

Addressing the Hole in the Middle: Research Informed Services for Mid-Range Conflicted Families

AFCC – CA Annual Conference

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LYN GREENBERG – PH.D., ABPP
MICHAEL J. KRETZMER ESQ., CFLS
MARY ELIZABETH LUND – PH.D

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Addressing the Hole in the Middle

Research Informed Services for Mid Range Conflicted Families

Mary Elizabeth Lund, Ph.D
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Therapeutic Jurisprudence For Families in the Middle

- Family law processes must focus on outcomes that positively affect and even improve the lives of individuals, children and families.
 - Psychological – Build resiliency not grievances
 - Financial – Use the money on college not litigation
 - Time – Focus back on their lives, not the conflict

Babb, B.A. (2014) b. Family courts are here to stay, so let's improve them. *Family Court Review*, 52, 642-647.

Variety of Research Needed
Little has been done since 1990s

- Demographic – What parenting plans are people using?
- Outcomes for children with different parenting plans with children of different ages
- Program evaluation for interventions- Parent Education, Mediation, Evaluations, High Conflict Groups, PPC
- Outcomes for different types of psychotherapeutic models (Lyn Greenberg presents research available integrating research from child custody and related fields)

Custody Evaluations: Most Expensive
and Time Consuming Intervention

- Almost no research on how done or how useful for providing information and expert opinion.
- No research on what procedures are best or necessary
- Kelly, R. F. & Ramsey, S. H. (2009). Child Custody Evaluations: The need for systems-level outcome assessments. *Family Court Review*, 47, 286-303.

Extremely Wide Range of Amount and Quality of
Information for Judges In CA

- Child Custody Recommending Counselors do not have to follow 5.220, have very little time with a family
- LA County Court Family Services provides only one or two days of assessment
- Private 730 or 3111 evaluations have burgeoned in procedures and now frequently followed by 733 experts for one or both sides

**Briefer Evaluations May Be As Good
(Or Better?)**

- Brief evaluations are similarly in the way decisions were made between the parents or by the court and similar in parents' satisfaction with services provided
- Birnbaum, R. & Radovanic, H. (1999). Brief intervention model for access-based postseparation disputes: Family and court outcomes. *Family and Conciliation Court Review*, 37, 504-513.

Early Neutral Evaluation with Evaluator Feedback to Parties

- Result in 70% agreement between parties.
- Rebecca Love Kourlis, Melinda Taylor, Andrew Schepard, and Marsha Kline Pruett. *Honoring Families Initiative: Courts And Communities Helping Families In Transition Arising From Separation Or Divorce.* FAMILY COURT REVIEW, Vol. 51 No. 3, July 2013 351-376 © 2013

**Research on Court Triage
and Case Management**

- Mediation, Conflict Resolution Conferences, Issue Focused Evaluations
- Agreement rates improve; Return to court drops, Court costs lowered.
- Marsha Kline Pruett & M. Durrell, *Family Civil Intake Screen and Services Evaluation: Final Outcomes Report* (May 2009) available at <http://www.afccnet.org/>.

Case Management Needed for Private Custody Evaluations for Families in the Middle

- Who is responsible for call to use case management?
 - Evaluator?
 - The judicial officer?
 - One or both attorneys?
 - The state?

Almost No Research Done on Effectiveness of Psychotherapy for Custody Problems

Research has been done on referral to therapy by other Courts

- Dependency/Children’s Court
- Drug/Traffic Court
- Criminal/Probation

Court Ordered Family Counseling Can Be Effective

- “Court order treatment has been shown to be successful when there is tight probation control to ensure compliance...when programs are specialized with a focus on behavioral disorders...and when behavioral, psycho-educational, group confrontation and group support techniques are used. These results contradict an attitude prevalent in psychotherapy quarter that “ordered” participation in treatment will not succeed.”
- Forced Into Treatment: The Role of Coercion in Clinical Practice. Group for the Advancement of Psychiatry. Report No. 137, 1994.

**Court Ordered Family Counseling Preferable for
Time Sensitive Issues**

- Refusal of parent contact cases.
- Child's behavior problem
- Stepfamily conflicts

**Cautions and Research Questions
About Court Ordered Family Counseling**

- Can't be a back door way to replace an evaluation
- 3190 Counseling is confidential
- Limited report to court, such as compliance with orders for peaceful exchanges of children and respectful communication about activities, may increase effectiveness of therapy
- See AFCC Guidelines on Court Involved Therapy

**What Can We Do Now in California:
Families in the Middle Would Benefit From**

- Briefer, less expensive ways of providing judicial officer neutral information for decision making
- Case management of private custody evaluations
- Earlier and more frequent use of 3190 Court Ordered Family Counseling
- More attention to children's daily routines and activities than parents' grievances in all court related processes

Integrated Service Planning for Children of Conflicted Families – Using Research to Guide Effective Practice

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Lyn R. Greenberg, Ph.D., ABPP
Forensic and Clinical Psychology
Los Angeles, CA
lyn@lyngreenbergphd.com
www.lyngreenbergphd.com

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Limits in our perspective come from...

