting with the FJC. Sixty-six percent of the respondents had a joint meeting although most had only one.

Table 50: Level and Type of Respondent Contact with the Centre in Phase 1

Type of Contact	No Contact of this Type	Contact of this Type	Low Contact (1-3)	Medium Contact (4-7)	High Contact (8+)	Average
Telephone contact	19 (11%)	156 (89%)	107 (69%)	34 (22%)	15 (10%)	2.4
Individual face to face meeting	8 (5%)	167 (95%)	154 (92%)	13 (8%)	0 (0%)	1.8
Joint meeting	60 (34%)	115 (66%)	107 (93%)	8 (7%)	0 (0%)	1.8

When the type of respondent contact with the FJC *after* Phase 1 was examined, the greatest increase was in the level of telephone contact. Few respondents had individual or joint meetings with the FJC after Phase 1.

Table 51: Level and Type of Respondent Contact with the Centre (all phases)

Type of Contact	No Contact	Contact of this Type	Low Contact (1-3)	Medium Contact (4-7)	High Contact (8+)
Telephone contact	11 (6%)	164 (94%)	81 (49%)	54 (33%)	29 (18%)
Individual office visit	4 (2%)	171 (98%)	137 (80%)	34 (20%)	0 (0%)
Joint meeting	59 (34%)	116 (66%)	102 (88%)	13 (11%)	1 (1%)

When all types of service contact were combined (telephone calls, individual and joint meetings) for all phases, the results indicated that the majority of clients had a moderate level (4 – 7 contacts).

Table 52: Total Number of Client Contacts with the Family Justice Counsellor: All Phases

Level of Contact with the FJC	Number and Percentage
Low level of contact (1-3)	38 (22%)
Medium level of contact (4-7)	98 (56%)
High level of contact (8-12)	28 (16%)
Very high level of contact (13 or more)	11 (6%)
TOTAL	175 (100%)

5.8 Referrals Provided to Respondents

The referral of respondents to legal or community-based organizations is a frequent component of the services offered by Family Justice Counsellors. Information on the volume and type of referrals made to respondents was recorded by the Family Justice Counsellor on the *Service Contact and Referral Form*. Only formal referrals, (where the respondent was provided with the specific name of a service organization, contact information and the reasons for the referral) were recorded.

The numbers and types of referrals were not independently verified and no data exists on whether respondents followed up on the referrals.

Seventy-five percent (131/175) of the respondents were recorded as receiving at least one referral from the Family Justice Counsellor. The average number of referrals was 3.7 per respondent, 14% (24/175) received 6 or more referrals. The majority of referrals were made in Phase 1.

The types of referrals provided to respondents (all phases) are described in Table 53. The highest number of referrals was made to the Parenting After Separation program (PAS). Over half of the respondents were recorded as having received this referral.

Table 53: Breakdown of Referrals Provided by Respondents

Types of Referrals	Number of Respondents Receiving a Referral (N=175)
Legal Resources & Services	
Court	30 (17%)
Private mediation	13 (7%)
Private lawyer	36 (21%)
Legal Services Society	33 (19%)
Salvation Army Pro Bono	13 (7%)
Probation	1 (1%)
Police	2 (1%)
Advice lawyer	40 (23%)
Family Law website	23 (13%)
Children's website	20 (11%)
Lawline	19 (11%)
General Legal Services website	13 (7%)
Lawyer Referral Service	8 (5%)
BC Mediation Roster	5 (3%)
Free legal drop in clinic	3 (2%)
Family Justice Centre website	3 (2%)
Parent/teen counselling support service	2 (1%)
Duty Counsel	2 (1%)
Native caseworker	1 (1%)
Victim services	1 (1%)
Family Mediation Practicum Project	1 (1%)
Paternity/DNA testing	1 (1%)
Counselling & Support Services	
Parenting After Separation Program (PAS)	92 (53%)
Counselling services for adults	30 (17%)
Counselling services for children	17 (10%)
Other parent education program	7 (4%)
Family Service agencies	6 (3%)
Alcohol & Drug counselling	5 (3%)
Women's services	3 (2%)
Circle of Friends Program	3 (2%)
Friendship Centre	1 (1%)
Stepparents Association	1 (1%)
Program for Separated Parents	1 (1%)
Positive Parents Program	1 (1%)
Community and Government Agencies	
Family Maintenance Enforcement Program (FMEP)	9 (5%)
Transition House(s)	5 (3%)
Ministry of Children & Family Development	3 (2%)

Types of Referrals	Number of Respondents Receiving a Referral (N=175)
Mental Health Services	3 (2%)
Ministry of Human Resources	3 (2%)
FMEP Outreach	2 (1%)
Family Maintenance Program (FMP)	2 (1%)
Other	
Personal resource materials (e.g., books)	11 (6%)
Access Supervision Program	2 (1%)
Health care provider	2 (1%)
Vital Statistics	1 (1%)
Revenue Canada	1 (1%)

Most of the referrals occurred in the first few months after initial service contact. Nine respondents who re-contacted the centre in Phase 2 and five in Phase 3 received referrals.

5.9 Court Visits Made by Respondents

Respondents were asked whether and how frequently they had made a court visit at any of the phases. Data on the purpose of these visits was collected in Phases 2 and 3 when a supplementary question was added to the questionnaire.

About 20% of the respondents said that they had visited court in each phase of the study. Although fewer respondents visited court in Phase 2 than in phases 1 or 3, these changes were not statistically significant.

Table 54: Number of Court Visits

Number of Court Visits	Phase 1	Phase 2	Phase 3
No visits	146 (83%)	133 (76%)	141 (81%)
One visit	10 (6%)	22 (13%)	18 (10%)
Two visits	7 (4%)	7 (4%)	5 (3%)
Three or more visits	12 (7%)	13 (7%)	11 (6%)
TOTAL	175 (100%)	175 (100%)	175 (100%)

The main reason why respondents visited court was for a court appearance. More detail on the reasons for, or the contact of these visits, was not explored in the study.

Table 55: Reasons Respondents Made a Court Visit

Reason for Making a Court Visit*	Phase 2 (N=42)	Phase 3 (N=34)
For a court appearance	29 (69%)	26 (76%)
To get general information or speak with court clerk or court registry staff	8 (19%)	1 (3%)
To pick up forms/documents	10 (24%)	6 (18%)
To attend a judicial case hearing	0 (0%)	1 (3%)
Other	1 (2%)	0 (0%)

*Some respondents cited multiple reasons for making a court visit.

5.10 Use of Legal Services and Private Lawyers

Over a quarter of the respondents contacted a lawyer prior to contacting a Family Justice Counsellor. Contact with lawyers decreased in Phase 1 at the time when respondents first contacted the Family Justice Centre but rose in Phase 2. Changes in contact patterns were statistically significant between Phases 1 to 2 and Phases 2 to 3.

Table 56: Respondent Consultation with Lawyers

Did Respondent Consult a Lawyer?	Prior to First Contact with an FJC	At Phase 1	At Phase 2	At Phase 3
Yes	47 (27%)	34 (19%)	61 (35%)	35 (20%)
No	128 (73%)	139 (79%)	114 (65%)	140 (80%)
No data	0 (0%)	2 (1%)	0 (0%)	0 (0%)
TOTAL	175 (100%)	175 (99%)	175 (100%)	175 (100%)

(Phases 1-2, p-value=0.001; Phase 2-3, p-value=0.002).

Private lawyers appeared to be more frequently consulted than Legal Service lawyers in all phases of the study, although there was an increase in the use of Legal Services lawyers at Phase 2. Changes in the pattern of use of lawyers was statistically significant between Phases 1 and 2, but not between the other phases.

Table 57: Type of Lawyers Consulted

Type of Lawyer	Prior to First Contact with an FJC	Phase 1	Phase 2	Phase 3
Private lawyer	41 (87%)	30 (88%)	39 (64%)	28 (80%)
Legal Services lawyer	6 (13%)	4 (12%)	18 (29%)	5 (14%)
FMP lawyer	0 (0%)	0 (0%)	0 (0%)	2 (6%)
Don't know	0 (0%)	0 (0%)	4 (7%)	0 (0%)
TOTAL	47 (100%)	34 (100%)	61 (100%)	35 (100%)

(Phases 1 – 2, p-value=0.0420).

5.11 Respondent Participation in Dispute Resolution not Provided by a Family Justice Counsellor

Five percent (9/175) of the respondents had participated in other types of mediation (not provided by a Family Justice Counsellor) prior to their first contact with the Family Justice Centre. Only one respondent participated in another type of dispute resolution in Phase 1; four were involved in Phase 2 and five in Phase 3. Phase 1 and 2 mediation was described as being provided by a “mediation counsellor.” In Phase 3, four out of five respondents said that the judge had implemented mediation at a mediated case conference.

6.0 AGREEMENT HISTORY OF RESPONDENTS AND VARIABLES ASSOCIATED WITH AGREEMENT STATUS

Section 6.0 describes the agreement status of respondents at all phases of the Longitudinal Study and case and client variables that appear to be associated with agreement status. Information on agreement status was self reported by respondents. In some cases results were cross verified by reference to the respondent's running record.

Information was also collected from respondents on whether their agreements were formal or informal. An informal agreement is a verbal or written statement defining the details of an agreement but which does not have legal authority. A formal agreement is an agreement that is filed in Provincial Court as a Consent Order or with the court registry under the Family Relations Act (Section 121). Sometimes respondents had difficulty identifying the exact nature of their agreements or whether their agreements were legally binding.

Agreements are by nature complex because they frequently deal with more than one family justice issue. Additionally, in families with multiple children of differing ages, components of agreement may vary. Families may also have informal or verbal agreements that run parallel to existing agreements. As circumstances of parents and children change over time agreements may be informally or formally varied.

