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Intimate Partner Abuse in Divorce Mediation

Outcomes from a Long-Term Multi-cultural Study

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Abstract

Despite three decades of scholarly research on numerous aspects of divorce mediation, there is no comprehensive understanding of the short- and long-term outcomes for couples legally ordered to mediation to resolve custody and parenting time disputes or for those using free (or low cost) conciliation court mediation services to do so. Even less is known about the use or effectiveness of court-mandated mediation services among couples alleging intimate partner abuse (IPA). This study was funded by NIJ to address these gaps in the literature. Using several archival court and law enforcement databases, we systematically documented actual percentages of IPA in those participating in mediation, systematically analyzed mediator practices addressing those IPA cases, and systematically assessed mediation outcomes, divorce outcomes and post-decree outcomes for IPA cases.

To accomplish this we linked archival data from two court databases and two law enforcement databases for a large matched sample (N=965) of couples involved in the divorce process in one court-based mediation program in one jurisdiction. We first linked data produced in business-as-usual, naturalistic clinical interviews used to screen parents for marital stressors and IPA to questionnaire data also measuring specific IPA-related behaviors. We then linked this IPA data to the mediator's decisions concerning whether to identify a case as having IPA or not, whether to proceed in mediation or to screen out IPA-identified cases, and whether to provide special procedural accommodations for IPA-identified cases.

We then linked the IPA and mediator decision data to mediation outcome data from mediation case files and to outcomes in final divorce decrees and parenting plans found in Superior Court divorce files. We then linked these pre-divorce and divorce data to post-divorce, longitudinal data concerning re-litigation of divorce-related issues in Superior Court and longitudinal data concerning contacts with area law enforcement.

The results of this study provide strong empirical support for previous estimates that most couples attending divorce mediation report some level of IPA. Mediators accurately identified many but not all client self-identified cases of IPA. One third of the couples classified as non-IPA reported at least one incident of *threatened and escalated physical violence* or *sexual intimidation, coercion or assault*. Cases were rarely screened out of mediation (6%) and special procedural accommodations were most often provided in cases where a parent called the mediation service requesting the accommodations or reporting concerns about IPA and about participating in mediation (84%). Calls to area law enforcement and orders of protection were common (approximately 40% of couples for each category). While mediation agreements that included restrictions on contact between parents or on parenting were rare, the victims of the highest level of IPA often left mediation without agreements and returned to court, wherein they obtained restrictions on contact between parents and/or restrictions on aspects of parenting at a much higher rate than those appearing in mediation agreements.

Mediators are not judges and therefore, these results are to be expected. It is a rare abuser who will voluntarily agree to terms that allow less control over contact with the victims and more structured contact with the couple's children. The majority of parents in the study returned to court at some point to re-litigate divorce-related issues (62%); however, a small group of couples (4.5%) who returned for a tremendous number of hearings (31% of total number of hearings for all couples in study). The fact that parents reaching agreements are less likely to relitigate provide significant support for the use of mediation programs.

According to reporting by parents in this study, at least some form of IPA occurred in over 90% of the cases and two thirds of the couples reported that either or both partners utilized outside agency involvement from police, shelters, courts, or hospitals to handle the IPA. These figures represent a tremendous amount of IPA in couples mandated to attend mediation. Thus, it is essential that highly trained mediators who use standardized screening procedures and follow program policies regarding how to handle IPA cases.

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Executive Summary

Introduction

Mediation became popular in the United States in the 1980s as an alternative to the typical dual attorney, adversarial model of negotiating custody and parenting time issues divorce cases. It quickly gained tremendous popularity and now exists in some form (legally mandated, at judicial discretion, or voluntary) in nearly every state in the United States as well as in Britain, Canada and Australia.

There have been three decades of scholarly research on numerous aspects of divorce mediation; however there remains no comprehensive understanding of the short- and long-term outcomes for couples who are legally ordered to mediation and who use court-connected programs to do so. In the case of couples alleging intimate partner abuse (IPA), even less is known (Beck & Sales, 2001; Salem, 2009). This study was funded by NIJ to investigate a naturalistic (as opposed to tightly controlled experimental) process and systematically document actual percentages of IPA in mediation; to systematically analyze mediator practices addressing IPA cases; and to assess mediation outcomes, divorce outcomes and post-decree outcomes for both IPA and non-IPA cases.

Study Goals

The overall goal of this study was to enhance the effectiveness of screening and management of cases with IPA by providing empirical data concerning outcomes in these cases to public policy-makers within state legislatures, court systems, mediation programs and professional organizations. Results of this study can be used to design targeted research to answer specific questions arising from the study and to begin developing policies and practices

that will enhance the short- and long-term safety of IPA victims and their violence-exposed children. The specific study goals were:

Goal 1: Determine whether the mediation program accurately identifies couples with self-identified IPA and assess whether these cases are treated differently.

Goal 2: Assess whether mediation agreements, divorce decrees and/or parenting plans include safety measures in cases involving self-reported IPA.

Goal 3: Assess the frequency with which mediation agreements/divorce decrees are re-litigated over time.

Goal 4: Test a multivariate conceptual model using variables that are hypothesized to affect mediation, divorce case and post-divorce outcomes (see Cascade Model Figure 16).

Study Methods

To accomplish these goals we conducted a study in Pima County, Arizona which linked archival data from two court databases and two law enforcement databases for a large matched sample (N=965) of couples involved in the divorce process. We first linked data produced in the naturalistic clinical interviews used to screen parents for marital stressors and IPA in custody and parenting time (i.e., weekly visitation, holidays and vacations) mediation to questionnaire data also measuring specific IPA-related behaviors. We then linked this IPA data to the mediator's decisions concerning (1) whether to identify a case as having IPA or not; (2) whether to proceed in mediation or to screen out IPA-identified cases; and (3) whether to provide special procedural accommodations for IPA-identified cases.

We then linked the IPA data and mediator decision data to mediation outcome data from in mediation case files and to outcomes in final divorce decrees and parenting plans found in Superior Court divorce files. We then linked these pre-divorce and divorce data to post-divorce, longitudinal data concerning re-litigation of divorce-related issues in Superior Court and longitudinal data concerning contacts with area law enforcement.

Based on previous work concerning IPA screening in mediation (Administrative Office of the Courts [California], 2010, Ellis, 2006; Ellis & Stuckless, 2008; Newmark et al., 1995; Pearson, 1997), we believe that mediation screening for IPA at the study site far exceeds the standard for mediator screening practices employed in most jurisdictions. Screening at this site included both a semi-structured clinical interview with each parent individually and a 41-item behaviorally specific questionnaire covering a wide range of IPA-related behaviors. Therefore, this study represents a “best case scenario” for screening practices and responding to IPA in the mediation context at the time the study was conducted and likely currently as well.

Results and Conclusions

Goal 1: Determine whether the mediation program accurately identifies couples with self-identified IPA and assess whether these cases are treated differently.

To put the findings regarding accurate identification by mediators in perspective, we first assessed the total percentage and types of IPA reported in the sample and important demographic differences between fathers and mothers.

A tremendous amount of IPA was reported by both parents in mediation. From the data obtained in screening interviews with each parent individually, mediators identified 59% (N=569) cases as having IPA. Analyzing data from the 41-item IPA screening questionnaire of behaviorally-specific questions assessing a range of IPA-related behaviors that occurred in the past 12 months, responses were categorized into the following subscale dimensions:

psychological abuse, coercive controlling behaviors, physical abuse, threatened and escalated physical violence, and sexual intimidation/coercion/assault. Analysis of this client self-reported data indicated that: 97% of both mothers and fathers reported at least one incident of *psychological abuse, coercive controlling behaviors*; 58% of the mothers and 54% of the fathers

reported at least one incident of *physical abuse*; 62% of the mothers and 50% of the fathers reported at least one incident of threatened and escalated physical violence; 56% of the mothers and 30% of the fathers reported at least one incident of sexual intimidation/coercion/assault. There were statistically significant differences between mothers' and fathers' reports on all subscale dimensions with mothers reporting higher levels, except on the *physical abuse* (lower levels of pushing and shoving) dimension where there was no difference between the parents' reports.

Important disparities exist in incomes between divorcing parents. Upon entering mediation, the mothers' incomes in this study were approximately half of the fathers' incomes. One potential interpretation of this finding is that that mediation about custody and child support is not an "even playing field" for both parties even before the issue of abuse is raised. This marked sex difference in income graphically illustrates a highly gendered pattern in child care and the patterns reflected in custody arrangements following separation. These patterns are often inaccurately attributed to "gender bias" against men as opposed to reflecting the patterns established in the family prior to divorce.

IPA does not end at separation and divorce. An important finding that is well supported by the extant research on separation and divorce is that for some couples IPA did not stop at separation or divorce. For a minority of couples, calls to police, orders of protection, and court hearings regarding IPA were reported after separation and after the divorce was finalized. Again, it is important that any agreements between the couples address the risk of continued IPA.

An analysis of couple-level IPA data produced a five class typology; four classes represented a clear victim and perpetrator.

With the assistance of our colleague Dr. Edward Anderson from the University of Texas at Austin, we investigated whether the data in this study would produce couple-level types of IPA similar to those proposed in by Kelly and Johnson (2008) for this population. Extremely simple definitions of Kelly and Johnson's typology are as follows:

1. *Coercive Controlling Violence* (male perpetrated battering of female partner)
2. *Violent Resistance* (female partner resisting a coercive controlling male perpetrator)
3. *Situational Couple Violence* (symmetric low level physical abuse)
4. *Separation-Instigated Violence* (no prior history; either partner perpetrating)
5. *Mutual Violent Control* (both partners perpetrate coercive controlling violence)

Because the data in this study was extant archival court records, the long-term patterns of IPA within couples could not be determined. Therefore, the categories of *violent resistance* and *separation-instigated* violence were not able to be adequately assessed. We conducted a latent class analysis of the 41-item, behaviorally specific questionnaire data using a pooled mother and father mean (as opposed to gender-specific means) so that unit weights were equivalent across parents. This analysis produced five types. Keeping with the definitions above and beginning with the group reporting the lowest levels of IPA to the highest levels of IPA, the types were as follows:

1. *Mutually low (or no) IPA.*
2. *Lower Level Coercive Controlling Violence—father perpetrator (mother reports)*
3. *Coercive Controlling Violence—mother perpetrator (father reports)*
4. *Coercive Controlling Violence—father perpetrator (mother reports)*
5. *Mutual Violent Control—(father perpetrator (mother reports); mother perpetrator (father reports).*

A detailed explanation of these types is provided within the text of the report.

Mediators identified many, but not all, client self-identified cases of IPA. Mediators used clinical judgment to sort cases and did not designate every case that reports any level of IPA as one with IPA. However, there were a small number of cases that were classified as high

level IPA that were not identified by the mediators as such. One third of the couples classified as non-IPA by the mediator reported at least one incident of *threatened and escalated violence* or *sexual intimidation/coercion/assault*. For those fathers and mothers completing the behaviorally specific questionnaire and combining all dimensions for a total score for each parent, 49 mothers (n=887; 6%) and 37 (n=866; 4%) fathers reported victimization that was frequent and/or severe enough to categorize their abuse as two standard deviations above the sample mean. Mediators classified as IPA all of these cases as having IPA except six mother victim cases and two father victim cases. Basing classification of cases on a nonsystematic, semi-structured clinical interview data may not be the most effective method of assessing IPA. Research is mixed concerning whether people find it easier to report IPA behavior in face-to-face interviews or on written questionnaires. For the present, a prudent method may be to use both methods.

Even using both methods of assessment, mediators must be well trained in identifying IPA to be in a position to make very difficult, nuanced decisions concerning proceeding, accommodating or screening cases out of mediation.

Cases are rarely screened out of mediation. Seven percent of cases were screened out of mediation. There was a statistically significant difference in mother but not father total IPA scores of those screened out and those that remained in mediation. For those parents with IPA scores two standard deviations above the mean, 25% of the mothers and 9% of the fathers were screened out.

Mediators must strike a delicate balance between empowering parents to represent their own interests in mediation sessions and determining the best method of protecting victims and violence-exposed children. The choice is simple if the victim does not want to proceed; the decision becomes more complex if the victim wants to move ahead. Allowing a victim a chance

to proceed gives the victim a safe forum to have a voice with her or his abuser and provides the mediator a chance to observe the dynamics of the couple and to evaluate the fairness of the process. And, screening cases out of mediation immediately after the individual interview may be risky. The mediator terminating mediation after the initial session may better protect victims than screening them out initially.

Special mediation procedures (safety accommodations) were provided most often for parents who telephoned the mediation service expressing safety concerns or requesting accommodations. Accommodations to the mediation procedure included: parents required to leave at separate times; security escort to car; separate waiting rooms; screening on different days; shuttle mediation, and an experienced team of mediators. Approximately 19% of the couples were provided at least one of these procedural accommodations. Accommodations were provided for couples with higher levels of IPA; however, fewer than half of the couples reporting IPA at levels two standard deviations above the mean were provided accommodations. Mediators were more likely to provide accommodations if they had identified IPA present (28%) versus absent (6%). Mediators were statistically significantly more likely to provide accommodations or to screen the couple out if a parent phoned the mediation service ahead of time with concerns about mediating or requesting accommodations (84%; N=31).

There are important issues in considering these findings. First, screening for IPA was ongoing throughout the mediation and if it appeared accommodations were in order they were provided. Second, the data concerning accommodations likely represents a serious underestimate of actual accommodations provided. There was no systematic documentation of accommodations for the study site kept in mediation case files. And third, advocates working with victims involved in the divorce process should remind their clients to telephone the mediation service if

they have concerns about mediating. Mediators in this study were extremely responsive to these calls. However, even without calls, accommodations were consistently provided.

Calls to area law enforcement and orders of protection are common. Couples in the study entered mediation between May, 1998 and October, 2000 and data was collected from area law enforcement for these cases beginning two years prior to filing for divorce up February, 2007. In nearly 40% of couples, at least one parent telephoned area law enforcement at least once during the study period. The range in the number of calls was 0-21. In addition, 42% of the couples in the study reported receiving an order of protection at some point in the relationship. There were high levels of agreement between parents concerning whether law enforcement had been called, whether arrests had been made or whether orders of protection were in place at the time. Those couples with the highest number of calls to law enforcement fell into the mediator IPA-identified group as did those couples with orders of protection.

Data concerning calls to area law enforcement also likely represent a serious underestimate of the actual calls made by the couples. Data was collected from the two law enforcement agencies serving the location directly surrounding the study site. Any calls placed to agencies beyond these were not included. In addition, only calls placed within the limited study period were counted.

Goal 2: Assess whether mediation agreements, divorce decrees and/or parenting plans include safety measures in cases involving self-reported IPA.

Levels of reported IPA influenced whether couple were likely to reach agreements.

In mediation, 56% of the couples reached a full agreement on all issues (legal decision-making custody; physical custody and residential arrangements, holiday and vacation schedules); 22% reached a partial agreements, and 22% failed to reach an agreement. Those couples who failed to

reach agreement had the highest levels of reported IPA, followed by those that reached partial agreements. Those who reached full agreement reported the lowest IPA scores.

Mediation agreements and divorce decrees rarely have restrictions on parenting (e.g., supervised parenting time) or on contact between parents (e.g., written contact only).

Of the couples who reached any kind of mediation agreement (partial or full) in mediation, 6% included some type of restriction on contact between parents or restriction on parenting. Cases that had restrictions reported higher levels of IPA. However, for those cases with the highest levels of IPA reported (two standard deviations above the mean) there were no restrictions placed on 9 cases (out of 19 cases identified in that range). In terms of decrees, 12% contained restrictions. Cases with restrictions in place tended to have higher levels of reported IPA. In addition, a greater percentage of cases at the highest levels of IPA (two standard deviations or higher) had restrictions, as compared to those at the lower levels.

While restrictions in mediation agreements were rare, it appears that victims with the highest levels of IPA are typically leaving mediation without agreements. These couples returned to court and obtained restrictions at a much higher rate than those found in couples who reached mediation agreements. There are two important issues that relate to restrictions. First, it is important for mediators, advocates and lawyers working with victims to remind victims that, in most jurisdictions, they are *required to attend the orientation* screening sessions and negotiate in good faith, but they are *not required to reach an agreement* in mediation. And second, the limitations of the mediation process must be understood and acknowledged. Mediators are not judges and cannot require abusers agree to or abide by restrictions on contact between parents or restrictions on parenting even if it would be in the best interests of the children to do so. If the goal is having appropriate restrictions in mediation agreements for couples with IPA then use of

other processes are likely necessary, such as a hybrid mediation/arbitration intervention which provides the arbitrator with legal authority and control over the terms of agreements.

Investigations of hybrid mediation/arbitration interventions have been conducted over the past two decades (Colon, Moon, & Yee Ng, 2002; Loschelder, & Trotschel, 2010; McGillicuddy, Welton, & Pruitt, 1987; Ross, Brantmeier, & Ciriacks, 2002). The essential elements of these interventions are that clients to a mediation attempt to mediate an agreement. If they do not reach an agreement, the mediator then becomes an arbitrator and issues a binding decision (med/arb(same)) or the mediator steps aside and a new person becomes the arbitrator and issues a binding decision (med/arb(diff)). These models were empirically investigated in a community mediation center (McGillicuddy et al., 1987). When compared to traditional mediation (if no agreement clients return to court) and med/arb(diff), mediation clients in the med/arb(same) condition engaged in more problem solving and were less hostile and competitive. The important aspect of these interventions in the high-IPA divorce mediation context is that if a couple is determined to have IPA in the relationship and the abuser will not agree to safety precautions in the mediation agreement, the arbitrator has the authority to issue a binding decision which includes these terms. Prior to adoption of these models it is extremely important that they be carefully empirically investigated and that the safety of victims in the short- and long-term are the uppermost consideration.

Legal findings of “domestic violence” were rare. Only 2% of the cases in the sample had a formal legal finding labeled domestic violence in the divorce file. Couples with a legal finding of domestic violence reported higher overall IPA scores compared to those who did not have the legal finding. However, among couples reporting the highest levels of IPA (greater than two standard deviations above the mean), only five couples had this finding. Because it is

necessary for there to be a clear victim and perpetrator, none of the seven couples who reported high mutual IPA received a legal finding of domestic violence. It is unclear why this legal remedy is not being used more frequently. It could be because the evidence required to meet the legal burden is too difficult to obtain or is too risky for the victims to pursue.

The most common parenting agreement in divorce decrees, regardless of reported level of IPA, was mother as the primary physical custodian with joint legal custody.

Mothers were awarded primary custody (physical and/or legal) in 70% of the cases; fathers were awarded primary custody in 9% of the cases and joint custody was awarded in 21% of the cases. In comparing decree outcomes for those who reached full agreement in mediation to those who failed to reach agreement in mediation, mothers in full agreement cases were awarded primary custody in 69% (full agreement) versus 71% (no agreement) cases. Fathers were awarded primary custody in 8% (full agreement) versus 11% (no agreement) cases. Joint custody was awarded in 23% (full agreement) versus 18% (no agreement) cases. The lowest level of reported IPA was found in joint custody cases.

Interestingly, those couples falling in the *Mutually Violent Control* type for which decrees were entered (N=26), mothers were awarded primary custody in 22 cases (85%); joint custody was awarded in three cases (11%); and, fathers were awarded primary physical custody and/or legal custody in one case (4%).

Goal 3: Assess the frequency with which mediation agreements/divorce decrees are re-litigated over time.

The majority of parents return to court to re-litigate divorce issues; however, there is a small subset of “frequent flyers.” Sixty-two percent of the couples returned to court for at least one hearing after the divorce was finalized. The range in the number of hearings was 0-31

hearings. Approximately half of those couples who did return returned between 1-5 times (52%). There was a subset of couples (4.5%; N=31 who accounted for 31% of the total number of hearings requested in the sample. In the last decade, court-based programs have been developed targeting this group of couples. It is important that continued efforts to validate the effectiveness of these programs be supported.

Parents reaching agreement in mediation are significantly less significantly likely to re-litigate divorce-related issues post-divorce. Those couples who reached full agreement in mediation were significantly less likely to return to court to re-litigate aspects of their divorce. This finding is particularly important for policy-makers considering whether to develop (or fund) mediation programs. In this study, well-trained mediators were given a wide latitude to provide the number of sessions necessary for couples to successfully negotiate an agreement, thus using fewer court resources post-divorce.

Goal 4 Results: Test a multivariate conceptual model using variables that are hypothesized to affect mediation, divorce case and post-divorce outcomes (see Cascade Model Figure 16

To better understand the dynamic nature of the divorce process and the many interrelated variables, we used a multivariate analytic approach. We began by aggregating theoretically relevant constructs across an entire system to guide our inquiry into those that lead to outcomes associated with mediation, the divorce and the post-divorce legal processes. We then created a theoretically-specified causal order for the constructs and then ran a series of multiple regression models in the context of a Cascade Model (Figure 16). Specific hypotheses were tested relating to the relationship between the constructs, which were categorized into three temporally related sets of variables. The first set included variables that occurred prior to mediation (marital

stressors, father and mother perpetrated coercive controlling behaviors and IPA); the next set of variables was those that occurred as a result of mediation (mediator identification of IPA, mediator providing special procedures/accommodations, and whether an agreement was reached); the third set of variables included those that occurred as a result of the final divorce (court finding of IPA, restrictions in decree on the abusing parent, order of protection, child maltreatment and custody decree favoring mothers). The final set of variables related to post-decree outcomes that were possible after the divorce process (post decree hearings, orders and calls to law enforcement). Selected findings that extend findings noted above will be reviewed below as the model.

Decades of research have documented the emotional chaos and financial hardship experienced by families going through a divorce. Results indicate that marital stress influenced mothers' and fathers' perpetration of IPA; however, it also influences fathers' use of IPA and court orders placing restrictions on contact between parents and on parenting in divorce decrees. Marital stressors negatively influenced custody agreements favoring mothers. Although the majority of mothers are awarded primary legal and/or physical custody, when mothers' marital stressors are higher, the courts appear to respond by more frequently awarding fathers custody.

IPA is defined as the mean unit weighted total scores for reported *physical abuse, threatened and escalated physical violence; sexual intimidation/coercion/ assault*. IPA influenced many constructs in the model. Fathers' and mothers' perpetration of IPA influenced the mediator's identification of a case as having IPA; however, beyond these relationships, mothers' and fathers' IPA influenced downstream constructs in different ways.

When fathers' perpetrate higher levels of IPA, the couple is less likely to reach an agreement in mediation, and there is a significantly greater chance that an order of protection

will be issued. There is also a greater chance that restrictions will be included in divorce decrees and that custody agreements will favor mothers. When mothers perpetrate higher levels of IPA, courts are more likely to issue a legal finding of domestic violence in the case, and there will likely be an order of protection and child maltreatment reports in the case. It appears that in mother-perpetrator cases, fathers take the legal step of obtaining a legal finding of domestic violence and orders of protection for himself and the children.

Child maltreatment also emerged with interesting relationships to mothers' perpetration of *coercive controlling behaviors*, IPA, divorce and post-divorce outcomes. It appears that when mothers' perpetration of *coercive controlling behaviors* is higher fewer reports of child maltreatment are made. However, mothers' perpetration of IPA is associated with high reports of child maltreatment. The chance for a custody award favoring the mother is then significantly reduced and there are more frequent post-divorce calls to law enforcement.

Coercive Controlling Behaviors emerged as an important influence on downstream divorce and post-divorce constructs both directly and indirectly through IPA total scores. In a prior analysis of this data we hypothesized, and then confirmed using structural equations modeling, that control is the motivator for other dimensions of IPA (Tanha et al., 2009). In other words, when *coercive controlling behaviors* fail to control the other parent, physical dimensions of IPA (*physical abuse, threatened and escalated physical violence; sexual intimidation/coercion/ assault*) are then enlisted. Thus, it appears that when mothers' and fathers' attempts to control the other parent failed, both tended to escalate into other, more severe forms of IPA.

However, looking at the relationships of *coercive controlling behaviors* to other important variables, the use of *coercive controlling behaviors* by mothers against fathers

additionally influenced other constructs in the model. The higher the levels of mothers' *coercive controlling behaviors*, the lower the chance of a child maltreatment report, order of protection or an agreement in mediation.

In summary, one reason for conflicting findings with respect to screening, documentation, triage, and monitoring of IPA cases in mediation in the literature is likely the lack of consensus on how to identify IPA; what to do about it when it is detected; and agency policy differences on how to handle IPA cases. The results of this study provide strong empirical support for previous estimates that *most* couples attending divorce mediation report some level of IPA. Given that couples mandated to mediation are there precisely because they cannot agree on significant aspects of the divorce, this result was expected. Few mothers and fathers reported *no IPA* of any kind (only four couples reported that there were no incidents of any sort of IPA in the preceding 12 months prior to mediation). The parents reported at least some form of IPA occurred in over 90% of the cases and two thirds of the couples reported that either or both partners utilized outside agency involvement from police, shelters, courts, or hospitals to handle the IPA. These figures represent a tremendous amount of IPA in couples mandated to attend mediation and that the level was likely more serious than "*common couple violence*" identified in previous national random sample surveys (Kelly & Johnson, 2008).

Limitations

Archival data from court records and area law enforcement records are an unobtrusive and efficient means of gathering important data. There are, however, limitations to using these type of official records to collect data. The most important limitation is that the data available is limited to what the records contain. Records are often incomplete, files can be misplaced and documents intended for inclusion in the files can be lost or misfiled. The quality of the records is

not under the control of the researcher (Jewkes, 2008). Access to the records can be limited and refusal to allow access or provide certain portions of the data can occur. More specific to this study, these data are from only divorcing couples who had disputes about custody and/or parenting time of their children from one jurisdiction and one court-sponsored, free mediation program. There is no way to empirically identify which couples chose this program over private, fee-for-service mediator or mediation program. It is likely that those couples with the most disposable income did so. Because this is a study specifically of divorcing couples with children referred to mediation and not all divorcing couples, couples without children and/or those couples with children but who were able to work out agreements concerning custody and/or parenting time were also not included in this study. Because of the specifics of this sample, there are limits to the generalizability of the findings.

It is important to note several issues relevant to the screening procedure and the use of the screening forms by the mediators. The semi-structured interview data used in this study represent the individual determinations by mediators as to what seemed important enough to note in order for them to determine the best course of action for the case. In addition, the behaviorally-specific questionnaire included in the file (the RBRS) assessed IPA in the prior 12 months only. Thus, the RBRS did not capture the full extent of IPA that may have existed in the entire relationship nor did it document ongoing IPA ongoing in the relationship. The RBRS also did not assess for who the primary or predominant aggressor was or the relationship context in which any of these behaviors occurred. Thus, whether the acts were self-defense or abusive/violent acts cannot be distinguished. Future research needs to include structured, standardized, comprehensive assessment measures of IPA in addition to in-depth interviews with the clients to gain a full understanding of the the specific context and impact of the violence in the family. It is extremely

important for future research that a clear picture of the history of IPA in the relationship can be understood and the victim and abuser can be correctly identified so that the court system can respond appropriately to protect the victim and the violence-exposed children.

