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Children Come First

A Process Evaluation of the Nassau County Model Custody Part

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Written by

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Executive Summary

This report presents a process evaluation of the Children Come First (CCF) Program, a problem-solving matrimonial court piloted in Nassau County, New York. The program seeks to provide a more effective and child-centered response to high conflict divorce cases involving custody issues. Research suggests that traditional adversarial methods for resolving these cases may increase stress and vulnerability for parents and children alike, and may have negative effects on children's educational outcomes and emotional and behavioral functioning (Ayoub, Deutsch and Maraganore 1999). CCF attempts to alleviate these problems by separating and resolving the custody components of the divorce prior to addressing the financial issues. By dedicating a specially trained judge and two specialized staff to implement early screening, triage, conflict resolution, and service linkages, CCF aims to reduce animosity, maintain the well-being of children and parents, and move cases to resolution within a faster, child-focused timeframe. Findings from this evaluation indicate that CCF has been successful in meeting these goals and has mitigated conflict between litigants, expedited custody resolutions and led to satisfactory outcomes for litigants, attorneys and stakeholders.

Methods

The analyses in this report utilized multiple methods, including structured court observation; interviews of stakeholders, court staff, attorneys, and litigants; observations of intake and alternative dispute resolution (ADR) sessions; analysis of case processing data; and review of policy and procedure documents. Over the evaluation period, 73 cases were initially assigned to CCF. Of those, 52 cases were included in data analyses. The other 21 cases were discontinued or resolved prior to intake.

Key Objectives

The CCF program seeks to accomplish five primary objectives:

1. *Screening*: Developing and implementing a protocol to identify high-conflict matrimonial cases involving custody issues for one of three courses of court service, including parent coordination, mediation or expedited trial, as well as appropriate community-based services;
2. *Family and Child Services*: Responding to each participating family's conflict and service needs through the provision of a family services coordinator in the courthouse and front-loading appropriate services early in the case;
3. *Custody/Visitation Planning*: Responding to the needs of some families to have custody and visitation decisions, or parenting plans, organized and implemented in a non-acrimonious fashion through the provision of free parent coordination services in the courthouse;
4. *Timely case processing*: Expediting cases by deterring unnecessary motions and by promptly scheduling trials for cases that cannot be otherwise settled; and
5. *Confidence in the System*: Improving litigant perceptions of justice by ensuring that they are afforded the time and information their custody dispute requires and are able to participate fully in the process.

Operational Model

As with all contested matrimonial cases in New York State, litigants involved in CCF cases begin proceedings with the filing of an RJI (Request for Judicial Intervention) and by participating in a preliminary conference with the assigned judge. At this conference, the judge identifies and reviews contested custody cases for CCF suitability. Specifically, the judge looks for cases in which custody is unresolved, both parents are filing, and other high conflict characteristics are evident. After establishing CCF eligibility, litigants are notified by the judge that their case will appear before him in the CCF court and that, as part of the model, they will be required to schedule an appointment with the family services coordinator for an intake interview and assessment of service and conflict resolution needs.

At intake, the family services coordinator interviews the parents, and requests that they each fill out a proposed statement of custody, also known as a “parenting plan.” At the next court appearance, the family services coordinator presents the court with his observations and service recommendations, after which the judge determines the final service plan.

For those parents who have not agreed on a parenting plan, the family services coordinator typically recommends conflict resolution with the parent coordinator. Depending on the needs of the case, the parent coordinator can serve as a mediator (seeking an agreeable resolution of the custody issues) or a parent coordinator (working proactively to establish a parenting plan, monitor litigant compliance with its terms, and troubleshoot on any questions or further disputes that arise). Litigants who are unable to reach consensus on the parenting plan may be tracked for an expedited trial,

Evaluation Findings

Overall results were positive, reflecting improved case processing time, use of conflict resolution methods, and litigant and attorney satisfaction.

Case Volume and Screening

In its first year, a total of 52 cases participated in the CCF program. Over that period, the dedicated CCF judge also added approximately 3-5 cases per week to his regular matrimonial docket. Of the initial 52 cases:

- Twenty three (44%) went to mediation only;
- Eight (15%) went through both mediation and parent coordination;
- Five (10%) went through mediation and an expedited trial;
- Four (8%) went through mediation, parent coordination and an expedited trial;
- Six (12%) went through parent coordination only;
- Four (8%) went through parent coordination and an expedited trial, and;
- Two (4%) went through an expedited trial only.

The Litigant Perspective

Fifteen litigants were interviewed. Select findings include:

- *Overall satisfaction:* Litigants rated their satisfaction with the parenting plan an average of 3.4 out of 4;

- *Family services coordinator*: Litigants rated the appropriateness of the family service coordinator's recommendations an average 3.7 out of 4;
- *Parent coordination*: Seventy-one percent reported having a positive experience with the parent coordinator;
- *Information*: Three out of four litigants reported being notified that their case was receiving specialized attention; and
- *Expectations vs. Experience*: Thirty-nine percent felt that their experience was better than their expectations (whereas 31% felt that their experience was worse and 31% felt that it was what they had expected).

Attorney Perspective

Ten attorneys who handled at least one case in the CCF part were interviewed. Their feedback was positive on the whole; they believed that CCF facilitated more cooperative interactions between litigants, was more beneficial for children, and saved them the time and headache of a protracted custody battle.

Case Processing Outcomes

Of the 52 cases included in the analysis, 58% (30 cases) had been resolved as of August 2008. Of those, the average time to custody resolution was 82 days, and the average time to final disposition of all issues in the divorce was 216 days. By comparison, custody cases in the dedicated judge's regular matrimonial load were disposed in an average of 174 days; this difference is not statistically significant.

Lessons Learned

Several themes emerged during interviews and observations as important "lessons learned" from the CCF model, some of which are specific to Nassau County, and some of which are important for replication purposes.

- *Resources*: Services such as screening and assessment, linkage to appropriate services, parenting coordination, and monitoring are central to the CCF model. Dedicating two new court staff positions, the family services coordinator and parent coordinator, to CCF enabled the court to provide these services onsite and free of charge. However, the CCF model was only able to serve approximately 50% of the supervising judge's total custody cases for the year. By comparison, the supervising judge sees about 250 total cases per year, and there are 1500-1600 cases handled per year in the Nassau Matrimonial Division overall. Jurisdictions planning a CCF model will need to give careful consideration to how CCF services will be delivered, by whom, and to which litigants.
- *Judicial Selection*: The selection and maintenance of a motivated judge is vital to the model. When selecting judges for this model, jurisdictions implementing CCF would be advised to look for characteristics such as sensitivity to the issues surrounding custody matters.
- *Case Selection*: Currently there are no formal eligibility criteria or processes for case selection, in Nassau County. Both Nassau County and other jurisdictions would benefit from formalizing the case selection process, creating a list of eligibility requirements, as

well as a more formal domestic violence screening protocol. Further, jurisdictions might consider allowing litigants to opt out of the model if both parties object.

- *Engagement of Community Stakeholders*: Early inclusion of relevant stakeholders during the planning process can help promote support from, and confidence of, the legal and social services communities. Jurisdictions might consider including broad outreach activities to the community to maximize collaboration between the court and stakeholders.
- *Parent Coordination and Mediation Services*: The provision of on-site, no-cost mediation and parent coordination services are key components of CCF. Jurisdictions interested in replicating the model might contemplate providing mediation and parent coordination services free of charge to ensure that these services are available to all litigants. At the same time, due to the resource intensive nature of these services, jurisdictions with high volume might also need to consider a combination of in-house and roster parent coordination (provided by non-court employees).
- *Education*: An aggressive educational campaign about the CCF model would help to ensure that all litigants understand they are in a model part and realize what that entails. Jurisdictions interested in replicating the model might consider developing and distributing written materials that clearly explain the model to litigants. In addition, hosting workshops on CCF for the local bar association members might educate and sensitize members to custody as an issue that should be resolved prior to, and apart from, the settlement of financial issues.

Conclusion

The CCF model, implemented in an effort to improve the court response to high conflict divorce cases, provides for immediate needs assessment, service linkages, and placement on a suitable custody resolution track, including mediation, parent coordination or expedited trial. Evaluation results indicate that CCF has been successful in reducing animosity between litigants and moving cases to resolution within a faster, child-focused timeframe. Specifically, 44% of CCF litigants were able to resolve their cases using only mediation (typically involving from one to three meetings). Further results indicate that CCF led to the resolution of custody issues in less than three months, whereas such issues are traditionally resolved in just over six months. Evidence gathered during this evaluation also reflects a positive response to the model and its impact on case outcomes. On average, CCF litigants perceived that their cases were handled fairly and expressed a high rate of satisfaction concerning their experiences with the family services coordinator, in mediation, and with the parenting plan. Feedback from attorneys and stakeholders was positive nearly across the board.

I. Introduction

This report presents a process evaluation of the Children Come First (CCF) program, a problem-solving matrimonial court initiative piloted in Nassau County, New York to address high conflict divorce cases involving custody issues. Nassau County is located on Long Island, just east of New York City. The CCF program focuses on resolving custody issues separate from, and prior to, the resolution of other contested issues, such as finances. Ordinarily, the adversarial nature of these cases can increase stress and vulnerability for parents and children alike, and may have negative effects on children's educational outcomes and emotional and behavioral functioning (Ayoub, Deutsch and Maraganore, 1999). By dedicating a specially trained judge, as well as two specialized staff to implement early screening, triage and service linkages, CCF aims to reduce animosity, maintain the well-being of children and parents, and move cases to resolution within a faster, child-focused timeframe.

At its inception in October of 2006, CCF targeted 20 of the most acrimonious custody cases pending in the Matrimonial Division of the Nassau Supreme Court, all of which had been languishing in court for a period of six months or more. These cases were identified with assistance from the six judges presiding over matrimonial cases in the county and were routed to a single dedicated judge. After this initial phase, the dedicated judge to this project reviewed only his own assigned matrimonial cases to identify others that were appropriate.

CCF employs two other dedicated staff, a family service coordinator and a parent coordinator. At their first court appearance before the CCF judge, typically a preliminary conference, the judge refers the litigants to the family service coordinator for intake. The family services coordinator interviews the litigants, evaluates family dynamics and determines the specific service needs of both the parents and children. After hearing the family service coordinator's recommendations and the positions of the parties, the judge immediately institutes a court-ordered parenting plan, an agreement which outlines how each parent will contribute to the care and well-being of the child. Specifically, the agreement includes a service plan for the family, an interim custody order granting temporary custody to one parent and an interim parenting access order which provides temporary visitation rights for the non-custodial parent. The parent coordinator then oversees the execution of the parenting plan. In addition, the parent coordinator helps to manage and monitor those services ordered by the court and functions as a mediator, when necessary, to help resolve custody matters and reduce conflict.

This report presents a process evaluation of the first twelve months of CCF operations, from October 2006 through September 2007. After outlining the state of the current literature and the evaluation methodology, the report details the planning process for the court, CCF policies and procedures, the CCF courtroom and service experience, and case processing outcomes during the evaluation period.