6.1 History and Status of Agreements

6.1.1 History of Agreements Prior to First Service Contact

Thirty-nine percent (68/175) of the respondents said that they had agreements governing a family justice matter prior to their first contact with a Family Justice Centre. Of these, 49% (33/68) described their agreements as formal and 51% (35/68) as informal. In terms of the formal agreements, 67% (22/33) of respondents described their agreement as a Provincial Court agreement and 21% (7/33) as an agreement at the Supreme Court level: (12%) had a formal agreement but were unsure of the court level.

Whether or not a respondent had a previous agreement was strongly associated with the length of time respondents had been separated prior to first contact with the FJC. The longer parents had been separated the more likely they were to have had a previous agreement and this association was statistically significant (p-value=0).

6.1.2 Agreement Status of Respondents: Phase 1

Sixty-four percent of the respondents in Phase 1 were able to reach an agreement on an outstanding family justice matter with the help of a Family Justice Counsellor. Only 23% of the respondents reported not being able to reach an agreement.

Of the agreements made in Phase 1, almost half were formal agreements. Of the formal agreements, 79% (68/86) were described as Family Relations Act Section 21 Agreements and 20% (17/86) were described as Consent Orders (1 respondent provided no data).

Table 58: Agreement Status: Phase 1

Agreement Status	Number and Percentage of Respondents
The development of an agreement is under way	18 (10%)
Informal agreement	26 (15%)
Formal agreement	86 (49%)
No agreement reached	41 (23%)
Agreement not required	4 (2%)
TOTAL	175 (99%)

6.1.3 Agreement Status: Phase 2

By the end of Phase 2 the number of respondents who described themselves as having an agreement had increased to 83%. Only 17% had no agreement because it had expired, broken down or had never been achieved. Of the 47 new agreements made in Phase 2, 40% (19/47) were court-ordered, 34% (16/47), were formal, and 26% (12/47) were informal.

Table 59: Agreement Status: Phase 2

Agreement Status	Number and Percentage
Agreement made in previous phase continues	99 (57%)
New agreement (this phase)	47 (27%)
Agreement development is underway	0 (0%)
Agreement breakdown	5 (3%)
Agreement Expired	8 (5%)
No Agreement (ever)	16 (9%)
TOTAL	175 (101%)

Fifty-three percent of the Phase 2 agreements addressed all the major issues of child support, custody, access and guardianship. Access was involved in 91% of the agreements.

By Phase 2, services and resources other than the Family Justice Centre were becoming involved in helping respondents achieve agreements. Private lawyers assisted with the development of a third of the new agreements at this phase.

Table 60: Description of Those Who Assisted with New Phase 2 Agreements

Description of Those who Assisted	Number and Percentage (N=47)
Family Justice counsellor	17 (36%)
Private lawyer	15 (32%)
Legal Aid lawyer or Duty Counsel	3 (6%)
Respondents developed agreement by themselves	7 (15%)
Judge/Court	11 (23%)

*In some cases several types of assistance were used.

For those respondents with continuing or new agreements in Phase 2, over one third (34% or 50/146) attempted to vary their agreements in this phase. Child support was the issue most frequently addressed in these variations. Family Justice Counsellors assisted in some way with 38% (19/50) of the variations.

The attempt to vary the agreement was successful in 60% (30/50) of the cases, in 24% (12/50) of the cases the attempt to vary was still underway and in 16% (8/50) respondents reported that the attempt to vary the order had not been successful.

6.1.4 Third Phase Agreement Status

In the third phase of the study there was a further increase in the proportion of respondents who had agreements; with 15% of the respondents saying that they had developed a new agreement in this phase. At Phase 3, 90% of the respondents said that they had an existing agreement; only 3% of the respondents said they had never had an agreement. Of the 157 agreements in place in Phase 3, 90% (141/157) were described as formal agreements and 10% (16/157) were informal agreements.

Among the formal agreements, 65% (92/141) were Section 121 written agreements and 23% (33/141) were court orders (excluding consent orders). Six percent (9/141) were Section 10 Consent Orders and 5% (7/141) were agreements related to divorce. Eighty one percent (13/16) of the informal agreements were described as verbal agreements.

Table 61: Agreement Status: Phase 3

Phase 3 Agreement Status	Number and Percentage
Agreement made in previous phases continues	146 (83%)
New agreement (this phase)	11 (6%)
Agreement development is underway	2 (1%)
Agreement break down	2 (1%)
Agreement expired*	9 (5%)
No agreement (ever)	5 (3%)
TOTAL	175 (99%)

* In one case the other parent was deceased, in four cases the parents had reconciled and in another four cases the children involved had reached the age of nineteen.

Among those with agreements in Phase 3, 32% (50/157) attempted to vary their agreements. This was close to the same level of attempt at variation as in Phase 2. A change in child support, due to changes in the financial circumstances of the payor, was the most common reason for an attempt to vary the order and involved a third of the respondents (34% or 17/50).

Thirty-eight percent (19/50) of the variations were handled by an FJC, 30% (15/50) were handled by a private lawyer, 4% (2/50) by a Legal Services lawyer, 14% (7/50) of the respondents said that they varied the terms of their agreement themselves and 14% (7/50) said the variation was handled solely through the courts.

Sixty-four percent (32/50) of the attempts to vary the order were described as being successful, 12% (6/50) were not and 24% (12/50) of the attempts were still underway.

6.1.5 Agreement Status: Summary of All Phases

Table 62 indicates that over the three phases of the study there was an increasing level of agreement development and this trend was statistically significant.

Table 62: Agreement Status: All Phases

Agreement Status of Respondents	Phase 1	Phase 2	Phase 3
Agreement	112 (64%)	146 (83%)	157 (90%)
No agreement	59 (34%)	21 (12%)	9 (5%)
N/A (agreement not required)	4 (2%)	8 (5%)	9 (5%)
TOTAL	175 (100%)	175 (100%)	175 (100%)

(Phases 1-2, p-value=0; Phase 2-3, p-value=0.023; Phase 1-3, p-value=0).
N/A data not included in the calculation.

6.1.6 Other Sources of Assistance Used by Respondents to Reach an Agreement

In Phases 2 and 3 the increase in the level of agreements was frequently associated with the assistance received from other services and resources. Of the 47 respondents with new agreements at Phase 2, 36% (17/47) were assisted by the FJC, and at Phase 3, 18% (2/11) of the new agreements were assisted by an FJC.

A follow-up question in Phase 3 asked respondents to identify the *main* sources of assistance used to develop any agreement in place at Phase 3. These results indicate that, even if respondents had used other services, the vast majority (77%) said that their current agreements had been solely or partially developed with the assistance of a Family Justice Counsellor, while only 23% had been developed primarily with the help of other services, personnel or by respondents themselves.

Table 63: Source of Assistance for all Agreements in Place in Phase 3

Sources of Assistance	Number and Percentage
Solely assisted by FJC	92 (59%)
Mix of FJC and court assisted	12 (7%)
Mix of lawyer, court and FJC assisted	6 (4%)
Mix of FJC and lawyer assisted	10 (6%)
Mix of FJC and legal service assisted	1 (1%)
Number and Percentage of Parents Assisted by the FJC	121 (77%)
Lawyer assisted	14 (9%)
Court (judge) assisted	8 (5%)
Lawyer and court (judge) assisted	10 (6%)
Parents developed agreement themselves	4 (2%)
Number and Percentage of Agreements Assisted by Other Services and Resources	36 (23%)
TOTAL	157 (100%)

6.2 Client, Case and Service Variables Associated with Agreement Status

6.2.1 Overview

This section examines the association between client, case and service variables and the agreement status of respondents. The objective of this analysis was to determine which variables are associated with the successful development of an agreement.

The high rate of agreement in Phase 3 made it difficult to establish associations between specific variables and non-agreement. For this reason the focus of this analysis was on Phase 1 and 2 results.

6.2.2 Agreement Status and Client and Family Characteristics

No respondent demographic characteristics such as age, gender, level of income and education, length of relationship or number of relocations were associated with the agreement status of respondents at any

phase. There was no association between the agreement status of respondents and whether or not they had an agreement before contacting the Family Justice Centre.

The number of significant family problems reported by respondents (e.g. spousal abuse, drug/alcohol, child safety or mental health) was associated with agreement status in Phase 1. If a respondent was in a family with two or more family issues, they were less likely to have reached an agreement in Phase 1 than those who had no or only one issue. There was no statistical association between the number of family issues and agreement status in Phases 2 or 3.

Table 64: Number of Family Issues and Agreement Status: Phase 1

Number of Family Issues	No Agreement	Agreement
No or only one family issue	15 (25%)	46 (41%)
Two or more family issues	44 (75%)	66 (59%)
TOTAL	59 (100%)	112 (100%)

(p-value=0.042).

The type of family issue was not associated with whether or not respondents reached an agreement in any phase. Families who had undergone an investigation into the safety of one or more of their children were less likely to reach an agreement in Phase 1, but this association was not statistically significant.

6.2.3 Agreement Status and Type of Dispute Resolution Provided

Family Justice Counsellors provide three types of dispute resolution services: mediation, shuttle mediation and a “hybrid” model. Mediation was the only type of dispute resolution statistically associated with agreement development. This association existed only in Phase 2, but was strongly significant (p=0.0074). These results suggest that mediation may be better than shuttle mediation or the hybrid model in terms of achieving agreements. However, because the findings were not statistically significant in Phases 1 or 3, these results are not cumulative.

6.2.4 Agreement Status and Level of Service Contact

The more individual office visits made by respondents with the Family Justice Counsellor, the more likely they were to have reached an agreement. This was statistically significant in Phases 1 and 2. Phase 1 results, illustrated in Table 65, show that 82% of the respondents who had three or more individual visits reached an agreement compared to only 54% who had one visit.

Table 65: Number of Individual Office Visits and Agreement Status: Phase 1

Number of Individual Office Visits	No Agreement	Agreement	TOTAL
One visit	38 (46%)	45 (54%)	83 (100%)
Two visits	13 (28%)	33 (72%)	46 (100%)
Three or more visits	6 (18%)	28 (82%)	34 (100%)

(p-value=0.008).