As noted above, the data in this study concerning accommodations provided to couples in mediation is likely a serious underestimate of the actual number of accommodations provided. This study was a *naturalistic evaluation* of one county's practices therefore data used in this study was not designed for specifically research purposes but instead to conduct day-to-day operations in the mediation program. While some accommodations provided clients were documented, not all of the accommodations were clearly documented in the files. There has been two decades of scholarly discussion of the possibility of special procedures used in mediation to accommodate couples with IPA, but there has yet been no systematic empirical research investigating what accommodations are provided and when they are provided and why they are provided. This study represents one of the first attempts to document the use of special accommodations for couples with IPA. Future prospective research is needed which carefully defines special procedures/accommodations, assigns couples to specific accommodations based on hypothesized needs, then documents defined outcomes associated with the couples in the different accommodation groups (Ellis, 2008). This research would be helpful in understanding how accommodations affect case processing and case outcomes.

Data in this study concerning law enforcement is also likely a serious underestimate of all the calls placed to law enforcement by couples in the study. Because only local area law enforcement (police and sheriff) calls were gathered in this study, calls placed to jurisdictions outside the local area were not captured.

Despite the limitations of this naturalistic study, these data are unprecedented in the field of divorce mediation research. To date, virtually all of the published samples used to study mediation included small samples, limited data, or low response rates (Beck & Sales, 2001). In this study, the sample included all parents (N=965 couples) who were disputing custody and parenting time issues in a pending divorce and were mandated by a local court rule to attend mediation during the targeted period and did so for a first-time mediation through a court-sponsored, free mediation program.

Recommendations for Research, Policy and Practice

(1) Provide essential training in the dynamics of IPA

Mediators, judges and court staff working directly with potential victims of IPA need to be well trained in the dynamics of IPA and how it may manifest the context of a divorce.

(2) Use a structured, systematic approach to assessment of IPA in mediation

Using a structured, systematic, multi-method approach is likely to be considerably more effective than using only a semi-structured clinical interview in reducing the rate of false negatives in the IPA screening process. We are strongly recommending that mediators adopt a standardized approach to administration of both semi-structured clinical interviews and standardized questionnaires and ask all questions about IPA of all parents.

Mediation practitioners, scholars and violence experts also need to work together to continue developing a more reliable, valid, approach to screening for all dimensions of IPA in mediation including stalking. Because *coercive controlling behaviors* were important indicators separate from the other dimensions of IPA, continued focus on developing adequate screening measures for both mothers and fathers is needed.

(3) Automate screening measures

Development of an automated version of a comprehensive IPA screening measure that quickly combines data from both members of a couple for mediator review and decision-making is critical for an accurate assessment of IPA. Although assessment can be automated relatively easily, the complex decisions mediators must make for a particular couple in determining whether to move forward with mediation or not, or to provide an accommodation or not, requires careful thought and analysis of the benefits and risks in consultation with the reported victim.

(4) Assess Mediation special procedures to accommodate victims

Prospective research using systematic and structured assessment of IPA which clearly documents the reasons for dispositions of cases with documented IPA histories is needed so that effective policies to screen clients out or provide accommodations can be developed. An accommodation which might be helpful to empirically investigate for reported victims of IPA wishing to continue in mediation is for mediators to pre-arrange with the victim a sign (e.g., hand signal or word) that the victim can use in the event the she or he feels unsafe or afraid. If used the mediator will know to stop and possibly caucus with the parents individually to insure the victim wishes to continue. Some abusers convey threats only the victim will understand and it is important for a victim to be able to signal a mediator when this occurs. Perhaps researchers working with practitioners can design a study where mediators are included in developing a standardized set of accommodation practices along with hypotheses that identify which accommodations are best implemented in cases involving different types of IPA. Carefully defined and collected outcomes can then measure the effectiveness of the accommodations provided, thereby empirically investigating if the process can be improved and appropriate accommodations instituted across cases.

Mediation program personnel, lawyers and advocates working with potential victims should strongly encourage clients who are concerned about IPA or who want specific accommodations in the mediation process to call and request such accommodations or express concerns about mediating.

(5) Acknowledge the limitations of the mediation process

Mediators are not judges and cannot *order* that certain conditions to be included in agreements (such as protections for children or restrictions on contact between parents) or that the conditions be followed even if such requirements would be in the best interests of the children or the adults. In the majority of jurisdictions across the United States, mediators instead facilitate negotiations between parents and each parent has a right to decide what they will and will not agree to. If both parents do not agree to a specific condition, it will not be included in any resulting agreement. If parents do not agree on any issues then no parenting agreement will result. Holding mediators and mediation programs responsible for parenting agreements, freely negotiated between the parties, that do not include safety precautions flies in the face of what mediation in this and many other jurisdictions are designed to accomplish. If a mediator believes that one of the parties cannot adequately represent their interests or the agreement negotiated between the parents will not be in the best interests of the child[ren] is terminate mediation, the resource the mediator has is to terminate mediation without an agreement. This decision is difficult, complex and must be made carefully and in consultation with the party having trouble representing her or his interests.

(6) Investigate hybrid mediation/arbitration mediation interventions

If policy-makers wish to ensure that couples with IPA negotiate mediation agreements which include safety restrictions, they must consider empirically investigating a separate process

for these couples. The hybrid mediation/arbitration intervention may be particularly important to empirically investigate with *pro se* couples with high IPA. Currently, victims without legal representation who are unable to negotiate safe parenting plans in mediation currently must return to court and present her or his case to the judge.

(7) Encourage legal findings of “domestic violence” in appropriate cases

The results of this study indicate that a parent with a specific legal finding of domestic violence in their case is more likely to have safety restrictions on contact between abuser and victim and on parenting (e.g., orders of protection; orders restricting method of contact between parents; neutral exchanges of the children at a specific public location, a family member’s home, or a judicially approved service provider) in the divorce decrees. Lawyers, advocates for victims and mediators should carefully consider, in consultation with victims, recommending that victims obtain court orders with legal findings of domestic violence. This legal finding also provides important information to subsequent judges assigned to the case.

(8) Assess outcomes for children directly and prospectively

Children are often caught in the cross-fire of parental IPA and so the co-occurrence of IPA with child maltreatment is high. Broader assessment and evaluation of child maltreatment and IPA (looking beyond physical forms of both) is essential to truly understand if mediation or any other court program is benefitting children. Psychological abuse can be just as devastating as other forms of abuse (Coker, Smith, Bethea, King, & McKeown, 2000; O’Leary, 1999; Stark, 2007; Theran, Sullivan, Bogat, & Stewart, 2006). Because virtually all cases in the study involved some form of psychological abuse, mediators should pay particular attention to assisting the parents to understand and remediate the impact of such abuse on the members of the family, particularly the children.

(9) Assess the effectiveness of court-based programs for pre- and post-divorce “frequent flyers”

A small group of families were found to require a tremendous number of court hearings post-divorce. As a result, parenting coordinator programs are developing rapidly across the United States with very little empirical basis of support. Courts need to empirically evaluate the effectiveness of court-based parenting coordinator and case management processes to determine whether these programs are having the desired benefits for families.

Introduction

Statement of the Problem.

Despite three decades of research on numerous aspects of divorce mediation, there is still no comprehensive understanding of the short- and long-term outcomes for families legally ordered to mediation to resolve custody and parenting time disputes and who use the free (or low cost) conciliation court mediation services to do so. This is particularly true for those families alleging intimate partner abuse (IPA) (Beck & Sales, 2001; Salem, 2009). In 2007, the National Institute of Justice funded this project to fill this gap in understanding.

Review of Relevant Research and Background of Study

What is mediation in this context?

Mediation is defined as a task-oriented, time-limited, alternative dispute resolution process (Folberg, 1982). It is important to remember that mediation does not refer to just one process. The practice can vary along several important dimensions (Beck & Sales, 2001). For example, models of mediation can vary significantly in terms of the mediators' role. Mediators can be either neutral facilitators of a process or can be active participants who, if the parties do not reach an agreement, can make recommendations to courts regarding specific terms of agreements. The means by which cases are referred to mediation can vary from a court merely mentioning that mediation is a possibility to a legal mandate requiring that all cases involving a dispute over particular issues be mediated. The criteria for excluding cases may also vary from no cases being excluded, to all cases with IPA being excluded. In some states only issues of custody and parenting time are mediated while in other states all issues related to a divorce are mediated (Beck & Sales, 2001). Although the process has changed significantly over the last decade (Salem, 2007; Saposnek, 2004), at the time this study was conducted there were some

important similarities among court-sponsored, mandatory mediation programs focusing on custody and parenting time issues that were conducted by mental health-trained mediators (Beck & Sales, 2001).

Mediation was originally offered as an alternative to the traditional dual attorney, adversarial model of representation and litigation. The process of mediation typically began with the parties meeting together in an office separate from courtrooms, as it was intended to be less formal than a courtroom. A mediator (or sometimes a mediator team) served as a neutral who would allow the parties to “tell their stories.” This process provided the “day in court” that was believed to be missing for many litigants who had previously used the traditional adversarial process (Beck & Sales, 2001).

The mediator’s role was to assist the parents in isolating those issues that were in dispute and considering options and alternatives. In doing so, the mediator’s responsibility was to empower the parties, encouraging them to negotiate and compromise so that they could make decisions in the best interest of their families. Mediation operated under the assumption that a highly skilled mediator would attempt to maintain a fair and balanced dispute resolution process as they assisted the parties to explore and work through various options. The mediator’s role was not to dictate solutions or pressure couples into developing settlement agreements, but rather to facilitate a balanced, fair, decision-making process, in which both parties’ stories were heard and a fair agreement could be reached. By allowing the parties to “tell their stories” and providing a neutral, less adversarial process for parental self-determination, it was believed the mediation process would provide not only access to justice, which is felt to be missing in traditional litigation, but a *better*, more self-determined model justice for couples as well (Beck & Sales, 2001).

The eventual goal of mediation was to reach a consensual settlement agreement regarding the disputed issues. A fundamental tenet of mediation was the belief that if the parties worked out their own settlement agreement they would be more satisfied and consequently, more likely to abide by the agreement in the long-term. Interestingly, it was (and still is) strongly believed by some that even participating in the mediation process without reaching an agreement provided significant benefits to couples (Edwards, Baron, & Ferrick, 2008; Ferrick, Baron, & Edwards, 2008; Folberg & Taylor, 1984). Note that the research and scholarship is mixed on supporting this assumption (Schraufnagel & Li, 2010). Although there was some support (Walker, 2010), more recent research challenges this assumption (Dingwall, 2010).

With increasing interest in mediation from scholars and practitioners, and the possibility of increased compliance with custody agreements, an important issue for the courts was how to provide mediation services at low (or no) cost for those who had been historically excluded from the court system (lower socioeconomic groups, women and minorities). Couples separating and struggling financially would likely be less able to afford an additional legal process to obtain a parenting plan as well as the divorce. The question courts were asking was who would be best situated to provide mediation services, particularly for clients of low socioeconomic means?

Why did conciliation courts become the main services providers of mandated divorce mediation?

Prior to the 1970s, conciliation courts were developed and staffed by mental health professionals to provide “conciliation” (marital) counseling with the goal of resolving conflicts and encouraging parents to remain married. The 1970s shift toward no-fault divorce mirrored a simultaneous cultural change in focus away from trying to keep couples married to helping families amicably resolve divorce disputes. These changes provided the courts with an important reason to keep conciliation courts intact and provided mental health professionals at conciliation

courts with an opportunity to maintain employment by expanding their professional services (Morrill, 2008). Conciliation court staffs were already employees of the court trained in providing therapy and interventions directed toward conflict resolution. Judges who wanted these cases out of their courtrooms began experimenting with mediation by referring particularly difficult, high conflict cases to conciliation court therapists with directions to assist the couples in reaching an agreement. Over time, conciliation court mental health practitioners then became the logical service providers of the newly developing mediation intervention (Morrill, 2008).

The zeal with which the proponents embraced mediation led to an array of changes in how divorce disputes were processed nationwide, and, now, around the world (Dingwall, 2010; Morrill, 2008). Historically, conciliation courts conduct the vast majority of custody and parenting time (visitation) mediations in major urban areas across the United States, particularly for those clients of modest economic means (Pearson, Ring, & Milne, 1983). This is particularly true in states and/or jurisdictions within states wherein it is legally mandated for couples to participate in mediation when disputing custody and parenting time of their children. In the United States, the pattern of conciliation courts providing mediation services has continued. In the current study, participants were mandated by a local court rule of practice (Pima County Super. Ct. Local Rule 8.7, 1998) to attempt to mediate their dispute, and they were referred to the local conciliation court for services.

Why is mediation often legally mandatory?

Although professionals were enthusiastic about the potential benefits of mediation, both private programs and free, public, court-based programs had ongoing difficulties attracting clients. Under a voluntary scheme, many couples refused to try mediation when it was offered (Pearson, Thoennes, & Vanderkooi, 1982). In fact, one court-based mediation service instituted

mandatory diversion to the program in order to generate enough cases to conduct an early study concerning the impact of mediation on disputing couples and their children (Cohen, 1982; Pearson et al., 1983). This is consistent with what is currently occurring in the United Kingdom (Dingwall, 2010) and Australia (Rhoades, 2010). A very small proportion of clients who are provided information about mediation was willing to actually try it (National Audit Office, 2007; Walker, 2001).

In the United States, based on limited initial empirical evidence, strongly held beliefs that mediation was likely to lead to better outcomes for children, and the knowledge that most clients would not voluntarily attend mediation when it was offered, many states and local jurisdictions passed legislation mandating participation in mediation for certain classes of cases (custody or parenting time disputes). The first mandatory mediation statute was passed in 1981 in California. In the last three decades states have increasingly moved to mandatory statutory schemes for custody and parenting time disputes. In the most recent review of divorce mediation statutes, it was found that mediation in some form (mandated by law, at judicial discretion, or voluntary) now exists in nearly every state in the United States (Murphy & Rubinson, 2005; Tondo, Coronel, & Drucker, 2001). Prior to setting a date for trial, 12 states mandate that couples attend mediation if there is a dispute about custody and/or parenting time of their children (Johnson, Saccuzzo, & Koen, 2005). In another 33 states, judges are granted the power to order (mandate) couples to attend mediation. In the remainder of the states, there exists a variety of local court rules of practice including some mandating attendance, some leaving the decision to judicial discretion, and others offering mediation on a voluntary basis only (Johnson et al., 2005). In some states, all disputed divorce issues can be mediated (Alaska, Kansas), whereas other states

limit the issues that can be mediated to custody and parenting time only (Arizona, Nevada) (Beck, Walsh, Mechanic & Taylor, 2010).

Over the last three decades, mediation has become embedded in the court system, in a process often referred to as “institutionalized” (Morrill, 2008). Institutionalization in this context means that mediation has become an integral part of the court process. As originally envisioned, mediation was intended to be a voluntary alternative to court processes (Morrill, 2008; Salem, 2009; Saposnek, 2004). Today in many jurisdictions, disputing couples can no longer schedule a court hearing without first either participating in mediation or attending the initial orientation/screening session and requesting to be excused. In some jurisdiction, mediation is also offered at no or very low cost by court-financed programs. As more and more couples are now compelled to attempt this institutionalized process by law, one issue that remains hotly debated is how to screen for, and what to do with, mediation clients with intimate partner abuse (IPA) in the relationship. It is extremely important that courts do not place victims at further risk of violence by forcing them to participate in a legal process that does not take into account dangerous interpersonal dynamics. As noted above, participants in the current study were mandated by law to attempt mediation.

What is intimate partner violence (IPA)?

IPA is a heterogeneous construct comprising several dimensions; a fact that has, at times hampered efforts to measure it accurately (Ellis & Stuckless, 2006; Holtzworth-Munroe, 2005; Jacobson & Gottman, 1998; Johnson, 2008; McCloskey, Figueredo, & Koss, 1995; Stark, 2007). Early efforts to measure the construct identified three dimensions of “conflict tactics” couples in abusive relationships engaged in: reasoning, verbal aggression and physical violence (Straus, 1979). Note that only two of these scales, verbal aggression and physical violence, were thought

to reflect IPA. Straus et al., (1996) later revised and refined the measurement of these dimensions in order to inquire about both one's victimization and perpetration of: physical assault, psychological aggression; sexual coercion and physical injury; and non-aggressive tactics, such as negotiation. As efforts to measure IPA continued to evolve, researchers began to conceptualize IPA as a multidimensional construct rather than focusing primarily on physical assault as its defining feature.

Today, the most commonly recognized dimensions of IPA include: psychological/emotional abuse, physical aggression, sexual assault/coercion, and stalking. Researchers from diverse disciplines have investigated several, if not all, of these dimensions of IPA in their work (Campbell & Johnston, 1986; Johnson, 2006; Saltzman, Fanslow, McMahon, & Shelley, 1999; Straus, Hamby, Boney-McCoy, & Sugarman, 1996). McCloskey, Figueredo and Koss, (1995) found strong evidence for four dimensions of IPA: verbal, physical, sexual, and escalated (life-threatening) physical violence. McCloskey and colleagues (1993) asked 28 behaviorally specific questions pertaining to abuse over the past 12 months. Participants were recruited from three sources: 1) a stratified sample of 67 women who had sought temporary residence at a battered women's shelter; (2) 103 community volunteers responding to posters displayed throughout the community, that sought women volunteers who had been "physically abused by a partner" in the past year; and, (3) a representative community sample consisting of 195 women recruited for a "family study" screened only for the presence of children of a particular age group. Covariance matrices were used to group the items into rationally-derived dimensions of IPA and then the items were tested for convergent validity. Factors representing the different dimensions were then tested for convergent validity using structural equations modeling software (EQS; Bentler,

1989). The factors representing various IPA dimensions were then constructed using confirmatory factor analysis. Results supported the four-dimension factor structure of IPA.

In addition, McCloskey and her colleagues' support for the four-dimension factor structure was also found using two different reporters of IPA--the mothers' and the children's' reports (partner against mother; partner against child). In later studies, these dimensions were again empirically validated in cross-cultural samples from the United States, Spain and Mexico, (Figueredo et al., 2001). These four dimensions of IPA also map onto standardized measures of IPA (Straus et al., 1996). The dimensions of IPA used in the current study are those in the McCloskey, et al. (1995) study with updated labels (*psychological abuse, physical abuse, threatened and escalated physical violence and sexual intimidation/coercion/assault*) with the addition of a fifth dimension *coercive controlling behaviors* (see below).

Substantiation of reports of IPA in Divorce Context.

Recently, research, court and social policies and screening practices for IPA have been plagued by a contentious, impassioned debate concerning the veracity of reports of IPA victimization in the context of divorce. On one side of the debate, victim advocates, certain legal scholars and some social science researchers argue that if IPA is reported to attorneys, judges, mediators and court personnel, the information is generally ignored, minimized or dismissed (Bala, 2008; Cobb, 1997; Grillo, 1991; Hart, 1990; Johnson, 2005a; Johnson, 2005b). On the other side of the debate, fathers' rights advocates, some social science researchers, and some legal scholars argue that false allegations of IPA are widespread and are generally committed by mothers against fathers to gain unfair advantage in divorce cases (Baskerville, 2007; Crowley, 2008; Dutton, 2005a; Dutton, 2005b, Dutton, 2006; Dutton, Hamel, & Aaronson, 2010). Extant empirical research has not supported this claim (Johnston et al., 2005; Thoennes & Tjaden,

1990). Women in custody disputes are no more likely to allege unsubstantiated IPA than are men (Johnston et al., 2005). An important implication from this debate, however, is the necessity for structured, comprehensive screening of IPA and the importance of independent evidence supporting allegations that are made in the context of divorce. When investigators have reviewed divorce cases, independent evidence corroborating IPA allegations in the divorce case files (substantiation) is rarely found (Johnston et al., 2005; Moloney, 2008). To fill this gap in the literature, the current study, reviewed mediation case files, divorce case files and area law enforcement databases for independent evidence corroborating IPA allegations made by the parties.

Sex differences in reports of IPA.

In addition to the impassioned debates concerning the veracity of self-reports of IPA and the general lack of independent forensic evidence to support allegations of IPA in court files, there is an additional debate in the literature concerning sex differences in IPA victimization. There is strong empirical support for some basic findings concerning the nature of sex differences in IPA perpetration and victimization (Kelly & Johnson, 2008; Salem & Dunford-Jackson, 2008a; Salem & Dunford-Jackson, 2008b).

In the context of heterosexual relationships, both men and women perpetrate some forms of IPA. Research indicates that both men and women *can be* aggressors against equally abusive, less abusive and more abusive partners. Women, however, generally do not perpetrate at the same rate nor does it result in the same severity of consequences. Both men and women *can be* fearful and *can be* injured by their partners, but again, generally not with the same interpersonal dynamics, frequency or consequences. Data suggest that particular dimensions of IPA often referred to as ‘minor violence’ or ‘common couple violence’ (e.g., pushing and shoving) tend to

be perpetrated at roughly equal rates by men and women, whereas, other dimensions of IPA (e.g., sexual abuse and assault, physical violence leading to injury) tend to be predominantly male perpetrated. The extent of sex differences is also vociferously debated and will not be reviewed here (Archer, 2000a; Archer, 2000b; Dutton, 2005a; Dutton, 2005b; Dutton, 2006; Felson & Cares, 2005; Hamby, 2009; Hamby, 2005; Johnson, 2005a; Johnson, 2005b; O'Leary, 2000; Stark, 2007; White, Smith, Koss, & Figuerdo, 2000). An important issue arising from this debate and for the current study was that both fathers and mothers married to each other were carefully evaluated using the same instruments that measure IPA. Dyadic data of IPA of this type has been rarely collected due to the significant risk for victims who report abusers' behaviors in ongoing relationships. Because the data was collected as part of a confidential, routine screening for all divorcing couples in the context of mediation it thus provided safety for the victims and invaluable information on relationship patterns of IPA for these couples.

In addition, victims most often experience multiple dimensions of IPA as opposed to experiencing one dimension in isolation; however, with notable exceptions (Johnson, 2006; O'Leary, 2000; Stark, 2006) these dimensions of behaviors have generally been studied as separate dimensions (Saltzman et al., 1999). The current study assessed multiple dimensions of IPA, their interrelatedness, and did so for both mothers and fathers that are legally married to each other.

Why is mandatory mediation a potential problem for couples with IPA?

Although divorce mediation has been widely adopted, it is by no means seen as a panacea for all divorcing couples (Beck & Sales, 2001; Cobb, 1997; Dingwall, 2010; Trinder, Firth, & Jenks, 2010). In fact, strong arguments have been raised from practitioners and scholars from many disciplines against mandatory implementation, particularly when IPA is alleged (Beck &

Sales, 2001; National Council of Juvenile and Family Court Judges, 2008; Grillo, 1991; Johnson et al., 2005; Moloney, 2008). When mediation is mandated for a couple for which IPA has been documented in the relationship, decades of research indicates that several concerns about IPA should be paramount (Beck & Sales, 2001; Fischer, Vidmar, & Ellis, 1993b; Grillo, 1991; Hart, 1990; Maxwell, 1999; Thoennes, Salem, & Pearson, 1995):

- 1) Can mediators accurately identify it?;
- 2) Once identified, how do mediators respond to IPA?;
- 3) Are victims protected during joint sessions?;
- 4) Is the process truly voluntary and fair?;
- 5) Are the resulting agreements fair and equitable?; and,
- 6) Have safety precautions been built in for victims participating in the process?

Below, we review the relevant empirical work addressing these issues and discuss how the current study built upon the extant base of knowledge.

What is the prevalence of IPA in couples mandated to mediation?

As a comparison, in representative samples of the general United States population, using behaviorally specific questions related to partner rape, physical assault and stalking, prevalence rates of 25% for women and 7.6% of men were found (Tjaden & Thoennes, 2000). Rates of partner rape, physical assault and stalking for the prior 12 months were 1.5% for women and 0.9% for men (Tjaden & Thoennes, 2000). In the mediation context, from their experience directing programs mediation directors estimated the proportion of divorcing couples alleging some dimension of IPA in the history of the relationship to be between 40% and 80% (Pearson, 1997). A more recent study assessed a representative sample of mediation clients in California during one week in June 2008 (81% response rate), asking directly if “physical violence” had

occurred in the relationship. Overall 52% of families reported physical violence had occurred (47% of mothers and 27% of fathers) (Administrative Office of the Courts [California], 2010). The majority of reports were for physical violence that had occurred more than one year before (60% of mothers and 58% of fathers); however, 36% of mothers and 35% of fathers reported violence within the prior 12 months.

Recent international studies in both the United Kingdom (Moloney et al., 2007; Walker, 1989) and Australia (Keys Young, 1996) also confirm high rates of IPA in mediation samples. These rates were much higher than those found in representative sample of the general United States population noted above. We extended existing mediation research in the current study in a couple of important ways. We assessed IPA using behaviorally specific questions as reported by mothers and fathers who were married to each other and expanded the content of the questions asked to include previously excluded dimensions (*sexual intimidation/coercion/assault*, and *coercive controlling behaviors*).

What dimensions of IPA are found in couples attending divorce mediation?

Until the last decade, few studies assessed rates of IPA in mediation samples. In those few studies that did, very different methods of assessment and definitions were used, making it difficult to compare and contrast findings. One early study used a brief version of the Conflict Tactics Scale (Straus, 1979), and addressed both physical and emotional abuse (Mathis & Tanner, 1998). In this study the couples were divided into two groups. The “violent” group included at least one partner who reported physically violent behaviors ranging from minor acts of aggression, such as pushing or shoving to much more serious acts, such as use of a weapon. Interestingly the “nonviolent” group included at least one partner who reported behaviors ranging from yelling and swearing to smashing property (non-person-directed physical violence).

The majority of the couples were placed in the “violent” group (60%), and half of those (51%) had used extreme tactics (beating or using weapons).

Researchers conducting another study created an inclusive category labeled “abused,” which was defined as those reporting any occurrence of physical abuse (slapping, grabbing, shoving, kicking, punching); severe physical abuse (beating, choking) or use of weapons (to threaten or injure); or two or more incidents of intimidation (threats, stalking, telephone harassment). This “abused” category included 80% of the total sample of women and 72% of the men (Newmark, Harrell, & Salem, 1995). The most common dimension of abuse reported was intimidation (74% of the women and 61% of the men). Physical abuse was reported by 68% of the women and by 55% of the men. Alarming, severe abuse was reported by 38% of the women and by 20% of the men; threats with a weapon were reported by 18% of the women and by 15% of the men. The women in the “abused” group also scored significantly lower on measures of empowerment (both personal and in relation to working with the court system) compared to non-abused women. Men in the “abused” group scored significantly lower than non-abused men in personal empowerment, but not in terms of working with the court system. Two conclusions can be drawn from this study; a tremendous amount of IPA was reported by these families in roughly equal percentages by men and women; and, women reported greater disadvantage in navigating the court system.