II. Review of the Literature

Over 62,000 matrimonial cases are filed each year in New York State. Approximately three-quarters of these cases are uncontested, whereas the remaining cases involve parties who contest the grounds or legal terms of the dissolution of their marriage (Miller, 2006). These terms typically involve property distribution, alimony or maintenance/spousal support, child custody, or child support (Bell, 2002; Kay, 2002). In most states, conditions involving child custody and visitation are the issues that are most likely to remain unresolved or “open” during divorce proceedings and are especially vulnerable to unnecessary delays and protracted dispute (Leite and Clark, 2007). One report estimates that approximately 30% of divorcing couples with children engage in serious inter-parental conflict for three to five years following divorce (Wallerstein and Kelly, 1980).²

Parental conflict has been identified as the chief determinant of children’s emotional adjustment after the divorce (Amato and Booth 1997, Cummings and Davies 1994, Garrity and Barris 1994, Schepard 2004). In fact, there is consensus among many researchers that parental divisiveness has a more negative impact upon children than divorce itself (Shaw and Emery, 1987; Stewart, Copeland, Chester, Malley, and Barenbaum, 1997; Tschann, Johnston, Kline, and Wallerstein, 1990). Various studies indicate that children fare better psychologically within a harmonious divorced family than in a conflict-ridden two-parent family (Amato, Loomis, & Booth, 1995; Emery, 1982; Hetherington and Kelly, 2002).

On average, when compared to children of intact two-parent families, children in divorced families have lower academic achievement, more behavioral problems, poorer psychological adjustment, more social difficulties, more problematic relationships with both mothers and fathers and are more likely to engage in abusive relationships in adulthood (Amato 2004, Ayoub and Deutsch 1999, Johnston and Roseby, 1997). Studies attribute these negative indicators specifically to a high level of custodial parent emotional distress and inter-parental conflict after divorce, which may be characterized by verbal and physical aggression, overt hostility, and distrust (Amato, 2004; Kelly 2000; Kurdek and Berg, 1983; Johnston, Kline and Tsschann, 1989; Shaw and Emery 1987). Research also demonstrates that as conflict escalates, the number of emotional and behavioral difficulties of children rise (Johnston, 1985; Sales et al., 1992). Accordingly, the literature suggests that, where possibly, reducing conflict and facilitating cooperation between parents during and after divorce proceedings can help to improve results for children and for society at large.

The adversarial nature of the court system may encourage or exacerbate inter-parental conflict. Yet, some evidence proposes that courts also have at their disposal strategies that can make a positive difference. Early assessment and judicial supervision of contested divorce cases, frequently referred to as differentiated case management, has been promoted as an effective

² Interparental conflict may be characterized as verbal and/or physical aggression, overt hostility, and distrust and may range from a history of chronic domestic violence and extensive degradation of one parent by the other to a rigid inability to discuss children and their well-being and disrespectful behavior such as name-calling (Ayoub, Deutsch and Maraganore, 1999).

strategy to identify needs and issues, link family members to intensive services and assist parents in avoiding litigation (Kaye and Lippman 1998, O’Neil and Schneider 1999, Shepard 2004, Worcester County Family Support Services Division Circuit Court, Maryland, Wingspread Conferees 2001a). Differentiated case management has also been shown to reduce time from filing to disposition and reduce costs for both litigants and the court (Connelly and Planet 1982). The literature suggests that offering this option to families in crisis, particularly when coupled with alternative dispute resolution (ADR) initiatives, mitigates conflict and encourages cooperative co-parenting (Grych, 2005; Haynes, 2002; Johnston, 1994; Pearson, 1999; Pedro-Carroll, 2005). ADR programs have been shown to be particularly helpful to families when combined with services that are child focused, comprehensive, and collaborative across disciplines, including legal and social services (Braver et al., 2005; Emery and Grover, 2005; Grych, 2005; Pearson, 1999; Pedro-Carroll, 2005, Pedro-Carroll, 2005; Pruett and Jackson, 2001; Shepard 1998; Wingspread Conferees, 2001a, 2001b).

As of 2005, nearly half of the counties in the United States offered some type of ADR programming for divorcing/separating parents, including mediation—the most common intervention—as well as parent education programs and parent coordination (Grych 2005, Shepard 2004). Mediation in particular has been seen as a means of promoting parent self-determination, reducing court workloads, lowering the cost of divorce, enhancing compliance with court orders for child support, and most importantly, enhancing post-divorce adjustment of children (Emery and Jackson, 1989; Keilitz, Daley, and Hanson, 1992; Pearson, 1993; Kelly, 1990; Meierding, 1993; Shepard 2004) Although research is limited on court-affiliated parent education programs, the literature does reveal a high level of self-reported parent satisfaction, and there is some evidence that parents who attend these programs have lower rates of re-litigation (Shepard 2004). Parent coordination has been linked to a reduction in re-litigation rates, decreased conflict and an increase in feelings of parent satisfaction (Johnston 1994, Vick and Backerman, 1996).

The results from Connecticut’s Collaborative Divorce Project (CDP), a multi-disciplinary court-based approach to divorce that provides separating parents with co-parenting counselors, mediation and linkage to services, have been promising. CDP reduced perceptions of conflict among both mothers and fathers, increased cooperation, and, “improved endorsements of the other parent’s importance in the parenting role” (Pruett 2005). Perhaps of even greater importance, the outcomes for children were positive. Specifically, teachers reported that CDP children had fewer cognitive problems, such as attention deficits, than control group children. When observed with the control group, CDP children appeared to engage in more coherent patterns of play, with fewer negative depictions of interactions between parents (Pruett, 2005).

In sum, the literature supports the notion that enhanced court-based case management and services may be effective in high conflict custody cases. Research indicates that the early identification of these cases through formal screening mechanisms, along with linkage to ADR interventions, has resulted in positive outcomes for the courts, parents and children

III. Methodology

The Center for Court Innovation implemented a multi-method formative evaluation of Nassau County's CCF, including structured observations, interviews of stakeholders, court staff, attorneys and litigants, review of project documents, and analysis of case processing data.

Structured Observation

Two researchers from the Center for Court Innovation visited the Nassau Matrimonial Court over the course of approximately nine months to conduct courtroom observation (observation instrument in Appendix D). These visits gave the researchers an opportunity to witness the flow of CCF cases and to see how the judge incorporated aspects of the CCF model into courtroom proceedings. Further, the researchers observed intake sessions with the family services coordinator and ADR sessions with the parent coordinator.

Court Staff Interviews

The researchers compiled a semi-structured interview guide for all court staff and stakeholder interviews (see Appendices A and B). The guide included questions on definitions of success and goals for the model, the interviewee's role in the planning process, court operations, eligibility, services, replication, problems and successes. Court administrators, judges and the majority of court staff (including clerks and a court attorney) were interviewed only once. The judge and the two coordinators (family services coordinator and parent coordinator) were interviewed on multiple occasions.

Stakeholder Interviews

Researchers interviewed staff from social service agencies used by the court for referrals as well as attorneys practicing in Nassau County who have had at least one case before the CCF judge. The interviews were informal and primarily respondent-driven. The researchers asked interviewees to provide their general impressions of the model, how it affected their clients, and how it differed from the traditional matrimonial parts in Nassau County. During these interviews, researchers also asked about the planning of the court, their definitions of goals and success, and their hopes for litigant outcomes with the new model.

Litigant Interviews

The researchers developed an interview questionnaire to capture litigants' experiences in the model court (see Appendix C). Specifically, questions addressed litigants' expectations, differences from traditional matrimonial parts (if applicable), experiences with the two coordinators, and satisfaction with different aspects of their case. The researchers recruited subjects either directly from the courtroom during an observation visit or via their attorneys, who obtained permission from their clients for the researchers to contact them. All litigants were interviewed over the phone during the second half of the evaluation year and thereafter. No identifiers were included on the questionnaires.

Review of Court Policy and Procedure Documents

A policy and procedure document (which is publicly available upon request) was developed by the judge and his staff during the summer of 2007. The document included:

- A description of the court and of the proposed evaluation;
- Details of court procedures;
- A list of parenting coordinators in Nassau County;
- A sample parenting coordinator order;
- A sample parenting plan;
- An affidavit for custody certification;
- A family screening intake questionnaire;
- A flow chart of the model custody project; and
- Information about the parenting education program.

In addition to receiving a copy of this document, researchers also obtained a sample litigant tracking form in September of 2007.

Service Tracking

Researchers reviewed a service referral log maintained by the family services coordinator for all litigants in the model court. No such data was available for litigants involved in the non-CCF court parts.

Case Processing Data

The researchers drew upon data from New York State's Civil Court Information System (CCIS), in conjunction with the family services coordinator's service reports, to evaluate case processing time for the CCF part as compared to the same dedicated judge's regular matrimonial caseload. The custody cases that comprise the judge's regular caseload were identified via a manual file review at the Nassau County Clerk's office. The family services coordinator and the judge also provided custody resolution dates for the CCF cases, allowing the researchers to measure time to custody resolution (which occurs prior to resolution of financial issues and of the case as a whole), not just time to final disposition. The primary comparison between the CCF caseload and the regular matrimonial caseload was time to trial start for all appropriate cases. Time from preliminary conference to disposition was also measured for both samples.

IV. Planning the Court

This section describes the CCF planning process, including a discussion of key project goals and obstacles.

Planning Process

In 2004, New York State's Chief Judge, the Honorable Judith S. Kaye appointed a special Matrimonial Commission to examine the divorce and custody determination process in New York and to recommend reforms to reduce trauma, delay and cost to parents and children. As a part of its effort, the Commission held four public hearings. Witnesses testified that matrimonial cases were dragging on interminably, children were used as leverage for economic gain, and ultimately the children were suffering in the process.

During the spring and summer of 2005, with assistance from the Center for Court Innovation, New York State's First Deputy Chief Administrative Judge began to investigate the findings of the commission by launching an examination of alternative ways to handle these cases and improve outcomes for children. Initial information-gathering activities included interviews and focus groups with litigants and stakeholders in order to solicit additional input and determine best practices regarding custody cases. Stakeholders interviewed in this process included district attorneys, service providers, police officers, and judicial staff, among others. The main needs identified during this investigation were early assessment and enhanced staffing.

Planning staff also visited several model matrimonial court programs, including a program in Connecticut and the Nassau Matrimonial Court's Court Assisted Parenting Program (CAPP) pilot. This latter initiative, similar to the Connecticut model, linked litigants in highly contested divorce cases with free, court-approved parent coordinators in order to reduce familial conflict. Anecdotal feedback was extremely positive, suggesting that the CAPP pilot might provide a good starting point for action. The First Deputy Administrative Judge convened a formal court planning group consisting of Nassau Matrimonial Court judges and staff, as well as local lawyers, law guardians, mental health service representatives, domestic violence service providers and other social service providers. Over the course of several months, planning group members discussed concerns and challenges, identified goals and developed a framework for a new program based on the CAPP pilot. CCF was launched in October 2006.