Whether or not respondents had a joint visit with the FJC and the total number of service contacts with the FJC (of any type), were not associated with agreement status. These results suggest that it is not the frequency but the *type* of service contact that helps respondents achieve agreements. The most important type of service contact appears to be individual (not joint) meetings with the FJC. These meetings may be most helpful because they focus on individual support, skill-building and empowerment.

6.2.5 Agreement Status and Type of Issue Under Dispute

There was no specific area of dispute which appeared to be statistically associated with agreement status at any phase of the study, although custody issues were more likely to end in an agreement (this was not statistically significant).

6.2.6 Agreement Status and Parental Acrimony and Conflict

The degree to which parents assessed their relationship as being cordial was associated with the development of a formal agreement in Phase 1 and any type of agreement in Phase 2. The results suggest that if parents feel that their relationship with the other parent is not generally problematic then they are more likely to have reached an agreement. Phase 2 results are presented in the table following.

Table 66: Agreement Status and Parental Perceptions of their Relationship

Parental Perception of Relationship	No Agreement	Agreement
Highly or moderately cordial and friendly	2 (10%)	47 (32%)
Neutral	7 (35%)	55 (38%)
Somewhat or very negative/not cordial or friendly	11 (55%)	44 (30%)
TOTAL	20 (100%)	146 (100%)

(Fisher's Exact test p-value=0.0478).

The frequency of conflict reported by respondents was not statistically associated with agreement status at any phase.

Family Justice Counsellors assessed respondents at service entry point in terms of their degree of cooperation and their potential to engage effectively in dispute resolution. There was a strong statistical association ($p=0.0027$) at Phase 1 and Phase 2 ($p=0.014$) between the initial assessment by the FJC and the degree to which respondents were able to reach an agreement. These findings suggest that the assessment of Family Justice Counsellors, even at the early stage of service delivery, is strongly predictive in terms of assessing the likelihood of respondents being able to reach agreement on a family justice issue. The table also suggests that among the forty-four clients who were assessed as having a poor ability to cooperate, 50% (22/44) were still able to achieve an agreement in Phase 1.

Table 67: Family Justice Counsellor's Assessment of the Cooperative Capacity of Parents: Phase 1

FJC Assessment of Parent's Level of Cooperation	No Agreement	Agreement
Poor ability to cooperate	22 (45%)	22 (23%)
Moderate ability to cooperate	22 (45%)	42 (44%)
Strong ability to cooperate	5 (10%)	31 (33%)
TOTAL	49 (100%)	95 (100%)

(Fisher's Exact test p-value=0.0027).

6.2.7 Agreement Status and Non-Residential Parent Contact with Children

There was no association with the level of the NRP's reported face-to-face contact with children and agreement status at any phase.

6.2.8 Respondent Satisfaction with the Process of Dispute Resolution and Agreement Status

In general, respondents were highly satisfied with the conduct of dispute resolution and this was associated with agreement development in Phase 1 ($p=0.008$) and Phase 2 ($p=0.0041$). Phase 1 results are presented in Table 68 below.

Table 68: Client Satisfaction with the Process of Dispute Resolution and Agreement Status: Phase 1

Level of Satisfaction with How Dispute Resolution was Conducted	No Agreement	Agreement
Low satisfaction	11 (19%)	7 (6%)
Moderate satisfaction	13 (22%)	15 (13%)
High satisfaction	35 (59%)	90 (80%)
TOTAL	59 (100%)	112 (99%)

($p\text{-value}=0.008$).

Ratings for most of the specific elements of the dispute resolution process were associated with agreement development. The elements that were associated with agreement development in both Phase 1 and 2 were:

- If the FJC clarified the most important issue in the dispute resolution;
- If the respondent felt that they had as much control over what was discussed in the mediation as the other parent;
- If the mediator was perceived as neutral and as not taking sides;
- If the mediation gave the respondents a safe and non-judgmental place in which to express their concerns;
- If the respondents felt that their feelings and concerns were understood by the mediator;
- If the mediation was perceived as fair.

The degree to which respondents felt rushed or pressured to come to an agreement was not associated with agreement status at any phase.

Respondents feeling that the mediation addressed their most important concerns was associated with agreement status in Phase 1 but not in Phase 2.

6.2.9 Agreement Status and Client Satisfaction with the Outcomes of Dispute Resolution

If parents were generally satisfied in Phases 1 and 2 with what they had achieved by being involved in dispute resolution (other than reaching an agreement), they were more likely to reach an agreement and this association was statistically significant. However, there was variability in terms of specific outcome elements and agreement status in the three phases.

In Phases 1 and 2, the following specific outcome elements were statistically associated with agreement development. Most of these elements were related to improvements in parental communication and problem-solving skills. Respondents were more likely to have reached an agreement if:

- Mediation had increased the respondent's options for handling family disputes;
- Respondents felt their communication skills with the other parent had improved;
- Respondents felt their communication with the other parent had improved;
- Dispute resolution had improved ways of resolving differences between the parents;
- Respondents felt mediation had settled some of the respondent's family-related problems.

Respondents feeling that they had achieved a better understanding of the impact of separation and divorce and conflict on children was not associated with agreement development at Phase 1 or 2. Having an improved understanding of legal and family parenting resources was associated with agreement development in Phase 2, but not in Phase 1.

Respondents feeling they and their children were better off after participating in dispute resolution was strongly associated with agreement development in Phases 1 and 2.

7.0 RESPONDENT OBSERVANCE OF AGREEMENT TERMS AND VARIABLES ASSOCIATED WITH OBSERVANCE

7.1 Level of Respondent Observance of Agreement Terms

Respondents assessed the degree to which they had observed the terms of their agreements at all three phases of the study. The degree to which respondents were observing the terms of their agreements was assessed by the parents themselves and could not be independently verified.

There was a high and statistically significant level of observance of agreement terms (80% - 90%) at each of the three phases. Phase 2 showed the lowest level of observance of agreement terms and Phase 3 the highest.

Table 69: Observance of Agreement Terms: All Phases

Observance of Agreement	Phase 1	Phase 2	Phase 3
Terms of agreement followed completely	65 (58%)	56 (37%)	60 (38%)
Terms of agreement followed in most areas	28 (25%)	64 (42%)	83 (52%)
Agreement terms not followed by one or both parents	19 (17%)	31 (20%)	16 (10%)
TOTAL	112 (100%)	151 (99%)	159 (100%)

(Phase 1-2, p-value=0.002; Phase 2-3, p-value=0.028; Phase 1-3, p-value=0).

Because of changes in the status of client agreements in each phase, another way of examining the degree to which the terms of the agreements had been observed was used in Phase 3. This looked at whether respondents with an agreement in *any* phase had experienced one or more agreement breakdowns.

This analysis showed a higher level of agreement breakdown (24%) when all phases were considered rather than the status of agreements at each phase.⁵ This data, illustrated in the following table, was used as the major variable against which to measure associations between other case, client and service characteristics.

Table 70 illustrates that almost all of the respondents achieved one form of agreement, and that most maintained the terms of their agreements within the 3 1/2 years after initial service contact.

⁵ Although there was a gradual increase in the level of respondents with agreements in the study, the history of specific agreements could not be tracked. Some agreement problems were addressed through variations, through the development of new agreements, or some may have broken down permanently. The status of agreements is described in each phase but the exact changes by case is not.

Table 70: Cumulative Data on the Level of Observance of Agreement Terms: All Phases

Level of Observance	Number and Percentage
Respondent had one or more agreements (at any phase) and experienced no agreement breakdown	118 (67%)
Respondent had one or more agreements (at any phase) with at least one agreement breakdown	42 (24%)
Agreement expired	8 (5%)
No agreement developed (at any phase)	7 (4%)
TOTAL	175 (100%)

7.2 Variables Associated with Client Observance of Agreement Terms

7.2.1 Overview

The degree to which respondents observed their agreement terms was measured in relation to client, case and service variables in all phases of the study. The objective was to determine if any variables could be associated with the observation of agreement terms.

In Phases 1 and 2 the level of observance of agreement terms were looked at in relation to the agreements respondents had in each of these phases. In Phase 3 a cumulative measure was used that looked at whether or not any agreement, at any phase, had broken down. This cumulative measure was another indicator of agreement stability over the three phases of the research.

7.2.2 Observance of Agreement Terms and Client Characteristics

Respondent demographic characteristics such as age, income, education, number of children in the household, type and length of previous relationships and time since separation, were not associated with the level of observance of the agreement terms. There was also no association between the observation of agreement terms and the number of respondent relocations.

No relationship between the number of family issues and observance of agreement terms existed in Phase 1 or in Phase 2. In Phase 3 there was a relationship between the number of family issues and the likelihood that an agreement had been observed. If a family had two or more issues identified it was more likely that they had experienced at least one agreement breakdown. The statistical significance was "suggestive" at .05. The type of family issue involved was not associated with agreement observance, suggesting that the number or "weight" of family issues has more impact on agreement observance.

Table 71: Number of Family Issues and Level of Observance of Agreement Terms: Phase 3

Number of Family Issues	No Breakdown of Agreement	At Least One Agreement Breakdown
0 – 1 family issues	35 (30%)	6 (14%)
2 or more family issues	83 (70%)	36 (86%)
TOTAL	118 (100%)	42 (100%)

(p-variable=0.05).

There was no association between the age of the parent at the birth of their first child and their observance of agreement terms at any phase.

There was a statistically significant correlation between the observation of agreement terms and the number of previous common-law relationships or marriages respondents had been involved in. At Phase 3, respondents who reported that they had had two or more long-term (common-law or marital) relationships were far more likely to have experienced at least one agreement breakdown during the three phases of the study. The study indicates an association between the number of respondent's previous relationships and agreement stability but the factors involved in this association were not examined.