In 1999, as part of the Statewide Uniform Statistical Reporting System, the California Administrative Office of the Courts examined the prevalence of IPA among a representative sample of parents in court-based child custody mediation cases (Administrative Office of the Courts [California], 2002). Results indicated that 76% of families reported IPA (66% physical abuse, 55% physical violence, 48% threats of violence, 44% had orders of protection, 13%

sexual assault). As with the prior studies, very few families reported only one dimension of violent behavior. The most common combination of violent behaviors found in 26% of the families was pushing, grabbing, shoving, throwing things, slapping, kicking, biting, or hitting. The 2008 update to this study indicated that more than half of the families reported a history of physical violence and 15% reported having a current restraining order in place (Administrative Office of the Courts [California], 2010). This work addressed two important issues that had been left out of most prior investigations—assessment of sexual assault and questions concerning restraining orders either in the past or present. Sexual assault is the most under assessed dimension of violence in the married population in general (Bergen, 2005) and in the mediation context specifically.

To extend this work, the current study investigated a mediation sample and asked behaviorally-specific questions including sexual forms of IPA and asked about restraining orders, but did so of fathers and mothers married to each other. This was significant because assessing each parent in isolation does not provide an accurate picture of the dynamics IPA in the relationship. Assessing IPA dyadically is particularly important in a divorcing population because mutual allegations of IPA are common and the safety of victims and violence-exposed children are at stake (Kelly & Johnson, 2008). Courts must decide what is in the “best interests of the child[ren]” and without a clear and accurate understanding of the IPA dynamics within a couple, this decision is rendered impossible.

What are typologies of IPA and why might they be important in mediation?

One particular IPA typology (Kelly & Johnson, 2008) has gained attention recently and has been applied in the mediation context, making it especially relevant here. Johnson and Kelly (2008), elaborating on Johnson’s prior work (Johnson, 2006), describe five important couple-

level types of IPA: *Coercive Controlling Violence, Violent Resistance, Situational Couple Violence, Separation-Instigated Violence, and Mutually Violent Control.*

The first type, labeled *Coercive Controlling Violence*, is similar to the “culture of violence” type investigated by Fischer, Vidmar and Ellis (1993). This pattern is likely the one most members of the general public think of when they hear terms such as “wife beating,” “battering,” “spousal abuse” or “domestic violence” (Kelly & Johnson, 2008). *Coercive controlling violence* is a pattern of violence, control and manipulation, that includes one partner controlling the other partner’s actions, relationships, and activities. This type of abuse often includes surveillance, and the victim is often punished when she or he fails to follow the rules established by the coercive party (Kelly & Johnson, 2008).

Using Johnson’s (2006) conceptualization, Stark (2007) further discusses what he calls *coercive control* as a pattern of violence, intimidation, isolation, and control in which the main goal is to restrict the other person’s liberties. The perpetrator exerts control through acts of physical abuse or violence; through sexual assault, intimidation, or coercion; or verbal threats of serious violence. Where there has been a history of severe physical violence, nonviolent control tactics may be effective in controlling the victim. Thus, *coercive controlling violence* may not necessarily be accompanied by high levels of physical violence, but instead may exist alone (Kelly & Johnson, 2008). Stark argues that researchers should examine levels of *coercive control* in a relationship in order to understand the context and meaning of IPA. This type of IPA, while sometimes initiated by women, is thought to be perpetrated predominantly against women by men (Johnson, 2006). This type of violence is most commonly reported among victims in law enforcement, hospital and shelter samples (Graham-Kevan & Archer, 2003; Graham-Kevan & Archer, 2008; Johnson & Leone, 2005; Johnson, 2006). It has been linked to lethal or near-

lethal violence against the victim (Campbell et al., 2003); to post-separation violence (Hardesty, Khaw, Chung, & Martin, 2008) and to post-divorce problems with parenting (Dutton & Goodman, 2005; Hardesty & Chung, 2006).

A second type of IPA is *Violent Resistance* (resistance to a violent, coercively controlling partner). This type of IPA has been described as the use of defensive violence *in response* to a coercively controlling partner. In this context, IPA behaviors are an attempt to stop the violence; defend oneself against an attack; or to physically defend others, such as children or pets (Kelly & Johnson, 2008). Many battered women's advocates and researchers have categorized all female-initiated IPA as this type (Female Resistance, Resistive/Reactive Violence, Self-Defense), (Kelly & Johnson, 2008; Pence, Dasgupta, Taylor, & Praxis International, 2003; Walker, 1984; Yllo & Bograd, 1988). This type of violence garners the most media attention particularly in the most severe cases such as when a woman murders her abusive partner (Kelly & Johnson, 2008). Interestingly, in research, few factors differentiated battered women convicted of homicide from battered women who did not murder their partners. What did differentiate the battered women who did not kill their partners from the battered women who did was the nature and type of behavior by the abusers (Browne, 1987; Kelly & Johnson, 2008). Abusers who were killed were reported to have attacked their partners more frequently; attacked them with more severe injuries; sexually assaulted them more often; and make more frequent death threats against them (Browne, 1987; Kelly & Johnson, 2008). The murders often occurred in the context of separation, when the battered women were attempting to leave the abuser (Kelly & Johnson, 2008).

A third type of IPA is *Situational Couple Violence*. This type of IPA does not reflect core issues of power and control, nor is fear characteristic (Johnson & Leone, 2005; Johnson, 1995).

Compared to men involved in *Coercive Controlling Violence*, misogynist attitudes are not characteristic of men involved in this type of IPA (Holtzworth-Munroe, Meehan, Herron, Rehman, & Stuart, 2000; Kelly & Johnson, 2008). In this type of violence IPA is contextually the result of “situations” or arguments between partners that escalate into physical violence (Kelly & Johnson, 2008). One or both partners are unable to manage their anger and/or have poor conflict resolution skills. It is thought to occur more frequently than the other types and to involve more minor forms of violence (pushing, shoving, grabbing) (Kelly & Johnson, 2008). When assessed via large population surveys, perpetration by men and women were reported at similar rates (Kelly & Johnson, 2008; Kwong, Bartholomew, & Dutton, 1999). Nearly always absent from this group are severe violence and core issues surrounding power and control.

The fourth type of IPA is *Separation-Instigated Violence*. This type of IPA occurs upon separation among couples with no prior history of IPA (Kelly & Johnson, 2008). It is believed to likely be triggered by traumatic experiences related to the separation. For example, it can be triggered when a parent comes home from work and, with no prior warning, finds the family home empty. Similarly, this type of IPA can be triggered when a prominent professional or political figure is humiliated by being served divorce papers by a process server or when a spouse comes home and finds her or his partner with a lover (Kelly & Johnson, 2008). This type of IPA can include stalking; threats with weapons; destroying cherished property; throwing objects at a partner; and sideswiping or ramming a partner’s car (Kelly & Johnson, 2008). Perpetrators of this type of IPA generally admit their behaviors, and orders of protection tend to be effective in keeping the spouses apart. Nonetheless, it ought to be noted that this form of abuse can be extremely dangerous and potentially lethal (Dutton, 2007; Holtzworth-Munroe et al., 2000; Jacobson & Gottman, 1998; Kelly & Johnson, 2008). This type of IPA is initiated by both men

and women and tends to be uncharacteristic of the parties and unexpected. In a study of high conflict parents disputing custody, about a fifth of the sample indicated the violence began after separation (Johnston & Campbell, 1993).

The fifth type is *Mutual Violent Control*. This type of IPA is described as occurring between two coercively controlling and violent partners. By definition, this type is initiated by both men and women (Johnson, 2006; Hardesty & Ganong, 2006). Johnson found few couples meeting this criteria and little is known about its frequency, features, or consequences (Kelly & Johnson, 2008). This is an important type to investigate in the mediation context in that little is known about this type of IPA and the consequences for children could be severe (Kelly & Johnson, 2008).

One qualitative study assessed divorcing couples in relation to the above typology, however, did not find evidence of all five types (Hardesty & Ganong, 2006). This study relied upon a sample of women attending a court-mandated parent education program for all divorcing parents in two counties in the central United States. Results found that women reported one of only three patterns of IPA (Hardesty & Ganong, 2006). The first pattern included chronic verbal, emotional/ psychological, sexual, physical abuse, physical violence, and threats of violence accompanied by coercive controlling behaviors, which began early in the relationship and continued throughout the marriage. This type was similar to that of *Coercive Controlling Violence* noted above.

The second pattern included episodic physical abuse with coercive controlling behaviors. The central dynamic in this type was control; however, the physical abuse was infrequent and generally not severe. This pattern is not found in Johnson and Kelly's original typology as described above. The third pattern included episodic physical abuse but was not accompanied by

a pattern of coercive control. The physical abuse generally occurred in the context of specific arguments often related to money or drug use. This type of IPA is similar to that of *Situational Couple Violence*. It is unclear why the other types of IPA proposed by Johnson (2006) were not found in this sample. It could be that the sample was restricted, since all women in the study were screened for experiencing physical abuse and/or violence prior to or after the divorce.

While the types of IPA described above have been discussed in the context of mediation samples, it has yet to be investigated empirically with a mediation population. Therefore, it is not yet known if the frequency, severity, context, or type of IPA found in mediation couples resembles that seen in large-scale national surveys of the community (*Situational Couple Violence*) or the type of violence more commonly found in shelter, agency, hospital or law enforcement surveys (*Coercive Controlling Violence*) (Kelly & Johnson, 2008), or whether IPA is more similar to that found in the sample of women attending court-mandated parent education (Hardesty & Ganong, 2006) (chronic IPA using all types plus coercive controlling behaviors; episodic physical abuse with coercive controlling behaviors; physical abuse only). We theorized that the current study sample will more closely resemble those of other help-seeking samples than that of nationally representative samples, and would report higher rates of IPA that included higher risk for lethal or near lethal outcomes.

As noted above, IPA is commonly reported in mediation samples, with a recently documented rate of 52% when clients were asked directly about physical violence (Administrative Office of the Courts [California], 2010). Interestingly, in 47% of the cases in one mediation study, neither parent discussed IPA in either separate screening interviews or separation sessions before or during mediation (Administrative Office of the Courts [California], 2010). This finding could mean several different things. It could be that the individuals did not

perceive the IPA as serious enough to bring up because it may have occurred in the distant past; have been mutually perpetrated; not have been thought to be important enough to disrupt negotiations in mediation; or, because the victims were so fearful of negative consequences of revealing IPA that they chose not to disclose it (Kelly & Johnson, 2008). Alternatively, it is possible that the mediator failed to sensitively screen for its presence, thus limiting detection options. The current research clarified the types of IPA that are characteristic of a sample of couples in mediation using a sample that are married to each other. Also included in the study were variables addressing the short and long term outcomes associated with IPA. The findings from this current study are particularly important for mediators working in the field, as previous small, qualitative studies found that specific types of IPA were related to ongoing problems with post-separation parenting (Hardesty & Chung, 2006).

What happens when IPA victims are identified in mediation?

Regardless of the dimensions of IPA or the types reported, if mediators do not “call” or expressly identify a case as having IPA, then no opportunities exist to screen cases out or to provide procedural accommodations. Although it is clear that safety concerns for families with IPA should be addressed, there has been sparse research on mediator screening, documenting, and responding to IPA, including whether and how safety measures are included in mediation agreements.

The work of researchers Johnson, Saccuzzo and Koen (2005) indicates that even if IPA is reported and documented, it does not necessarily mean that a case will be flagged and treated uniquely due to the presence of IPA. It is thus the mediator’s “calling” the case as involving IPA that is paramount in determining how the case is processed, and what if any accommodations are implemented. Johnson et al. (2005) assessed recommendations from the mediator contained in

reports to the court in cases in which couples were unable to reach agreements via mediation. Results suggested that in 57 % of the cases with clear indicators of IPA (IPA alleged or temporary restraining orders recorded on the screening form or in the case file) mediators failed to comment on IPA in their recommendations to the court.

In contrast to the Johnson et al. study, other studies have found that IPA was screened and monitored more consistently, resulting in differences in case processing, and in the rates of agreements among couples with and without IPA (Mathis & Tanner, 1998; Tishler, Bartholomae, Katz, & Landry-Meyer, 2004; Wissler, 1999). One reason for conflicting findings with respect to screening, documentation, triage, and monitoring of IPA cases in mediation is likely the lack of consensus on how to identify IPA; what to do about it when it is detected; and agency policy differences on how to handle IPA cases. This current study identified cases with IPA that were accommodated; not accommodated; and screened out, and identified long-term outcomes for each group.

Should victims of IPA be screened out or accommodated?

Because of safety concerns for IPA victims, some commentators have argued that couples with identified IPA histories ought to be screened out of mediation altogether (Howe & McIsacc, 2008; Johnson et al., 2005). Others argue that the use of mediation *enhances* victim safety due to case processing at a more leisurely pace compared to court hearings as well as enhanced opportunities to develop mediation agreements to protect victims (safe exchanges of the children, supervised visitation) (Edwards et al., 2008; Pearson, 1997). Thus, some commentators argue that mediation procedures can and should be modified to accommodate certain couples with IPA (Edwards et al., 2008; Ellis, 2008; Erickson & McKnight, 1990; Rimelspach, 2001). The caveat is that adequate methods of assessment must be used and couples

with IPA must be assigned to specialized safety-enhanced mediation procedures that are matched to their level of assessed risk (Ellis, 2008). In addition, any mediation agreements produced must include safety restrictions for the victim and violence-exposed children.

Studies of IPA victim's responses to mediation are mixed. In one study approximately 50% of women reported violence in the marriage (Pearson, 1993). These women also reported that the violence impaired their ability to communicate with the ex-spouse on an equal basis (Pearson, 1991; Pearson 1993). Of this 50%, approximately 33% also reported they felt they had less bargaining power in mediation (Pearson, 1991; Pearson, 1993). It is unclear whether victim perception of having reduced bargaining power led to any capitulation to unsafe or unfair terms of the agreement. A second study found that female abuse victims felt less empowered in mediation compared to non-abuse victims (Newmark et al., 1995). However, victim responses to survey items suggested that victims believed they could state their needs and stand up for themselves despite their awareness of negative repercussions for doing so (Newmark et al., 1995). Abuse victims of both sexes stated that their partner had controlled decision-making in the relationship and believed that their partner might physically harm them in the next six months. Victims of IPA also did not believe that the negotiations would lead to an acceptable agreement (Newmark et al., 1995). Thus, it appears that abuse victims indicated that they are fearful and often unable to meet a core requirement of mediation--speaking up for themselves. As a result, abusers likely controlled the negotiation process and the agreement ultimately reached.

In another study, however, the Alaska Judicial Council (1992) found that 61% of parents requesting mediation were ineligible due to a statutory requirement excluding *all* cases involving "domestic violence." The report stated that many (exact percentage not given) victims believed

they should have been given the choice to participate or not in mediation rather than being automatically excluded from mediation (Alaska Judicial Council, 1992). Interestingly, these abuse victims did not mediate because they were screened out so it is unclear what percentage would have reported disempowerment and capitulation to unfair agreements had they actually been able to mediate. This study highlights the importance of listening to victims concerns about IPA and allowing them a strong voice in the decision to proceed with or without mediation.

As a matter of practice, there are contested custody and visitation cases with IPA that are being mediated. Researchers found that only 5-6% of mediation cases are screened out for IPA even though 40-80% of participants report experiencing IPA (Pearson, 1997). In the current study, we compared the percentage of cases reporting IPA with the percentage of cases screened out. We evaluated whether the cases that were screened out had particular characteristics that were readily identifiable. And, we assessed in detail the dimensions of IPA (*coercive controlling behaviors, psychological abuse, physical abuse, threatened and escalated physical violence, and sexual intimidation/coercion/assault*) and the types of IPA (*situational couple violence, coercive controlling violence, violent resistance, separation-instigated violence, mutually violent control*) (Kelly & Johnson, 2008) among those screened out and those who proceeded with mediation.

What happens when a case has both IPA and child abuse?

Estimates of the co-occurrence of IPA and child abuse range from 30-60% (Appel & Holden, 1998; Casanueva, Martin & Runyan, 2009); Knickerbocker, Heyman, Slep, Jouriles, & McDonald, 2007; Malik, Silverman, Wang, & Janczewski, 2008; Zolotor, Theodore, Coyne-Beasley, & Runyan, 2007). One recent, methodologically rigorous study estimated the co-occurrence of partner and child-targeted aggression as being 45% (Slep & O'Leary, 2005). Discussion concerning the possible causes or mechanisms underlying this co-occurrence will not

be discussed; however, it is important to note that in the context of a divorce, allegations of co-occurring IPA and child abuse are extremely common (Moloney et al., 2007).

Under nearly all circumstances, parents have a fundamental right to parent (*Troxel v. Granville*, 2000; Spitko, 2006), necessitating momentous legal hurdles (strict scrutiny) to overcome whenever that right is questioned for any reason (Spitko, 2006). However, when one partner commits IPA against the other, the sanctity of this fundamental right has been questioned (Stein, 1998; Haddix, 1996). Nonetheless, in many cases parents who have brutalized their partners have still maintained custody and unsupervised parenting time of their children (White, 2005). In some states, however, views toward the fundamental right to parent appear to be changing, particularly in the context of IPA. For example, in 40% of the states, when a legal finding of IPA is made by the court, there is a rebuttable presumption against joint custody and the perpetrator must put forth a legal argument as to why the court should consider joint custody in the case instead of presumptively dismissing it (Dunford-Jackson, 2004).

In recent years, some states have expanded their statutory definitions of child abuse to include children's exposure to IPA by a parent (Goodmark, 2010). Consequently, if children are exposed to IPA or its aftermath, (broken property or physical injuries), they may be identified as abused and subject to removal if the parental IPA victim fails to leave the abuser and fails to obtain an order of protection keeping the abuser from seeing the children (Goodmark, 2010). Victims of IPA whose children are also abused and who do not leave the abuser can be charged with failure to protect the children from the abuser, and those children removed by child protection agencies (Goodmark, 2010). If a victim of IPA flees the home and the abusive partner without the children in order to protect herself from danger, charges of child abandonment can follow (Magen, 1999). Thus, there are formidable systemic conflicts between the child protection

system and those processes that are intended to protect battered women from harm by their partners, including but not limited to family law remedies (Buckley, Whelan, & Carr, 2011). A battered woman reporting IPA and/or child abuse in the divorce context (moving to a shelter, obtaining an order of protection, litigating to keep abusers away from the children) may be perceived as obstructing the relationship between the abusive parent and children due to vindictiveness or for reasons of secondary gain (Baskerville, 2007; Buckley et al., 2011; Crowley, 2008; Dutton, 2005a; Dutton, 2005b, Dutton, 2006; Dutton, Hamel, & Aaronson, 2010). In some states “friendly parent” provisions are built into state statutes (Ariz. Stat. Ann. §25-403.03). These provisions require the judge determining custody to consider which parent is more willing to facilitate ongoing involvement of the other parent. Without the additional legal hurdle of formally requesting and having the court issue a legal finding of domestic violence in the relationship, these “friendly parent” provisions in state statutes can be extremely risky for victims in cases with co-occurring IPA and child maltreatment.

Thus, the paradox for IPA victims and their violence-exposed children is this: while victims are expected to protect the children by leaving the abuser, “i.e., the leave ultimatum” (Douglas & Walsh, 2010), that same behavior may lead to allegations of having left the abuser is a tactical form of manipulation in the subsequent divorce proceeding (Adam, 2010; Buckley et al., 2011). To combat this problem there are jurisdictions with unified family courts and the goal of “one judge one family,” which can eliminate much of this problem. There are also jurisdictions without unified family courts but with pioneering judges who consolidate cases when families have orders or cases in both juvenile and family courts (Adam, 2011). Unfortunately, unified family courts and pioneering judges consolidating juvenile and family law cases are not common. The majority of courts in the United States are designated by subject

matter (criminal, family, probate, immigration, mental health) and in so doing operate as “silos” that are devoid of knowledge or contact with other court systems (Adam, 2010). While courts may operate in subject matter silos, families do not live in subject matter silos (Adam, 2010). Particularly with respect to issues relating to children, overlapping jurisdictional problems between the court silos creates situations wherein judges unknowingly issue incomplete or contradictory orders across court systems. This current study investigated the short- and long-term outcomes of cases with IPA and reported child maltreatment. We theorized that IPA and reported child maltreatment would co-occur, and when it did mothers would have less favorable custody and parenting time outcomes in court.

How many people do not have attorneys and what happens in cases without attorneys?

Little research has been conducted concerning the effects of self-representation (*pro se* representation) in mediation cases. Most research to date documents the percentages of *pro se* cases but does not investigate the effects it has on the process or outcome of mediation. For example, in a recent study in a large representative sample of mediation cases in California, the California Administrative Office of the Courts (2010) found the majority of clients were self-represented. Likely due to several interrelated factors (the economic downturn in the United States economy, rising rates of unemployment and underemployment, rising cost of attorney representation), the proportion of cases involving at least one *pro se* party increased steadily over time, from 52% in 1991 to 75% of cases in 2008 (Administrative Office of the Courts [California], 2010).

Although not specifically focusing on mediation, our prior work with divorce cases generally sheds some light on the difficulties *pro se* litigants face (Sales, Beck, & Haan, 1993a). In divorce cases filed in one large urban county in Arizona in 1990, both parties were *pro se* in

52% of the cases and in 88% of the cases at least one party was *pro se* (Sales, Beck, & Haan, 1993b). Analyzing differences in divorce cases with and without attorney representation (Sales et al., 1993a), we found that litigants *without* attorneys have much more difficulty negotiating the divorce process. Often litigants without attorneys failed to complete the necessary paperwork and failed to make the proper arguments, in the correct form, to support their positions.

It is likely that IPA victims without attorneys are less likely to understand the significance of identifying IPA early in the process of divorce or to know the specific legal procedure for requesting a judicial finding of IPA. The benefit of a specific legal finding of IPA is that the legal finding then triggers a rebuttable presumption the judge must consider in awarding custody. As noted above, in approximately 40% of the states, there is now a rebuttable presumption built into many statutes that presumes it is *not* in the best interest of children for a parent who perpetrates IPA to be awarded sole or joint custody (Dunford-Jackson, 2004). A study comparing states with and without this rebuttable presumption found that judges were significantly more likely to assign structured parenting time for abusers (69%) in states with this presumption, compared to states without it (54%) (Morrill, Dai, Dunn, Sung, & Smith, 2005).

Without an attorney, it is unlikely that victims would know how to present their cases in such a manner that would require judges to consider whether the presumption of joint or sole custody had been rebutted. Even if victims begin a case with an attorney, it is likely that at some point they will represent themselves due to the high cost of attorney representation. For example, a recent study in New York State found that 97% of parents are unrepresented in child support matters in New York City and 95% are unrepresented in the remaining counties in the state (Task force to Expand Access to Civil Legal Services in New York, 2010).

In addition, attorneys are generally more informed about divorce than laypersons, and are aware of the special procedures that can be offered to victims of IPA in mediation. Clients without attorneys are less likely to know to request special procedures in mediation. In this current study, we assessed the mediation and divorce process and outcomes of cases with and without attorney representation. We focused on those cases where there was a legal finding of IPA documented. In the study jurisdiction, the state statute states that when there is a finding of IPA, there is a rebuttable presumption against sole legal custody being awarded to the abuser (Ariz. Stat. Ann. §25-403.03).

Is post-separation IPA a problem?

One widely accepted myth about IPA, that is, by one party exiting an abusive relationship, the violence will cease, the victim (and children) will be safe. Research indicates, however, that leaving not only fails to stop the violence, but separation poses a significant risk of escalated, often lethal violence (American Psychological Association, 1996; Saunders, 2007; Tjaden & Thoennes, 2000). Decades of research documents that the time immediately preceding and following separation—a time when mediation could be occurring—is the most dangerous for IPA victims, frequently leading to escalated and, at times, lethal acts of violence (Campbell et al., 2003; Hardesty & Chung, 2006; Mahoney, 1991; Tjaden & Thoennes, 2000). One study found that more than a third of the 135 victims studied were re-assaulted within two years after leaving their abuser (Fleury, Sullivan, & Bybee, 2000). However, the time immediately surrounding the separation is not the only time post-separation occurs. In a large representative sample of Canadian citizens, 40% of women and 32% of men reported post-separation violence (Hotton, 2001). Of those reporting post-separation violence, in 39% of the cases the violence reportedly began after separation; in 24% of the cases the violence became more serious post-

separation; and in 37% of the cases the violence reportedly remained the same. When violence occurred post-separation, 55% of women reported these incidents to the law enforcement whereas only 30% of men did so.

A large representative sample of citizens in the United States found that married women who were separated from their husbands were nearly four times more likely to report victimization by their husbands (raped, physical assaulted, stalked) than were women who lived with their husbands (20% versus 5.4%) (Tjaden & Thonnes, 2000). This increased rate of victimization also holds true for married men living apart from their wives, however victimization for men was reported at a significantly lower rate overall (7% versus 2.4%). When the women in the study were asked about when the violence occurred, 24.7% of the rape victims, 18.2% of the physical assault victims and 36.4% of the stalking victims indicated that the victimization occurred both during and after the relationship ended. For 6.3% of the rape victims, 4.2% of the physical assault victims and 42.8% of the stalking victims, the violence began *after* the relationship ended. In Arizona specifically, an analysis of homicides in 2004 was conducted (Bileski, 2008). Overall, 20% of the homicides were linked to domestic violence. Of these domestic violence homicides, 18% were committed by a husband, 7% were committed by a wife/Ex-wife and 16% were committed by a significant other (no sex of perpetrator or victim designated) (Bileski, 2008). Unfortunately there is no data concerning whether the victims were in the process of divorce at the time they were murdered.

Children can get caught in the crossfire of IPA, becoming direct or indirect targets of abuse, jeopardizing their short- and long-term physical and emotional health and safety. As noted by Mechanic, Weaver and Resick (2002) IPA can continue for many years post-separation for some victims. One of the many ways abusers continue to abuse victims is take them to court

repeatedly in order to gain increased parenting time, harass the victim, and exhaust their finances (Hardesty, 2002; Miller & Smolter, 2011; NCJFCJ, 2008; Pollet, 2011). In the context of mediation, an important consideration for agreements then is to build in arrangements for providing safety for victims and children so that there are reduced opportunities for post-separation violence (supervised exchanges, supervised parenting time were needed, orders of protection) and reduced opportunities for court litigation as a means of harassment and stalking. The current study assessed post-divorce IPA by linking calls to area law enforcement reports at three stages: prior to mediation, during the divorce process, and post-divorce. The study also assessed the number of, type of and outcomes hearings requested post-divorce. In so doing, the degree of post-divorce IPA and court-based harassment was measured.

Is there a risk that victims will mediate agreements that are unsafe?

A frequent research finding is that there is no difference in provisions in agreements between couples who report IPA and those who do not (Moloney et al., 2007). Additionally, for those couples reaching an agreement, there is no difference in the nature of the agreements between couples with and without reported IPA. Tishler et al. (2004) found that 30% of couples reached an agreement in mediation, but there was no statistically significant difference in agreement rates between couples with IPA and without IPA, even though fewer couples with IPA than without IPA reached agreements (22% versus 34%). Wissler (1999a, 1999b) found the likelihood of reaching an agreement in mediation was unaffected by whether the case involved violence, the frequency or recency of violence, or whether the victim required medical care. The likelihood of reaching an agreement was also unrelated to whether one party had expressed fears or concerns about the other party's violence prior to entering mediation (Wissler, 1999). Mathis and Tanner (1998) found that 54% of cases reaching full agreements in mediation were

categorized as “violent.” Of the agreements negotiated for the “violent” group, 57% agreed to joint custody with standard parenting time or agreed to split custody with equal primary residence and parenting time (Mathis & Tanner, 1998). These findings are potentially troubling in several ways. Some people consider mediation a “success” if any agreement is reached, regardless of the agreement and regardless of the context of the relationship between the parents.