Goals and Objectives for the CCF Matrimonial Court

The CCF policy and procedures document explains the goals of the initiative as providing families in conflict over custody issues with support to help reduce animosity and maintain parents' and children's well-being; moving more quickly to case resolution when appropriate, and improving litigant perceptions of justice in matrimonial proceedings. The document also identifies the following primary objectives:

1. *Screening*: Develop and implement a protocol to screen and identify matrimonial cases for one of three courses of service (parent coordination, mediation or expedited trial);
2. *Family and Child Services*: Respond to each participating family's conflict and service needs through the provision of a family resource coordinator in the courthouse and through linkages to community-based services;

3. *Custody/Visitation Planning*: Respond to the needs of some families to have custody decisions and visitation, or parenting plans, organized and implemented in a non-acrimonious fashion through the provision of free parent coordination services in the courthouse.
4. *Timely case processing*: Expedite cases by deterring unnecessary motions and economic leveraging and by promptly scheduling trials for cases involving custody matters; and
5. *Confidence in the System*: Improve litigant perceptions of justice by ensuring that they are afforded the time their dispute requires and the information they need and that they are able to fully participate in the process.

During the evaluation process, individual CCF stakeholders and court staff were asked to express what they perceived CCF goals and measures of success to be (without reference to the preceding formal list). Respondents provided a range of answers, most of which supported the aforementioned goals and objectives. Some details of these responses are included below.

- *Protection of children from the trauma of divorce proceedings*: Stakeholders indicated that the most important goal of the court is to do less harm to children and to try to save them from permanent scarring.
- *Early Intervention*: Stakeholders and court staff believed that early assessments and front-loading of services were important to reducing trauma and delay overall for both children and parents.
- *Individual Solutions for Individual Families*: One stakeholder indicated that for a long time matrimonial cases were handled too similarly to car accident cases—known also as the “slip and fall” model, in which cases are handled in a formulaic manner and the goal is maximum financial gain.
- *Timely and Cost-Effective Resolutions*: Stakeholders from the mental health community, law guardians, and attorneys all felt the court process was taking too long prior to the implementation of CCF. Post-judgment litigation is a common culprit, draining the resources of both litigants and the court system. One of the major hopes for this model was that the parent coordinator could provide better enforcement of custodial agreements, thereby saving a litigant from filing a new motion, for example, when one spouse fails to return the child to the other in a timely manner. Stakeholders also expressed the hope that CCF would generate a more appropriate allocation of judicial resources, allowing judges to spend more time on the high-conflict cases that require more attention and less on low-conflict cases.

Obstacles and Concerns

Stakeholders anticipated resistance largely due to the difficulties inherent in changing ingrained ways of doing business. Some stakeholders felt that certain court staff had grown accustomed to processing matrimonial cases like car accident cases. In one interview, for example, a court employee indicated that certain judges might be resistant to the idea of the model part, fearing

that they will be ceding power or control over the proceedings (e.g., to the family service or parent coordinator).

Stakeholders were also concerned regarding the degree to which their input was taken into account in designing court operations. One individual expressed the sentiment that some stakeholders were involved “pro forma” after most of the design had been completed..

A third potential problem related to the use of mediation or other ADR strategies where both litigants are in the same room, particularly when there may be an undisclosed domestic violence situation. In the course of planning, court administrative staff acknowledged that they would have to adopt a separate protocol for domestic violence cases. If either party alleged intimate partner violence, either verbally or on their written form, the parties would be immediately separated (if they had not been separated already) and referred for expedited trial.

More generally, many of those interviewed believed that the Nassau County Bar Association needed to be educated and sensitized to custody as an issue that should be resolved prior to, and apart from, the settlement of financial issues. The parent coordinator was particularly concerned about the potential deleterious effects of an insufficiently educated attorney population.

V. Children Come First—Process, Feedback and Outcomes

This chapter describes the chronology of a typical CCF case, stakeholder and litigant responses to the model, service utilization, and case processing outcomes.

Divorce Case Process

In New York State, contested divorce cases typically begin in Supreme Court with the filing of a summons and verified complaint at the County Clerk's Office. The summons is the form that begins the divorce action and allows the person filing these documents to be named as a "plaintiff." In the complaint, the plaintiff will state one or more grounds for divorce and ask for specific things such as custody, child support and property.

The filing of a Request for Judicial Intervention is also required for the assignment of a judge to the case. While the case is pending, it is also common for both parties to file a pendent lite, a request for temporary relief, usually for expenses relating to child support, temporary custody or for exclusive occupancy of the marital residence.

The County Clerk's office issues an index number and sets a preliminary conference date within 45 days of the Request for Judicial Intervention filing date. Either a judge, judicial hearing officer, or special referee presides at the conference, which is normally attended by the parties and their attorneys. At that time, the court reviews requests for temporary relief and other pending issues. The court may determine which issues are contested and which can be resolved more readily, set a discovery schedule, and appoint neutral experts and guardians. The court will order certain information to be produced by each party and will give timeframes for submission. The court may also order services based upon identified needs. However, detailed information regarding service needs is not usually available during the conference.

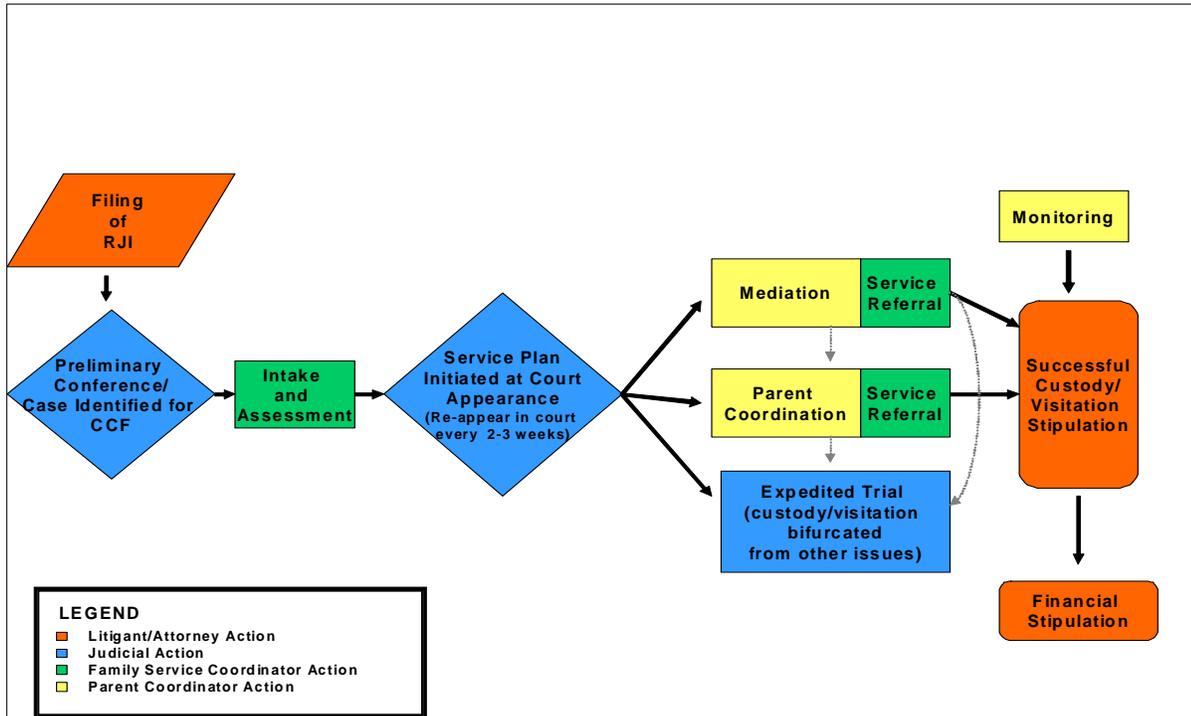
If the case proceeds to trial, discovery must be completed within six months of the preliminary conference. Most cases, however, are resolved by agreement (entered into voluntarily by the parties) or by court stipulation.

In many contested cases, the process may be delayed by non compliance with discovery demands and temporary relief orders and by the filing of motions related to non compliance. Court management problems, including delayed calendaring and cases bouncing back and forth between the judges and judicial hearing officers, or special referees, can also prolong these cases and increase conflict.

CCF Case Flow

Figure 1 depicts the path of a typical CCF case. As with all contested matrimonial cases in New York State, proceedings begin with the filing of a Request for Judicial Intervention and holding of a preliminary conference. Once the judge decides to include a case in CCF at the preliminary conference, it diverges from the traditional matrimonial court case flow. The case is referred for intake with the family services coordinator and is assigned to the specialized CCF part and its dedicated judge, who has expertise in custody issues. Additional details follow below.

Figure 1: Case Flow Chart for CCF Cases (post-pilot)



The CCF courtroom, where CCF appearances occur, is relatively small, seating a maximum audience of approximately 40. There are hallways lined with benches outside the part where attorneys and their clients often confer before or after an appearance. There are conference rooms available for private conferencing. Negotiations between parties were also observed in the courthouse’s public hallways.

Preliminary conference

During the preliminary conference, contested custody cases are identified and reviewed for CCF suitability. The judge looks for cases in which custody is unresolved, both parents are filing, and other high conflict characteristics are evident, including:

- A history of numerous motions and appearances;
- Allegations or self-reported levels of high conflict;
- Prior involvement in family court; and
- The presence of a substantial marital estate.

The judge questions the attorneys, and occasionally the litigants as well, to explore the level of conflict related to custody.

Once CCF eligibility is established, the judge notifies litigants that their case will appear before him in the CCF court and that they will be required to schedule an appointment with the FCS for an intake interview and assessment of possible service needs. The judge also provides the litigants and attorneys with an opportunity to ask the judge for additional information about CCF.

Intake Process

Sometimes the family services coordinator is present in court or chambers and able to speak with the litigants immediately after the preliminary conference to arrange an intake appointment. If the family services coordinator is not available, the litigants are directed to his office. The parties might occasionally participate in the intake process together, but more often are interviewed separately. Some litigants bring counsel, but attorneys typically don't stay for the entire interview. Generally, the intake process takes place within seven days of the preliminary conference.

If the family services coordinator is able to make contact with the litigants prior to the intake interview, the litigants are each asked to complete a separate proposed statement of custody in advance. If the family services coordinator does not speak with the litigants before the interview, they are asked to complete the document at the beginning of the meeting. The statement of custody proposes a final parenting plan from the perspective of each parent and details how custody should be divided between the two parties, including residential and visitation schedules.

The family services coordinator then interviews each litigant, as well as their counsel and law guardian if appropriate, to determine the appropriate court service track and community-based services to assist the family. Intake questions cover areas such as general case information, level of conflict within the relationship, litigants' ability to cooperate and communicate, and intimate partner violence, mental health and substance abuse.

If either party alleges intimate partner violence, and both litigants are being interviewed together, the family services coordinator separates them immediately and speaks with each party about the allegations separately. When intimate partner violence is identified, the case is calendared for an expedited trial, sometimes in conjunction with parent coordination (see below).