Table 72: Observance of Agreement Terms and Number of Previous Common-Law Relationships or Marriages

Number of Marriages or Common-Law Relationships	No Breakdown of Agreement	At Least One Agreement Breakdown
No long term relationships	5 (4%)	1 (2%)
One relationship	69 (58%)	15 (36%)
Two relationships	32 (27%)	21 (50%)
Three or four relationships	12 (10%)	5 (12%)
TOTAL	118 (99%)	42 (100%)

(Fisher's Exact Test p-value=0.03677).

There was also an association between the observance of agreement terms and whether the respondent had entered into a new marriage or longer-term relationship in the study period. Phase 3 results suggest that those who had been involved in a new marriage or common-law relationship during the study period were less likely to observe the terms of their agreement. This association was statistically significant.

Table 73: Observance of Agreement Terms and Involvement of Respondent in New Marriage or Common-Law Relationship

Involvement in New Relationship	No Breakdown of Agreement	At Least One Breakdown	TOTAL
Yes	25 (60%)	17 (40%)	42 (100%)
No	93 (79%)	25 (21%)	118 (100%)

(p-value=0.015).

There was no association between the level of observance of agreement terms and whether or not respondents had a previous agreement relating to a family justice issue before receiving services at a Family Justice Centre.

7.2.3 Observance of Agreement Terms and Level and Timing of Service Contact

In Phases 1 and 2, the level of individual respondent meetings with the FJC was not associated with observance of agreement terms. In Phase 3, however, cumulative data indicated that respondents who had had more individual visits were more likely to have had an agreement breakdown during the study. This association was not statistically significant.

There was no statistical association between the level of observance of agreement terms and whether or not respondents had a joint parent meeting with the FJC or the number of joint meetings.

There was no association between the total number of contacts respondents had with the FJC and observance of agreement terms among those who had agreements in Phase 1 and 2. Phase 3 aggregated data suggests that respondents who had higher levels of contact appeared to have an increased level of agreement breakdown, although this association was not statistically significant. These results suggest that respondents receiving an increased level of service contact may have the most problematic cases and therefore require or want more contact with a Family Justice Counsellor.

Table 74: Observance of Agreement Terms and Level of Service Contact

Level of Contact with FJC	No Breakdown of Agreement	At Least One Breakdown of Agreement
1 – 3 contacts	16 (13%)	2 (5%)
4 – 7 contacts	62 (52%)	18 (43%)
8+ contacts	40 (34%)	22 (52%)
TOTAL	118 (99%)	42 (100%)

(p-value=0.0733), no significant association.

The point at which respondents had contact with the FJC was associated with agreement observance. Results indicate that those with contact in all three phases of the study had a higher frequency of agreement breakdown. This again may indicate that more problematic cases require more service contact and involvement from the FJC. In other words, a high level of service need may indicate a problematic case with more potential for agreement breakdown.

Table 75: Observance of Agreement Terms and Time of Service Contact

Time of Service Contact	No Breakdown of Agreement	At Least One Agreement Breakdown	TOTAL
Contact in Phase 1 only	66 (79%)	18 (21%)	84 (100%)
Contact in Phases 1 and 2	30 (83%)	6 (17%)	36 (100%)
Contact in Phases 1 and 3	11 (73%)	4 (27%)	15 (100%)
Contact in all phases	11 (44%)	14 (56%)	25 (100%)

(Fisher's Exact p-value=0.0044).

7.2.4 Observance of Agreement Terms and Type of Dispute Resolution Provided

There was no association between the type of dispute resolution provided to respondents and observance of agreement terms in Phases 1, 2 and 3.

7.2.5 Observance of Agreement Terms and Other Service Data

Although FJCs were able to predict the level of parental cooperation leading to a higher level of agreements, these predictors were not associated with whether respondents observed their agreement terms at any phase.

The number of referrals provided to respondents was also not associated with the respondent observance of their agreement terms, nor was whether respondents received counselling or information related to the impact of separation and divorce on themselves or their children.

7.2.6 Observance of Agreement Terms, Parental Acceptance of Separation and Frequency of Parent Conflict

The degree to which respondents accepted their separation or divorce was not associated with the observance of agreement terms in Phase 1 and 2 but was statistically significant in Phase 3, when data on observance for the three phases was aggregated. These results indicate that respondents who had generally or completely accepted the divorce/separation at Phase 3 were more likely to have experienced no agreement breakdowns. This table should be interpreted with caution because of the high level of respondent acceptance in Phase 3.

Table 76: Observance of Agreement Terms and Parental Acceptance of Separation and Divorce: Phase 3

Level of Parental Acceptance of Divorce/Separation	No Breakdown of Agreement	At Least One Agreement Breakdown
Complete acceptance of the separation or divorce	110 (93%)	38 (93%)
General acceptance of the separation or divorce	6 (5%)	0 (0%)
Incomplete acceptance of the separation or divorce	1 (1%)	3 (7%)
Poor acceptance of the separation or divorce	1 (1%)	0 (0%)
TOTAL	118 (100%)	41 (100%)

(Fisher's Exact Test p-value=0.0461).

Respondents who described their relationship as cordial in Phase 3 were more likely to have observed their agreement terms and this association was statistically significant. There was no statistical association between level of cordiality and observance of agreement terms in Phases 1 and 2.

Table 77: Observation of Agreement Terms and Cordiality of Parent’s Relationship

Description of Relationship	No Breakdown of Agreement	At Least One Agreement Breakdown
Cordial relationship	52 (44%)	6 (15%)
Neutral relationship	42 (36%)	15 (37%)
Negative relationship	24 (20%)	20 (49%)
TOTAL	118 (100%)	41 (101%)

(p-value=0).

There was no statistical association between the frequency of conflict between parents and their observance of agreement terms in Phases 1 and 2. Parents who had more frequent conflict in Phase 3 were more likely to have had at least one agreement breakdown. This result was “suggestive” in terms of statistical significance.

Table 78: Observance of Agreement Terms and Level of Parent Conflict

Level of Conflict	No Breakdown of Agreement	At Least One Agreement Breakdown
No conflict	37 (34%)	5 (16%)
Occasional conflict	56 (51%)	17 (53%)
Frequent conflict	11 (10%)	6 (19%)
Conflict every time there is contact	5 (5%)	4 (13%)
TOTAL	109 (100%)	32 (101%)

(p-value=0.0627), not statistically significant at .05.

7.2.7 Observance of Agreement Terms and Level of NRP Contact

There was no association between the non-residential parent’s (NRP) reported level of contact with his/her children in Phase 1 and the observance of agreement terms, but there was a statistically significant association between contact levels and observance in Phase 2 (p-value=0.04) and Phase 3 (p-value=0.0127). Phase 3 aggregated results show that NRPs who reported that they had regular face-to-face contact with their children were far more likely *not* to have experienced an agreement breakdown during the study.

Table 79: Compliance with Agreement Terms and NRP Level of Face to Face Contact with Children: Phase 3

Level of Contact of NRP	No Breakdown of Agreement	At Least One Agreement Breakdown
Daily contact	2 (9%)	0 (0%)
Weekly contact	18 (82%)	6 (50%)
Monthly contact	2 (9%)	2 (17%)
Very rare or no contact	0 (0%)	4 (33%)
TOTAL	22 (100%)	12 (100%)

(Fisher's Exact Test p-value=0.0127).

When residential parents were asked about NRP contact levels, access that appeared to be stable was most likely to be associated with observance of agreement terms. There was no statistical association between the perceived level of NRP contact and the observance of agreement terms in Phase 1 but there was a statistically significant association in Phases 2 (0.002) and 3 (0.0019). These results suggest that NRPs who are perceived to have stable personal contact with their children are likely to have observed their agreement terms.

Table 80: Observance of Agreement Terms and Residential Parent's View of NRP Contact with Children (Phase 3 cumulative data)

Level of Contact	No Breakdown of Agreement	At Least One Agreement Breakdown
Contact levels have become more frequent	5 (8%)	4 (16%)
Contact levels have remained the same	43 (72%)	9 (36%)
Contact levels have decreased	9 (15%)	4 (16%)
No contact	3 (5%)	8 (32%)
TOTAL	60 (100%)	25 (100%)

(Fisher's Exact Test p-value=0.0019).

7.2.8 Observance of Agreement Terms and Respondent Assessment of the Process of Dispute Resolution

The satisfaction of clients with specific elements of the conduct and process of dispute resolution was rated at Phase 1 only, but were re-applied to the Phase 2 and 3 results (client outcomes at each phase).

The overall level of satisfaction respondents had with the process or delivery of dispute resolution was statistically associated with the observance of agreement terms in all phases (Phase 1, $p=0.0044$; Phase 2, $p=0.0438$; Phase 3, $p=0.001$). These results strongly suggest that if respondents are generally positive about how the dispute resolution is conducted, they are more likely to maintain the terms of their agreement(s). Phase 3 results are presented below.

Table 81: Observance of Agreement Terms and General Assessment of Dispute Resolution Conduct and Process: Phase 3

Assessment of Dispute Resolution Conduct and Process	No Breakdown of Agreement	At Least One Agreement Breakdown
Poor assessment	9 (7%)	6 (14%)
Moderate assessment	12 (10%)	13 (31%)
Highly positive assessment	97 (82%)	23 (55%)
TOTAL	118 (99%)	42 (100%)

(p -value=0.001).

In Phase 1, the observance of agreement terms was associated with five out of nine of the specific elements measuring the process and conduct of dispute resolution. If respondents felt that they had equal control over the mediation, that the mediation was neutral, the process was safe and non-judgmental, that their feelings and concerns were understood and that they were not rushed, they were more likely to have observed the terms of their agreement(s). In Phase 2, however, only one specific element of the dispute resolution process was associated with the observance of agreement terms, and that was if the respondent considered the dispute resolution to be fair. No specific elements of the process of dispute resolution were associated with observance in Phase 3. These results suggest that specific elements of the process carry more weight in Phase 1, although the overall assessment of the mediation process remains positive.