- Explosion of literature and divergence of specialties
- Information silos
- Affiliation effects and subtle confirmatory bias
- Observations of poor outcome or poor practice
- Issues focused on by parents and often the legal system
- Powerful possibilities and important information often missed

Key Findings to Know..

- Detailed in Greenberg and Lebow (2016)
- Compelling consistency on key findings
- Evidence for intervention with behaviors we see
- How much adaptation is needed
- Resources from child's daily lives

Children's Outcome is Related To

- Coping *Effectiveness* (healthy coping skills)
- Coping *Efficacy* (belief that what one says or does will work)
- Access to healthy relationships
- Stability
- Authoritative parenting
- Access to normative activities
- Management of developmental risks

Pedro-Carroll, J. L. (2005). Fostering resilience in the aftermath of divorce: The role of evidence-based programs for children. *Family Court Review, 43*, 52-64.

Pedro-Carroll, J. L., Sandler, I. N., & Wolchik, S. A. (2005). Special issue on prevention: Research, policy, and evidence-based practice: Forging interdisciplinary partnerships in the courts to promote prevention initiative for children and families. *Family Court Review, 43*(1), 18-21.

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Factors We Can Impact, That Are Related to Outcome (Adapted from Pedro-Carroll, 2005)

Individual Factors

- Active coping style
- Accurate Attributions
- Hope for the Future
- Realistic appraisal of control
- Effective coping skills

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Factors We Can Impact, That Are Related to Outcome (Adapted from Pedro-Carroll, 2005)

Family Factors:

- Protection from Interparental Conflict
- Psychological well-being of Children,
- Solid, supportive parent-child relationships,
- Economic Stability,
- Authoritative Parenting
- Household Stability and Structure

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Factors We Can Impact, That Are Related to Outcome (Adapted from Pedro-Carroll, 2005)

Extrafamilial Factors:

- Supportive relationships with positive adult role models
- Support network (family, school, community)
- Preventative Interventions providing support and skills training
- Effective Therapy

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Importance of Daily Activities -Focusing Our Attention on the "Mundane" issues

- Details of daily routines and organized activities often neglected, particularly in early stages after separation
- Information on these issues is often lost when children not involved we don't involve children in interventions (parents' perceptions often not reliable)
- Outcome studies (and clinical data from children) suggest that these are the most important issues to them and their development
- Research from family psychology, recreation therapy and other disciplines is often highly relevant to this population but doesn't always reach us, as it is not labeled as "child custody" research
- Activity issues may be essential for resolving other problems

Johnston, Roseby and Kuehnle (2010); Dunn (2001); Reed et al (2013); Sandler et al (2010), Pedro-Carroll (2005), Greenberg and Lebow (2016); Moran, Sullivan and Sullivan (2015) etc.

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Degrees of Research Support

- Evidence Based vs.
- Evidence Informed vs.
- Failing to consider available evidence vs.
- Disregarding available evidence vs.
- "Flying by the seat of our pants"

Adapted from Sexton, T., Gordon, K. C., Gurman, A., Lebow, J., Holtzworth-Munroe, A., & Johnson, S. (2011). Guidelines for classifying evidence based treatments in couple and family therapy. *Family Process, 50*, 377-392.

Additional Elements of Evidence-Informed Intervention

- Contextual relevance
- Behavioral specificity
- Integration into the overall plan
- Disciplined application of what we know, informed inference
- Research from adjoining disciplines or other parts of the system
- Developmental anchoring

(Sexton et al 2010, Greenberg, Doi Fick and Schneider 2012, Greenberg and Lebow 2016)

Discriminating What Applies

- Two general approaches to family therapy with empirical support
 - Behavioral Family Therapy (includes some cognitive and integrated models)
 - Emotion-focused Family Therapy
- Which is applicable to our population?
- Which is likely to be a disaster?

The Child's Tapestry is Smaller, and Larger, Than Ours

- Daily routines and activities
- Developmental tasks
- Surviving the parental conflict in *all* settings
- Maintaining access to friends and organized activities
- Establishing independent relationships and the ability to maintain them
- Attention to these issues at every level may both prevent problems and provide better means of addressing them

That we don't have *Perfect* evidence doesn't mean that there's *no* evidence

Keep this troll-repellant handy..