Subsequent Court Appearances

The next court appearance is usually scheduled for the dedicated CCF calendar two or three weeks after the intake interview. The CCF calendar is heard every Wednesday in the dedicated judge's court room. Typically, the CCF cases are staggered throughout the day on Wednesday, interspersed with other less time-intensive cases on the judge's regular docket. After this next appearance, litigants appear in court every two to three weeks and are seen approximately three to four times over the course of nine weeks.

During the first appearance after intake, the family services coordinator goes on record to provide the court with his observations and service recommendations. The judge uses these recommendations to determine a final service plan. This service plan may include court-provided services such as mediation or parent coordination, referral services such as counseling or drug treatment, or an expedited trial if services are inappropriate. A description of these service plan options is included below. After the family services coordinator presents the proposed service plan, each litigant's counsel has an opportunity to voice their consent or objection.

The following appearance is a pre-trial meeting with the judge and two attorneys, typically referred to as a status conference. In practice, the judge presides over most of these conferences himself, but when the caseload is particularly heavy his principal law clerk may step in. At this point, many interim visitation plans become final.

A full CCF cycle is approximately ten to twelve weeks. If custody is resolved during this time, phone conferences for financial issues are often conducted in lieu of a full appearance. If litigants are not able to resolve their issues, the judge offers an expedited trial within six weeks.

Service Recommendations

One of the most important aspects of the Children Come First model is the provision of front-loaded services for parents and children. The hope is that linking families with appropriate services early on in their cases will result in better outcomes, particularly for the children.

The family services coordinator identified and established referral relationships with a wide array of community service providers. Services offered by these providers include: alcohol and chemical dependence treatment for adults and adolescents; anger management programs; batterer programs; domestic violence services; housing and food assistance; long- and short-term individualized, couple and group therapy for adults and children; and in-and out-patient psychiatric services for adults and children. The family services coordinator maintains ongoing contact with these providers to ensure that litigants are attending court mandated programs and that the services are adequate and appropriate. The FCS enters service attendance information in a dedicated CCF database in order to track each case on an ongoing basis.

The judge mandates all services in the plan proposed by the family services coordinator. However, the judge first provides the litigants and attorneys with an opportunity to express objections to any referrals they feel are unnecessary.

According to the information provided by the FCS, 79% of families received at least one service recommendation, and 58% received two or more. The breakdown of service recommendations is below in Table 1:

Table 1: Services Breakdown for CCF Part: 10/06-10/07

	N	%
P.E.A.C.E Program	32	61
Family Counseling	17	33
Random Alcohol/Drug Testing	10	19
Anger Management	5	10
Child Counseling	5	10
Batterers Intervention	5	10
Alcohol/Drug Abuse Evaluation	5	10
Hair Follicle Testing	4	8
Individual Counseling	3	6
Alcohol/Drug Treatment	2	4
Psychological Evaluation	2	4

Note: Percentages add up to more than 100% because many families are ordered to multiple services.

The P.E.A.C.E (Parent Education and Custody Effectiveness) program was by far the most common service referral; it is a three-session educational program for divorcing parents on the impact of the divorce process on children. The second most common service was family counseling, which could mean counseling for both parents and the child(ren), or for one parent and the child(ren). The next most popular service recommendation was for random alcohol or drug testing. In cases where there was an allegation of substance abuse, the family services coordinator often ordered a drug or alcohol abuse evaluation to obtain a fuller picture of the situation.

Custody/Visitation Planning

Custody resolution is the next phase of the CCF program. Litigants who are not able to settle the terms of their custody with the family services coordinator and who are amenable to the process engage in mediation, or conflict resolution, to negotiate the terms of the parenting plan and custody issues in general. Those who are not willing to participate in mediation are generally provided with parent coordination. The various ADR (alternative dispute resolution) options and the role of the parent coordinator are detailed below.

Mediation

Most of the parent coordinator's cases involve mediation. With mediation, the parent coordinator neutrally facilitates the development of a parenting plan for visitation and custody. The parent coordinator typically spends one whole morning or afternoon mediating between the litigants. After two or three meetings, she assesses whether or not the mediation is working. If not, the family services coordinator reassesses the family, possibly re-routing them for an expedited trial.

The researchers observed the parent coordinator mediating a visitation issue between two litigants. Because of the contentious nature of the conversation, the parent coordinator spoke with each parent individually and then brought them back together to resolve the issue at hand: overnight visits with the father and his new girlfriend. The parent coordinator was able to negotiate an agreement that included counseling for the children, the purchase of new beds by the father, and the father dedicating a specific ring tone on his phone for the mother so that she and the new girlfriend did not have to interact directly. Researchers noted that the parent coordinator's demeanor was neutral, open and encouraging to both parties. Her persistence and insight were particularly effective in getting the parties to reach an agreement.

Parent Coordination

Parent coordination is usually reserved for post-judgment litigants who continue to file motions. This group is typically not eligible for mediation, either because they are unwilling or unable to negotiate, or perhaps because there is an allegation of violence. An order from the court is needed to facilitate the parent coordination process, and it usually lasts from six months to a year. During parent coordination, the parent coordinator helps litigants navigate the visitation and custody arrangements ordered by the judge. She also performs oversight of these cases and supervises compliance with the judge's order by regularly checking in with the litigants. Prior to joining the CCF team, the parent coordinator performed on-site mediation for litigants at the Nassau Matrimonial Court.

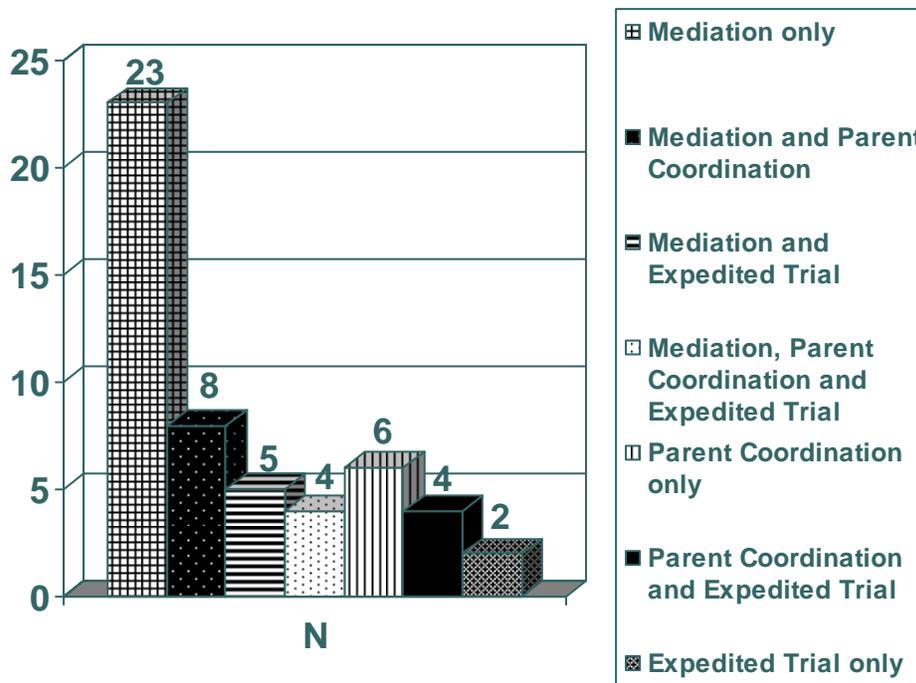
In a number of cases, the parent coordinator was responsible for facilitating and overseeing all contact between the parties. For example, one parent may call her to report that the other parent did not show up for visitation, or returned the child late from visitation, or made some sort of threat. In other cases, the parent coordinator is copied on all email correspondence between the parents, and may have to intervene should one of them try to alter the court-ordered parenting plan or say something inappropriate to the other. In any given case, the parent coordinator typically conducts either mediation or parent coordination, but not both. Sometimes she sees litigants on a scheduled basis, sometimes not. As shown in Figure 2, the largest percentage of litigants engaged only in mediation (44%), though many of them also engaged in multiple forms of ADR. Some began in mediation and moved on to parent coordination, others engaged in both before ultimately going to trial.

Expedited Trial

An expedited trial is also an option for litigants who cannot come to an agreement regarding custody matters; some may have tried conflict resolution and found it unsuccessful, while others may have been unwilling to engage in conflict resolution from the start. As mentioned previously, cases involving allegations of domestic violence were also tracked for expedited trial.

The distribution of ADR services utilized by litigants is illustrated in the chart below.

Figure 2: ADR Service Usage by all CCF cases (10/06-10/07)



Monitoring

The parent coordinator and family services coordinator monitor litigant compliance with court orders on an ongoing basis. The family services coordinator receives attendance and progress reports from the various service providers. If a participant is reported to be non-compliant, for example, not attending a session or testing positive for drugs, the FCS notifies the judge. Similarly, if a parent violates the stipulated parenting plan, the parent coordinator notifies the judge.

Willful disregard of a judicial order is considered contempt of court, which may result in up to six months of jail time. However, the CCF judge, like other judges, was reluctant to use this hammer, unless necessary. In his words, “a civil part is not in the business of putting people in jail.” The judge also indicated that “these are often colorable claims and not willful violations.” In addition, it may be difficult to discern the truth when visitation conflicts arise. For example what may appear to be a custodial parent attempting to keep the child from the other parent may in reality be an angry child who has no desire to spend time with the non-custodial parent.

Case Volume and Screening

Each of the six judges in the Matrimonial Division of the Nassau County Supreme Court has an annual caseload of 240-260 cases. Prior to the start of the pilot in October, 2006, these judges each handpicked four or five of their most difficult cases for the CCF pilot. All of the cases, 20 in total, were six months to two years old. Fourteen of them settled custody issues within six weeks of being transferred to the CCF part. Of this 14, two were dismissed, and one had a pending neglect charge in family court which was eventually resolved. Six or seven of the 14 had all financial issues settled as well. Aside from the 14 resolved cases, three were scheduled for trial, and one was scheduled for a hearing at the end of this six week pilot period. Only two were pending at that time.

Beginning in December 2006, CCF cases were selected from two of the six parts (those of the dedicated judge and one other judge). After the pilot phase, new cases were evaluated for CCF eligibility by the given dedicated judge at the preliminary conference. The original 20 cases were selected because they were high-conflict and volatile. Starting in December 2006, CCF cases fell across a wider spectrum of conflict level. Some cases resolved quickly with one or two conflict resolution sessions, while others required extensive parent coordination or expedited trials.

As of October 31, 2007, there were 73 families assigned to CCF. The caseload ranged from three to five new cases per week.

Litigant Perspective

Fifteen litigants participated in phone surveys concerning their experiences in the CCF part. Survey responses were assigned random numeric identifiers in order to maintain respondent anonymity. Litigants were interviewed during various points of the divorce process; some were in the midst of mediation or parent coordination, others had completed the process altogether. Consent to contact litigants was obtained through their attorneys, who also provided litigant contact information. All interviewees had completed a preliminary conference and an intake

with the family services coordinator. Litigants who were post-judgment, litigants who reconciled, and litigants who settled before screening were all excluded from analysis.