7.2.9 Observance of Agreement Terms and Assessment of the Outcomes of Dispute Resolution

There was a general association between the respondent's overall assessment of the outcomes of dispute resolution and agreement observance in Phase 1 (0.0008) but not in Phases 2 or Phase 3. If parents thought they and their children were better off, this was associated with the observation of agreement terms in Phases 2 and 3, but not in Phase 1. The following table indicates that the parents who felt dispute

resolution had benefited their children at Phase 3 were more likely to observe the terms of their agreement and this relationship was statistically significant.

Table 82: Observance of Agreement Terms and Parent’s Assessment of the Outcomes of Dispute Resolution on their Children: Phase 3

Degree to Which Parents Felt Dispute Resolution Benefited Their Children	No Breakdown of Agreement	At Least One Agreement Breakdown
Did not benefit	14 (12%)	10 (24%)
Moderate benefit	22 (19%)	15 (36%)
Significant benefit	82 (69%)	17 (40%)
TOTAL	118 (100%)	42 (100%)

(p-value=0.004).

Specific outcome elements were also assessed in relation to the observation of agreement terms. In Phase 1 the observation of agreement terms was statistically related to two specific outcomes: if the mediation had improved ways of resolving differences between parents (p-value=0.007) and if the mediation had helped the other parent become aware of the respondent’s concerns and feelings (p-value=0.0275).

More elements of dispute resolution outcomes were associated with the observance of agreement terms in Phase 2. Parents who observed the terms of their agreement(s) in Phase 2 were statistically more likely to have felt that mediation had improved their communication and problem solving skills, for example, that:

- Mediation had improved communication between the parents (p=0.0208);
- Mediation had improved ways of resolving differences between the parents (p=0.0475);
- Mediation had helped the respondent become aware of the other parent’s concerns and feelings (p=0.0263);
- Mediation had helped the parents settle some of their family related problems (p=0.006).

In Phase 3 only one specific element was statistically associated with the observance of agreement terms. This was if the mediation had improved ways of resolving differences between the parents (p=0.042)

While parents felt that dispute resolution had helped them gain knowledge about how the legal system works or about parenting and legal resources in the community, these specific outcomes were not associated with the observance of agreement terms at any phase of the study. Overall these results suggest that perceived gains in communication and problem solving are far more likely to be associated with the observance of agreement terms than gains in knowledge about legal resources or services.

Several other variables were examined to see if they were associated with the level of observance of agreement terms. Respondents were asked to describe the degree to which they were still applying any of the conflict resolution or communication skills and knowledge they had gained in dispute resolution with their children or with the other parent. There was no association between the observance of agreement terms and whether these skills were still being applied with children. There was, however, a statistically significant association between the observance of agreement terms and whether respondents felt that they were continuing to apply these skills with the other parent. These results suggest that if parents feel they are still using the skills gained by dispute resolution, they are more likely to have observed the terms of their agreement(s).

Table 83: Observance of Agreement Terms and Degree to Which Dispute Resolution Skills are Being Applied

Degree to Which Respondents are Still Applying Dispute Resolution Skills	No Agreement Breakdown	At Least One Agreement Breakdown
DR skills no longer being applied or applied infrequently	40 (34%)	24 (58%)
DR skills being applied to some degree	38 (32%)	9 (22%)
DR skills frequently applied	40 (34%)	8 (19%)
TOTAL	118 (100%)	41 (99%)

(Chi-square), p-value=0.021.

8.0 CLIENT ASSESSMENT OF THE OUTCOMES, IMPACT AND QUALITY OF DISPUTE RESOLUTION AND VARIABLES ASSOCIATED WITH CLIENT SATISFACTION

8.1 Respondent Assessment of the Process, Outcomes and Value of Dispute Resolution

8.1.1 Overview

Respondents assessed their satisfaction with both the process and outcomes of dispute resolution received at the Family Justice Centre. Twenty-two specific process and outcome elements were rated using a seven-point scale for each element. Process elements were rated at the Phase 1 interview, after most of the dispute resolution had been provided. Phase 1 assessments were re-applied in Phases 2 and 3.

Outcomes were rated by respondents at the end of each of the phases. Respondents were asked to assess the value of dispute resolution to themselves and their children, whether they were applying the skills they had gained and whether they would participate in dispute resolution again, if the situation warranted it.

In addition to the dispute resolution ratings, respondents were asked to comment on the quality of the services received at the Family Justice Centre. These ratings were gathered only in Phase 1.

This section also includes an examination of the major variables associated with client satisfaction.

8.1.2 Respondent Assessment of the Conduct and Process of Dispute Resolution

Respondents assessed the process of dispute resolution; how it was conducted and whether it was fair, neutral, non-judgmental, well paced and addressed major issues of concern.

Respondent assessments of the process of dispute resolution were in the moderately high range at Phase 1, with an average rating of 5.91/7.0. Five elements were rated as 6.0/7.0 (strongly agree). High ratings were given for elements such as the dispute resolution being fair, neutral and addressing the respondent's most important concerns. The element rated least highly was respondents feeling they had as much control over what was discussed in the mediation as the other parent. The results suggest that respondents were highly satisfied with how the dispute resolution was conducted.

Table 84: Respondent Ratings of the Conduct and Process of Mediation (Phase 1)

Dispute Resolution Process Elements	Number of Respondents Reporting	Respondents Strongly Disagree (1-3)	Respondents Agree to Some Degree (4-5)	Respondents Strongly Agree (6-7)	Mean Rating
The mediation addressed my most important concerns	172 (100%)	17 (10%)	26 (15%)	129 (75%)	6.0
I felt the mediator was neutral and didn't take sides	175 (100%)	15 (9%)	27 (15%)	133 (76%)	6.0
The mediation gave me a safe and non-judgmental place in which to express my concerns	174 (100%)	15 (9%)	26 (15%)	133 (76%)	6.0
I felt that my feelings and concerns were understood by the mediator	174 (99%)	18 (10%)	25 (14%)	131 (75%)	6.0
The mediation process was fair	174 (100%)	17 (10%)	24 (14%)	133 (76%)	6.0
The FJC (mediator) helped me clarify the issues that were important to me	173 (99%)	13 (7%)	37 (21%)	123 (71%)	5.8
I felt I had as much control over what was discussed in the mediation as the other parent	163 (100%)	27 (17%)	28 (17%)	108 (66%)	5.6
I felt pressured to come to an agreement*	173 (100%)	140 (81%)	21 (12%)	12 (7%)	2.1
I felt rushed during the mediation*	172 (100%)	140 (81%)	19 (11%)	13 (8%)	2.0

*The meaning of ratings was reversed for these questions, i.e. 1=strongly disagree, 7=strongly agree.

8.1.3 Respondent Assessment of the Outcomes of Dispute Resolution

Respondents assessed the outcomes of dispute resolution less positively than the process; the average rating for the thirteen outcome elements was in the mid-range, 4.9/70. The most highly rated outcomes in all the phases related to improvements in knowledge and awareness about options for handling legal disputes, awareness of legal and family resources and increased knowledge about how the legal system works. There were lower ratings for elements describing outcomes related to improved communication between the parents, although even in these areas most respondents (70 – 80%) said that moderate or very positive outcomes had been achieved.

In terms of dispute resolution's role in helping parents improve their communication skills, there was a drop in the assessment at Phase 2 and an increase in Phase 3. There was a slightly higher assessment of the element "mediation improved ways of resolving differences with the other parent" at Phase 3 than in Phase 1, however, none of these changes were statistically significant.

There was decreasing confidence among respondents that dispute resolution had led to more awareness between parents of each other's concerns.

The degree to which parents felt themselves to be better off as a result of being involved in mediation remained stable in the high moderate range in all the phases and was one of the highest rated items at Phase 3.

Table 85: Respondent Assessment of the Outcomes and Impacts of Dispute Resolution