First, after a couple separates children can become a means for abusers to maintain control over estranged spouses, potentially harming both the estranged spouse and the children. Second, threats to pursue or challenge custody, abduct the children, or falsely report child abuse can financially drain victims via lengthy custody battles, thus effectively coercing them into accepting unsafe terms of custody agreements that maintain unwanted perpetrator-victim contact (Arendell, 1995; Hardesty & Ganong, 2006). If victims accept agreements that include joint-decision making (joint legal custody), unsupervised exchange of children, and no restrictions on contact between abuser and victim, then post-divorce abuse seems likely to continue. Unfortunately, to date there has been no methodologically sound, longitudinal study assessing either the effectiveness of current IPA screening in mediation or the long term consequences of decisions made in mediation and thereafter.

Outside corroboration of reports of IPA seem to be the key for factor victims to obtain agreements with safety restrictions. One study found that in cases where IPA was identified, agreements negotiated gave more control to victims such as sole custody (Mathis & Tanner, 1998). In two more recent studies, it was only when outside evidence of IPA was supplied that IPA allegations impacted the agreements that were made (Kernic et al., 2005; Moloney, 2008). In the Kernic et al study, when outside evidence was included in the divorce file, the courts restricted the abuser’s access to the children in 71% of the cases, compared to only 17% of cases

that lacked independent corroboration. Thus, external corroboration of IPA appears to be critical in influencing the terms of mediated cases with IPA. Supervised visitation was a common restriction that occurred in 26% of the cases with outside evidence, but only 5% of those without it. In the Moloney (2008) study, there was a smaller likelihood of overnight stays for children when allegations of IPA were buttressed by external evidence. Alarming, even with court ordered supervised exchange and/or visitation programs, post-separation abuse can continue (Parker, Rogers, Collins, & Edleson, 2008).

A qualitative study of post-separation co-parenting found that particular types of IPA were indicative of post-separation abuse. Specifically, former husbands who had difficulty differentiating the parenting relationship from the marital relationship and who had a history of using *coercive controlling violence* against their former wives continued using the children and the courts to exert control over their wives (Hardesty et al., 2008). Victims reported that unsupervised exchanges of the children were a common pathway whereby abusers attempted to reassert control over their former partners (Hardesty et al., 2008). In contrast, former husbands who did not have difficulty separating the parental role from the marital role and who exhibited *Situational Couple Violence* during the marriage did not continue to use the children or the courts to exert control. Thus, typological variation in the nature and dynamics of IPA were integral to predicting post-separation violence and parenting.

To assess safety factors in mediation agreements and divorce decrees and external corroboration of IPA, we reviewed IPA reported in mediation and the specifics of any agreements made in mediation including restrictions on contact between parents, orders of protection and restrictions on parenting time. For those couples who did not reach an agreement in mediation, the terms of parenting agreements at the time of divorce were analyzed. As one

method of assessing external evidence of IPA, calls to area law enforcement were time-stamped to the dates couples filed for divorce, during the divorce process and post-divorce.

To complicate matters, alternatives to mediation for victims of IPA are scarce. The current market price for attorney representation precludes many couples from securing legal advocacy, resulting in more frequent *pro se* cases (Herman, 2006; Sales et al., 1993). Courts have struggled to accommodate *pro se* litigants and some have developed self-help centers that assist litigants to obtain forms, legal information and sometimes advice. Yet these centers may not be adequate for litigants with complex cases (Mather, 2003), or for those who are victims of IPA.

Interestingly, some IPA victims, even those identified by mediators, request to proceed in mediation despite IPA. As noted above, in one study 68% of potential mediation couples were screened out due to IPA. Some IPA victims reported the abuse was irrelevant and expressed the desire to proceed, arguing that mediation afforded them at least some assistance in negotiating (Alaska Judicial Council, 1992). It is likely that victims also request to proceed in mediation because the alternative negotiating in court before a judge alone, without attorney representation. As noted above, our prior work indicates that *pro se* litigants face significant barriers when attempting to navigate the legal divorce process, which was designed for legal professionals. Because mediation involving couples with IPA is occurring, attention must be paid to how these cases are being handled. The current study identified the dimensions, types and frequencies of IPA occurring among couples in mediation. The study then tracked cases with and without IPA over time to better understand the short- and long-term outcomes of these cases.

NIJ Project Goals and Research Questions:

The overall goal of this study was to enhance the effectiveness of screening and careful handling of cases with IPA that are mandated to attend mediation, by providing empirical data concerning long-term outcomes of these cases to public policy-makers within state legislatures, court systems, mediation programs and professional organizations. Results of this study can be used to develop policies and practices that enhance the short- and long-term safety of IPA victims and children. To do so, this NIJ funded project tracked a large (N=965) sample of mediation couples mandated to attend mediation through a court-connected conciliation program for a period of 29 months using multiple official databases and records. Behaviorally specific IPA data gathered in the mediation screening process was subsequently linked to long-term outcomes recorded in superior and limited jurisdiction courts and area law enforcement databases.

There four goals for this project were to:

- Goal 1:** Determine whether the mediation program accurately identifies couples with self-identified IPA and assess whether these cases are treated differently.
- Goal 2:** Assess whether mediation agreements, divorce decrees and/or parenting plans include safety measures in cases involving self-reported IPA.
- Goal 3:** Assess the frequency with which mediation agreements/divorce decrees are re-litigated over time.
- Goal 4:** Test a multivariate conceptual model using variables that are hypothesized to affect mediation, divorce case and post-divorce outcomes (see Cascade Model Figure 16).

Methods

Participants.

Participants in the present study consisted of all couples who attended the court-connected mediation program in Pima County (Tucson), Arizona between May 1998 and October 2000 to resolve custody and parenting time disputes. The sample was limited to those couples attending mediation for the first time, as a result of a pending divorce (N=1015 cases; 2030 individual participants). Excluded from this analysis were parents returning to mediation for a second attempt at pre-divorce mediation or to renegotiate issues post-divorce; couples who were never married; and, grandparents negotiating with parents to see their grandchildren. At follow-up, 50 cases were found to fall within the excluded categories above and were thus dropped from the analyses.

Case variables for the Superior Court database collected early in the study (N=271) were not usable in the analyses concerning post decree outcomes. The original data collection instrument was found to be too complicated and time consuming; therefore, a modified version was developed to facilitate data collection for the remainder of the subjects (N=694). Unfortunately, data collected early did not precisely match the variables collected in the remainder of the study. Thus, the final sample was N=965 cases for the mediation case data. The final sample was N=694 for the Superior Court case data (see Figure 1). All of the cases in the Superior Court case data appear in the mediation case data.

Using a one-way ANOVA testing if there were significant differences between the earlier and later samples on important demographic variables (age, marital length, number of children, number of prior marriages, employment status, amount of income, ethnicity, education, Spanish-speaking, mediator's call of IPA) yielded only two small yet statistically significant differences

between the groups. The length of marriages, on average, for the latter group (n=694) were longer ($F=6.381$, $df=1, 861$, $p=.012$), with a mean difference in years of 0.84 years. The second difference between the groups ($F=8.815$, $df=1, 963$, $p=.003$) was that on average the latter group (n=694) had a greater number of children, yet the mean difference (0.20) was very small.

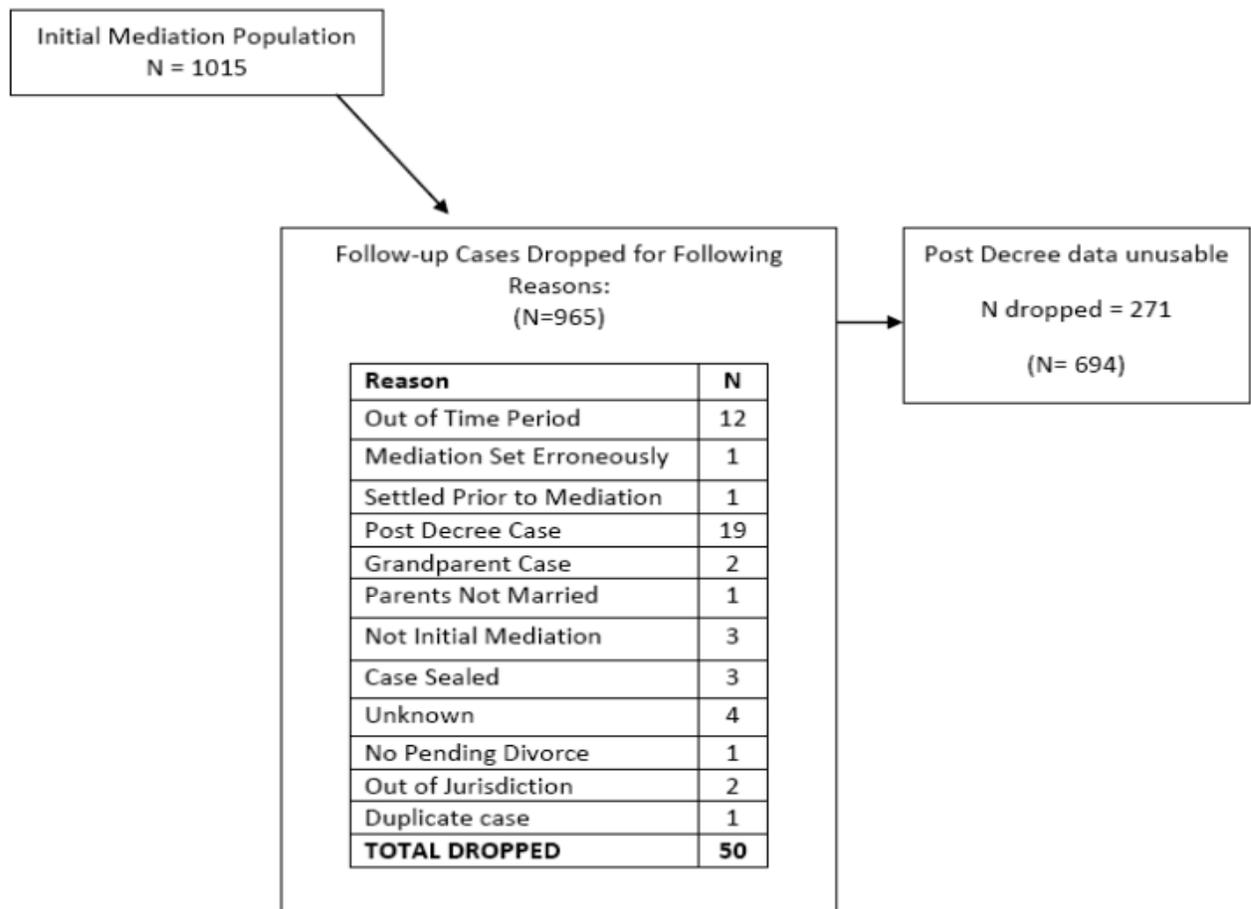


Figure 1. Case Flow Chart. Representation of the cases excluded from in sample.

The average age of participants was 35 years for mothers and 37 years for fathers (see Table 1). Generally, both partners reported at least part time employment, although more fathers

(89%) than mothers were employed (79%). On average, fathers' yearly income was approximately double that of mothers (\$26,082 versus \$13,956), and fathers reported a wider range of incomes than their spouses (fathers \$0 – 228,000; mothers \$0 – 109, 992). For 25% of the couples the disparity in income between the fathers and the mothers was \$5,300 or less. For 50% of the couples, the disparity was \$13,800 or less. In 75% of the couples the disparity was approximately \$25,200 or less.

To compute the number of families in the sample living at or below poverty level, each mother's and father's reported income was summed to determine the family income. Because the parents participated in mediation between 1998 – 2000, these incomes were then compared to the 2000 U.S. Department of Health and Human Services federal poverty guidelines for the appropriate "family unit" size and corresponding dollar figure for the poverty level of the family (U.S. Department of Health and Human Services, 2000). Ten percent of the families in the sample fell below the 2000 Federal poverty level. In the 2000 U.S. Census Bureau figures for Pima County, Arizona (U.S. Census Bureau, 2000) for all families 10.5% were at or below the poverty level; 16.4% of families with related children under 18 years old in the home and 20.6% of families with related children under 5 years old.

This was the first marriage for most of these couples (fathers 86% versus mothers 84%) and the average length of marriage was 9 years (range 0-39 years). Children ranged in age from infants to 18 years of age, with a mean age of 8 years. The number of children in the family ranged from 1-6 with a mean number of 2 children per marriage. The educational level of the participants was categorized into four non-overlapping levels (0-12 but not a high school graduate, high school graduate, some college, college graduate). The mean level of education for mothers was 2.59 and 2.63 for fathers representing high school graduate to some college. There

was no significant difference between these means (paired $T=0.35$; $p=.298$). Sixty five percent of both mothers and fathers fell into this combined group. Fathers' educational levels were correlated with mothers' educational levels (Kendall $\tau=0.38$, $p<.05$). Eighty seven percent of the fathers and mothers were within one educational level of each other. The participants were predominantly non-Hispanic White (61% of mothers and fathers) and Hispanic (29% of mothers and 27% of fathers).

Table 1.

Participant Demographics

| | | Range |
|--|-----------------------------------|---|
| Mean age fathers | 37 | 19 -- 71 |
| Mean age mothers | 35 | 17 -- 58 |
| Father have previous marriages | 13.70% | 0 -- 4 |
| Mother have previous marriages | 15.40% | 0 -- 3 |
| Mean children per household | 2 | 1 -- 6 |
| | Education | Sample Local Area 2000 Census |
| | <i>Father</i> | |
| 0 – 12 | 9.50% | 16.60% |
| High school graduate | 37.90% | 23.30% |
| Some college | 26.60% | 26.70% |
| College graduate (AA, BA/BS or above) | 20.00% | 33.50% |
| Not Answered | 5.90% | |
| | <i>Mother</i> | |
| 0-12 | 11.40% | |
| High school graduate | 35.00% | |
| Some college | 29.90% | |
| College Graduate (AA, BA/BS or above) | 17.70% | |
| Not answered | 5.90% | |
| | Household or Family Income | Sample |
| Father's reported yearly income | \$31,825.95 | |
| Mother's reported yearly income | \$16,707.97 | |
| Father employed | 89.20% | |
| Mother employed | 79.50% | |
| | Ethnicity | Sample Local Area 2000 Census |
| | <i>Father</i> | |
| White | 60.90% | 75.10% |
| Hispanic | 26.70% | 29.30% |
| African American | 2.80% | 3.00% |
| Asian American | 0.90% | 2.00% |
| Native American | 0.90% | 3.20% |
| Bi-racial | 0.30% | 3.20% |
| Other | 0.70% | 13.30% |
| Not Answered | 6.70% | |
| | <i>Mother</i> | |
| White | 60.60% | |
| Hispanic | 29.40% | |
| African American | 1.60% | |
| Asian American | 1.00% | |
| Native American | 0.60% | |
| Bi-racial | 0.60% | |
| Other | 0.10% | |
| Not Answered | 6.0% | |
| | Language | Sample |
| Mother English speaking | 94.40% | |
| Mother Spanish speaking | 5.60% | |
| Mother speaks both Spanish and English | 0.00% | |
| Father English speaking | 95.00% | |
| Father Spanish speaking | 4.80% | |
| Father English and Spanish speaking | 0.20% | |

Mediation Process

In the study jurisdiction, couples who were divorcing and disputing custody or parenting time (or both) were mandated by a local court rule to attempt to mediate custody and parenting time disputes. This was done either by establishing temporary orders prior to the court setting a date for a trial for a divorce or prior to modifying a decree post-divorce (Pima County Super. Ct. Local Rule 8.7, 1998). The parents were either referred to the court-sponsored mediation service or could stipulate to participate in private, fee-for-service mediation.

The process of mediation at the study site, the court-sponsored mediation program, began by the court referring a case to the mediation program. A date was then set for mediation and each parent was sent a packet of materials to complete and send back to the mediation service or bring with them to the first meeting. This packet included extensive questions concerning demographic information, issues that were in dispute, and a proposal to resolve disputed issues.

The first meeting at the mediation program occurred partially in a group format (orientation), partially with each parent individually (screening) and when determined to be appropriate with the couple together (mediation). This entire process lasted up to three and a half hours. First, couples were ordered to appear on a particular day at the courthouse where they were checked in and then met briefly with a family court judge. Judges on the family court bench each took turns conducting this brief orientation. The role of the judges was to encourage the couples to participate in mediation and make decisions for their families, outline the benefits of doing so and to cite risks of not doing so.

To accommodate IPA victims who may not want to walk in a group with their abuser, mediation staff accompanied the couples back to the court-connected mediation program offices in two separate groups. Once the groups returned, the couples were provided a detailed

orientation to mediation by one of the mediators (mediators rotated this responsibility). Topics included the emotional nature of divorce for every family member, the negative effects of conflict on children, introduction to legal terms and the mediation process. The mediator also covered the basic ground rules of the mediation (listening without interrupting, no threatening behaviors, and stating limits of confidentiality). Couples were also told that while they were court ordered to attend the orientation session they were not ordered to reach an agreement. The couples were also shown a film reinforcing some of these topics.

Once the film was complete, the couple was separated and each parent met individually with a mediator who conducted a semi-structured clinical interview. It is important to note that this orientation session was for the mediation process only. This study occurred prior to the law instituting four hours mandatory parent education for all couples divorcing with children in Arizona. The orientation described above is not mandatory parent education, which is also currently conducted at the study site.

An individual portion of this first meeting was a private interview with each parent. The purpose of the individual, private interview was to determine if mediation was appropriate and if so the best way to proceed. Issues covered included: if the parent felt comfortable agreeing/disagreeing with their spouse; if the parent felt that they could advocate for themselves; major mental health issues; current substance abuse; significant child abuse or IPA; fear of the other spouse; current law enforcement or child protective services involvement.

Once the screening was complete, the mediator (or mediators in the case of a mediator team) made a determination as to whether or not to proceed with mediation. For the couples proceeding, after the individual screening sessions, the couple generally came together for a joint approximately two hour session.

The individual mediators were given wide latitude in determining the process (whether to provide individual caucus sessions, whether to include family members in sessions or whether to interview the children as part of the mediation process).

The facilitative approach was the overarching model of the mediation service. In this approach the mediators controlled the process of mediation but did not direct clients to make an agreement or dictate the terms that should be included in an agreement, if any agreement was reached. While mediators could suggest terms, they did not require specific terms be included in the parents' agreements. There were no restrictions placed on the number of mediation; in practice, however, the range of the number of sessions held was one to eight, with an average of two ($SD=1$). Three quarters of the couples received two sessions or less; 92% received three sessions or less.

If the couple came to an agreement on any parenting time or custody-related issue in dispute, the mediator drafted the agreement. The couple either stayed until the draft was complete and reviewed and signed it, or returned another day to review and sign it. If the couple were *pro se*, the signed agreement was then sent directly to the court for the assigned judge's review and order. If no agreement was reached, the mediation service notified the court. It was then up to the parties (if *pro se*) or attorneys to determine the next step. No further recommendations or information were provided to the court by the mediator. If there was one or more attorneys involved in the case, the agreement was sent to the attorney[s]. The attorneys then offered advice to their clients concerning the agreement and whatever the final form of agreement the attorneys were responsible for drafting it and sending it to the court. Once the court received a completed agreement, the judge reviewed it. The judge could either modify it or

make it an order of the court in its original form. Couples only returned to mediation prior to a decree if they were court ordered to do so.

After the first mediation was completed, 133 couples (13.8%) returned for at least one more attempt to resolve issues through mediation. And, 24 of the 965 couples in the sample (2.5%) returned for two or more attempts to resolve disputed issues through mediation. Each attempt resulted in one or more mediation sessions.

Mediators

All cases from all mediators employed at the mediation service (n=11) during the study period were included in the sample. Nine of the mediators were full-time employees; two were doctoral-level student interns. All had at least master's level training, and one had both a master's degree and a law degree. Seven had over 10 years' experience, one had six years, and one had two years of experience. There were four males and seven females. Mediators at the study site received extensive in-house training and supervision prior to mediating cases on their own. Depending on prior expertise in mediation, the training included mediating with experienced mediators for three to six months.

Security at Study Site.

The study site had a full-time security guard stationed in the large waiting room at all times. The guard responded to any requests from the mediators for additional security and escorted some parents to their cars or bus stops.

Mediator Training in Assessing IPA

All mediators had extensive training in assessing IPA. In addition to the mandatory training, many of the mediators periodically conducted trainings in IPA awareness for local

professionals and partnered with local divorce attorneys to conduct information sessions for victims at local shelters.

Mediator Screening for IPA

Screening for IPA was a two-step process. First, superior court divorce files were reviewed collectively by the mediators in a group prior to meeting with the parents. Initial decisions were made concerning whether a mediator team was needed as opposed to a single mediator. Cases with significant conflict were often assigned to a mediator team or an especially experienced mediator. There were also discussions concerning whether the parents would need additional safety precautions while mediating based on allegations or evidence of IPA. Interviews by research staff with the mediators indicated that these decisions were based on divorce file information indicating a history of restraining orders, alleged abuse, or high levels of conflict. Second, the mediators conducted semi-structured interviews with each parent individually (see Premediation Interview Form below).

Data.

Data examined for this study were extant archival data from several sources: 1) court-connected mediation service in Pima County, Arizona (Family Center of the Conciliation Court); 2) Domestic Relations Division of the Pima County Superior court files; 3) Tucson Police and Pima County Sherriff's Department records, and 4) publically available data from limited jurisdiction courts in Arizona.

Mediation Data.

A portion of these data were abstracted from existing documents assembled for the mediation service. Temporary staff hired by the Conciliation Court collected and entered specific variables directly into an ACCESS database referenced by research case identification numbers.

The mediation program permanent staff also provided additional key variables from database maintained by the program. After being stripped of identifiers the data was provided to the research staff (see Attachment A). The databases were then exported into a statistical package for data analysis (Statistical Package for the Social Sciences, 18). Data outside the study period were used to create the coding scheme for this study. Several key documents used for data collection are detailed below.

Pre-mediation Interview Form (PMI)

For stage two IPA screening, mediators conducted a semi-structured clinical interview (Pre-Mediation Interview (PMI)). The interview was administered individually with each parent in a private meeting before mediation sessions began. Specific information gathered by mediators on the Pre-Mediation Interview (PMI) related to mental and physical health concerns and needs of parents and children, concerns surrounding substance use or abuse, concerns about safety and IPA and any outside support sought (hospital, shelter, police, child protective services (see Attachment B)).

It is important to note several issues relevant to the screening procedure and the use of the screening forms by the mediators. First, the PMI Forms were a portion of the mediation program's routine screening procedures and were not designed specifically for research purposes. Instead, these PMI forms were provided as a tool for the mediators to use in recording factors relevant to their decisions about whether to or how to continue mediation. Therefore, these data represent the individual determinations by mediators as to what was important to them to note in working on the case. The PMI data were coded as mother or father *reporting* these items as occurring in the family as opposed to reporting being the *perpetrator* or the *victim*. In addition, some of the mediators noted timeframes of specific acts, whereas others did not;

however, interviews by the research staff with the mediators concerning their assessment of IPA indicated mediators were more focused on current or recent IPA, rather than distal acts.

To capture PMI form data, research staff photocopied the forms. All identifying information from the forms was redacted and the redacted form was recopied. The mediation program maintained the original redacted copies in their files. Pre-Mediation Interview forms for cases outside the study period were also copied, redacted, recopied and used to refine the database and develop the coding scheme for these variables. The specific items on this form (see Attachment B) were dichotomized and coded as present or absent. Three raters were trained on iterative blocks of 20 cases until the interclass correlation coefficient of agreement exceeded .80 on each item. Final inter-rater reliability was calculated as a series of intra-class correlations by item across the final set of 20 cases for all three coders. Agreement was high across raters for the 31 items, with perfect agreement on 19 items, and a range of interclass correlations .82-.99 on the others (median=1.0; mean across all items for all coders=0.97). For the final sample of training cases, the senior rater's ratings were used for the final code values in the dataset.

Relationship Behavior Rating Scale (RBRS)

After the group orientation, the parents were informed that the office was collecting some data. They were given the Relationship Behavior Rating Scale (RBRS) and were asked to please fill it out and return it to the mediator in the private session. The parents were told that the information contained in the RBRS would not be used by the mediator in their case.

The RBRS was a 41-item revised version of the Partner Abuse Scales (Attala, Hudson, & McSweeney, 1994) (see Attachment C). Subscales consisted of the Partner Abuse Scale: Physical (PASPH) and the Partner Abuse Scale: Non-physical (PASNP). The RBRS was shortened slightly and reworded to be comprehensible to participants at all levels of education.

Participants were asked to rate how often they experienced different forms of abuse, as perpetrated by their spouse, on a scale of 0–6 (0 = none of the time, 1 = very rarely, 2 = a little of the time, 3 = some of the time, 4 = a lot of the time, 5 = most of the time, 6 = all of the time). Once completed, the mediator typically placed the assessment measure in the file without looking at it and proceeded to conduct a semi-structured clinical interview screening blind to parent's scores on the RBRS (see Attachment C). Recently, the RBRS was successfully validated against the original scales (Beck, Menke, Brewster, & Figueredo, 2009).

Of the total sample (n=965), only 97 (10%) fathers and 77 (8%) mothers did not complete any of the items on the RBRS. An additional 5 fathers and 7 mothers partially completed the instrument.

Mediator Checklist.

The mediator checklist detailed mediator notes regarding screening outcomes and accommodations provided. It included reasons for screening cases out of mediation and listed additional categories of family problem identified through the screening process (child abuse, refusal to negotiate, mental health issues, substance abuse, incompetence). If the mediators decided not to continue mediation due to IPA or any other reason, this was noted on the PMI and Mediator Checklist forms.

Contact Record.

The contact record detailed mediators' determinations regarding IPA. In addition, this record included demographic information (i.e., participant ages, income, previous marriages, education, and ethnicity).

Mediation agreements.

Research assistants carefully read each mediation agreement and typed verbatim EXCEL spreadsheet entries for any language in the agreements relating to physical or legal custody, parenting time, and any restrictions on parenting or contact between the parents. One research assistant then content analyzed the data entries and classified them into the following categories: *legal custody* (no agreement, sole to mother, sole to father, joint); *physical custody* (no agreement, sole to mother, sole to father, joint (could be less than 50/50), split—children divided between parents or split 50/50 time between parents); *restrictions on contact between the parents* (orders of protection; orders restricting method of contact between parents; neutral exchanges of the children at a specific public location, a family member’s home, or a judicially approved service provider). The first author then reviewed all coded data against the original language to provide a reliability check prior to further data analysis.

Divorce File Data.

These data were abstracted from existing documents assembled in the Pima County Superior Court divorce files. Research staff traveled to the court-connection mediation service to review and code key variables from an on-line publicly available divorce file database (see Attachment D). These data were entered directly into an ACCESS database referenced by research case identification numbers. Several key documents used for data collection are detailed below.