- There will never be perfect controlled studies about any of these interventions *as a unit*
- There is considerable research on effective mental health intervention on many of the issues we target
- There are fewer excuses for doing what we know doesn't work, but we can build options more likely to succeed

Systemic Intervention Planning

- What does the child need to learn/master?
- What activities or conditions can help the child get there?
- What developmentally regressive influences do we need to address, or protect the child from?
- How do we build resilience in the child?
- What assessment questions
 - MUST be answered beforehand
 - Can be addressed while intervention is ongoing

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Systematic Intervention Planning (cont.)

- Activity analysis (Austin, 2012) and detailed procedures
- Focus on behavior
- Are there joint activities that allow the child to access the strengths of a parent while minimizing negative exposure?
- Attention at every level – mediation, collaborative, evaluation and treatment intake
- Accountability can be direct or indirect

Example: Johnny isn't doing his homework

- He's 9 and has always been "active," but problems worsened as he began 4th grade
- Currently, he is:
 - Not completing homework
 - Getting poor grades
 - Showing aggressive or acting-out behavior in school
 - Beginning to face rejection in school and team sports
 - Calling himself stupid, making excuses to avoid school
- Parents disagree on both the cause of the problems and whether he should receive medication for ADHD
- Behaviors create substantial developmental risk

A small, small sampling of relevant material...

- Effectiveness of family/behavioral interventions targeting homework
Clarke, A. T., Marshall, S. A., Mautone, J. A., Soffer, S. L., Jones, H. A., Costigan, T. E., Patterson, A., Jawad, A. F., & Power, T. J. (2015).
- Programs to address organizational functioning
Abikoff, H., Gallagher, R., Wells, K. C., Murray, D. W., Huang, L., Lu, F., & Petkova, E. (2012)
- Social Skills and Activity Interventions
- Tools for Improving and Measuring Compliance
 - <http://www.kidpointz.com/points-system/>
 - <https://habitica.com/static/front#>
 - Behavior systems do not have to exactly match between homes
 - Teacher feedback and completion of assignments/goals

The Case for Prompt Intervention

- Risks to Johnny if help is delayed
- Goals of the intervention are clearly identifiable and necessary for Johnny's adjustment
- May assist assessment and final decisionmaking
 - Framed as temporary order
 - Parents' compliance and Johnny's response can be observed
 - May address each parent's concerns about the other
 - May narrow differences or make decisions easier
- Moves the focus from "picking a winner" to helping Johnny
- Supports broader intervention, parents' complementary abilities

So how does the model work for Johnny?

- What does he need to learn/master?
- What risks need to be managed?
- In what ways do we need to stop deterioration and turn him toward developmental progress?
- What methods match those goals?
- What about Johnny's social behavior? Does choice of activities matter?
- What plan will use parents' strengths and allow us to assess and address weaknesses

Resistance-Refusal Dynamics

- Don't always start as full-blown restrictive gatekeeping
- Can severely distort or delay emotional development
- Can impact children long into the future
- Symptoms are often evident early
- Younger children:
 - Typically don't repeat hostile narratives about a parent independently
 - Are easily affected by anxiety and anger conveyed by others
 - Present a greater patchwork of strengths and weaknesses
- Rapid decisions about preschool may be critical

Resistance-Refusal Dynamics (cont.)

- School age children:
 - Accustomed to complying with external demands
 - Can respond to clear limits
 - Often involved in external activities
 - Closer to peers in social behavior if problem not entrenched

Resistance-Refusal Dynamics (cont.)

- Adolescents (not entrenched):
 - Irreconcilable tension between family conflict and normal development
 - Can respond to clear limits and *appropriate* family therapy
 - External activities are a resource
 - Prefer avoidance but may be able to engage effective coping skills
 - Prompt intervention critical

- If dynamics become entrenched, effective intervention may be enormously costly and marginally effective

Progression in treatment content..