Impact/Outcome Item	PHASE 1 RESULTS					PHASE 2 RESULTS					PHASE 3 RESULTS				
	Disagree	Moderately Agree	Strongly Agree	Total Reporting	Mean	Disagree	Moderately Agree	Strongly Agree	Total Reporting	Mean	Disagree	Moderately Agree	Strongly Agree	Total Reporting	Mean
Mediation helped increase my awareness of different options for handling family disputes	14 (8%)	52 (32%)	98 (60%)	164 (100%)	5.6	21 (12%)	41 (24%)	110 (64%)	172 (100%)	5.6	11 (6%)	60 (34%)	104 (60%)	175 (100%)	5.7
Mediation helped me develop better communication skills to use with the other parent	41 (27%)	66 (43%)	47 (30%)	154 (100%)	4.4	50 (31%)	59 (37%)	51 (32%)	160 (100%)	4.2	43 (25%)	82 (47%)	49 (28%)	174 (100%)	4.4
Mediation improved communication with the other parent	53 (33%)	59 (37%)	47 (30%)	159 (100%)	4.1	62 (39%)	52 (32%)	46 (29%)	160 (100%)	3.9	51 (29%)	84 (48%)	39 (22%)	174 (99%)	4.1
Mediation improved ways of resolving differences with the other parent	54 (34%)	48 (30%)	56 (35%)	158 (199%)	4.2	60 (36%)	61 (37%)	45 (27%)	166 (100%)	4.0	40 (23%)	82 (47%)	52 (30%)	174 (100%)	4.3
Mediation helped me to become more aware of the other parent's concerns and feelings	29 (18%)	67 (41%)	67 (41%)	163 (100%)	4.8	54 (33%)	53 (32%)	56 (34%)	163 (99%)	4.3	42 (24%)	83 (47%)	50 (29%)	175 (100%)	4.4
Mediation helped the other parent become more aware of MY concerns and feelings	38 (24%)	58 (36%)	63 (40%)	159 (100%)	4.6	61 (37%)	66 (40%)	39 (23%)	166 (100%)	3.9	50 (29%)	80 (46%)	45 (26%)	175 (101%)	4.1
Mediation helped me understand the effects of separation and divorce on children	17 (12%)	51 (36%)	75 (52%)	143 (100%)	5.2	13 (11%)	41 (34%)	65 (54%)	120 (100%)	5.3	25 (14%)	74 (42%)	76 (43%)	175 (99%)	5.0
Mediation helped me understand the effects of parental conflict on children	15 (10%)	50 (35%)	78 (54%)	143 (199%)	5.4	12 (10%)	42 (35%)	65 (55%)	119 (100%)	5.4	20 (11%)	79 (45%)	76 (43%)	175 (99%)	5.1
Mediation helped me settle some of my family related problems with the other parent	40 (24%)	59 (36%)	64 (39%)	163 (99%)	4.5	49 (29%)	55 (32%)	67 (39%)	171 (100%)	4.5	44 (25%)	69 (39%)	62 (35%)	175 (99%)	4.5
Mediation helped me understand more about how the legal system works	10 (6%)	60 (36%)	97 (58%)	167 (100%)	5.6	16 (10%)	47 (28%)	104 (62%)	167 (100%)	5.6	17 (10%)	51 (29%)	107 (61%)	175 (100%)	5.6
Mediation helped me increase my awareness of other parenting, family and legal resources in the community	12 (7%)	59 (36%)	92 (56%)	163 (99%)	5.5	13 (8%)	55 (34%)	95 (58%)	163 (100%)	5.5	18 (10%)	66 (38%)	91 (52%)	175 (100%)	5.4
My children are better off as a result of my being involved in mediation	25 (14%)	41 (24%)	106 (62%)	172 (100%)	5.4	26 (16%)	45 (28%)	91 (56%)	162 (100%)	5.3	29 (17%)	41 (23%)	105 (60%)	175 (100%)	5.2
I feel better off as a result of being involved mediation	21 (12%)	39 (22%)	115 (66%)	175 (100%)	5.6	27 (16%)	36 (21%)	109 (63%)	172 (100%)	5.4	27 (15%)	28 (16%)	120 (69%)	175 (100%)	5.5
AVERAGE MEAN FOR ALL ITEMS					5.0					4.8					4.9

8.1.4 Qualitative Assessment of Dispute Resolution

In Phases 1, 2 and 3, respondents were asked to identify the most important outcomes of dispute resolution for themselves and their children. The aspect mentioned most frequently, when all phases were considered, was that dispute resolution had helped parents communicate better. This was rated most highly in Phase 3, suggesting that this benefit is perceived more positively over time. These results underscore the importance of gains in communication skills to parents.

Reaching an agreement, understanding the legal process and having a neutral party involved were also considered important.

Table 86: Most Valuable Aspect of Dispute Resolution to Parents

Most Important Aspect of Dispute Resolution	Noted in Phase 1 (N=174)	Noted in Phase 2 (N=171)	Noted in Phase 3 (N=173)
Helped parents communicate better	20 (11%)	46 (26%)	54 (31%)
Helped to reach an agreement	17 (10%)	33 (19%)	40 (23%)
Understanding the legal process/legal rights	37 (21%)	26 (15%)	35 (20%)
Having a neutral third party involved in the case	34 (19%)	30 (17%)	22 (13%)
Preparation for court	1 (1%)	9 (5%)	2 (1%)
Avoiding court/lawyers	12 (7%)	8 (5%)	18 (10%)
Made more sensitive to children's needs	10 (6%)	9 (5%)	8 (5%)
Information on child support	2 (1%)	7 (4%)	1 (1%)
Opportunity to express concerns	10 (6%)	7 (4%)	6 (3%)
Established financial support/child support	3 (2%)	5 (3%)	7 (4%)
Information on referrals to resources	4 (2%)	8 (5%)	11 (6%)

In Phases 2 and 3, respondents were asked about the value of mediation to their children (this question was not asked in Phase 1). The most important aspect of dispute resolution identified by parents was that it had reduced conflict between the parents which had benefited children. Over a quarter of the parents identified this benefit in Phase 3 and the benefit was seen as more significant in this phase.

Table 87: Most Valuable Aspect of Dispute Resolution to Children

Most Important Aspect of Dispute Resolution	Noted in Phase 2 (N=148)	Noted in Phase 3 (N=174)
Children experienced less conflict between parents	24 (16%)	49 (28%)
DR brought peace to the home	4 (3%)	7 (4%)
Parents were able to avoid court	7 (2%)	8 (5%)
Parents were less stressed	9 (6%)	6 (3%)
Stabilized finances – established child support	7 (5%)	10 (6%)
Established access	10 (7%)	9 (5%)
Allowed parents to focus on the children	9 (6%)	18 (10%)
Helped put an agreement in place	20 (13%)	29 (17%)
Improved communication with children	12 (8%)	11 (6%)
Children less stressed	12 (8%)	11 (6%)

8.1.5 Continued Application of Skills and Knowledge Gained in Dispute Resolution

To what degree do parents continue to apply the skills and knowledge gained through participation in dispute resolution? In Phase 3 approximately 60% of the respondents said that they were still using the knowledge or skills gained in dispute resolution. Dispute resolution skills were most frequently applied in the parents’ relationships with their children.

Table 88: Degree to which Dispute Resolution Skills are Being Applied at Phase 3

Aspect Rated	Skills/Knowledge From Mediation Rarely Used	Skills/Knowledge From Mediation Sometimes Used	Skills/Knowledge From Mediation Frequently Used	Total Reporting
Knowledge/skills used in communication or the relationship with the other parent	74 (42%)	49 (28%)	51 (29%)	174 (99%)
Knowledge/skills used in the relationship with children	55 (31%)	56 (32%)	64 (37%)	175 (100%)

8.1.6 Assessment of the Quality of Services Provided at the Family Justice Centre

Respondents were also asked to rate the quality of services delivered by the Family Justice Centre staff. Six elements of service quality were measured including service accessibility and the skill and knowledge level of the Family Justice Counsellor. The service rating was completed in Phase 1.

Results indicated a high level of satisfaction with the quality of services among respondents (the average rating was 6.0/7.0 for all items). The highest level of satisfaction was with the service location and the knowledge, ability and skills of Family Justice Counsellors. The lowest level of satisfaction was for the timeliness of the service response.

Table 89: Respondent Assessment of the Quality of Dispute Resolution Services (Phase 1)

Aspects of FJC Service	Number of Respondents Reporting	Lower Level of Satisfaction	Moderate Level of Satisfaction	High Level of Satisfaction	Mean Level of Satisfaction
Location of the Family Justice Centre	174 (100%)	10 (6%)	20 (11%)	144 (83%)	6.3
The Family Justice Counsellor's ability to explain documents and legal issues	161 (100%)	6 (4%)	21 (13%)	134 (83%)	6.3
The knowledge and experience of Family Justice Counsellors	175 (100%)	9 (5%)	19 (11%)	147 (84%)	6.3
The convenience of the service	175 (100%)	15 (9%)	32 (18%)	128 (73%)	6.0
The sensitivity and empathy of Family Justice Counsellors	174 (100%)	19 (11%)	27 (15%)	128 (74%)	5.9
The promptness of the service response to respondents	174 (100%)	27 (15%)	29 (17%)	118 (68%)	5.6

8.1.7 Respondents Interest in Becoming Involved in Dispute Resolution Again

Approximately 85% of the respondents said that it was likely or very likely that they would become involved in dispute resolution again if the situation warranted it. Under 10% of the respondents said that this involvement would be unlikely. These assessments remained stable over the three phases.

Table 90: Respondent Interest in Becoming Involved in Dispute Resolution in the Future

Level of Interest	Phase 1	Phase 2	Phase 3
Very likely	136 (78%)	124 (71%)	123 (70%)
Likely	14 (8%)	22 (13%)	23 (13%)
Uncertain	10 (6%)	14 (8%)	13 (7%)
Not likely	1 (1%)	5 (3%)	10 (6%)
Very unlikely	14 (8%)	10 (6%)	6 (3%)
TOTAL	175 (101%)	175 (101%)	175 (99%)

8.2 Variables Associated with Respondent Satisfaction with Dispute Resolution

8.2.1 Respondent Satisfaction and Client and Relationship Characteristics

There was no association in any of the phases between specific demographic variables such as age, gender, income, education level, current or past relationship status, the number of children in the family, time since parents separated, length of relationship, number and type of family issues or number of relocations and overall client satisfaction with dispute resolution. The frequency of NRP contact with children was not associated with parental satisfaction with dispute resolution nor was whether or not a parent had a newer, longer-term relationship at any phase.

The only demographic characteristic statistically associated with overall client satisfaction with dispute resolution (in Phase 2) was the age of the client at the birth of his/her first child. Parents who had their first child prior to age 21 tended to be less satisfied with dispute resolution than other age groups and this was statistically significant (Fisher's Exact Test $p=0.0304$). The explanation for this association is unclear.

8.2.2 Respondent Satisfaction and Relationship Assessment

In Phase 1, respondents who rated their relationship with the other parent positively were much more likely to be satisfied with dispute resolution. This association was statistically significant.

Table 91: Satisfaction with Dispute Resolution and the Assessment of Relationship with the Other Parent: Phase 1

Assessment of Relationship	Satisfaction with Dispute Resolution		
	Low	Medium	High
Very or quite cordial	6 (13%)	3 (10%)	34 (36%)
Neutral	17 (38%)	9 (31%)	36 (33%)
Somewhat or very negative	22 (49%)	17 (59%)	24 (25%)
TOTAL	45 (100%)	29 (100%)	94 (99%)

(Fisher's Exact p-value=0.0142).