Divorce Decrees and Parenting Agreements.

Research staff carefully read each divorce decree and parenting agreement and typed verbatim EXCEL spreadsheet entries for any language in the decree/parenting agreement relating to allegations of or legal findings of IPA, physical or legal custody, parenting time, and any restrictions on parenting or contact between the parents. One research assistant then content

analyzed the data entries and classified them into the following categories: *legal custody* (no agreement, sole to mother, sole to father, joint); *physical custody* (no agreement, sole to mother, sole to father, joint (could be less than 50/50), split—children divided between parents or split 50/50 time between parents); *restrictions on contact between the parents* (orders of protection; orders restricting method of contact between parents; neutral exchanges of the children at a specific public location, a family member's home, or a judicially approved service provider). The first author then reviewed all coded data against the original language to provide a reliability check prior to further data analysis.

Area Law Enforcement Data

For the two years prior to the first contact with the mediation service, through January 2007, IPA-related incidents and/or arrests recorded in the area law enforcement records were collected. Calls that involved both the mother and father as either suspect or victim were collected. Calls with either the mother or father that were listed as something other than the victim or the suspect were not collected and calls with the children listed as victims were also not collected (see Attachment E).

Law enforcement data was collected by representatives of each department (Records Department at the Pima County Sheriff's Office and representatives of the Domestic Violence Unit at the Tucson Police Department). Research staff created a worksheet for the representatives to accurately and efficiently record the calls made by one member of the couple. The representatives of these agencies filled out the date, type of crime, suspect (father or mother), victim (father or mother), and whether or not an arrest was made. Once all data on the calls was collected, research staff entered them into a database.

Limited Jurisdiction Court Data

There was a central repository for many of the courts serving Arizona. The administrator of the repository was provided names and research identification numbers for the study subjects. The administrator then sent data appearing in the repository for the designated study period for the subjects by research identification number only. Unfortunately Pima County Superior Court was not participating in the data collection efforts during the period of the study. The result was that any information that was handled by benches other than the Family Relations Bench in Pima County was not available. Data received from the repository was extremely limited and of little significance and is therefore not included in the data analyses.

Data-Analytic Strategy for Conceptual Model (Cascade Model)

Previous studies on IPA and mediation have been limited by use of bivariate analyses. Although bivariate analyses are useful for initial descriptive purposes, the dynamic nature of mediation and court proceedings and the many interrelated variables requires the additional use of multivariate analytic approaches. By aggregating theoretically relevant variables across the entire system, we can disentangle direct and indirect effects of couple, mediator, and procedural characteristics used in mediation with outcomes from mediation, child maltreatment, divorce, and post-divorce. We thus developed a conceptual model to guide our inquiry into constructs leading to mediation, divorce and post-divorce outcomes. Table 2 includes the model constructs, variable names used in the model, measured variables and data sources.

Table 2.

Constructs, Measured Variables, and Data Sources for Conceptual Model (Cascade Model).

| Construct | Variable Name in Cascade Model | Measured variables | Data Sources |
|---|--------------------------------|---|---|
| Marital stressors | Stress | Standardized sums of: mental health concerns, physical health limitations or concerns, hospitalizations, use of medications, substance abuse/use concerns, use of counseling/therapy, standardized inverse of poverty index (higher score equals more poverty) | Mediation case files, Pre-Mediation Semi-structured Interview (PMI) |
| Father Perpetrator's coercive controlling behavior (mother reporting) | ZFCC | Standardized mean of Father Perpetrator's coercive controlling behavior (mother reporting) | Relationship Behavior Rating Scale (RBRS) |
| Mother Perpetrator's coercive controlling behavior (father reporting) | ZMCC | Standardized mean of Mother Perpetrator's coercive controlling behavior (father reporting) | Relationship Behavior Rating Scale (RBRS) |
| Father Perpetrator's Interpersonal Abuse (mother reporting) | ZFIPA | Unit-weighted factor score (standardized grand mean of standardized dimensions) (psychological abuse, coercive controlling behaviors, physical abuse, threaten and escalated physical violence, sexual intimidation/coercion/assault) | Relationship Behavior Rating Scale (RBRS) |
| Mother Perpetrator's Interpersonal Abuse (father reporting) | ZMIPA | Unit-weighted factor score (standardized grand mean of standardized dimensions) (psychological abuse, coercive controlling behaviors, physical abuse, threaten and escalated physical violence, sexual intimidation/coercion/assault) | Relationship Behavior Rating Scale (RBRS) |
| Reported Child maltreatment | RCM | Single dichotomous item regarding Child Protective Service involvement with the family as reported by either mother or father | Pre-Mediation Semi-structured Interview |
| Mediator call on domestic violence present/absent | MEDIPA | Single dichotomous item regarding whether DV is absent or present | Pre-Mediation Semi-structured Interview |
| Mediation special procedures (safety accommodations) | MEDPROC | Single dichotomous item indicating if special procedures (accommodations for safety) were used (shuttle mediation, separate screening days, separate waiting areas, mediation separate days, escort to car, experienced mediator team, parents required to leave mediation site at separate times) | Mediation case files |
| Mediation Agreements | MEDAGREE | Whether there was an agreement reached: None, partial agreement reached, full agreement reached (0-2) | Mediation case files |
| Orders of Protection | ORDPROT | Single item indicating if Orders of Protection found in case and whether it was merely mentioned without any additional evidence of if there was substantiation included (specific Orders of Protection Case Numbers or specific language in mediation or parenting agreement citing language in Order of Protection) | Mediation case files and Superior Court divorce files |
| Court Legal Finding of Domestic Violence | COURTIPA | Single dichotomous item indicating if legal finding of "domestic violence" in superior court divorce file (separate motion/order or incorporated into divorce decree) | Superior Court divorce files |

| | | | |
|--|----------|---|--|
| Court-Decreed Restrictions | COURTRE | Sum of restrictions on drop off/pickup, supervised parenting time, supervised exchanges, if any | Superior Court divorce files |
| Court Custody/Paren-ting Time Terms of Decree Favoring Mothers | COURTCU | Decrees coded for both physical (residential) and legal (decision-making) custody as follows: -3=father primary physical, sole legal; -2 father primary physical, joint legal, -1 father joint physical, sole legal; 0=joint physical and legal; +1=mother joint physical sole legal; +2=mother primary physical, joint legal; +3=mother primarily physical and sole legal | Superior Court divorce files |
| Post-Divorce Calls to Law Enforcement | POSTCPW | Total number of calls per week from post-divorce to 1/31/2007 between couple for assault, trespassing, harassment, phone harassment, stalking, interfering with custody, child abuse, custodial violation, threats, criminal damage, keeping the peace, disturbing the peace, order of protection, violation of order of protection, other miscellaneous domestic violence call | Law enforcement records for local police and sheriff |
| Post-Divorce Number of Hearings | HEARINGS | Sum of all the hearings held post-divorce for any reason. | Superior Court divorce files |
| Post-Divorce Number of Decree Orders | COURTORD | Sum of all the orders issued post-divorce for any reason. | Superior Court divorce files |

Marital stressors

The marital stressors construct was created using data gathered by mediators in semi-structured clinical interviews (PMI) with each parent individually. Included were risk factors determined by the mediation program to be important in determining whether and/or how to proceed with a case. These factors included: mental health concerns, physical health limitations or concerns, hospitalizations, use of medications, use of counseling/therapy, and substance abuse/use concerns. If either the mother or father reported that a factor was present in the family, the factor was scored as present (1).

At a statistical level, due to the unreliability and likely multicollinearity of individual, dichotomously scored-items, it was decided that the marital stressor construct would be most reliably represented in aggregate rather than at the individual item level. Precedent exists in the methodological literature for the use of this measurement approach (Bollen & Lennox, 1991; Diamantopoulos & Winklhofer, 2001; Little, Cunningham, Shahar, & Widaman, 2002). Thus, the factors were summed and standardized to create one indicator.

In addition, reports of mother and father income were summed to produce a family income variable. This total was divided by the Census 2000 poverty threshold value based on the family size, then the inverse was taken (after adding 1 to correct for those who reported a 0 income) and the total standardized to produce another marital stress indicator, with a higher score representing more poverty. The mean of these two indices was taken and re-standardized to produce an overall marital stress index. Due to the mediation data begin gathered between 1998-2000, the 2000 Census data was used for calculating poverty level.

Interpersonal Abuse (IPA)

Based on prior research (Figueredo & McCloskey, 1993; Tanha, Beck, Figueredo, & Raghavan, 2010) and factor analyses of the data, the participants' responses were empirically clustered into five theoretically-derived dimensions of IPA: *coercive controlling behaviors*;¹ *psychological abuse*; *physical abuse*; *threatened and escalated physical violence*; and *sexual coercion/intimidation/assault*. Preliminary assessment of the RBRS indicated sound psychometric properties (Beck, Menke, O'Hara Breweter & Figueredo, 2009). Estimates of internal consistency were generated for each domain using Cronbach's coefficient alpha. Examples of each dimension of IPA and the reliability estimates for each dimension, for both husbands and wives, are given in Table 3.

¹ We revised the language used in previously published papers (see Dissemination of Research Section) for this dimension. In previous papers we referred to this dimension as "coercive control." We are revising the label for this to "coercive controlling behaviors." We made this change to distinguish our use of this dimension from Johnson's (2006) "coercive controlling violence," and Stark's (2007) "coercive control." Both scholars inspired our interest in this construct; however, we do not include physical and sexual violence in our dimension. Our use of the term "coercive controlling behaviors" is more similar to the construct "coercive control" described by Dutton, Goodman & Schmidt (2006), albeit much more limited in scope (see Table 3).

Table 3.

Reliability Estimates for IPA Dimensions

| IPA Dimension | # of Items | Illustrative Items | Cronbach's Alpha (father perp from mother reports) | Cronbach's Alpha (mother perp from father reports) |
|--|------------|---|--|--|
| Coercive Controlling Behaviors | 10 | Did not want me to have male/female friends; demanded that I obey him/her; controlled my coming and going | .84 | .80 |
| Psychological Abuse | 7 | puts me down; insulted or shamed me in front of others | .91 | .90 |
| Physical Abuse | 5 | pushed or shoved; hit or punched; bit or scratched | .83 | .87 |
| Threatened and Escalated Physical Violence | 12 | threatened me with or used a weapon against me; broke one or more of my bones; choke, strangle, suffocate | .87 | .79 |
| Sexual Intimidation/Coercion/ Assault | 6 | demanded sex acts I did not want; insisted on sex whether I wanted it or not; physically forced sex | .83 | .66 |

The items in each subscale were aggregated by taking their mean to provide a score for the average frequency with which both fathers and mothers reported experiencing each dimension of victimization in the past 12 months. Furthermore, because our earlier research demonstrated that four of the dimensions of abuse (*psychological abuse; physical abuse; threatened and escalated physical violence; and sexual intimidation/coercion/assault*) could be seen as indicators of a latent factor representing the overall level of victimization (Tahna et al., 2010), we also estimated a unit-weighted factor score that was the mean of the subscales (Gorsuch, 1983; Figueredo, McKnight, McKnight, & Sidani, 2000).

The correlations among the four dimensions of abuse and the overall level of victimization were high, supporting this approach (see Table 4).

Table 4.

Correlations of Standardized IPA Dimensions and IPA Common Factor Score

| IPA Dimensions | Psychological | Physical | Escalated | Sexual |
|--|---------------|----------|-----------|--------|
| Father Perpetrator (mother reporting) | | | | |
| Psychological Abuse | | | | |
| Physical Abuse | .528 | | | |
| Threatened and Escalated Physical Violence | .562 | .840 | | |
| Sexual Intimidation/Coercion/Assault | .448 | .494 | .496 | |
| IPA Common Factor | .776 | .871 | .887 | .747 |
| Mother Perpetrator (father reporting) | | | | |
| Psychological Abuse | | | | |
| Physical Abuse | .500 | | | |
| Threatened and Escalated Physical Violence | .493 | .713 | | |
| Sexual Intimidation/Coercion/Assault | .339 | .404 | .429 | |
| IPA Common Factor | .747 | .838 | .844 | .695 |

Note: N=863-866. All correlations significant at $p < .001$

Based on theoretical considerations and prior work (Tanha et al., 2009), *coercive controlling behaviors* was considered a separate construct. We hypothesized, and confirmed using structural equations modeling, that control is the motivator for the other dimensions of IPA, with control of the victim as the goal. It appears that when *coercive controlling behaviors* fail, physical dimensions of IPA are then used in service of the goal of control.

Considerations about the Measurement of IPA

In the study of any psychological trait, there has always been a certain degree of tension between those researchers who favor using latent dimensions, which are continuous variables, and those researchers who prefer typologies, which are discrete latent classes. Mayr (1976) described how this tension extends beyond the behavioral science and is generalized to the biological sciences as a whole, distinguishing *typological* thinking from *populational* thinking. Some statisticians have argued that *dichotomizing* (splitting into two categories) a continuous variable simply cannot be justified. The serious consequence of this dichotomizing is a degradation of measurement. Approximately one-fifth to two-thirds of the variance that could possibly be accounted for on the original variables is lost, which is equivalent to discarding one-

third to two-thirds of the sample (Cohen, 1983). Others (Meehl, 1965) have long argued that it might be possible to justify the construction of latent *taxa* (meaningful categories) quantitatively if the existence of discrete groups is in fact suggested by the data. There is some agreement that the dichotomizing, or *polytomizing* (splitting into multiple categories), of our measurement is something that needs to be empirically, and not just philosophically, justified, with specific recourse to the patterns that are observed (or not) in the data.

In the case of the measurement of IPV, many researchers have favored a continuous and dimensional form of measurement and others have favored the development of a typology. Those who favor continuous measurement will also often use Confirmatory Factor-Analytic (CFA) methods to construct a single latent variable underlying all the different behavioral “manifestations” of IPA. Those who favor discrete measurement will instead often use cluster-analytic or Latent Class-Analytic (LCA) methods to construct a typology that sorts the different “forms” of IPA into different combinations, sometimes organized by the different levels with which each of the specific behaviors encompassed by the overarching concept of IPA is engaged in by the men and the women within each couple.

The statistical problem in making such a determination of optimal measurement is that a natural typology can sometimes generate what appears to be a continuous dimension, and a natural continuous dimension can sometimes generate what appears to be a typology. One therefore needs to develop and test a *generative* causal theory regarding the specific relationship that one expects might exist between the appearance and the presumably underlying reality.

Although much work remains to be done on this thorny issue, we examined one such theoretical point of view with our data. We used a pragmatic approach to determine which representation of the data was actually more explanatory in accounting for the observed variance

in our measures. We proposed that the single latent dimension might be the underlying causal process at work, and that differences along this latent dimension gave rise to the various combinations of IPA by fathers and mothers proposed for the mediation population by Kelly & Johnson (2008) (Johnson, 2006). As described in detail above, the Kelly and Johnson typology was:

1. *Coercive Controlling Violence*
2. *Violent Resistance*
3. *Situational Couple Violence*
4. *Separation-Instigated Violence*
5. *Mutual Violent Control*

In collaboration with our colleague Dr. Edward Anderson from the University of Texas at Austin, for the current data we partially replicated this taxonomic scheme using Latent Class Analysis (LCA).

Latent Classes

Latent Class Analysis (LCA) (McCutcheon, 1987; Muthen & Muthen, 2001) was used to identify types of couples that are similar in their responses to the RBRS. LCA has been used in a wide variety of substantive research areas (Hagenaars & McCutcheon, 2002; Nylund, Asparouhov, & Muthen, 2007). We limited the LCA to those couples in which both partners had at least partial completion of the RBRS. In 54 couples, both wives' and husbands' reports were missing; 23 couples were missing the wives' reports, and 43 were missing the husbands' reports. The sample was thus reduced to $N = 845$ (87% of the original 965 couples). Of the 845 couples with both partners providing data, 12 couples had one member providing only partial data; these couples were included in the LCA.

To facilitate comparisons across ratings from women and men, standardized scores were computed for each RBRS subscale based on the pooled mean and standard deviation from

women's and men's reports. Further, because the distributions for the variables assessing physical abuse, threatened and escalated physical violence, and sexual intimidation/coercion/assault were highly skewed, a constant value of .5 was added to each score and scores were then log-transformed.

We first conducted the LCA on the complete sample of $N = 845$. We began with a model estimating two latent classes, increasing the number of latent classes in subsequent models until there was evidence that increasing the number of latent classes further would result in deterioration of fit (Nylund et al., 2007). To test the robustness of the final solution, the sample was split into 50% random subsamples, and the LCA was conducted on both subsamples to determine whether the solution replicated. Reliability was evaluated by comparing the classification results of the split-half and combined latent class solutions.

Although we obtained five latent classes, the classes were somewhat different than those types of IPA proposed by Kelly and Johnson (2008) and Hardesty and Ganong (2006). Our classes were:

6. *Mutually low (or no) IPA.*
7. *Lower Level Coercive Controlling Violence—father perpetrator (mother reports)*
8. *Coercive Controlling Violence—mother perpetrator (father reports)*
9. *Coercive Controlling Violence—father perpetrator (mother reports)*
10. *Mutual Violent Control—(father perpetrator (mother reports); mother perpetrator (father reports).*

To better understand these classes we identify the perpetrator of the IPA behaviors that were elevated in the different classes. We want to emphasize that data collected in the study was victimization data. In other words, mothers reported fathers' perpetration of specific behaviors; fathers' reported mothers' perpetration specific behaviors.

Mutually low (or no) IPA.

This first type comprised 37% of the sample. Both mothers' and fathers' IPA behaviors were below the mean (pooled mean of mothers and fathers) on all dimensions of IPA (*coercive controlling behaviors, physical abuse, threatened and escalated physical violence, and sexual intimidation/coercion/assault*). This is not to say that there was no IPA in all of these relationships. The LCA only indicated that the reported levels were below the mean reported levels for mothers' and fathers'.

Lower level coercive controlling violence—father perpetrator (*mother reports*).

The second type comprised 29% of the sample. The elevations on the dimensions of IPA reported were for father perpetrator on *coercive controlling behaviors, psychological abuse, and elevations but lower elevations on threatened and escalated physical violence and sexual intimidation/coercion/assault*. Interestingly for both mother and father, there were no elevations on the *physical abuse* dimension. Reports of perpetration on all other dimensions for both mothers and fathers were again below the mean. This type did not appear in the typology by Kelly and Johnson (2008). It did, however, appear in the Hardesty and Ganong (2006) study.

Coercive controlling violence—mother perpetrator (*father reports*).

The third type comprised 17% of the sample. There were elevations on all dimensions of mother and father perpetrator IPA; however, the reported levels for father perpetrator were near the mean while the mother perpetrator elevations were not. The only dimension of IPA below the mean was mother perpetrator of *sexual intimidation/coercion/assault*. This type replicates the type of a similar name proposed by Kelly and Johnson (2008) with the caveat that the higher elevations are for mother perpetrators (as reported by fathers).

Coercive controlling violence—father perpetrator (*mother reports*).

The fourth type comprised 13% of the sample. There were very high elevations on all dimensions of father perpetrated IPA reported by the mothers. Interestingly, mother perpetrated *physical abuse* was also elevated, albeit at a much lower level than father reportedly perpetrated. And, mother perpetrated *sexual intimidation/coercion/assault* was well below the mean. This type replicates the type of a similar name proposed by Kelly and Johnson (2008).

Mutually violent control (mother reports of father perpetration; father reports of mother perpetration).

The fifth type comprised 4% of the sample. There were extremely high elevations on all dimensions of IPA reported by both mothers and fathers. This type replicates the type of a similar name proposed by Kelly and Johnson (2008).

An Alternative Causal Hypothesis

Two alternative construals of the typological scheme produced by LCA were therefore tested and compared, both to each other and to a dimensional representations. These analyses were based on the hypothesis that these five taxa could be rank-ordered by degree of severity of the IPA expressed, as assessed for the couple, and that the progression through each of the behavioral types was driven by this severity of IPA dimension.

Of course, it is trivial and tautological to say that types of behavior are generated by severities of behavior, per se. We presumed that the severity dimension was more than a mere description of behavior, but instead represented the degree of *aggressiveness* that either or both members of the couple may possess as a latent psychological trait or behavioral *disposition*. This is similar to the approach used in Item Response Theory (IRT), where the number of correct responses on a test is used to infer the degree of latent *ability* (in this case aggressiveness) that each individual has in the content area being assessed. In IRT, this latent ability dimension is referred to as Theta (θ).

In IRT, the proportion of correct responses on any single item across a sample of test-takers is used to infer the item difficulty, where the items having a very low proportion of correct responses in the sample is presumed to have a higher difficulty than the items having a very high proportion of correct responses. This is because most of the test-takers can answer the “easy” (in this case lower levels of IPA) questions correctly, whereas few of the test-takers can answer the “difficult” (in this case high levels of IPA) questions correctly. This can then be used to relate the item difficulties to θ , where it only takes a certain level of θ (latent ability) to answer the “easy” questions correctly, whereas it only a higher level of θ (latent ability) to answer the “difficult” questions correctly.

Of course, in IPA research, we are hardly comparing either individuals or couples in their *abilities* to perform the behavior, but rather in their *dispositions* to do so. We expect that individuals or couples with *lower* levels of aggressive *disposition* (θ) will disproportionately perform behaviors that are *lower* in severity, whereas individuals or couples with *higher* levels of aggressive *disposition* (θ) will disproportionately perform behaviors that are *higher* in severity. Simply put, it takes less latent aggressiveness to verbally insult a partner than to assault one with a deadly weapon, such as a firearm (White et al., 2000).

This causal theory implies that the membership of individuals or couples in behaviorally-defined IPA types is a straightforward reflection of the relative *severities* of the specific IPA behaviors defining each of the types. Engaging in these behaviors of different degrees of assignable severity is ultimately a reflection of the relative degrees of latent dispositional *aggressiveness* characterizing the individuals or couples so classified. The testable hypothesis that follows logically and inevitably from this causal theory is that the taxa produced by LCA, if theoretically rank-ordered on their relative degrees of severity, should be highly correlated with

the scores estimated by a Confirmatory Factor Analysis for the members of each taxon on the latent continuous dimension of aggressive disposition.

We performed these analyses and found that this was indeed the case, which constituted tentative support for our hypothesis (see Figure 2). Of course, we have conducted only this one test of this particular causal hypothesis and much further work remains to be done to be able to draw more definitive conclusions regarding the optimal measurement of IPA. Nevertheless, similar results were obtained whether the five latent classes were compared to the unitary common factor constructed for IPA, or to each of the five component subscales of the IPA factor (*coercive controlling behaviors, psychological abuse, physical abuse, threatened and escalated violence, and sexual intimidation/coercion/assault*). The latter correlations were slightly lower due to a couple of possible reasons: lower frequencies of occurrence of the behaviors; or, either the unitary common IPA factor or the five component subscales were disaggregated according to the sex of the perpetrator.

We also found that these relations did not change appreciably, whether or not coercive controlling behaviors was included or excluded from the factor model (Figure 3). We did this additional sensitivity analysis because some previous research had indicated that coercive controlling behaviors might not really be an indicator of IPA per se, but rather the principal motivating factor behind it (Figueredo & McCloskey, 1993; Figueredo et al., 2001; Figueredo et al., 2009; Tanha et al., 2010). We thus chose this way to represent it in Goal 4, the Cascade Model.

Furthermore, the correlations among the dimensions of IPA perpetrated by the fathers and mothers within each couple were lower than has typically been reported. For example, the structural relation among the unitary common IPA factors between partners was only $\beta=.33$

($p < .0001$), whereas in other samples it had been found to be as high as $\beta = .54$ ($p < .0001$), as reported by women, and $\beta = .63$ ($p < .0001$), as reported by men (Figueredo et al., 2009). However, the previous findings were from intact couples rather than those in the process of separation and divorce, as is true in the current sample.

Therefore, we have opted to use the continuous and unitary common factor we constructed for IPA, disaggregated by the sex of the perpetrator, and including the *coercive controlling behaviors* subscale as a separate predictor, in our Cascade Models, as the provisionally more parsimonious representation.

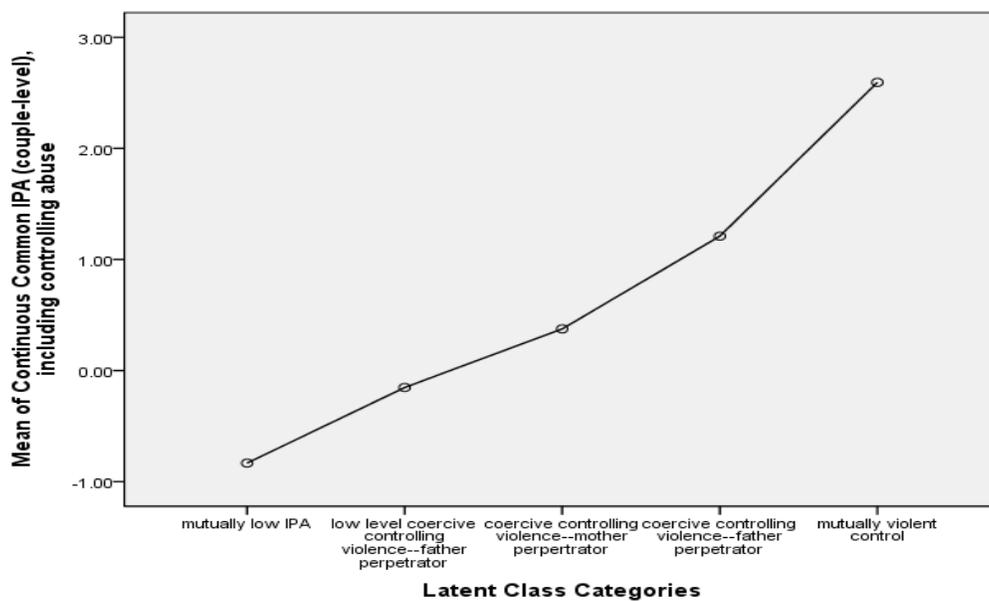


Figure 2. Latent classes and the unit-weighted factor score (mean of the subscales) comprising the continuous measure of IPA (with coercive controlling behaviors included).