Table 2: Demographic Information

	N=15
Gender	
Male	53%
Female	47%
Ethnicity	
Caucasian	87%
Other	13%
Education	
Less than associate's degree	27%
Associate's degree or higher	73%
	Mean
Age	42 years
Length of marriage	12 years
Number of children	2
Age of children	4 years

Characteristics

Table 2 provides respondents' demographic information. The mean age of the litigants was 42, and all but two described themselves as Caucasian. On average, litigants had been married for 12 years, and had an average of 2.1 children. Litigants' children were 4.2 years old, on average. Seventy-three percent had earned an associate's degree or higher. Eight litigants were male and seven were female. Men on average were more educated than the women—all eight men had an associate's degree or higher, while only three of the seven women had an associate's degree or higher.

Half of those interviewed were seeking full custody of their children, and half were seeking joint custody. Similarly, half wanted their spouse to receive joint custody, while the other half were divided between wanting their spouse to receive full custody and wanting their spouse to receive only visitation. Less than 25% were seeking alimony, counsel fees or maintenance, and that percentage was comprised almost entirely of female respondents. Thirty-six percent were seeking child support, and 21% were seeking an Order of Protection. All litigants seeking Orders of Protection were women.

As of the interview, all but one had received at least temporary decisions on custody matters. Eight out of 13 litigants (62%) strongly agreed or agreed that the court had handled their case fairly. Five (38%) disagreed or strongly disagreed. Notably, men were significantly more satisfied with custody decisions than women (2.8 vs. 1.8 out of 4).

Table 3: Explanations and Expectations of CCF

	N=15
1. Who explained the part to you?	
Judge	13%
Attorney	27%
Parent Coordinator	20%
Family Services Coordinator	20%
No one	20%
2. How well did you understand the explanation?	
Very/somewhat well	53%
Not very well/not well at all	27%
No explanation	20%
3. How would you rate your expectations?	
Very high	8%
Somewhat high	39%
Neutral	31%
Very low	23%
4. Were your expectations met?	
My expectations were about right	31%
Better than expected	39%
Worse than expected	31%

Note: For items 3 and 4, the number of respondents was 13.

Note: The percentages of some items exceed 100% due to rounding up of percentage points.

Explanation of the part

Table 3 outlines respondents' experiences learning details of CCF and their expectations related to the model part. Any of several different players explained the court process to the litigants who were interviewed; some were told by their attorneys, some by the judge, three litigants were informed by the parent coordinator, and three were notified by the family service coordinator. Three people reported that no one explained the court to them. Roughly half (53%) felt they understood the explanation very well or somewhat well, 27% felt they understood the explanation not very well or not at all well, and the remaining 20% said they did not receive an explanation. Almost half (46%) rated their expectations as very or somewhat high, 30% rated their expectations as neutral, and 23% rated them as very low. Of those who had any expectations of the process, 31% felt their expectations were right, 39% felt their experiences were better than expected, and 31% felt their experiences were worse than expected. Men's expectations on average were slightly more negative, but there was no difference between men and woman on the meeting of those expectations.

Table 4: Interactions with court staff (*Scale of 1 to 4, 4 most positive*)

	Mean/%
Judge listened to my side of the story	3.0
Judge understood details of my family situation	2.8
Appropriateness of family services coordinator’s service recommendations	3.7
Experiences with parent coordinator	
Positive	71%
Negative	29%

Note: Number of respondents varies from 11 to 14 on the questions above.

Opinions of court staff

Table 4 details respondents’ experiences with the judge, the family services coordinator, and the parent coordinator. Litigants, on the whole, held positive impressions of the judge. Most believed he was fair and respectful. One expressed that he should take more time to listen to both sides. Another believed that he should ask more people (i.e., character witnesses) before deciding who is the “better” parent. When asked about whether the judge listened to their side of the story, litigants gave an average rating of 3.0 out of four (four was most positive). Similarly, when asked how well the judge understood the details of their family situation, litigants responded with an average score of 2.8 out of four.

Nearly everyone was satisfied with their interactions with the family services coordinator. Most people did not have strong reactions to him either way, but felt he was nice, and reported feeling comfortable with him. One litigant indicated that she did not feel that 30 minutes was enough time for him to make an accurate assessment of her family situation. Another said she felt uncomfortable with him because her husband lied during their assessment. All litigants felt that the service recommendations were fair (average rating=3.7 out of four)..

Regarding interactions with the parent coordinator, most litigants (71%) reported positive experiences, one stating that she “would not have made it through without her.” Another indicated that the parent coordinator was better able to communicate to her husband what she wanted than she, the litigant. Four of the litigants (29%) reported somewhat negative experiences with the parent coordinator. One was a parent coordination client who became upset when the parent coordinator would not mediate problems between he and his ex-wife or help him change his parenting plan, which had already been stipulated.³ Another litigant felt that his wife “gave her the babe in the woods routine” and that the parent coordinator had not listened to his point of view. One litigant accused her of being biased against men. Another felt that she meant well, but was ineffective, as “the courts are not going to change someone’s mentality.” Men were also more likely to resent having been put in the CCF part in the first place; one said he’d been “strong-armed” by the judge, another said his attorney had “sold him down the river” by participating, rather than going to trial. In spite of these attitudes, men still rated their satisfaction with custody decisions more highly than women (see Table 5).

³ By law, the parent coordinator cannot mediate a parenting plan which has been court ordered.

Table 5: Satisfaction with court decisions (*Scale of 1-4, 4 most positive*)

	Mean
Satisfaction with parenting plan	3.4
Males	3.2
Females	3.6
Satisfaction with custody decisions	2.2
Males	2.8
Females	1.8
Satisfaction with financial decisions	2.5
Males	2.3
Females	2.7
Satisfaction with mediation	3.2
Males	2.7
Females	3.7
Satisfaction with overall court decisions	2.4
Males	2.0
Females	3.0

Note: Number of respondents ranged from 6 to 13 depending on what point respondent was in his/her case.

Satisfaction with decisions

In evaluating overall litigant satisfaction, it is relevant to note that most of the litigants were interviewed mid-case, so final decisions had not yet been made. Most, as seen in Table 5, rated their satisfaction in the middle or slightly more positive than not. The most positive rating overall concerned satisfaction with the parenting plan (mean score of 3.4 out of four). In general, female respondents were slightly more positive about their court outcomes than male respondents (pattern evident across nearly all items in Table 5). However, the differences between female and male respondents were statistically significant in the case of satisfaction with custody decisions; and in that on case, male respondents were actually more satisfied (2.8 vs. 1.8).

Process

Litigants also had several general comments about the CCF process. One litigant suggested making reading materials available about CCF and about getting a divorce in New York State. One expressed concern about accountability; she worried that no one was going to ensure that her husband continued to attend his substance abuse program. One wished that litigants had the opportunity to speak more in front of the judge. One litigant observed that things were going smoothly with conflict resolution until the attorneys got involved. She and her husband had come up with a parenting plan with which they both felt comfortable, but one of the attorneys had a problem with the wording in the stipulation, so they altered it in a way that ended up being less satisfactory to both parents.

Few of the litigants interviewed had been in any other court regarding their current custody case, so they had no basis for comparison. Of the two who had this experience, though, one reported that the CCF judge was more personable than a previous judge, and that he interviewed the

children himself. Another reported that the CCF judge was more in tune with each individual, though this litigant felt that financials were de-prioritized to the point that she had to fight to obtain a judgment on the financial aspects of her case.

Limitations

There are a number of limitations to litigant data, due in part to the small sample size, and in part to the fact that, generally speaking, no one is happy going through a divorce. Because most of the litigants were still mid-process, there may have been insufficient time or distance for reflection. On the other hand, their interactions with the judge, the family services coordinator and the parent coordinator were still fresh in their minds.

The small sample size in this evaluation limits the generalizability of the data. Litigants who were more satisfied with aspects of their cases—specifically male litigants—may have also been more likely to share their experiences with the interviewers. Men may have also been less likely to expect they would receive any custody; therefore, when they received partial custody, their expectations were exceeded. Women, on the other hand, may have expected full custody and been disappointed when they had to share custody. Only litigants' custody preferences were measured, not their custody expectations.

Attorney Perspective

Ten attorneys who had at least one case in the CCF part were interviewed. Nine were matrimonial attorneys, and one was a law guardian. Their feedback was positive on the whole; they believed that CCF outcomes were generally more beneficial for children, saving them the time and headache of a protracted, standard custody battle.

Prior to the CCF pilot, as more than one attorney pointed out, there was no way to separate custody issues from economic issues. Many of the attorneys believed that the custody issues were the thorniest to handle when cases go to trial. The attorneys also observed that custody issues often delay the trial or lead one litigant to take the other to court to “play the system.” Some attorneys indicated that some parents will use a change in custody to obtain a better financial settlement by gaining child support. One mentioned that CCF seems to provide a better system for the judge as well, as it is so hard to stay within Standards and Goals for custody issues.⁴

CCF offers a good, therapeutic alternative to straight litigation, one said, and is a better process for problematic custody cases; the difference between the CCF part and a traditional part is that the two people who know the children the best are actually sitting down in the same room. In the end, one attorney stated that although he did not obtain the outcome he asked for in his application, the outcome, joint custody, was probably better than a change to sole custody, his request; with sole custody there still would have been a breakdown in communication between the two parents. Similarly, another attorney was pleased to see the parties in the case actually communicating with one another, which he believed would ultimately benefit the children. Once the parent coordinator met with the couple, this attorney reported that the case was settled very

⁴ Standards and Goals are the Unified Court System's primary tool for measuring successful and timely management of a caseload.

quickly. Both litigants walked away a little bit unhappy, but spared themselves and their children a trial.

All attorneys felt that the family services coordinator and the parent coordinator were effective. One attorney said that he would not have been able to convey details of the client's ex-husband's behavior to the judge as the parent coordinator did. The parent coordinator role, which in the past had been privately outsourced, is now part of the court, with the weight of the court behind her, and is ensuring that the litigants are accountable for their actions. In one instance, the attorney ordinarily would have needed to make a formal motion based on one litigant's behavior, but the parent coordinator was able to handle the situation through her out of court communications with the litigants. In this fashion, the court is in effect using in-house staff to address issues that would have otherwise needed a hearing or court order to address, thereby incurring attorney legal fees as well.

Attorneys also had positive feedback about the judge, and many specifically mentioned how well suited he is to this model. One attorney indicated that the judge has a "good eye" for seeing the truth in a given situation and doesn't explicitly admonish a litigant who isn't being truthful; he still orders the services he feels are appropriate. He does not talk down to litigants, which as one attorney indicated, "turned out to be a smarter way to handle the guy."

One attorney pointed out another positive product of the court; if the attorneys do not check at the preliminary conference that custody has been resolved, the case qualifies for CCF and the court gives a short date to return. This timeline puts pressure on the litigants to resolve the case quickly. This attorney felt CCF should be a universal protocol.