The level of parent cordiality was linked with respondent satisfaction with dispute resolution in Phase 2 although this association was only suggestive (p-value=0.05). There was no link between parent cordiality level and satisfaction with dispute resolution in Phase 3.

The level of parent conflict was strongly associated with client satisfaction in Phase 2 (p=0.0007) and in Phase 3 (0.0183). Phase 2 results indicate that those who reported less conflict were generally more satisfied with dispute resolution. There was no association in Phase 1.

Table 92: Client Satisfaction and Level of Conflict Between Parents: Phase 2

Level of Conflict	Level of Satisfaction		
	Low	Medium	High
No or rare conflict	6 (27%)	21 (57%)	67 (74%)
Occasional conflict	13 (59%)	12 (32%)	17 (19%)
Frequent conflict	3 (14%)	4 (11%)	6 (7%)
TOTAL	22 (100%)	37 (100%)	90 (100%)

(Fisher's Exact p-value=0.0007).

8.2.3 Respondent Satisfaction and Level of NRP Contact

There was no relationship between the level of personal contact the NRP had with his/her children and satisfaction with dispute resolution in any phase of the study.

8.2.4 Respondent Satisfaction and Service Characteristics

There was no association between the type of dispute resolution provided and respondent satisfaction at any phase of the study. That is, whether or not the respondent had engaged in mediation or shuttle mediation did not affect satisfaction levels.

There was no statistical association between the total number of contacts the respondent had with the FJC and their level of satisfaction with dispute resolution. Satisfaction was also not linked to whether or not a respondent had a joint meeting with an FJC.

The location and convenience of the Family Justice Centre was not associated with client satisfaction with dispute resolution, but all the qualities of the Family Justice Counsellor (knowledge, experience, empathy and ability to explain documents) were statistically associated, as was the promptness of the service response. These results suggest that the quality of the staff response is more important to respondents than the length of service or type of dispute resolution provided. The following table illustrates the importance of staff knowledge and experience in the assessment of client satisfaction.

Table 93: Client Satisfaction and Respondent Assessment of FJC Knowledge and Experience: Phase 1

Respondent Assessment of Staff Knowledge and Experience	Overall Level of Respondent Satisfaction with Dispute Resolution		
	Low	Moderate	High
Negative assessment	9 (20%)	0 (0%)	0 (0%)
Moderate assessment	9 (20%)	7 (24%)	2 (2%)
Very positive assessment	27 (60%)	22 (76%)	92 (98%)
TOTAL	45 (100%)	29 (100%)	94 (100%)

(Fisher's Exact p-value=0).

8.2.5 Client Satisfaction with Dispute Resolution in Relation to Process and Outcome Elements

All the specific elements related to the process of dispute resolution were associated with overall client satisfaction with dispute resolution in all three phases of the study. In other words, if respondents felt that the mediation was fair and neutral, that they had an equal opportunity to set the agenda and participate in

the mediation and did not feel rushed or pressured, then they were likely to be very satisfied with dispute resolution.

In Phase 1, learning more about how the legal system works, having an increased awareness of parenting, family and legal resources in the community and becoming more aware of options for resolving disputes were not associated with general satisfaction but were statistically associated in Phases 2 and 3.

In Phases 2 and 3 all specific outcome elements were associated with overall satisfaction. That is, if parents felt that the dispute resolution had had practical skill or knowledge outcomes in terms of improving communication with the other parent or helping parents understand the effects of separation and divorce on their children, they were likely to be satisfied with dispute resolution.

These data suggest that if parents are happy with the overall process of dispute resolution and see practical benefits from being involved, they are likely to be satisfied with dispute resolution in general.

8.2.6 Variables Associated with Interest in Becoming Involved in Dispute Resolution Again

About a quarter of the respondents said that it was unlikely or they were uncertain about whether they would participate in mediation again if the situation warranted it.

A greater proportion of fathers than mothers said that it was uncertain or unlikely that they would attempt dispute resolution again but this finding was not statistically significant. However, respondents who had not experienced a breakdown of an agreement at any phase were more likely to consider becoming involved again and this association was statistically significant ($p=0.02504$).

9.0 KEY FINDINGS

➤ *The economic and employment status of respondents improved during the study. Most mothers remained in the low income category*

- Fifty to sixty percent of the respondents in the Longitudinal Study had low incomes and most of those in the low income category were mothers. The economic status of respondents improved throughout the study, most dramatically between Phases 1 and 2. There was a decrease in the number of mothers in the very lowest income category from 19% to 8% between Phases 1 and 3. However, even though the incomes of women improved, 60% of the mothers were still in a low income category at Phase 3.
- There were gains in the level of employment for both mothers and fathers, but the gains were more significant for fathers. Employment status improved most dramatically between Phases 1 and 2. Improvements for fathers were statistically significant.
- The employment levels of women (moving from part to full-time employment) also improved between Phases 1 and 2, but leveled off in Phase 3. These changes were not statistically significant for mothers.
- When asked, most respondents said that their incomes had “stayed basically the same” throughout the three years of the study. Involvement in a new more permanent relationship did not affect the view of respondents about whether their income levels had changed.

➤ *Over half of the respondents relocated at least once during the study but relocation was not related to other variables or outcomes*

- The relocation data of respondents matches findings from studies with similar clientele. Estimates are that 25 – 45% of custodial parents move with their children within two years after separation. Twenty-six percent of the Longitudinal parents moved in Phase 1, by Phase 2 41% had relocated and by Phase 3 53% of the parents had relocated. Most relocations took place in Phase 2.
- Thirty-eight percent of those who relocated, relocated more than once. There was no association between whether or not respondents had relocated and their gender, children’s residential status or income level.
- Over 90% of the respondents reported living with or very close to their children and this percentage increased over the study. However, qualitative data from Phase 3 suggests that for residential parents, the relocation of the non-residential parents was a factor in decreased levels of non-residential parent contact.

➤ ***About a quarter of respondents entered into a new marriage or common-law relationship during the study. Respondents involved in new relationships were less likely to observe the terms of their agreements***

- Twenty-seven percent of the respondents became involved in a new marital or common-law relationship at some point during the study period. These respondents were less likely to observe the terms of their agreements.
- Respondents who reported having two or more marriages or common-law relationships prior to their dispute resolution relationship were more likely to have experienced an agreement breakdown during the study.

➤ ***Custody and residential patterns, once established, remained fairly stable during the study. Twenty percent of the respondents reported major changes to the residential status of their children during the study***

- The residential status of children with their parents was generally consistent throughout the three phases of the study. Forty-seven percent of the respondents said that they were the primary residential parent in all three phases. Twenty-one percent of the respondents said that their status changed at least once.
- Study results indicate that the legal custody arrangements reported by parents changed more frequently between Phases 1 and 2 than from Phases 2 to 3.
- Eighty-four percent of the parents reporting that they had sole custody of their children in Phase 3 were mothers.

➤ ***Many of the respondents reported significant problems in their families that continued to affect them after separation and during the period of the study. The number, rather than the type of family problem, had the most impact***

- Ninety percent of the respondents reported being affected by at least one significant family problem historically or during the study.
- The number of respondents who reported being affected by a significant family issue dramatically diminished as the study progressed. However, even at Phases 2 and 3, 40 – 50% of the respondents still reported being affected by family issues.
- Mental health issues showed less of a decrease in reporting levels at Phase 3 and were the most frequently cited problem(s) at this phase than other family issues
- In Phase 1 almost 70% of respondents reported being affected (currently or historically) by spousal abuse. This abuse was primarily described as being emotional or psychological abuse or mild, occasional physical abuse (e.g. pushing, shoving or slapping). These results appear to be

congruent with results from studies with similar populations. No respondents in the Longitudinal Study were described as engaging in frequent, serious physical abuse, suggesting that FJC violence screening protocols are being effectively applied.

➤ ***As the study progressed respondents assessed their relationship with the other parent more positively. There was also a decline in conflict between parents***

- The quality of the relationship between parents improved after their first contact with the Family Justice Counsellor, suggesting that involvement in dispute resolution may have been a contributing factor.
- Respondents showed a steady improvement in their perception of the cordiality of the parental relationship throughout the study and a decrease in negative assessments by Phase 3. There was also a decrease in the frequency of conflict reported by parents.
- Results suggest that respondents in the Longitudinal Study may assess their relationship more positively than parents in comparable studies. Other studies suggest that 20 – 25% of the parental relationships experience conflict compared to 10 – 15% in the Longitudinal Study.
- About 7% of the respondents reported having frequent conflict with the other parent. This percentage remained consistent throughout all three phases.
- At Phase 1, 26% of the respondents reported having conflict in front of their children. This dropped to 15% in Phase 2 and this change was statistically significant. The trend did not continue into Phase 3.

➤ ***Respondents showed an increasing level of acceptance of their separation and divorce***

- Respondents showed an increased level of acceptance of the dissolution of their relationship, particularly between Phases 1 and 2. By Phase 2, nearly all parents said that they had accepted the separation or divorce. Respondents who had been separated a shorter period of time were less likely to have accepted the dissolution of their relationship. Factors such as the gender of parents or whether they were in a new relationship were not associated with parental acceptance.
- There was a dramatic improvement in the sense of well-being described by respondents from the point of their separation to Phase 1, but a greater change occurred from Phases 1 to 3. The particularly dramatic improvements between Phases 1 and 3 suggest that respondent involvement in dispute resolution and service contact may have been a contributing factor.