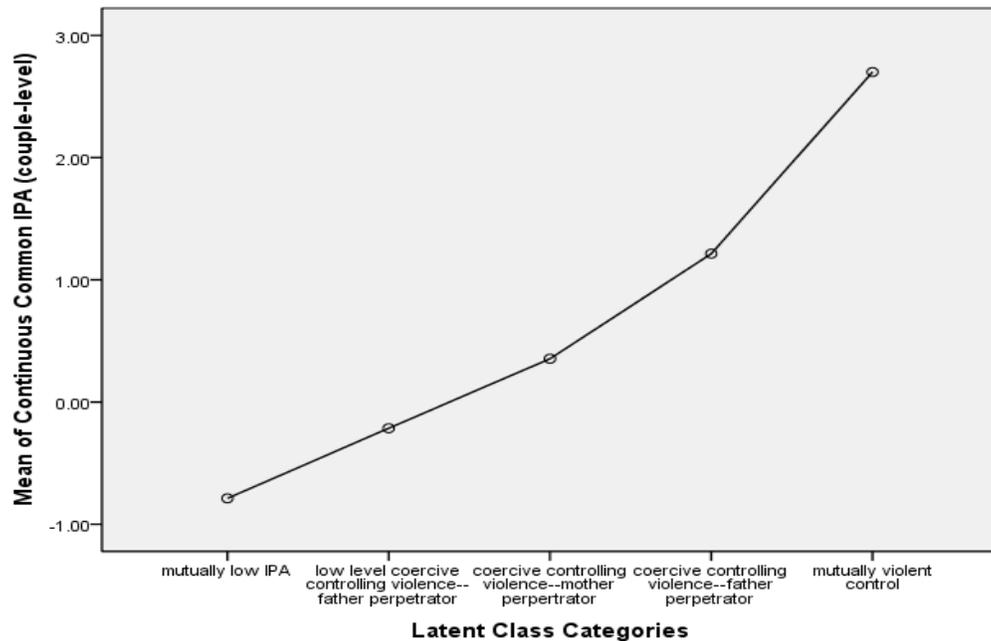


Figure 3. Latent classes and the unit-weighted factor score (mean of the subscales) comprising the continuous measure of IPA – no coercive controlling behaviors included in continuous measure of IPA.

Child Maltreatment

Child abuse and neglect are extremely important in terms of divorce-related decision making. Because of the archival nature of the data, we were unable to investigate fully the nature, if any, of child abuse allegations in the sample. We did, however, want to put into the model a measure of reported child maltreatment. One variable available in the data was an indication of Child Protective Service involvement with the families. Therefore, included in the model was a single dichotomous item regarding reported child maltreatment as reported by either mother or father.

Mediator Determination of IPA Present/Absent

Accurately identifying a case as having IPA in mediation is essential to determining if accommodations to the process are desired or necessary to protect the victims' safety and to

including safety precautions in agreements if any are reached. The data collected included a single dichotomous item wherein mediators identified a case as IPA present or absent.

Mediation Special Procedures

Special procedures have been suggested as a way to safely accommodate couples with IPA in their relationship in a mediation context. There were a number of accommodations available to mediation couples at the study site. Those included: providing a parent an escort to their transportation, providing parents separate rooms and conducting “shuttle” mediation sessions on separate days, mediating with an experienced team of mediators as opposed to just one mediator, providing separating waiting rooms for parents waiting to mediate, and requiring one parent to stay behind allowing the other parent to reach transportation and leave the area before the second parent was allowed to leave the mediation program site. It was possible that parents could be provided one or more of these accommodations. The model included one single dichotomous item indicating if special procedures were used in any of the mediation sessions attended by the parents.

Mediation Agreements.

A frequent finding in the literature is that there are no differences in levels of IPA between those couples who reach agreement and those who do not. To better understand the influences on a couple’s decision to reach an agreement or not, we included in the model a variable indicating whether there was no agreement, a partial agreement or a full agreement (0-2).

Orders of Protection.

Although controversial, orders of protection have been found to be an important method by which victims can protect themselves from an abusive and/or violent partner (Logan, 2009). Therefore, we included this variable in the model.

Court Legal Finding of “Domestic Violence.”

Many state statutes, including the study site, include a provision stating that if the court makes a finding that there is significant domestic violence in the relationship, joint custody will not be awarded (Ariz. Stat. Ann. §25-403.03). And, the court is to consider evidence of domestic violence as being contrary to the “best interests of the child”—the legal standard for determining custody. In cases where domestic violence is present the court is to consider the safety and well-being of the child and the victim as primary. We therefore included in the model a variable indicating if the court had made such a legal finding.

Decree Restrictions in Parenting Plans.

Research has indicated that post-divorce, the structure of parenting agreements can be associated with continued IPA. It is during the times couples meet face-to-face to handle child-related activities that IPA occurs. It is argued that perpetrators use these times to gain access to the victim to continue the abuse. We thus included in the model is a variable summing the number of restrictions on contact between the parents and/or parents and children found in parenting agreements (orders of protection; orders restricting method of contact between parents; neutral exchanges of the children at a specific public location, a family member’s home, or a judicially approved service provider).

Terms of Parenting Agreements.

Research has also indicated that joint physical and/or legal custody, which requires close contact and negotiation, is not advisable when there is IPA in the relationship. We thus included

in the model a variable capturing the range of options available for physical and/or legal custody from that which would completely favor the mother (primary physical, sole legal) to that which would equally and completely favor the father.

Post-Decree Calls to the Law Enforcement.

Calling the law enforcement to intervene in a difficult family situation is another means for victims to protect themselves from an abuser. Thus, we included in the model a variable summing the number of calls made to law enforcement per week from the date of the divorce decree to January 31, 2007 (the beginning of the grant period). While all contacts with the law enforcement are important, the local law enforcement agencies required we limit the types of calls so that the data collection would be manageable in the time frame needed and with the personnel available. The types of calls included in the variable included only those occurring between the couple and related to IPA or problems with custody and/or parenting time issues (assault, trespassing, harassment, phone harassment, stalking, interfering with custody, child abuse, custodial violation, threats, criminal damage, keeping the peace, disturbing the peace, order of protection, violation of order of protection, and other miscellaneous domestic violence calls).

Number of Hearings Post-Decree.

Research indicates that continued use of the legal system to further litigate settled issues or raise new issues is one method by which an abuser can continue to harass, intimidate and drain financial resources from a victim. An important assumption underlying mediation is that when negotiate an agreement in mediation, they are less likely to require post-divorce litigation. Thus, included in the model was a variable representing the sum of all hearings held post-divorce.

Number of Orders Post-Decree.

Although issues can be raised post decree, judges can dismiss the issues raised. As a measure of post-decree issues of substance, we included in the model a variable summing the number of post-decree judicial decisions.

Results

Statement of results

We first systematically examined the bivariate relationships between IPA outcomes throughout the mediation, divorce and post-divorce processes perpetrated by the father (as reported by the mother), and perpetrated by the mother (as reported by the father). We then built a multivariate Cascade Model to examine the direct and indirect effects of IPA as well as the intermediate societal responses on various outcomes.

Overview of IPA dimensions in the sample

Table 5 provides the raw means and standard deviations of IPA on the following dimensions: *coercive controlling behaviors; psychological abuse; physical abuse; threatened and escalated physical violence; and sexual/intimidation/coercion/assault*, and the IPA Common Factor. IPA perpetrated by both the father (as reported by the mother), and by the mother (as reported by the father) are presented. Mothers reported more frequent victimization across all dimensions of IPA compared to fathers, with the exception of the *physical abuse* dimension, where there was no difference between mothers' and fathers' reports (Table 5). *Psychological abuse* was the most frequently reported dimension of IPA with mothers rating the average frequency just slightly more than 'some of the time' (3.04) and fathers reporting the average frequency between 'a little of the time' and 'some of the time' (2.53).²

The average frequency of mothers' and fathers' reports on the other IPA (*coercive controlling behaviors; psychological abuse; threatened and escalated physical violence; and sexual/intimidation/coercion/assault*) contributing to the IPA Common Factor was fairly low

² Recall that participants were asked to rate how often they had experienced a number of different forms of abuse on a scale of 0-6 (0=none of the time, 1=very rarely, 2=a little of the time, 3=some of the time, 4=a lot of the time, 5=most of the time, 6=all of the time). The subscales represent the means of those items, theoretically combined by sub-dimension.

(with a mean less than 1, or ‘very rarely’). However, well over half of the mothers’ reported that fathers’ perpetrated at least one incident on each other dimension of IPA (*coercive controlling behaviors; psychological abuse; threatened and escalated physical violence; and sexual/intimidation/coercion/assault*), and that it occurred in the 12 months prior to the mediation. Approximately half the fathers also reported an incident on the dimension *threatened and escalated physical violence* and approximately one third of the fathers reported at least one incident of *sexual intimidation/coercion/assault* in the prior 12 months. Only four couples in the sample reported *no incidents* of any sort of IPA in the 12 preceding months.

For the ease of interpretation, the Common Factor IPA scores are presented as standardized as T-scores in the analyses below. This allows for comparison between the father’s and mother’s reports to account for the differences in reporting. For both sexes, the mean is standardized at 50 with a standard deviation of 10.

Table 5.

Raw Means and Standard Deviations of IPA reports by IPA Subscales.

| IPA subscales and common factor | Father perpetrator (mother report) | | Mother perpetrator (father report) | | Paired t-test (df) |
|--------------------------------------|--|------------------------|--|------------------------|--------------------|
| | Mothers reporting at least one incident in preceding 12 months (n) | Mean ¹ (sd) | Fathers reporting at least one incident in preceding 12 months (n) | Mean ¹ (sd) | |
| Coercive Controlling Behavior | 97.6% (814) | 2.38 (1.39) | 97.4% (812) | 1.94 (1.14) | 8.53* (841) |
| Psychological Abuse | 98.2% (819) | 3.04 (1.51) | 97.1% (810) | 2.53 (1.40) | 7.79* (844) |
| Physical Abuse | 57.7% (481) | .60 (.89) | 54.4% (454) | .58 (.91) | .54 (834) |
| Threatened and Escalated Violence | 61.5% (513) | .42 (.66) | 50.1% (418) | .21 (.41) | 8.97* (835) |
| Sexual/Intimidation/Coercion/Assault | 55.6% (463) | .62 (.93) | 29.6% (247) | .19 (.46) | 12.74* (836) |
| Common Factor IPA | 98.4% (821) | 1.17 (.80) | 97.4% (812) | .88 (.64) | 10.15* (833) |

*p<.001; numbers in parentheses are numbers of participants.

¹Mean of items scored 0-6 (0=none of the time, 1=very rarely, 2=a little of the time, 3=some of the time, 4=a lot of the time, 5=most of the time, 6=all of the time).

As noted above, we developed four Goals that guided the current research. Following are the study results which addressed each of the proposed Goals.

Goal 1: Determine whether the mediation program accurately identifies couples with self-identified IPA and assess whether these cases are treated differently. To do so we:

1. Evaluated whether couple level questionnaire reports of IPA corresponded to mediator determinations of IPA-present or absent based on semi-structured clinical interviews;

Following a semi-structured clinical interview with each of the parents individually, mediators identified over half of the couples in the sample having IPA in the relationship (59%; N=569). Client self-identified IPA was related to mediator's determination of IPA, whether based on the mothers' reports of fathers' perpetration ($F=140.90$ (1,885), $p<.001$) or father's reports of mothers' perpetration ($F=70.59$ (1,864), $p<.001$). Cases identified by the mediator as involving IPA had levels of both father and mother IPA above the mean on scaled scores (see Figure 4).

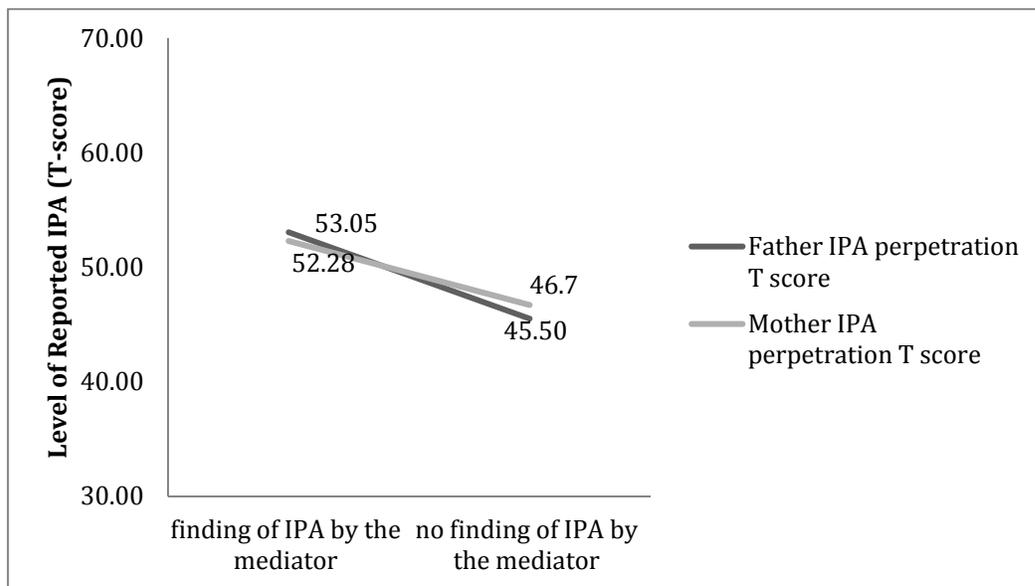


Figure 4. Cases identified by the mediator as IPA present/absent.

There were also a number of cases exhibiting non-negligible levels of IPA that were incorrectly identified by mediators (i.e., false negatives). Figure 5 provides the proportion of

couples reporting at least one incident of either *threatened an escalated violence* or *sexual intimidation/coercion/assault* in the preceding 12 months, by whether or not mediators identified IPA in their relationship. Approximately one-third of the couples classified as non-IPA by the mediator reported at least one incident of *threatened and escalated violence* or *sexual intimidation/coercion/assault* on the questionnaire.

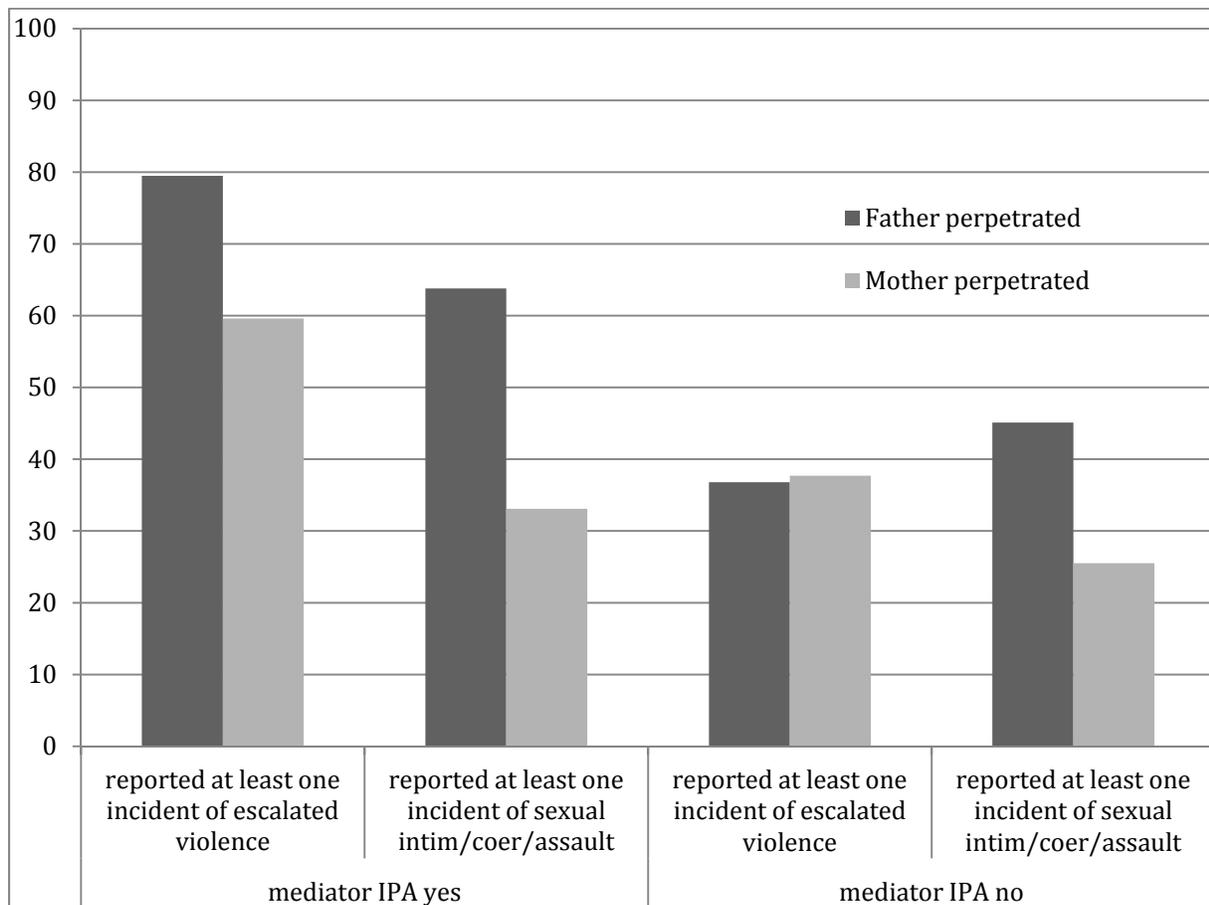


Figure 5. Reports of at least one incident of *either threatened and escalated physical violence* or *sexual intimidation/coercion/assault* in the preceding 12 months by mediator identified/not identified IPA.

Figure 6 illustrates the range of the T-scores for parent-reported IPA by whether or not IPA was identified by the mediator. The line represents scores 2 standard deviations above the mean IPA score (70). Cases marked by ‘1’ were provided safety accommodations during the

mediation due to safety concerns (see below). For those fathers and mothers completing the behaviorally specific questionnaire and combining all dimensions for a total score for each parent, 49 mothers (n=887; 6%) reported victimization that was frequent and/or severe enough to categorize their abuse as at or above 2 standard deviations above the sample mean; 37 fathers (n=866; 4%) reported experiencing a comparably severe/frequent level of IPA. Although the majority of severe IPA cases were accurately identified by mediators as presenting IPA, and all 7 of the cases where couples reported mutual high levels of abuse were also identified, 6 of the father-perpetrated cases (12%) and 2 of the mother-perpetrated cases (5%) were not identified as having IPA by the mediator.

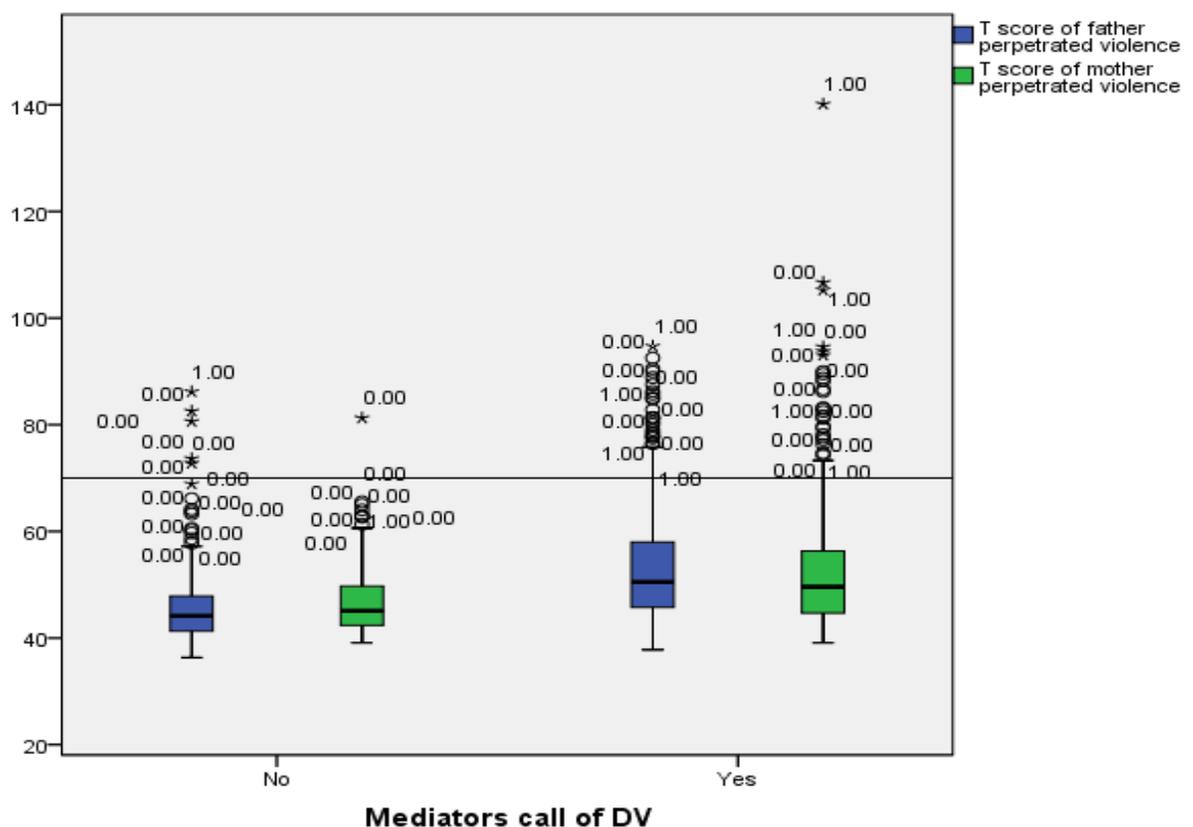


Figure 6. T-scores for client-reported IPA by whether IPA was identified or not by the mediator.

The decision to screen couples out of mediation was left to the mediator. Sixty-two couples were screened out of mediation (6%). Thirty-two couples (3%) were screened out of the mediation process after it had begun. Thirty couples (3%) were screened out at the intake interview.

Of the 30 couples screened out at intake, 27 couples (3%) were screened out of the mediation process because of IPA concerns identified by the mediator (though, four of these couples were not initially identified by the mediator as having IPA). Of the 27 couples screened out at intake for IPA, the mothers who were screened out reported higher levels of victimization on average ($m=59.02$) compared to mothers who remained in mediation ($m=49.77$) ($F=18.74$ (1, 855), $p<.001$). However, there was not a statistically significant difference between victimization reports of fathers who were screened out ($m=49.81$) and those who remained in mediation ($m=50.0$) ($F=.01$ (1,864), $p=.932$). Among those with the highest levels of IPA (> 2 standard deviations above the mean), only 25% (N=12) of the father perpetrated cases were screened out; only 9% (N=3) of the highest level mother-perpetrated cases were screened out.

Couples who were screened out of mediation, regardless of whether they were screened out for IPA at intake or after mediation began for IPA (N=50) or other reasons (N=12, total N=62), were not included in the subsequent analysis of mediation outcomes.

2. Determined the strength of the relationship between mediator determinations of IPA and two external sources of data-- law enforcement records of family conflict, abuse, and violence and Superior Court Divorce case files.

Data collected from area law enforcement (sheriff and police) detailed in Table 6.

Table 6.

Calls to Law Enforcement

| Type of Call | Number of Calls | Mother Victim | Father Victim | Unknown Victim |
|----------------------------------|-----------------|---------------|---------------|----------------|
| Other Miscellaneous DV | 234 | 163 | 58 | 1 |
| Interference With Custody | 160 | 62 | 88 | 10 |
| Assault | 157 | 105 | 63 | 0 |
| Order of Protection | 154 | 123 | 20 | 11 |
| Keeping the Peace | 97 | 34 | 22 | 41 |
| Violation of Order of Protection | 56 | 30 | 26 | 0 |
| Criminal Damage | 54 | 36 | 19 | 0 |
| Threats | 34 | 23 | 11 | 0 |
| Disturbing the Peace | 32 | 21 | 7 | 4 |
| Harassment | 21 | 10 | 10 | 1 |
| Trespassing | 17 | 11 | 6 | 0 |
| Phone Harassment | 17 | 13 | 4 | 0 |
| Child Abuse | 11 | 6 | 0 | 5 |
| Stalking | 1 | 0 | 1 | 0 |
| Totals | 1045 | 637 | 335 | 73 |

Of the total number of calls with a specific alleged victim, in the nearly double the number of calls was made with the mother victim (61%) as compared to the father (32%). Seven percent of the cases the victim was not indicated in the law enforcement records. There data available regarding three types of calls could be reliably identified as likely related to family conflict: those concerning partners; those concerning custody; and, those concerning property damage. In nearly 40% (39.2%; N=378) of the families, at least one member of the couple made a call to the law enforcement at some point during one of the three time periods addressed. The three time frames were: calls recorded up to two years prior to filing the divorce petition (before petition); calls recorded between the filing of the petition and the divorce decree (during divorce); and those recorded between the time of the decree and the end of the study period (post-divorce). Calling the law enforcement before the petition was correlated with calling during divorce, and calling during divorce was correlated with calling post-divorce at $p < .001$ (see Figure 7).

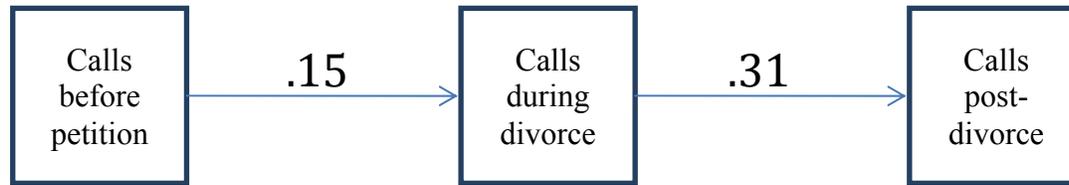


Figure 7. Relationship among calls to law enforcement at different time periods.

The range of calls per couple varied considerably from 0-7 before the petition, 0-10 during the divorce and 0-21 after the divorce. The majority of families did not seek law enforcement intervention at any period; however, there were a minority of couples who sought multiple interventions by area law enforcement (see Table 7).

Table 7.

Time Periods for Calls to Law Enforcement

| | Range | 0 Calls | 1 Call | >1Call |
|-----------------------|-------|----------------|--------------|--------------|
| Calls before petition | 0-7 | 84% (812) | 11% (107) | 5% (46) |
| Calls during divorce | 0-10 | 83.5% (806) | 8.4% (81) | 8.1% (78) |
| Calls after divorce | 0-21 | 85% (817) | 8% (78) | 7% (70) |

Note: numbers in parentheses are the number of couples.

The breakdown of when calls were made was nearly evenly distributed over the time periods: 16% of cases (153) had a record of any calls before petition, 16.5% (159) during the divorce process, and 15% (148) afterwards. Levels of father-perpetrated IPA and of mother-perpetrated IPA were both correlated with law enforcement reports at all three time points, though not strongly (see Table 8).

Table 8.

Correlation of Calls to Law Enforcement with Client-Reported IPA

| | T score of father perpetrated violence (N=887) | T score of mother perpetrated violence (N = 866) |
|--|--|--|
| number of calls before petition | .135** | .098** |
| number of calls during the divorce process | .155** | .150** |
| number of calls after decree date | .094** | .066 |

**Correlation is significant at the 0.01 level (2-tailed).

In addition, those couples who mediators identified as having IPA in the relationship had a higher average number of law enforcement calls at all three time points compared to those not identified as having IPA (see Table 9). Those with the highest numbers of calls all fell within the IPA-identified group.

Table 9.