Though the feedback was largely positive, there were a few criticisms of the CCF model. One attorney said he had mixed feelings because sometimes litigants feel it is unnecessary. On the other hand, he also finds it troublesome when both lawyers advise the court that CCF is not appropriate (clients have "nearly" reached an agreement) but this turns out not to be true, and litigation turns out to be necessary. A few of the attorneys felt that the clients should have the option of standard litigation, as they are not sure that the CCF model is appropriate for everyone. Another attorney felt that clients are too "green" and can be easily taken advantage of during the creation of the parenting plan, and therefore the attorneys should do all the negotiating. Lastly, one indicated that his client was treated unfairly and that things moved too quickly. He thinks that the family services coordinator and parent coordinator are nice people, but that the judge accepts practically everything they say rather than taking the time to investigate the details of a situation himself.

Case Studies

The coordinators provided two cases that they felt were characteristic of the CCF part, one a mostly straightforward conflict resolution case, the other a more complicated parent coordination case.

Case One

Timeline: The preliminary conference for this couple took place on April 18. Their screening with the family services coordinator occurred on April 26 and April 27. Adjournments were on

May 9, May 23, June 15, and mediation sessions were on June 29, July 5, and July 12. Both coordinators believed that this case took longer than the typical cases, although it was still resolved within 12 weeks.

The father came in wanting joint custody. There were no indications of drugs or domestic violence. The children were ten and fourteen years old. The mother insisted that the father had not been around, and said she was “shocked” at his proposed parenting plan. Both came in with different versions of an access schedule; the father wanted the kids to stay in the marital residence while each parent was with them half of the time. Their first time with the parent coordinator they came up with a proposed resolution—the father was willing to concede the original plan in favor of shared custody as long as the mother bought him out of the house. The father retracted the proposed settlement after the June 15 meeting. On June 29, the couple reopened their issues with the parent coordinator. The mother said that every time the father sees attorneys he comes back wanting something else.

There were three meetings total for this couple; by the third (July 5) they had a slightly modified proposal which was implemented July 12 on the record. The resolution for this family included shared, joint legal custody of the children. The mother had residential custody, and the father had Tuesday and Thursday from 3pm until 8pm, as well as every other weekend with the children.

Case Two

Timeline: Litigants’ preliminary conference took place On September 18. Their intake interview with the family services coordinator took place on October 3, recommendations were dated October 5, and a general parenting custody order through mediation was implemented on November 3. The case was disposed on December 5 of the following year.

This case featured counter-allegations of substance abuse. In addition, the couple had an older emancipated son living with the mother who attempted suicide. The mother alleged domestic violence. The father admitted to anger and blamed it on her. At the time they had their intake interview, the father had supervised visits with their 11 year-old. This family was part of the pilot phase, in which the judge collected the most difficult, lingering cases in Nassau County.

Parent coordination sessions began on October 24, when the mother came but the father failed to appear. Another session took place on October 31 when both appeared, and on November 9 the parent coordinator facilitated a phone intervention with both parties. The two had resolved their parenting plan with the parent coordinator, but it was not being implemented.

Several emergency phone calls were placed from both parties, which moved the parent coordinator to collaborate with both attorneys to modify provisions in the original agreement. On December 5 a stipulation was generated through attorney collaboration in which both parents agreed to refrain from alcoholic beverages during parenting times. In addition, conditions of cancellations were clarified, and both parents were ordered to keep the house at seventy degrees. The next emergency phone call came in December from the mother, to which the parent coordinator responded by letter on January 2, setting forth the parameters for visitation (i.e. 20

minutes grace period for pick-up). On January 5 another phone conference took place with the mother's attorney.

Shortly after, the father started his limited non-supervised visits, which were repeatedly interrupted by the mother. Within the first week of the plan being enacted, the mother called the daughter during one of her visits with father. The mother alleges the daughter told her she was scared. The mother showed up at the supermarket where they were and then chased father and the daughter in her car. The parent coordinator says this was part of a string of chaotic episodes.

The parent coordinator got together with the attorneys and law guardian after this incident to revisit the parenting plan. The theme of this meeting was the mother's initiation of conflicts during the father's time with the daughter. On March 7 another modification was made to the parenting plan regarding the structure of visits and contact between parties; drop off was now to take place at a police precinct. Since the mother would often follow the father and daughter around on a visit, she had to wait ten minutes before leaving the precinct and was forbidden to call unless there was an emergency. She was also forbidden from going near the father's house for 1-2 years.

On March 20, the father made a homicidal threat during a call to the parent coordinator: "She's going to drive me to kill her and then kill myself." The parent coordinator reached out to the attorneys. As a result, an emergency order on March 20 sent the father to anger management (for the second time). Next, a stipulation was created on March 28 in which the mother went to a substance abuse evaluation, the daughter went to counseling, and random drug testing was instituted for both parents. Other than a minor flare-up on April 26, the only time the parent coordinator heard from the mother after this point was to announce her vacation times to coordinate visits.

This case is an example of the type of work involved in parent coordination including facilitating and monitoring in-person and phone communication between litigants.

VI. Outcomes

Case Processing

Between October 1, 2006 and October 31, 2007, 73 cases were assigned to CCF. Only 52 of these cases were included in the analysis due to cases being discontinued, resolved prior to screening, or not referred to screening⁵. Only custody cases from the dedicated judge's traditional caseload were included for comparison. Of the dedicated judge's 119 total non-CCF cases during this timeframe, 29 (24.4%) were contested custody cases. Seven cases in the traditional part which were resolved on the same day as the preliminary conference or were discontinued were removed prior to analysis.

The main quantitative indicators for case processing include: days between preliminary conference and custody resolution; days between preliminary conference and disposition; days between preliminary conference and trial start date; days between the start of an expedited trial start and trial completion date, and the usage of mediation and parent coordination (see Figure 2). Researchers obtained Civil Court Information System (CCIS) reports and access from the Office of Court Administration (OCA) to information regarding preliminary conference dates, disposition dates, and trial dates for cases on the dedicated judge's docket between October 2006 and October 2007. Supplementary reports with custody resolution dates and service recommendations for CCF cases were provided by the judge and the family services coordinator.

Table 6 below includes several important case processing indicators. First, mean days from preliminary conference to disposition were calculated for both the CCF part and the non-CCF part. Next, mean days from preliminary conference to custody resolution were calculated for the CCF part, though this data was not available in the comparison group. Mean days from preliminary conference to trial start date were calculated for all applicable CCF and non-CCF cases, whether or not the case was originally slated for expedited trial, or it was redirected to trial after parent coordination and/or mediation. Lastly, mean days from trial start date to trial end date were calculated for the small number of both CCF and non-CCF cases.

Sixty-nine percent of eligible CCF cases had been disposed by the time of data collection. Time between preliminary conference and disposition was slightly longer in the CCF population, though not at a statistically significant level. As expected, the time to trial was significantly shorter among the CCF cases than among traditional cases, though trial start date to trial end date did not differ much between the two groups. Finally, among CCF cases only, those with a custody resolution date resolved the custody issue in 87 days, which is less than half the time to disposition of the entire case. (The judge reports that resolving custody within two or three months is unheard of in a traditional matrimonial part.) The evidence suggests that as intended, the CCF program achieves an early resolution of those issues.

⁵ Sixteen cases were resolved prior to screening or referral, three cases were not referred to screening, one case reconciled, and one case was discontinued.

Table 6: Case Processing Information: CCF and Traditional Cases filed 10/06-10/07

	CCF Part		Traditional Part	
	N	Mean Days	N	Mean Days
Preliminary conference to disposition	36	216	20	174
Preliminary conference to custody resolution	29	88	N/A	N/A
Preliminary conference to trial start date	9	157	2	253
Trial start to trial end	5	193	2	214

Though case processing time, particularly the mean time from preliminary conference to disposition, did not decline under the CCF model, custody matters were resolved in under three months; moreover, the qualitative data suggests that custody situations improved for litigants and their children who go through the CCF part. By comparison, in 2003, the average high conflict case including custody issues in New York State lasted 319 days from start to resolution (Silberman, 2003).

There were several limitations to the case processing data. As seen in Figure 1, very few litigants went straight to an expedited trial. All but three who opted for trial began using one ADR option, such as mediation, and then moved on to the trial, or even onto parent coordination before an expedited trial. Any litigants who opted for an expedited trial after already engaging in one of the other ADR options will automatically have a longer case processing time—at least a six week extension until the trial even begins.

Next, CCIS provides little information about a given case other than the RJI filing date, preliminary conference date, motion filing dates, and disposition date.⁶ Trial dates also had to be inferred from vague coding in the system, along with comments entered by clerks in the “notes” section. Trial dates, unlike custody information, are not typically included in individual files for verification. If they are included, they are handwritten in arbitrary locations in the file, not systematically. Finally, the small sample size must be taken into account when reviewing the case processing results. The figures for trial times cannot be considered generalizable due to the small number of cases.

⁶ A manual file review was required in order to discover which of the judge’s non-CCF cases during the evaluation period were contested custody cases; custody information is not included in CCIS.

VII. Implications

Resource Implications

The foundations of the CCF model – early screening and assessment, linkage to appropriate services, on-site parenting coordination, and monitoring – depend upon the availability of trained and knowledgeable staff to carry out these functions thoughtfully, thoroughly and free of charge.

During the evaluation period, the judge saw about three to five new CCF cases a week. This compares with approximately 5-10 new matrimonial cases per week in total, as well as approximately 40-50 other new cases assigned to the other five matrimonial judges in Nassau County. In its pilot year CCF saw 73 new cases, as compared with approximately 1500-1600 cases in the entire Matrimonial Division. These CCF cases had a typical duration of 216 days from preliminary conference to disposition. The family services coordinator generally gave recommendations in court for two to three families a week during the evaluation period. Based on observation, the family services coordinator typically needs to be available on the CCF court day to make recommendations to the court and to conduct an intake assessment on litigants that typically lasts about an hour. The family services coordinator also performs intake interviews on non-court days. The family services coordinator generally conducts follow up with service providers by phone.

The parent coordinator's caseload typically depends on the number of new referrals received by the court as well as the status of existing cases. During the observation period, the parent coordinator typically saw one to two mediation cases in the morning and a parent coordination case in the afternoon. Mediations typically lasted one to three hours and on average occurred three times per family. A typical parent coordination case meets once a week for as long as necessary, often six months to a year. Other parent coordinator responsibilities included phone and email contact with litigants, collateral contacts with therapists and other professionals (including collaboration with attorneys) as needed and daily email screening of new litigants.

Both the judge and parent coordinator have communicated the need for the court to work with the parent coordination cases for as long as necessary but usually not for more than a year. However, many of these cases are chronic and need long-term intervention. The court is hesitant to refer CCF families to a private parent coordinator because of the financial, and possibly emotional, cost to the litigants as well as the difficulty it would present to the court in ensuring consistency and appropriate oversight of these cases. However, given the continued increase in the CCF caseload, and the current parent coordinator's divided responsibilities, it will become increasingly difficult to meet these litigants' needs. In time the court will have to consider if it needs additional staff to assist the parent coordinator.