➤ ***Most parents reported dramatic improvements in the adjustment of their children by Phase 3. A fifth of the parents still reported that their children had adjustment problems serious enough to require counselling or therapy***

- Parents reported that their children had many adjustment problems resulting from the separation or divorce. The most common problems seen in children were increased anxiety, worry, obsessive thoughts, crying, sadness, emotional outbursts, belligerence, acting out, behavioural problems or performing poorly at school.
- The adjustment of children improved significantly throughout the study suggesting that parent involvement in dispute resolution may have been a contributing factor. Parents themselves felt that their participation in dispute resolution had benefited their children.
- Twenty-one percent of the respondents still considered their children's adjustment problems serious enough at Phase 3 to require counselling assistance.
- Children whose parents had been involved in longer-term relationships (over ten years) were much more likely to experience serious adjustment problems.
- Parents having conflict in front of their children was associated with increased adjustment problems for children. This was statistically significant in Phase 3.
- There was no relationship between child adjustment problems and whether parents had relocated or had entered into a new relationship during the study.

➤ ***The level of non-residential parent contact with children lessened in Phase 2 but rose slightly in Phase 3***

- Non-residential parents reported a drop in their level of face-to-face contact in Phase 2, but contact levels appeared to increase slightly in Phase 3. The proportion of non-residential parents who had infrequent or no contact with their children ranged from 9% – 15% over the course of the study. These results were not statistically significant. This level of contact appears to match non-residential parent contact levels of mediated respondents in other studies. Comparable studies indicate that mediated non-residential parents have more frequent contact with their children than non-residential parents who were involved in litigation.
- Most residential parents perceived that non-residential parent contact levels stabilized throughout the study.
- Twenty-eight percent of the residential parents were not satisfied with the contact level of the non-residential parent with his/her children.
- There was no association between the level of non-residential parent contact, number of parent relocations and the level of parent conflict. However, if respondents experienced their relationship as being cordial in Phase 3, the non-residential parent was significantly more likely to have had

regular face-to-face, contact with his/her children. There was no relationship between non-residential parent contact levels and whether the non-residential parent had entered into a new long-term relationship.

➤ ***Parents became less engaged in joint discussions about their children as the study progressed***

- Parents became less involved in discussions about major issues affecting their children (e.g. schooling) as the study progressed. At all phases parents who described their relationship as cordial were much more likely to have frequent discussions regarding their children.

➤ ***Over a third of the respondents re-contacted a Family Justice Counsellor for further assistance after Phase 1***

- Thirty-six of the respondents had further contact with a Family Justice Centre in Phase 2 and 23% in Phase 3. At Phase 3 respondents required general information, support or counselling or wanted to vary the terms of a previous agreement.

➤ ***Mediation was the only type of dispute resolution statistically associated with agreement development***

- Fifty-five percent of the respondents in the Longitudinal Study received mediation, 37% participated in shuttle mediation and 9% were involved in a combination, “hybrid” model of dispute resolution. Mediation was the only type of dispute resolution statistically associated with agreement status and this association existed only in Phase 2. There was no association between the type of dispute resolution provided and whether or not the terms of any agreement were observed.

➤ ***Family Justice Counsellors were able to accurately predict the potential of clients to reach an agreement***

- At the initial phase of service delivery, FJCs rated almost 90% of the clients as being moderately or highly willing to engage in dispute resolution and 70% as being cooperative enough to reach an agreement. This assessment was strongly predictive of whether respondents achieved an agreement but was not predictive of whether parents were able to observe the terms of their agreements.

➤ ***One-to-one meetings between clients and Family Justice Counsellors were associated with agreement development***

- Ninety-five percent of the respondents said that they had at least one personal face-to-face meeting with the Family Justice Counsellor; sixty-six percent had a joint meeting. When all types of contact were considered, most respondents had a moderate level (4 – 7 contacts) of service contact and 6% had a high level of contact.

- Individual visits with the FJC appeared to be more significant in terms of agreement development than joint meetings or the total number of service contacts. The more individual face-to-face meetings that the respondents had with the FJC, the more likely they were to have reached an agreement.
- ***About 20 – 35% of the respondents had contacted a lawyer for assistance with a family legal problem. Most of the lawyers contacted for assistance were private lawyers***
- Over a quarter of the respondents contacted a lawyer prior to contacting a Family Justice Counsellor. There was a decrease in contact with lawyers in Phase 1 and a rise in the level of contact in Phase 2. Private lawyers were more frequently consulted than legal aid lawyers but the proportion of legal aid lawyers who were contacted rose in Phase 2.
 - About 20% of the respondents said that they had made a visit to court in one phase of the study. This typically involved a court appearance.
- ***There was an increasing rate of agreement development throughout the study***
- The number of respondents who said that they had had an agreement related to a family justice matter increased throughout the study. Sixty-four percent of respondents reached an agreement in Phase 1, 83% described themselves as having an agreement in Phase 2 and 90% in Phase 3. Most of the agreements were described as formal agreements.
- ***The majority of respondent attempts to vary their agreements were described as successful***
- A third of the respondents with agreements in Phases 2 and 3 attempted to vary their agreements. The attempts to vary their agreements were described as successful by about 60% of the respondents.
- ***Family Justice Counsellors contributed to 77% of all the agreements developed at any phase of the study***
- As the Longitudinal Study progressed, respondents with continuing family justice problems sometimes used other resources or services to assist with their family justice problems. Seventy-seven percent of the agreements made by respondents (at any phase of the study) were described as being solely or partially developed with the assistance of Family Justice Counsellors.
 - Some respondents with additional or continuing family justice problems did not re-contact the FJC for assistance. In most cases these issues fell outside the mandate of the Family Justice Centre or were problematic because the other parent was unwilling to engage in a collaborative process. Three respondents said that they had not re-contacted a Family Justice Centre because they had been dissatisfied with the services they received.

- No client characteristics (such as the client's age, gender, economic, educational or relationship status) were associated with whether a respondent had reached an agreement. If a respondent had been in a family with two or more family issues they were less likely to reach an agreement (in Phase 1) but the type of issue involved (e.g. whether spousal or drug/alcohol abuse) was not a contributing factor.
- If parents perceived the relationship with the other parent as being cordial, they were more likely to reach an agreement. However, the frequency of conflict between the parents was not associated with agreement status.

➤ ***Client satisfaction with dispute resolution was linked with agreement development***

- If parents were satisfied with how the dispute resolution was conducted, they were more likely to have reached an agreement. In addition, if parents felt that they had gained communication or problem-solving skills through dispute resolution, they were more likely to have reached an agreement. If parents felt that their children had benefited from their parents being involved in dispute resolution, these parents were more likely to have reached an agreement.

➤ ***There was a high rate of observance of agreement terms among respondents at all phases of the study***

- There was a high rate (80 – 90%) of good or complete observance of agreement terms reported by respondents in all three phases. Phase 2 showed the lowest level of observance and Phase 3 the highest. When cumulative results over the three phases were considered, 67% of the respondents reported having had no agreement breakdowns at any phase of the study while 24% reported having at least one breakdown.

➤ ***The number of the respondent's previous relationships was associated with the level of agreement breakdown***

- The observance of agreement terms was not associated with any client or demographic characteristic such as age, gender, educational level or number and type of family issues. If a respondent reported being involved in two or more previous, longer-term relationships they were likely to have had at least one agreement breakdown.

➤ ***The level of service contact was not associated with whether or not an agreement was observed***

- There was no association between the level and type of service contact with the Family Justice Centre and the respondent's observance of agreement terms. There was some indication that those with higher levels of service contact have more agreement breakdowns. This suggests that those who have more contact may have more problematic family justice issues to resolve and thus seek extended assistance.

➤ ***Parents who accepted their separation and divorce and were more cordial had fewer agreement breakdowns***

- Parents who had accepted their separation or divorce by Phase 3 were more likely to have had no agreement breakdowns. Parents who described their relationship as cordial in Phase 3 were also more likely to have observed the terms of their agreement.

➤ ***Higher levels of parent contact with children were associated with the observance of agreement terms***

- Phase 3 aggregated data indicated that NRPs who had regular face-to-face contact with their children were far more likely not to have experienced an agreement breakdown in the study. If the residential parent perceived the NRP's level of contact with his/her children to be stable, there was more likelihood that these parents had observed their agreement terms.

➤ ***Respondents who were satisfied with dispute resolution had fewer agreement breakdowns***

- If respondents assessed the process and delivery of dispute resolution as positive, they were more likely to have observed the terms of their agreement. This underscores the importance of how dispute resolution is delivered to clients.
- There was an association between the positive assessment of the dispute resolution outcomes and the observance of agreement terms in Phase 1. In Phase 2 a number of communication and problem-solving outcomes were associated with observance of agreement terms. In addition, if parents felt they had gained concrete skills in dispute resolution and were applying these skills, especially in relation to children, they were more likely to have observed the terms of their agreements.

➤ ***Respondents rated the process of dispute more highly than the outcomes***

- Respondents rated the process and delivery of dispute resolution more highly than the outcomes. The most positively rated outcomes were gains related to knowledge of legal resources and the court process. The highest rated outcome (in all phases) were gains in the "awareness of different options for handling disputes." Although communication and problem solving outcomes were rated less highly, they were more consistently associated with agreement development and observation of agreement terms. Outcome ratings were fairly stable throughout the study.
- In Phase 2 and 3, parents said that the most valuable aspect of dispute resolution was that it had "helped parents communicate better" or "helped parents achieve an agreement." The most important benefit for children was that "involvement helped to create less conflict between the parents."

➤ *At Phase 3 the majority of parents were still using skills and knowledge obtained in dispute resolution*

- At Phase 3 approximately 60% of the respondents said that they were still using the knowledge and skills they had gained through dispute resolution.

➤ *The quality of services delivered by Family Justice Centres was positively assessed*

- Respondents showed a high level of satisfaction with the services they received at Family Justice Centres. The highest level of satisfaction was with the service location and the knowledge, skills and ability of Family Justice Counsellors.

➤ *The majority of respondents would become involved in dispute resolution again if the situation warranted it*

- Approximately 85% of the respondents said that it was likely or very likely that they would become involved in dispute resolution again, if the situation warranted it. This finding remained stable over the three phases of the project.
- Respondents who had not experienced an agreement breakdown were most likely to say they would participate in dispute resolution again.

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