- Behavioral expectations
- Language of feelings, descriptions
- Initial practice in non-contested interactions, knowledge of child's activities
- Support parenting activities outside of contested issues (school events, etc.)
- Graduated practice may allow for more successful resolution of conflicted issues
- If contact with parent remains toxic to the child, support appropriate resolution

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Maximizing Resources

- A single specialist in a neutral role (i.e. child-centered conjoint therapist or ideally a PC) can coordinate (and teach) less experienced professionals
- When intervention is early enough
 - Nonprofessional resources can aid treatment
 - External professionals can address specific issues
- Compare the costs of treatment and litigation
- Poor quality treatment ultimately costs more than engaging qualified professionals
- Judicial officer setting priorities

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Changing our Thinking in Light of Research and Experience

- The Child's ability to cope effectively over time IS the ultimate issue, if our true interest is in protecting the child
- Skills and strategies are modifiable, "insight" can follow behavior change
- Children can be taught skills and have access to opportunities for other healthy relationships, if these issues are addressed soon enough
- Once dysfunctional behaviors become entrenched, intervention is much more difficult
- Focus on coping skills and development opportunities may give children opportunities for more emotional independence, or create clear, behavioral evidence (that the court can understand) about risks to the child and parental cooperation

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"The judge decided, I'm here to help you make it work..." Underlying orders aid treatment

- Details and limits in restraining orders
- Maintain parental roles where possible (i.e. public and school events if safe)
- Orders regarding travel or removing child from area
- Structured telephone access (often necessary for both sides), structure for web visits
- Detailed order re exchange conditions, including holidays, and procedures around the child's activities
- Expectations re cooperation with treatment
- Areas of parental authority

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Therapist can (and should) assist with specific behaviors to comply with orders...

- Specific dialogue
- Structured routines, decision-making
- Rules and contracts, email confirmation, detail
- Recommendations to parents for better supporting child
- Feedback re what is and isn't working
- Ability to articulate limits of role
- Combining treatment resources with community involvement – which may also generate non-privileged data

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Preparation of parents....

- Direction from the Court to cooperate may help – apply to both parents
- Give the reluctant parent a chance to be heard, but clear direction for cooperation
- Clear rules for each parent in therapy
- Assess for “special rules” vs. poor limit setting overall
- Central specialist coordinating with other therapists; one-way releases may be an option
- Create tasks that are difficult for the parent (or child) to reasonably object to; work through the details of objections
- Protective structure where anxiety is an issue, limits with tantrum behaviors
- Reality testing re how others will react to the child’s abnormal behavior

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How does a parent accept responsibility?

- Discussion of contested issues (i.e. abuse allegations) may need to be deferred while investigations/evaluations are completed
- Support of healthy child behavior
- Children need to know their perceptions are accepted and taken seriously, but may not be literal memory
- Trauma impacts memory
- People may remember things differently even if no one is lying
- Criminal vulnerability may exist
- In some cases (post-military PTSD), everyone is traumatized

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Practice and follow-through on non-contested issues

- Requires that parent have access to material about child’s daily life and activities
- Tailoring restraining orders and responsibilities of aligned parent
- Regular contact between both parents and therapist
- Spend part of each child’s session discussing daily life and issues
- Discussion and therapeutic contracts re issues in each parent-child relationship
- Detailed, careful follow-through

More unity may serve us well..

- If everyone attends to these issues, that information may filter back to the court;
- Advocate for inclusion of this issue in trainings that judges attend
- Expectations for treatment orders, not accepting cases that are set up to fail
- Education at every level
- Addressing the issues early
- Reminding ourselves that the life of the child and family interfaces with many other systems, which may provide crucial resources to the child and an opportunity for parents to demonstrate healthy behavior
- Most therapy takes place in the context of real life ☺

Additional Handouts/Resources

- Association of Family and Conciliation Courts Guidelines www.afccnet.org
- Additional articles available at:
 - <http://lyngreenbergphd.com/publications-and-presentations/>
 - <http://lyngreenbergphd.com/resources-for-professionals/>
 - <http://lyngreenbergphd.com/resources-for-parents/>
- Additional Handouts
- Or email admin@lyngreenbergphd.com

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Contact Information

Lyn R. Greenberg, Ph.D., ABPP
 Forensic and Clinical Psychology
 Board Certified, Couple and Family Psychology
 11340 W. Olympic Blvd., Suite 265
 Los Angeles, CA 90064
 (310) 399-3684 fax (310) 988-2706
lyn@lyngreenbergphd.com
www.lyngreenbergphd.com

Mike Kretzmer, CFLSLaw
 Office of Michael J. Kretzmer
 10100 Santa Monica Boulevard, Suite 1425
 Los Angeles, California 90067
mikekretzmerlaw@gmail.com
 Tel.: 310-855-5311
 Cell: 310-926-7149

Mary Elizabeth Lund, Ph.D.
 Licensed Clinical Psychologist
 2510 Main Street, Suite 201
 Santa Monica, CA 90405
 (310) 392-6163
mlund@lundstrachan.com