Our study suggests that the parent coordinator and family services coordinator have clear and demonstrated impacts. Evidence suggests they improve satisfaction of parties, decrease hostility, and help the court dispose of custody issues more quickly. While many stakeholders, litigants and attorneys expressed the desire that CCF become a universal protocol, this may not be a feasible option given the cost of such a transition. Therefore, courts hoping to replicate this model must weigh these positive impacts against the cost, establishing clear means of distinguishing cases where these intensive services are needed most.

Other Lessons Learned

Several themes consistently emerged during interviews and observations as important “lessons learned.” These lessons are summarized below for consideration by Nassau County and by other jurisdictions interested in replicating the CCF model:

- *Judicial Selection:* The selection and maintenance of a motivated judge is vital to the CCF model. Many litigants interviewed emphasized that the CCF judge was critical to the success of the program. Stakeholders pointed to his leadership in spearheading the planning process. Both litigants and stakeholders cited characteristics such as his fairness and sensitivity to issues surrounding custody matters.
- *Case Selection:* Currently there are no formal eligibility criteria or processes for case selection, other than the random selection to the dedicated judge’s docket, followed by that judge’s own determination of a case’s eligibility. Both Nassau County and other jurisdictions might benefit from formalizing the case selection process, creating a list of eligibility requirements, and developing a more formal domestic violence screening protocol. Further, jurisdictions might consider allowing an opt-out option for cases in which both attorneys and litigants would prefer not to participate in the model. If this is not possible, attorneys might be permitted to go on the record should they have objections to including their case in the CCF program.
- *Engagement of Community Stakeholders:* CCF planners were successful in obtaining buy-in from certain community stakeholders, such as the Nassau County Bar Association, because of early outreach. However, one individual expressed that some groups were involved “pro forma” after most of the design had been completed, and that stakeholder input was not taken into consideration. Jurisdictions interested in replicating the CCF model must be strategic about who to involve and at what stage of the process. Experience indicates that key stakeholders (e.g., attorneys, administrators, service providers) prefer being included as early in the process as possible. Planners’ sometimes fail to realize this best practice due to real-world pressures; however, they do so at their own peril, as seen by numerous examples of stakeholders effectively crippling new initiatives because they did not feel properly involved.
- *Parent Coordination and Mediation Services:* The provision of on-site, no-cost parent coordination and mediation services are key components of CCF. The Nassau County parent coordinator currently performs both mediation and parent coordination responsibilities, and reports difficulty in sustaining more than the present caseload. If the Nassau County Supreme Court intends to expand the model to other matrimonial parts, it may become necessary either to hire additional staff or to consider using a combination of in-house and roster parent coordination (provided by non-court employees).
- *Education:* Some litigants reported not being aware that they were in a model custody part. To ensure that litigants are fully informed, it may be useful to develop and distribute written materials explaining the CCF model and its components in detail. Hosting workshops on CCF for county Bar Association members may educate and sensitize members to custody as an issue that should be resolved prior to, and apart from,

the settlement of financial issues. In addition, providing web-based information on the model, and presenting to other community stakeholders about CCF, may also be useful mechanisms for informing the community.

VII. Conclusion

Based upon the information gathered during this evaluation, it appears that CCF has generally been successful in attaining the following goals:

- *Screening:* During the evaluation period, three to five high-conflict custody cases were screened per week by the family services coordinator to assess for possible service needs. In addition, during the screening the coordinator collected information to help the judge determine whether mediation, parent coordination or an expedited trial would be appropriate for litigants. Approximately 79% of participating families received at least one service recommendation, and 58% received two or more during this timeframe.
- *Family and Child Services:* Litigants received more services at the outset than they would have received in a traditional matrimonial part. Additionally, nearly all litigants received service recommendations upfront, approximately two to three weeks after the preliminary conference, unlike a traditional model in which litigants and children might receive services at the end of the process or not at all. Services include alcohol and chemical dependence treatment for adults and adolescents; anger management programs; batterer intervention programs; domestic violence services; housing and food assistance; long- and short-term individualized, couple and group therapy for adults and children; and in-and out-patient psychiatric services for adults and children. The 15 litigants interviewed rated the appropriateness of the service recommendations provided by the family services coordinator an average of 3.7 on a 1-4 scale.
- *Custody/Visitation Planning:* There is a high satisfaction rate with parenting plans among CCF litigants who were interviewed. Litigants who were not able to settle the terms of their custody with the family services coordinator and who were amenable to the process engaged in mediation, or conflict resolution, to negotiate the terms of the parenting plan and custody issues in general. Those who were not willing to participate in mediation were generally provided with parent coordination. Forty-four percent of CCF litigants were able to resolve their cases using only mediation.
- *Timely resolution of custody issues:* Custody matters were resolved in less than three months (82 days on average) at the CCF. Overall, cases on average were resolved completely (including both custody and other issues in the divorce) in just over six months (216 days on average), whereas in traditional matrimonial parts, in 2003, the average high conflict case including custody issues in New York State lasted 319 days from start to resolution (Silberman, 2003). Time to disposition (including both custody and other matters, such as finance) did not differ significantly from non-CCF cases.
- *Confidence in the System:* Most litigants had something positive to say about their case, and on average felt that their cases were handled fairly. Specifically, litigants expressed a high rate of satisfaction concerning their experiences in mediation and with the parenting plan. Attorneys and court staff cited the selection of the CCF judge as particularly crucial to the success of the model and to litigants' perceptions of the fairness of the system.

Most litigants reported feeling that the presiding CCF judge was fair and respectful and listened to their side of the story.

The CCF model represents an innovative, child-focused departure from the traditional adversarial model for resolving contentious divorce cases. The model requires that attorneys, litigants, and the court all embrace a different set of priorities concerning how these cases are to be approached. As a pilot, CCF has demonstrated its value for participating litigants. The CCF model is resource-intensive, relying on two new staff positions, a family services coordinator and parent coordinator, to devote a significant quantity of time to each assigned case. If the model is to be expanded in Nassau County or replicated elsewhere, these resource implications will have to be addressed thoughtfully and creatively.

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APPENDIX A

Nassau County Matrimonial Court

Site Visit Interview Protocols

Matrimonial Court Judge

1. Introductory [respondent knowledge/ attitudes regarding matrimonial and problem solving courts]

- What is “success” in a mat. court?
- Who in your community supports this new model? How about opposers?

2. Evolution of the specialized court part

- When was the enhanced model part started?
- What was the impetus for opening the part? Did it evolve from something else?
- Who started the part? Did the part receive any additional funding? From whom?
- How did the idea of adding additional staff arise?

3. Court Operations

- What is the Court’s schedule of operations?
- Can you describe a “typical day” in the court?
- Who are the key court players and what is their role in daily court operations?
- Which of these players is unique to the mat. court?
- How do you identify cases?
- Stage at which cases are transferred
- Does the nature of court operations affect litigation of cases? If yes, in what ways?
- Are there other special circumstances that you need to be aware of? Does the court have a formal process for relaying this information to you?
- How have operations changed since the coordinators have joined the staff?
- What paperwork is used? Do any of the forms differ from those used in a traditional part?
- How do you address issues of cultural sensitivity in the specialized court part?
- Are translators available for non-English speaking litigants?
- Do interactions with forensic examiners differ from those in the traditional part?

In terms of daily operations, does the court have explicit policies? If so, to what extent do daily operations reflect these policies? Does the court have a written manual or written protocols?

4. Eligibility/Screening Criteria

- How do you define high-conflict cases?
- How do other judges define high-conflict cases?
- What do you do with high-conflict cases that are not appropriate (e.g. DV, mental health, substance abuse)?
- What percentage are truly custody cases?
- What other eligibility requirements are there?
- Who determines these criteria?
- Who transfers cases to the specialized part? At what stage do these transfers occur?

In terms of eligibility, does the court have explicit policies? If so, to what extent do cases actually transferred to the court reflect these policies?

5. Services and Accountability

- What is your level of involvement in advocating for program mandates and choosing mandate type and program?
- How does this process work between you and the coordinators?
- How do you determine who gets mediation and who gets parenting programs?
- What is your level of involvement in compliance monitoring? What does monitoring entail?
- Use of programs and services
- How are outcomes different from a traditional matrimonial court part?

In terms of litigant accountability, does the Court have explicit policies? If so, to what extent do actual court efforts to promote litigant accountability reflect these policies?

6. Referral system

- Does the court have formal relationships with social service agencies?
- What is the process of making referrals and getting reports back?
- Who are you referring to and for what types of services?
 - Probes: substance abuse treatment, mental health, life skills, anger management, DV programs, physical health or medical programs, other
- What determines/triggers decisions to refer to specific types of services

7. Case Outcomes

- About how many cases go to the specialized part?
- About how many cases have been resolved?
- Generally, what is the lag time between first appearance and resolution?
- What percentage of cases goes to trial?

8. Problems and Successes

- What are areas that are working well in the court?
- What are areas that could use improvement?
 - Probes: Case screening, efficiency, efficacy of parenting plan implementation assistance, facilitators and impediments to case processing and resolution, adequacy of legal and social services, areas requiring further refinement or change
- Discuss problems and successes with resources
- Discuss problems and successes with the actual running of the court
- What are some important lessons that you have learned that you would pass on to a new court?

APPENDIX B

Nassau County Matrimonial Court Stakeholder Interview Guide

1. Introductory [respondent knowledge/ attitudes regarding matrimonial and problem solving courts]

- What is “success” in a matrimonial court?
- What are some obstacles that hamper an effective response to matrimonial cases?
- What would you consider key court components?
- What were some of your specific goals for the model part?
- Who in the community supports this new model? How about opposes?

2. Evolution of the specialized court part

- When was the enhanced model part started?
- How was need determined? Was a needs assessment conducted?
- What was the impetus behind implementing enhanced Children Come First model?
- How was Children Come First chosen as best practice model? Were there other models you considered?
- Who participated in planning? Who identified participants? Why were they chosen? How often did the group meet?
- Did the group generate any formal written program objectives, policies or procedures?
- How did group determine to add two staff positions? Who developed the job descriptions?
- What is the administrative structure for program - who reports to whom?

3. Services and Accountability

- Have any mechanisms for accountability been developed?

4. Problems and Successes

- What are some challenges faced in implementing the model (internal and external)?
- From your perspective, what are areas that are working well in the court?
- What are areas that could use improvement?
 - Probes: Case screening, efficiency, efficacy of parenting plan implementation assistance, facilitators and impediments to case processing and resolution, adequacy of legal and social services, areas requiring further refinement or change
- What are some important lessons that you have learned that you would pass on to a new court?
- Do you think your goals have been met?
- Are there any plans for replication?