Average Calls to Law Enforcement by Whether the Mediator Identified IPA

| | | N | M | SD | Minimum | Maximum |
|--|--------|-----|-------|---------|---------|---------|
| number of calls before petition F=30.29 (1,963) p<.001 | No IPA | 396 | .0985 | .41843 | .00 | 4.00 |
| | IPA | 569 | .3322 | .76938 | .00 | 7.00 |
| | Total | 965 | .2363 | .65859 | .00 | 7.00 |
| number of calls during the divorce process F=18.36 (1,963) p<.001 | No IPA | 396 | .1818 | .65779 | .00 | 8.00 |
| | IPA | 569 | .4728 | 1.23464 | .00 | 10.00 |
| | Total | 965 | .3534 | 1.04688 | .00 | 10.00 |
| number of calls after decree date F=11.94 (1,963) p=.001 | No IPA | 396 | .1919 | .77853 | .00 | 9.00 |
| | IPA | 569 | .4868 | 1.56893 | .00 | 21.00 |
| | Total | 965 | .3658 | 1.31141 | .00 | 21.00 |

We compared data obtained by the mediator in a semi-structured clinical interview concerning whether police were called and/or arrests were made at any time in the relationship to

data obtained from area law enforcement. Although fewer cases appeared in law enforcement databases than were reported in interviews, mothers' and fathers' reports of law enforcement involvement were highly correlated with each other in both the mediation context ($r=.76$; $N=934$) and in the law enforcement data ($r=.367$; for mothers; $r=.384$ for fathers).

We also examined the number of couples reporting orders of protection. In the context of the mediation interview, 42% ($N=421$) of cases reported receiving an order of protection. Slightly more mothers reported receiving orders of protection at some time in the relationship 37% ($N=353$) compared to fathers 36% ($N=345$); however, there was a strong relationship between mothers and fathers reporting orders of protection ($r=.84$; $p<.001$). Of the total cases with self-reported orders of protection, 56% had no further substantiation of the order in the legal files. In 25% of the cases ($N=106$) there was further substantiation of the order found in the case files reported by either mother or father.

We also examined whether orders of protection were more likely to be found among those reporting higher levels of IPA and among mediator identified cases of IPA. Both types of IPA indicator (parent-identified and mediator-identified), predicted having an order in the mediation case file. For parent-identified IPA, there were differences in IPA levels among those with and without orders of protection for both father ($F=69.82$ (2, 884), $p<.001$) and mother-perpetrated IPA ($F=21.35$ (2,863), $p<.001$). There was also a statistically significant difference in mean levels of IPA between those with unsubstantiated versus those with substantiated protection orders ($p<.001$) for father- but not mother-perpetrated (see Figure 8).

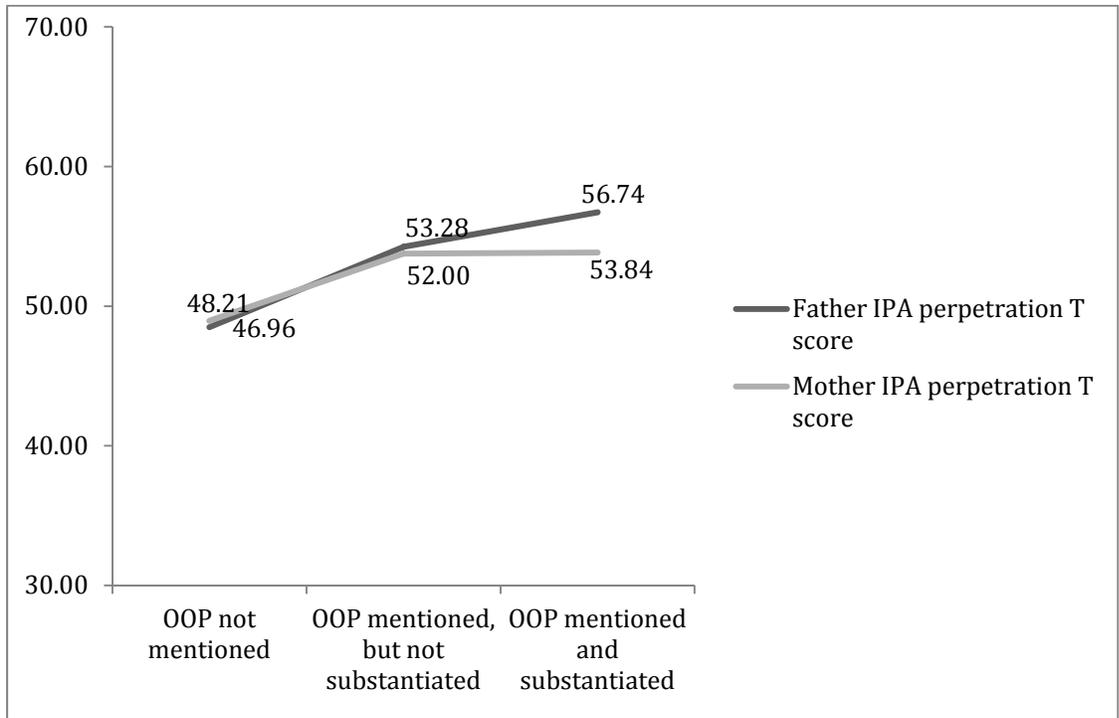


Figure 8. Orders of Protection by Client-Identified IPA

The proportion of cases with orders of protection also differed depending on whether or not the mediator identified IPA ($\chi^2=127.09$, $df=2$, $p<.001$). There was, however, no difference between whether the order of protection was substantiated or not ($p=.132$) (see Table 10).

Table 10.

Orders or Protection by Mediator-Identified IPA

| | Mediators call of DV | |
|---|----------------------|-----------|
| | No | Yes |
| Order of protection not mentioned | 308 (78%) | 236 (42%) |
| Order of protection mentioned but not substantiated | 72 (18%) | 243 (43%) |
| Order of protection mentioned and substantiated | 16 (4%) | 90 (16%) |
| Total | 88/396 | 333/569 |

3. Determined the strength of the relationship between mediator determinations of IPA-present or absent and implementation of special procedures (considered safety accommodations) in mediation.

It is important to note that there was no systematic data collection by the mediation program staff concerning the number of or types of accommodations provided to couples participating in mediation. Interviews with mediators indicated that several mediators considered accommodations to be “mediation techniques” as opposed to safety accommodations. Therefore, the following results concerning safety accommodations are likely to seriously underestimate of the actual number of accommodations provided to couples during this period.

With that caveat in mind, there were 6 different types of accommodations provided to couples (parents leave at different times; security escort to car; separate waiting rooms; screening on different days; shuttle mediation; experienced team of mediators). Approximately one fifth of couples (18.5%; N=179) were provided safety accommodations. Seventy-four percent of the couples provided accommodations were given one accommodation whereas the remaining 26% were provided more than one accommodation. Among the 75% of couples receiving one accommodation, the most common type provided (64%; N=114) was to require one parent leave

the mediation program offices ahead of the other parent, separated by a period of time. The next most common accommodation provided (3%; N=6) was mediation services by an experienced male and female mediator team; followed by (2%; N=4) mothers provided a security escort to her car; (2%; N=3) couples were provided shuttle mediation; (2%; N=3) couples were provided screening on separate days; and 1% (N=2) couples were provided separate waiting rooms.

The remaining 26% of the couples were provided more than one type of accommodation (22% were provided two and 4% were provided three). Accommodations tended to be made for those couples reporting higher levels of IPA, whether perpetrated by the father ($F=91.064$ (1,885), $p<.001$) or the mother ($F=28.71$ (1, 864), $p<.001$). However, fewer than half of the couples reporting the highest levels of IPA (70 or higher) were provided accommodations: 21 (43%) of those experiencing high levels of father-perpetrated IPA; 16 (43%) of those experiencing high levels of mother-perpetrated IPA; and only two (29%) of the seven couples who reported mutually high levels of IPA.

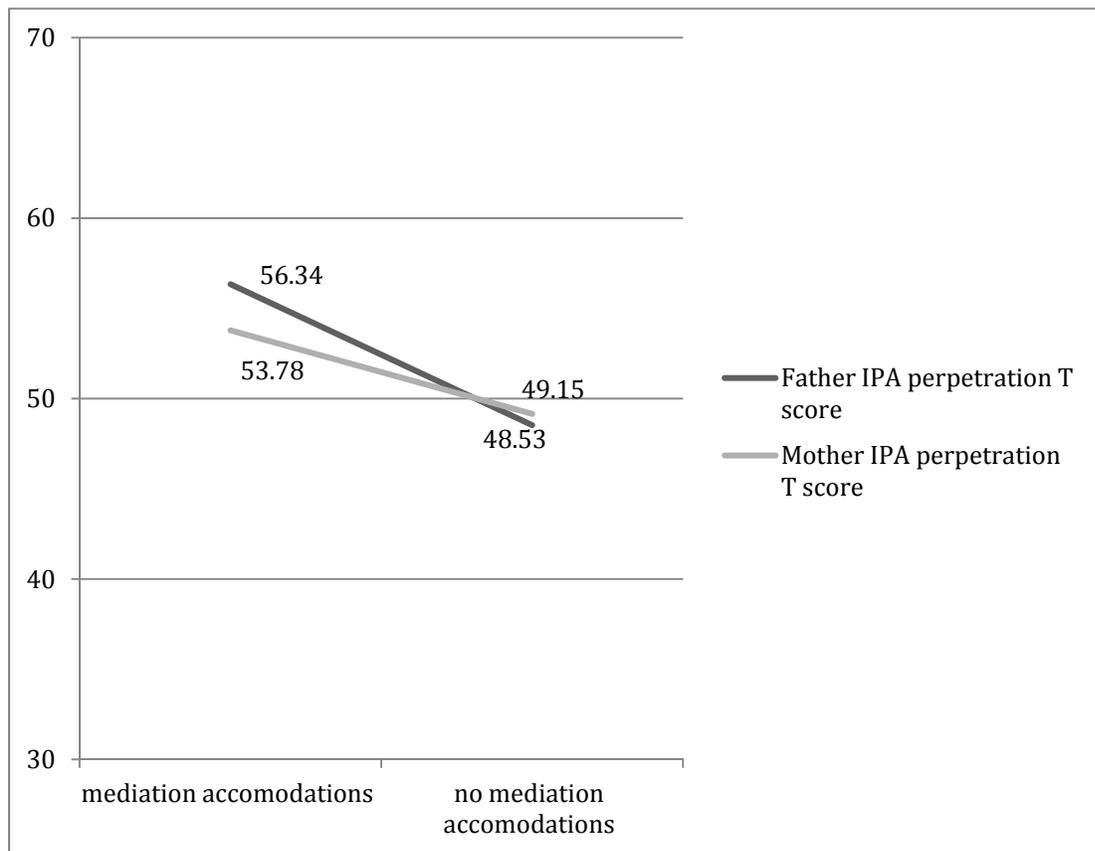


Figure 9. Mediation Accommodations by Reported IPA.

Mediators were more likely to provide accommodations in cases where they had identified IPA present (28%; N=157) compared to cases identified as IPA absent (6%; N=22) ($\chi^2=75.050$, $df=1$, $p<.001$). In addition, if one of the parents called the mediation program offices and expressed concerns about coming to mediation or made requests to change the mediation process (N=31), mediators were significantly more likely to provide those accommodations (81%; N=25) ($\chi^2=81.742$, $df=1$, $p<.001$).

Goal 2: Assess whether mediation agreements, divorce decrees and/or parenting plans include safety measures in cases involving self-reported IPA.

1. Determined the percentage of mediation agreements, divorce decrees/parenting plans that include safety factors.

Within the initial sample of 965 couples, 117 couples (12%) did not continue with mediation. Of the 117 cases not continuing, 68 cases (7%) were found inappropriate to continue either due to IPA or for other reasons; 40 (4%) cases settled on their own during the time mediation was occurring; 9 (1%) cases were closed by the mediation program during the time of mediation due to couples either not appearing for initial mediation or failing to attend scheduled mediation sessions; and, 18 (2%) of cases did not have a mediation outcome noted in the file. Of the remaining 830 couples (86%), 466 (56%) reached a full agreement on all issues (legal and physical custody; holiday and vacation schedules), 184 (22%) reached a partial agreement, and 180 (22%) did not reach an agreement.

The level of reported IPA influence whether an agreement was reached in mediation. Regardless of whether the mother or father reported it, couples who failed to reach any agreement had the highest overall IPA scores, followed by those who reached only partial agreement; those who reached full agreement reporting the lowest IPA scores (Mothers reporting: $F=43.57$ (2,766), $p<.001$; Fathers reporting: $F=16.27$ (2,751), $p<.001$) (see Figure 10). However, post hoc comparisons indicated that there was no statistically significant difference in the level of mother-perpetrated IPA between couples who reached full agreement and those who only reached partial agreement.

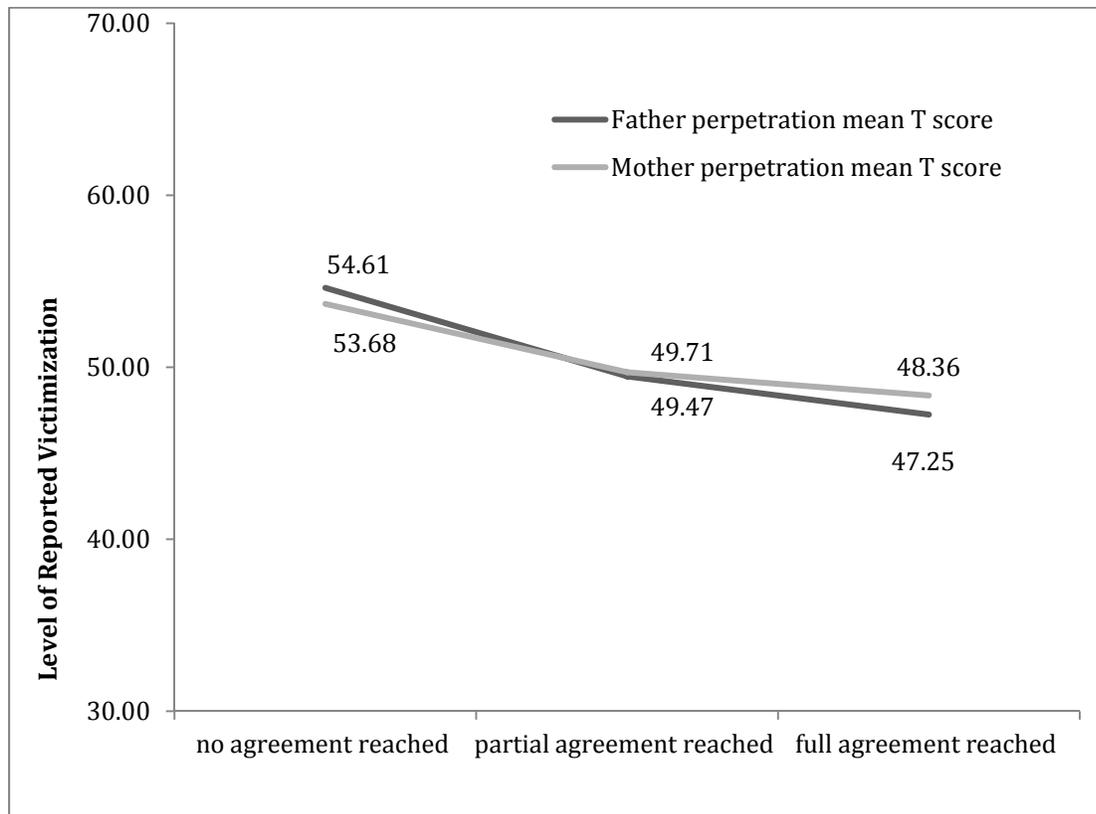


Figure 10. Mediation Agreement Type by T-score Mean of IPA Score.

Couples reporting the highest level of IPA (those at or above 2 standard deviations above the mean), were substantially more likely to fail to reach an agreement, compared to those reporting average or lower IPA scores, especially among those who reported father-perpetrated IPA (see Table 11).

Table 11.

Comparisons of Mediation Agreement by IPA T-Score

| | Level of IPA | No agreement reached | Partial agreement reached | Full agreement reached |
|------------------------|-----------------------------|----------------------|---------------------------|------------------------|
| Father-perpetrated IPA | Average or lower (IPA <=50) | 14% (69) | 23% (115) | 63% (316) |
| | High (IPA >=70) | 60% (20) | 27% (9) | 12% (4) |
| Mother-perpetrated IPA | Average or less (IPA <=50) | 15% (76) | 22% (110) | 62% (303) |
| | High (IPA >=70) | 34% (12) | 17% (6) | 49% (17) |

*Note: numbers in parentheses are numbers of participants.

Mediation agreements that included restrictions placed on contact between parents or protections for the children were rare (Table 12).

Table 12.

Restrictions Placed on Parents or Parenting by Terms of Agreement

| Type of Restriction Mentioned in Agreement | Partial | Full | Total |
|---|---------|------|-------|
| No Restrictions | 145 | 398 | 543 |
| Keep parents apart (Orders of Protection and/or Supervised Exchanges) | 9 | 14 | 23 |
| Keep parents apart and Father Supervised | 1 | 1 | 2 |
| Father Supervised Only | 1 | 5 | 6 |
| Mother Supervised Only | 1 | 0 | 1 |
| Other | 1 | 1 | 2 |
| Total | 158 | 419 | 34 |

Note: Total N reduced due to missing data.

Of the 650 couples who reached any kind of agreement (partial or full) in mediation, 543 had information recorded in the case files on whether restrictions were in place. Of these, only 34 (6%) included some type of protection or restriction on contact. The cases that included restrictions had more IPA as reported by both mothers and fathers (Mothers reporting: $F=11.483$ (1,552), $p<.001$; Fathers reporting: $F=10.04$ (1,552) $p<.001$). However, there were no

restrictions placed on the eight cases of high father-perpetrated IPA (2 standard deviations or greater about the mean IPA level), and restrictions were placed on only one case involving the highest levels of mother-perpetrated abuse (out of 19 cases identified in that range).

Two percent of the cases in the sample (N=22) had a legal finding of domestic violence in the divorce file. Couples with a legal finding of domestic violence reported higher overall IPA scores compared to those without ($F=6.3$ (1,882), $p=.012$, father-perpetrated IPA; $F=6.81$ (1,861), $p=.009$ mother perpetrated) (see Figure 11). However, among couples reporting the highest levels of IPA (greater than 2 standard deviations above the mean), only three couples (6%) reporting high father-perpetrated IPA received a legal finding of domestic violence, and only three couples (8%) reporting high mother-perpetrated violence did. None of the seven couples who reported high mutual IPA received a legal finding of domestic violence.

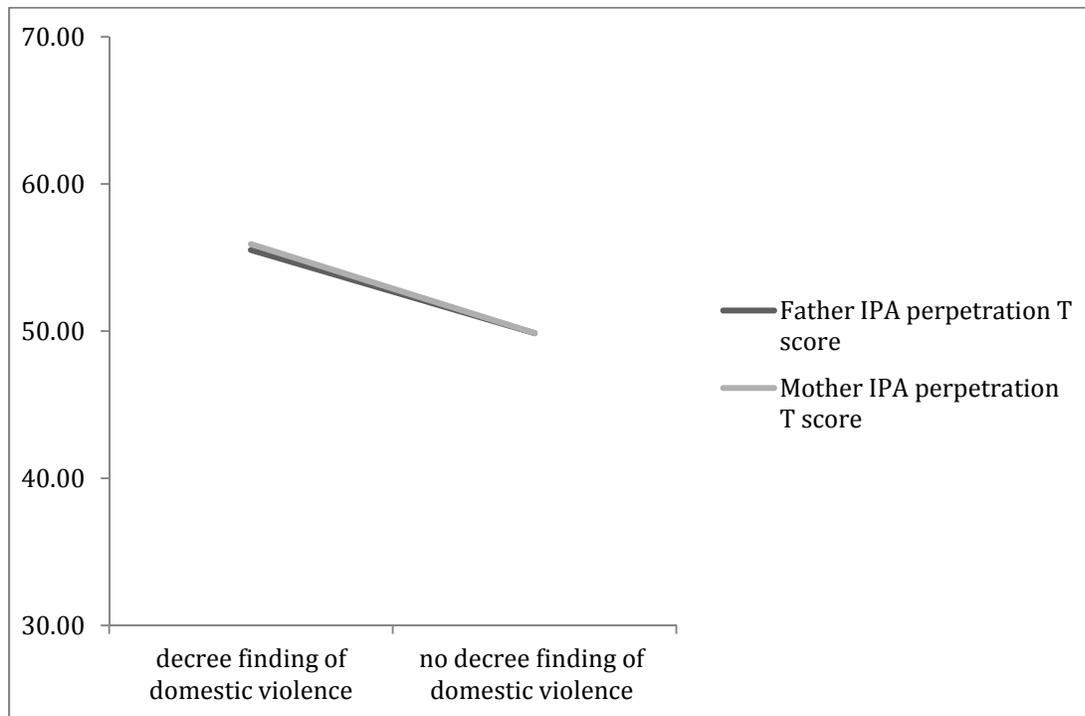


Figure 11. Legal Finding of Domestic Violence and Reported IPA.

To calculate custody in divorce decrees we created a continuum of possible responses from those favoring fathers to those favoring mothers (see Table 13).

Table 13.

Parenting Agreements: Physical and Legal Custody.

| Physical and Legal Custody by Type | Frequency |
|---|------------|
| Father primary physical, sole legal | 28 |
| Father primary physical, joint legal | 46 |
| Joint physical and legal | 180 |
| Mother joint physical, sole legal | 7 |
| Mother primary physical and joint legal | 401 |
| Mother primary physical and sole legal | 199 |
| Total | 861 |

*Note: Outcomes for the N=104 cases not included in these analyses include: dismissed, parents reconciled, state has jurisdiction of children or other.

Among those for whom custody was recorded in the divorce decree (N=861), mothers were awarded primary custody (physical and/or legal) in 70% of the cases (N=607), and fathers were awarded primary physical and/or legal custody in 9% (N=74); joint physical and legal custody was awarded in 21% of the cases (N=97).

Divorce decree outcomes for full agreement cases in mediation were compared to cases where there was no agreement reached in mediation. For the 466 cases where a full mediation agreement was reached, mothers were awarded primary custody (physical and/or legal) in 69% of the cases (N=290), whereas fathers were awarded primary physical and/or legal custody in 8% (N=33); joint physical and legal custody was awarded in 23% of the cases (N=97).

Of the 180 of couples failing to reach any agreement in mediation, 158 had information about the status of custody recorded about in the divorce case file. Mothers were awarded primary custody (physical and/or legal) in 71% of the cases (N=112), and fathers were awarded primary physical and/or legal custody in 11% (N=17); joint physical and legal custody was awarded in 18% of the cases (N=29).

For all cases combined, the level of IPA significantly differed across the custody arrangement groups. For both reports of father and mother perpetrated IPA, the lowest level of reported IPA were among those awarded joint custody. Considering custody arrangements ordered in the decree of just those couples classified by the latent class analysis as *Mutually Violent Control* and for which decrees were entered (N=26); mother was awarded primary physical and/or legal custody in 22 cases (85%); joint custody was awarded in three cases (11%); and, father was awarded primary physical and/or legal custody in one case (4%).

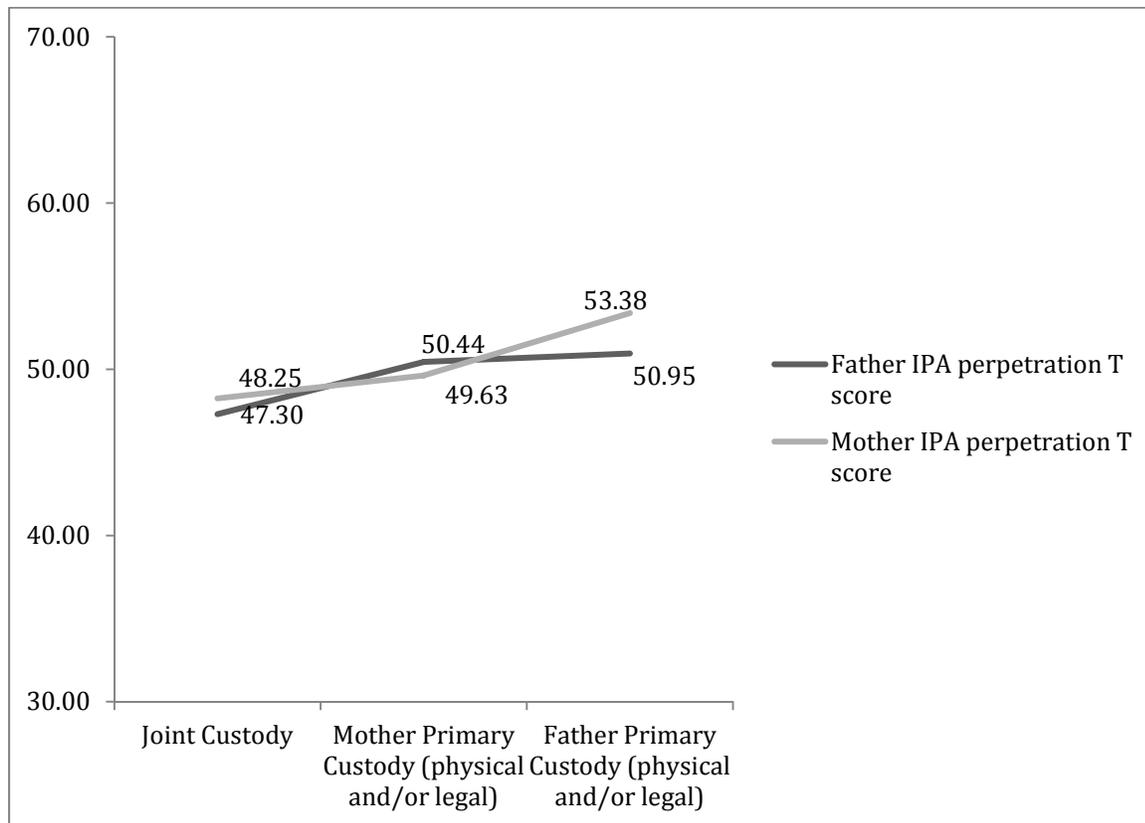


Figure 12. Custody Awards in Divorce Decree by Reported IPA.

Decree restrictions included restrictions on seeing the child; on drop off and pick up locations; on the amount of and structure of parenting time; and, on supervision of exchanges or supervision of parenting time. Restrictions were rarely implemented in decrees. Overall, 89% (853) of cases had no restrictions, 11% (91) had one, and only 17 (2%) cases had more than one restriction in place. Frequencies of each type of restriction found in the decree are shown in Table 14.

Table 14.

Frequencies of Decree Restrictions by Type

| | Yes (n) | No (n) |
|--------------------------------|----------|------------|
| Restrictions on who sees child | 0.4% (4) | 99.6%(958) |

| | | |
|---|---------|-----------|
| Restrictions on drop off and pick up location | 4% (38) | 96% (924) |
| Restriction on time of parenting time | 4% (37) | 96% (925) |
| Supervised exchanges | 2% (18) | 98% (944) |
| Supervised parenting time | 4% (38) | 96% (924) |

Cases with restrictions in place tended to have higher average levels of reported father-perpetrated IPA (54.97) compared to those without restrictions (49.38) ($F=27.8(1, 882)$, $p<.001$), as well as higher average levels of reported mother-perpetrated IPA (53.93 vs. 49.50, $F=17.319(1, 861)$, $p<.001$). In addition, a greater percentage of cases at the highest levels of IPA (2 standard deviations or higher) had restrictions, as compared to those at the lower levels. Ten percent at the lower levels of father-perpetrated IPA had restrictions in place, compared with 29% at the highest level ($\chi^2= 15.275$, $df=1$, $p<.001$). Eleven percent of cases at the lower levels of mother-perpetrated IPA had restrictions, compared with 30% at the highest level ($\chi^2=12.97$, $df=1$, $p<.001$).