APPENDIX C

Nassau Matrimonial Court (Model Part)

Litigant Questionnaire

The Center for Court Innovation, an independent think tank, is doing a study of the court handling your matrimonial case. We would like to interview you because we're interested in hearing your thoughts as a litigant. You can refuse to answer any question or end the interview at any time, for any reason. We will keep your responses strictly anonymous, so please be as honest as possible. In fact, we will not even ask for your name. Your individual responses will NOT be shared with judges or staff of the Nassau County Court or the Office of Court Administration -- or with anyone else for that matter. Also, please note that your participation is voluntary; whether or not you participate will have no effect whatsoever on your case. You may also discontinue your participation at any time. If you have any further questions, please feel free to contact either of us on this slip of paper here.

A. First, I'd like to ask you some general questions about your matrimonial case.

1. Is this your first court case regarding the custody of your children?

Yes

No

2. How long has your current case been going on? _____ months (round to nearest month)

3. How many judges have you appeared before on your current case? _____

4. If more than one judge, about how many court appearances did you make before other judges besides Judge Ross (or before your current judge, if not Judge Ross)?

5. How long have you been married? _____ years (round to nearest year)

6. How many children do you have? _____

7. What are their ages? ____/____/____/____/____/____

8. Are these children all from your current marriage?

- Yes, all
- Some
- None

9. In terms of custody, are you seeking...

- Full custody,
- Joint custody,
- Visitation,
- Supervised visitation, or
- No visitation?

10. In terms of custody, is your spouse seeking...

- Full custody,
- Joint custody,
- Visitation,
- Supervised visitation, or
- No visitation?

11. In terms of custody, would you like your spouse to receive...

- Full custody,
- Joint custody,
- Visitation,
- Supervised visitation, or
- No visitation?

12. In addition, are you requesting:

- Alimony
- Maintenance
- Counsel Fees
- Child Support
- Order of Protection

13. Is your spouse requesting:

- Alimony
- Maintenance
- Counsel Fees
- Child Support
- Order of Protection

14. What else is at stake in your matrimonial case? What do you want and what does your spouse want?

15. What is the issue in this case about which you have had the most conflict with your spouse?

B. I'd like to ask you some questions about the court where your case is handled.

1. Did anyone explain that this is a model court?

- Yes
- No

2. Who explained this court to you?

- Judge Ross
- Another Judge _____
- Your attorney
- Mr. Renda (Vinny)
- Ms. Askinazi (Lisa)
- Someone else (specify)_____

3. How well did you understand the explanations you were given?

- Very well
- Somewhat well
- Not very well
- Not at all well
- The court was not explained to me

4. Based on your actual experiences, how accurate a description did you receive when the court was first explained to you?

- Very accurate
- Somewhat accurate
- Somewhat inaccurate
- Very inaccurate

5. How would you rate your expectations when you heard your case was being (transferred to/was going to be handled) in this court?

- Very high
- Somewhat high
- Neutral
- Somewhat low
- Very low

6. What were your expectations? _____

7. Were they met?

- My expectations were about right
- My experiences have been better than expected
- My experiences have been worse than expected

8. Have any decisions been made, either temporary or final decisions, about child custody or visitation matters?

- Yes, temporary
- Yes, final
- No

9. How would you describe the court's decisions at this time?

- I got all of what I wanted
- I got some of what I wanted
- I got very little of what I wanted
- I got none of what I wanted
- There have not yet been any decisions

10. How did you feel about the results of these decisions (if applicable)?

- N/A

11. Have the financial aspects of your case been decided?

- Yes
- No

12. How would you describe the court's decisions at this time?

- I got all of what I wanted
- I got some of what I wanted
- I got very little of what I wanted
- I got none of what I wanted
- There have not yet been any decisions

13. How did you feel about the results of the financial decisions (if applicable)?

N/A

14. If the case has been resolved, how long did it take IN THIS PART?

_____years/_____months

N/A—My case has not yet been resolved.

15. In a previous part? _____years/_____months

N/A—My case has not yet been resolved/My case has only been in this part.

16. If no, for how long has it been going on? _____years/_____months

N/A—My case has been resolved.

17. How much do you agree or disagree? Overall, this court handled my case fairly.

Strongly Disagree

Disagree

Agree

Strongly Agree

C. Next I will ask you some questions about your experiences in court, with the parenting coordinator and with the family services coordinator.

1. How clear have the proceedings in court been?

Very clear

Somewhat clear

Somewhat unclear

Very unclear

2. About how many times did you meet with Ms. Askinazi (Lisa), the Parenting Coordinator? _____

3. Which of these statements best characterizes your case?

- My case was diverted from trial to mediation (otherwise known as Alternative Dispute Resolution, or ADR)
- My case was diverted from mediation to trial
- I have not engaged in mediation

4. How successful or unsuccessful did you feel mediation was?

- I thought it was very unsuccessful
- I thought it was somewhat unsuccessful
- I thought it was somewhat successful
- I thought it was very successful
- I have not engaged in mediation

5. How would you describe your interactions with Ms. Askinazi? What was her role in your case? _____

6. Do you have a parenting plan that you created with Ms. Askinazi?

- Yes
- No

7. What are some of the details of parenting plan?

- N/A

8. How was the parenting plan created?

- N/A

9. How would you describe your satisfaction with the parenting plan at the time it was first created?

- I got all of what I wanted
- I got some of what I wanted
- I got very little of what I wanted
- I got none of what I wanted
- There have not yet been any decisions

10. Has the initial parenting plan changed at all?

- Yes--- How?_____
- No
- N/A

11. How would you rate your satisfaction with the current parenting plan?

- Very satisfied
- Somewhat satisfied
- Somewhat unsatisfied
- Very unsatisfied
- N/A

12. Has the parenting plan helped everyone stick to the visitation schedule?

- Very much
- Somewhat
- A little bit
- Not at all

13. Has the parenting plan been good for your child's/children's needs?

- Very much
- Somewhat
- A little bit
- Not at all

14. Are you adhering to the plan?

- Very much
- Somewhat
- A little bit
- Not at all

15. Is the other parent adhering to the plan?

- Very much
- Somewhat
- A little bit
- Not at all

16. Is the plan fair?

- Very much
- Somewhat
- A little bit
- Not at all

D. I'd like to ask you some questions about court staff.

1. How would you describe the way the Judge speaks to you and the attorneys in court?

2. Have you met with the Judge outside of the courtroom?

- Yes
- No

3. Agree or disagree? The judge listened carefully to my side of the story.

- Strongly Disagree
- Disagree

- Agree
- Strongly Agree

4. Agree or disagree? The judge understands the details of my family situation.

- Strongly Disagree
- Disagree
- Agree
- Strongly Agree

5. About how many times did you meet with Mr. Renda (Vinny), the Family Services Coordinator? _____

6. How did you feel about your assessment with Mr. Renda (Vinny), the Family Services Coordinator?

7. In your opinion, what are your children's service needs?

- Counseling or therapy
- Substance abuse treatment
- Alcohol treatment
- Educational assistance/scholastic issues
- Physical health
- Other _____
- My child does not have any service needs

8. Were your children getting the services they need when your court case began?

- Yes
- No
- My child does not have any service needs

9. Are your children getting the services they need now?

- Yes
- No
- My child does not have any service needs

10. What are your service needs?

- Counseling or therapy
- Substance abuse treatment
- Alcohol treatment
- Educational Assistance
- Employment Assistance
- Anger Management
- Batterer Intervention
- Mediation
- Parenting Education
- Housing assistance
- Therapeutic and supervised visitation
- Other _____
- I do not have any service needs

11. Were you getting the services you need when your court case began?

- Yes
- No
- I do not have any service needs

12. Are you getting the services you need now?

- Yes
- No
- I do not have any service needs

13. What are your former spouse's service needs?

- Mental health
- Substance abuse
- Anger Management
- Mediation
- Parenting Plan
- Housing
- Other _____
- He/She does not have any service needs
- Don't know

14. Was the other parent getting the services he/she needs when your court case began?

- Yes
- No
- He/She does not have any service needs
- Don't know

15. Is he/she getting the services he/she needs now?

- Yes
- No
- He/she does not have any service needs
- Don't know

16. Were the service recommendations appropriate?

- All of them were appropriate
- Most of them were appropriate
- Most of them were inappropriate
- All of them were inappropriate
- Don't know

17. Which ones were most and least helpful? _____

18. How much did you agree or disagree with Mr.Renda's (Vinny's) recommendations to the Judge?

19. How did you react to service recommendations you felt were not appropriate? (probe: Did you tell Mr. Renda? Did you tell the Judge? What did the attorneys say? What happened?)

E. I'd like to ask you to talk a little bit about strengths and weaknesses of the model part.

1. What differences have you noticed between the new part and the regular matrimonial court (i.e., Judges, attorney behavior)? Are the changes better or worse?

2. Are there any ways in which you feel your case could have been handled better? _____

3. What suggestions do you have for improvement in the model part? _____

4. Overall, how satisfied are you with the court's decisions?

- Very satisfied
- Somewhat satisfied

- Somewhat unsatisfied
- Very unsatisfied
- N/A- case still pending

5. **How old are you?** _____

6. **Sex** (*don't ask*)

- Male
- Female

7. **How much schooling have you completed?**

- No high school diploma or GED
- High school diploma or GED
- Some college
- Associates degree
- Bachelor's degree
- Some graduate school
- Graduate or professional degree

8. **What is your race (check all that apply)?**

- Black or African-American (African, African American, Afro-Caribbean)
- Caucasian or white
- Asian American / Pacific Islander
- American Indian / Alaska Native
- Other (please specify)_____

9. **Are you Hispanic/Latino?**

- Yes
- No

10. **Are you employed?**

- Yes, part-time

- Yes, full-time
- No

11. Is your spouse employed?

- Yes, part-time
- Yes, full-time
- No

Any other comments? _____

APPENDIX D

CENTER FOR COURT INNOVATION
COURT OBSERVATION: COURT OPERATION TIME

Name of Observer: _____ Date: _____

County: _____ Court Part: _____ Judge: _____

Start Time of Morning Session: _____ End Time of Afternoon Session: _____

Reason Codes:

L = Lunch Recess

R = Recess (other than for lunch)

A = Attorneys Not Present

P = Paperwork-Related Delay

S = Other Court Staff Not Present O = Other (please note in space provided or on an additional sheet)

Recess/Idle Time:

#1: Start _____ End _____ Minutes _____ Reason _____

#2: Start _____ End _____ Minutes _____ Reason _____

#3: Start _____ End _____ Minutes _____ Reason _____

#4: Start _____ End _____ Minutes _____ Reason _____

#5: Start _____ End _____ Minutes _____ Reason _____

#6: Start _____ End _____ Minutes _____ Reason _____

#7: Start _____ End _____ Minutes _____ Reason _____

#8: Start _____ End _____ Minutes _____ Reason _____

#9: Start _____ End _____ Minutes _____ Reason _____

#10: Start _____ End _____ Minutes _____ Reason _____

A. TOTAL TIME FROM MORNING START TO AFTERNOON END _____

B. TOTAL RECESS/IDLE TIME (Add Minutes in #'s 1-10) _____

C. TOTAL OPERATION TIME (A minus B)

D. TOTAL NUMBER OF COURT APPEARANCES (see 2nd form) _____