Goal 3: Assess the frequency with which mediation agreements/divorce decrees are re-litigated over time.

1. Assessed specific types of hearings in superior court post-divorce and the orders emanating from the hearings.

Hearings

As noted above, case variables for the Superior Court database collected early in the study (N=271) were not usable in these analyses. For the cases wherein we collected usable data on post-decree events in the case (N=694), the majority of cases (62%; N=432) had at least one hearing after the divorce was finalized. The range in the number of hearings per case varied from 0-31 hearings (mean=2.08; SD=3.455). Thirty-eight percent of the cases (N=262) cases had no post-decree hearings; 52% (N=358) had between 1–5 hearings; 8% (N=53) had between 6-10 hearings; 3% (N=21) had 11 or more hearings.

There was a subset of cases requesting a disproportionate number of hearings. Thirty one cases (4.5%) accounted for 444 (31%) of the total number of hearings (N=1441).

Few cases were denied hearings when requested. Only 32 (5%) of the cases were denied post-decree hearings, with a range of 0-3 hearings denied (mean = .07). Twenty-one cases (3%; N=694) had one request for a hearing denied; 8 cases (1%; N=694) had two requests for hearings denied and 3 (0.4%; N=694) cases had three requests for hearings denied.

It was not always clear who was bringing the action; therefore, Table 15 includes a column for Hearings wherein the initiator of the action was the Court or it was Unknown who was making the request. Over one-third of the hearings were in regard to child support, either modifying or enforcing it (see Table 15). Of the total number of hearings for modifying child support, the majority (55%) were requested by fathers followed by mothers (35%). For the remaining 11% the requestor of the action was unknown. Of the total number of hearings for child support enforcement, approximately half was requested by the Court or an Unknown

source (49%) and a little less than half by mothers (46%). A small percentage was requested by fathers (5%).

Approximately one quarter of hearings was for modifying child custody or parenting time. Of these, fathers (46%) requested slightly more than mothers (42%) with the remaining requested by the Court or an Unknown source (11%). Six percent of the hearings were in regard to IPA, child abuse, or harassment. Mothers were overwhelmingly more likely to request these hearings (70% were requested by mothers). The remainder was nearly evenly split between fathers (16%) and the Court/Unknown source (14%). There were also 230 post-decree hearings (16%) regarding other issues, such as property (refinancing or sale of house; family photos), retirement accounts or taxes, attorney withdrawals, disagreements about medical decisions/payments and other miscellaneous requests. A total of 278 review hearings were also held post-decree, with a range of 0-18 (mean = .40) (See Table 14). Of the 278 review hearings, 81 were counted in the specific categories outlined in the table.

Table 15.

Number of post-decree hearings, orders and stipulations.

| Type | Hearings | Hearings Mother Requested | Hearings Father Requested | Hearings Court or Unknown Requested | Orders | Stips |
|--------------------------------------|----------|---------------------------------|---------------------------------|--|-------------------|-------|
| Modifying Child Support | 376 | 129 | 205 | 42 | 429 | 54 |
| Enforcement Child Support | 158 | 72 | 8 | 78 | Included Above | |
| Modification Spousal Maintenance. | 78 | 16 | 50 | 8 | 59 | 8 |
| Modification Child Custody | 82 | 32 | 43 | 1 | 77 | 38 |
| Modification Parenting Time | 247 | 95 | 126 | 26 | 268 | 55 |
| IPA, Child Abuse, Harassment | 81 | 57 | 13 | 11 | 67 | |
| Other Issues | 230 | | | 230 | 158 | 54 |
| Review Hearings Not In Above | 189 | | | 189 | | |
| Totals | 1441 | 401 | 445 | 585 | 1058 | 209 |

Orders

The majority of cases (59%; N=694) had at least one order issued in their case after the divorce was finalized. The number of orders ranged from 0-19 (mean=1.52; SD=2.134). Forty-one percent (N=282) of the cases had no post-decree orders; 53% (N=369) had between 1 and 5; 6% (N=38) had between 6-10; and 1% (N=5) had 11 or more post-decree order. In total there were 1058 orders issued in N=412 cases.

Unlike the case of post-decree hearings, there was not a distinct group of families who received a disproportionate number of orders. The highest-volume of post-decree hearings was for 8 cases (1%; N=694) who had over 10 post decree orders accounting for 6.5% (N=96) of the total number of hearings (N=1058).

There were 429 post-divorce orders modifying child support (one modification N=210; two modifications N=64; three modifications N=18; four modifications N=8; five modifications N=1). There were 354 post-divorce orders/notices regarding withholding income for child

support (one modification N=22; two modifications N=22; three modifications N=21; four modifications N=12; five modifications N=25; six modifications N=7; seven or eight modifications N=4; nine modifications N=1; twelve modifications N=2; seventeen modifications N=1). There were 268 post-divorce orders modifying parenting time (one modification N=113; two modifications N=26; three modifications N=14; four modifications N=5; five modifications N=4; six through eight modifications N=1). There were 77 post-divorce orders modifying child custody (one modification N=56; two modifications N=9; three modifications N=1). There were 59 post-divorce orders modifying spousal maintenance (one modification N=31; two modifications N=8; three modifications N=4). There were 67 post-divorce orders regarding IPA, Child Abuse or Harassment (one order N=41; two orders N=9; three orders and five orders respectively N=1). There were 158 post-divorce orders for other miscellaneous reasons (one order N=65; two orders N=19; three orders N=11; four orders N=1; six orders respectively N=3) (see Table 15).

There was an additional category of post-decree interactions with the court that were not included in the post-divorce court orders but remain important in terms of burden on the courts. To reduce conflict between parents concerning the timing or the amount paid for child support each month, courts often garnish the wages of the parent responsible for paying child support. In this way the payee does not need to write checks and send them. Payment is handled through the court. There are a variety of reasons why the courts would issue an order or a notice to withhold income for child support. For example, if the amount of child support changes or a parents change jobs, an order or notice would be issued. There were data available 446 cases (64%; N=694). For those cases, there were 354 orders and/or notices were issued regarding withholding

income for child support issued in 101 cases (82 cases had between 1-5 orders/notices; 16 cases had between 6-10 orders/notices; and 3 cases had 11 or more notices/orders).

Stipulations

Stipulations are an agreement between the parties to partially or fully settle issues in the case before the court. They are not, however, a separate legal action. Some courts hold special sessions for filing stipulations some do not. In this study, there were 209 (30%; N=694) cases with stipulated agreements on various post-decree issues. The number of stipulations per case ranged from 0-7 (mean=0.30; SD=0.784). Fifty-nine percent (N=567) of the cases had no post-decree stipulations; 11% (N=79) had between 1–5 stipulations; 8% (N=53) had between 6-10 stipulations; 3% (N=21) had 11 or more stipulations. There were a total of 54 stipulations to changes in child support, 8 stipulations to changes in spousal maintenance, 38 stipulations to changes in child custody and 55 stipulations to changes in parenting time. There were also 54 stipulations regarding other issues. These issues included stipulations regarding use of the Judicial Supervision Program (for supervised parenting time), referring a child to counseling, a child's school (location, category, and tuition), retirement benefits, and payment of taxes (see Table 15).

IPA and Hearings and Orders

Although both level of father-perpetrated IPA ($r=.129$, $p=.001$) and level of mother-perpetrated IPA ($r=.101$, $p=.01$) predicted the number of hearings held post-decree, it was a weak relationship. Among the different types of orders, only mother-perpetrated IPA weakly predicted the number of parenting time orders ($r=.09$, $p=.03$). The average number of hearings was also higher for those cases that had been identified as having IPA by the mediator than for

those not so identified (see Table 16). In addition, mediator-identified IPA cases had higher mean number of parenting time orders, and numbers of orders regarding IPA or harassment.

Table 16.

Mean Differences Among Post-Decree Hearings and Orders by Mediator-Identified IPA

| | | N | M | SD | Minimum | Maximum |
|---|--------|-----|------|-------|---------|---------|
| Number of hearings F=5.07 (1, 692) p=.025 | No IPA | 274 | 1.71 | 2.975 | 0 | 20 |
| | IPA | 420 | 2.31 | 3.719 | 0 | 31 |
| Number of parenting time orders F=13.07 (1, 692) p<.001 | No IPA | 274 | .23 | .545 | 0 | 3 |
| | IPA | 420 | .49 | 1.067 | 0 | 8 |
| Number of orders regarding IPA or Harassment F=8.44 (1,692) p=.004 | No IPA | 274 | .04 | .222 | 0 | 2 |
| | IPA | 420 | .13 | .463 | 0 | 5 |

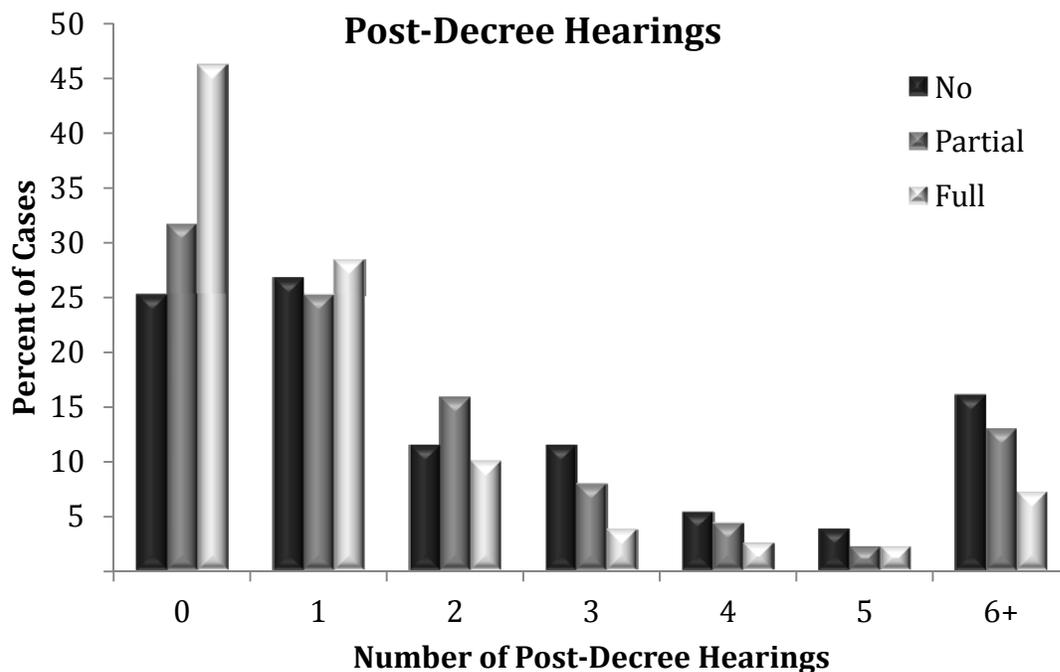
Post-Decree Hearings and Orders by Mediation Outcome

We also investigated whether the couples returned to court to revise the agreements negotiated in mediation. Specifically, we investigated whether there was a significant difference in the number of post-decree hearings and post-decree orders based on the outcome of mediation (no agreement, partial or full agreement). Results indicated that there was a significant difference between these three groups ($F=13.979$, $df=2$, $p<.001$). To identify which groups were significantly different, the post-hoc test (Student-Newman-Keuls) found a significant difference between the full agreement group and the other two groups (partial and no agreement) but there was no significant difference between the latter two groups. Because the distribution was highly skewed, the analysis was rerun using a nonparametric test (Kruskal-Wallis), which confirmed the results of the original significance test ($\chi^2=32.318$, $df=2$, $p<.001$). Figure 13 details the percentages of couples in the different groups that had post-decree hearings. The percentages of

each mediation outcome (no agreement, partial agreement and full agreement) individually sum to 100%. The total number of cases able to be classified in this analysis was 590 (N=694). The number of hearings in each mediation outcome category are: no agreement N=131, partial agreement N=139; and, full agreement N=320.

Figure 13:

Percentages of Post-Decree Hearings by Outcome of Mediation.

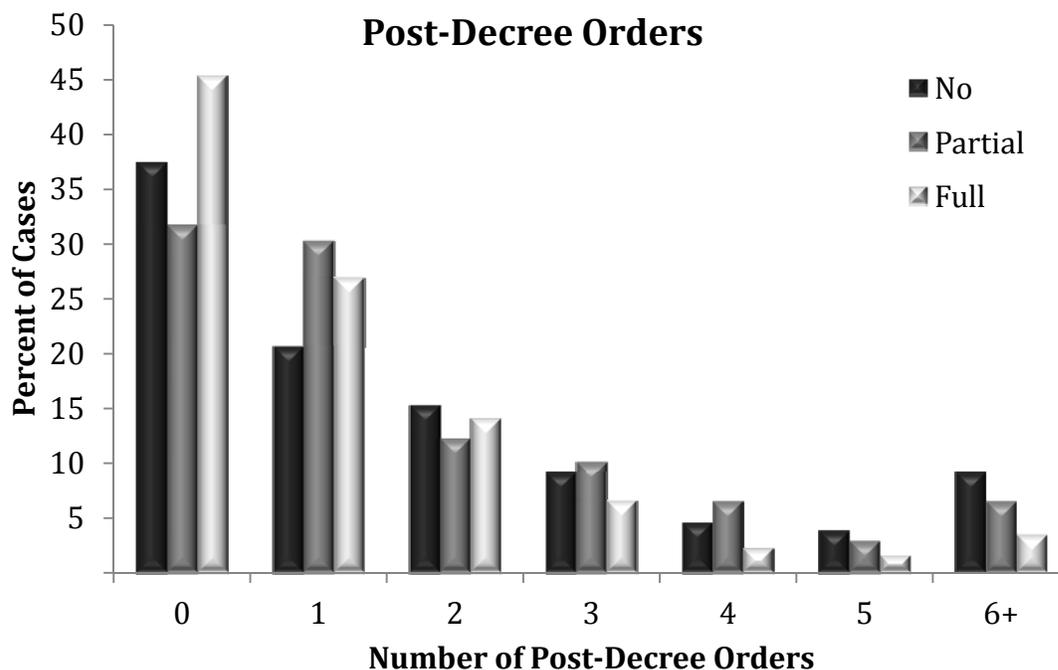


To explore whether there was a significant difference in the number of post-decree orders, a similar set of analyses was run. Results indicated that there was a significant difference between the three groups (no agreement, partial or full agreement) ($F=6.860$, $df=2$, $p=.00$). The post-hoc test (Student-Newman-Keuls) found a significant difference between the full agreement group and the other two groups (partial and no agreement) but there was no significant difference

between the latter two groups. The nonparametric test (Kruskal-Wallis) again confirmed the results of the ANOVA ($\chi^2=13.382$, $df=2$, $p=.001$). Figure 14 details the percentages of couples in the different groups that had post-decree orders. Again, the percentages of each mediation outcome (no agreement, partial agreement and full agreement) sum to 100%. The percentages of each mediation outcome (no agreement, partial agreement and full agreement) individually sum to 100%. The total number of cases able to be classified in this analysis was 590 (N=694).

Figure 14:

Percentages of Post-Decree Orders by Outcome of Mediation.

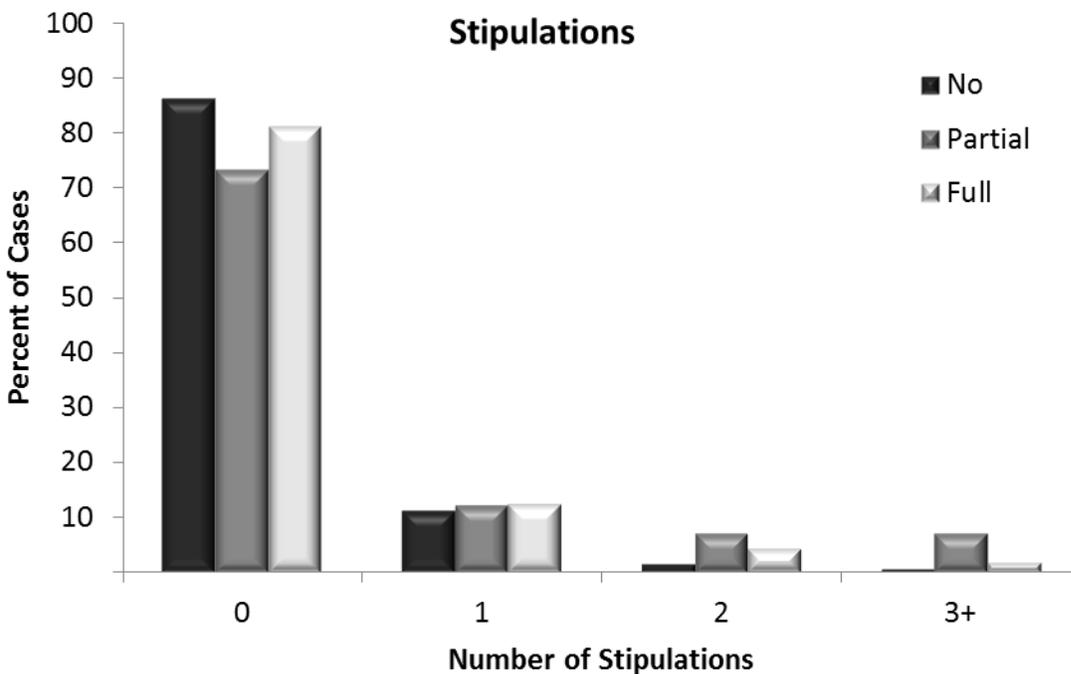


We also investigated whether there was a significant difference in the number of post-decree stipulations between the three groups of mediation outcomes (no agreement, partial and full agreement). The results indicated that there was also a significant difference between the three groups (no agreement, partial or full agreement) ($F=7.543$, $df=2$, $p=.001$) post-hoc test

(Student-Newman-Keuls) found a significant difference between the partial agreement group and the other two groups (full agreement and no agreement). There was no significant difference between the latter two groups. The nonparametric test (Kruskal-Wallis) again confirmed the results of the original significance test ($\chi^2=9.177$, $df=2$, $p=.01$). Figure 15 details the percentages of couples in the different groups that had post-decree orders. Again, the percentages of each mediation outcome (no agreement, partial agreement and full agreement) sum to 100%.

Figure 15

Percentages of Post-Decree Stipulations by Outcome of Mediation.



Goal 4: Test a multivariate conceptual model using variables that are hypothesized to affect mediation, divorce case and post-divorce outcomes (see Figure 16).

The Measurement Models

Multivariate statistical analyses can be roughly grouped according to two distinct functions: (1) Measurement Models, which are used to aggregate multiple convergent indicators to indirectly assess latent theoretical constructs; and (2) Structural Models, which are used to test hypotheses regarding the possible causal relations that may exist among these latent constructs. Some multivariate methods address one or the other of these goals exclusively, whereas others (such as Factor Analytic Structural Equation Model) are designed to address both at once. Either way, it is widely recommended that the measurement model be fully developed before a structural model is attempted. This is because it is not a logically or statistically valid procedure to test the hypothesized causal relations among latent constructs that are not yet adequately measured.

Our first step was therefore to develop an adequate multivariate measurement model for our major latent construct of interest: Intimate Partner Abuse (IPA) (see Figure 16). We carefully considered, compared, and contrasted various different approaches to the measurement of IPA before proceeding to use this construct to predict the various outcomes that IPA was theoretically expected to influence:

(1) Mediation Outcomes:

(Identification of IPA by the mediator (MEDIPA); special procedures provided to the couple in mediation (MEDPROC); mediation agreements negotiated by the couple (MEDAGREE));

(2) Child maltreatment outcomes

(Child Protective Service Involvement with the family (RCM));

(3) Divorce Outcomes

(Legal findings of “domestic violence” in a case (COURTIPA); restrictions placed on the offender parent in relation to contact with the abuser and/or children (COURTRES); custody and parenting time arrangements ordered in the decree which favor mothers (COURTCUS)); and

(4) Law-Enforcement Outcomes (calls to the law enforcement post-divorce (POSTCPW));

(5) Post-Divorce Outcomes.

(hearings post-divorce (HEARINGS); court orders post-divorce (COURTORD)).

Two different measurement models were developed for modeling IPA using the RBRS data that rely on a psychometric, dimensional approach. The RBRS has five validated subscale dimensions: (1) *Coercive Controlling Behaviors*; (2) *Psychological Abuse*, (3) *Physical Abuse*, (4) *Threatened and Escalated Violence*, and (5) *Sexual Intimidation/Coercion/Assault* (Beck et al., 2009). Recently, Tanha et al. (2010) used Confirmatory Factor Analysis (CFA) to model the last four of these subscales as convergent indicators of a single latent common IPA factor; Structural Equations Modeling (SEM) was then used to estimate the role of *Coercive Controlling Behaviors* as a common causal influence on all of them, rather than as a direct indicator of IPA. Another approach is to use *Coercive Controlling Behaviors* as an additional indicator variable by virtue of its high correlations to all of the others, and to the latent common factor itself (see Tanha et al, 2010). Because the addition of *Coercive Controlling Behaviors* subscale did not appreciably affect the measurement model for IPA, the former approach was used in the final structural model in order to test its possible causal role in the etiology of IPA, as predicted by theory.

The Structural Model

The structural model tested, relating the IPA constructs to the various outcome variables, was structured as a pattern of regressions referred to as a *cascade model* in cognitive psychology (Mouyi, 2006; Demetriou, Christou, Spanoudis, & Platsidou, 2002). This procedure is

conceptually equivalent to a Sequential Canonical Analysis (Figueredo & Gorsuch, 2007; Gorsuch & Figueredo, 1991), which controls statistically for any indirect effects of the predictors through the causally prior criterion variables.

In a cascade model, a series of multiple regressions is performed in which the multiple criterion variables are analyzed sequentially according to a hypothesized causal order. Because these criterion variables are expected to causally influence each other, they are entered sequentially into a system of multiple regression equations with each hierarchically prior criterion variable entered as the first predictor for the next. Thus, each successive criterion variable is predicted from an initial predictor variable, each time entering the immediately preceding criterion variable as the first predictor, then entering all the ordered predictors from the previous regression equation. Thus, each successive regression enters all of the preceding criterion variables in reverse causal order, to statistically control for any indirect effects that might be transmitted through them. Within this analytical scheme, the estimated effect of each predictor is limited to its direct effect on each of the successive criterion variables. The general format for this system of multiple regressions is therefore as follows:

$$\begin{array}{l}
 Y_4 = \beta_1 X_1 + \beta_2 X_2 + \beta_3 X_3 \\
 Y_5 = \beta_4 Y_4 + \beta_1 X_1 + \beta_2 X_2 + \beta_3 X_3 \\
 Y_6 = \beta_5 Y_5 + \beta_4 Y_4 + \beta_1 X_1 + \beta_2 X_2 + \beta_3 X_3
 \end{array}$$

Where X_1 , X_2 and X_3 are the ordered predictor variables and Y_4 , Y_5 , and Y_6 are the ordered criterion variables, numbered consecutively after the predictors to avoid confusion among the subscripts.

Analogous to a Sequential Canonical Analysis (SEQCA), this kind of *cascade model* has been proposed to serve as an exploratory form of path analysis (Figueredo & Gorsuch, 2007) where the exact model specification cannot be completely predicted by existing theory, making formal SEM unsuitable for the task because SEM requires a complete model specification based on strong *a priori* theory. Instead, this kind of exploratory model merely requires the tentative specification of an expected causal order among the variables, with all of the exact causal linkages not completely pre-specified. A cascade model therefore provides a theoretically-guided exploration rather than a formal and confirmatory test of *a priori* theory. A cascade model avoids compromising the purely confirmatory nature of the SEM tests of whole-model goodness-of-fit.

The Cascade Model: Model Specification

The Cascade Model for the current data were entered in the following hypothesized causal order:

1. *Marital Stressors*
2. *Father Perpetration of Coercive Controlling Behaviors* (as reported by mother)
3. *Mother Perpetration of Coercive Controlling Behaviors* (as reported by father)
4. *Father Perpetration of IPA*
5. *Mother Perpetration of IPA*
6. *Reported Child Maltreatment* (reports by either parent that CPS involved)
7. *Mediator's Determination of IPA* present/absent
8. *Mediation Safety Accommodations*
9. *Mediation Agreements*
10. *Orders of Protection*
11. *Court Legal Finding of IPA*
12. *Court-Decreed Restrictions*
13. *Court Custody Decrees Favoring Mothers*
14. *Post-Divorce Calls to Law Enforcement*
15. *Post-Divorce Number of Hearings*
16. *Post-Divorce Number of Decree Orders*

Missing Data

To estimate the magnitudes of indirect effects within the system of regression equations by the multiplication of sequential path coefficients, it was necessary to base all of these estimates on the same sample of couples. Thus, we began with the N=694 cases wherein we had mediation and Superior Court post-decree data. Because each multiple regression deleted cases for which data were missing on any of the variables included in the equation, we first created a working subset of the data for which all such missing data were eliminated. The reduced sample size was N=458 usable cases. Although this is normally considered a more than adequate sample size, as even large sample statistics require 300 – 500 cases, we were concerned about the potential bias involved in eliminating such a large number of cases due to missing data.

We therefore created a dichotomous variable, called MISSING, to distinguish between the “listwise deleted” and “listwise retained” subsamples, as described in Figueredo, McKnight, McKnight, and Sidani (2007). Each of the variables used in the Cascade Model was then tested for significant differences between these two subsamples to determine if there were any systematic biases in the data that were missing. Only one such variable was found to have a significant difference ($p < .05$) between the “listwise deleted” and “listwise retained” subsamples, and that variable was Marital Stressors. This effect indicated that the level of Marital Stressors was higher for couples for which data were missing on one or more of the Cascade Model variables: $F(1,963) = 12.92$ ($p = 0.0003$). Although statistically significant due to the large sample size and consequent power of the test, the squared multiple correlation of that effect only accounted for 1.32% of the variance. We therefore felt quite comfortable about proceeding with the structural analyses without the application of any missing data imputation method, most of which do not work very well with more than 20% of the original sample missing and especially

when the missing data are biased (Figueredo et al., 2000; McKnight, McKnight, Sidani, & Figueredo, 2007).

Results of Multiple Regression Models.

The following are the results of the system of multiple regression models run within the context of a Cascade Model, listed by criterion variable, in the theoretically-specified causal order, and reporting standardized partial regression weights, tests of statistical significance, and probabilities under the null hypothesis. As per APA Style, only the statistical results for the significant predictors are reported (see Figure 16). Included within these results are the specific hypotheses developed in construction of the model.

It is extremely important to note that we had to choose specific language to describe the series of regressions (victim or perpetrator). To better understand who is performing the behaviors in these regressions we identify the perpetrator of the IPA behaviors.

To simplify discussion of the results in the conclusion section of the paper for the Goal 4 hypotheses, we indicated which of the following equations addressed the Goal 4 Hypotheses in the original grant proposal. We then refer to these equations in the conclusion section of the paper.

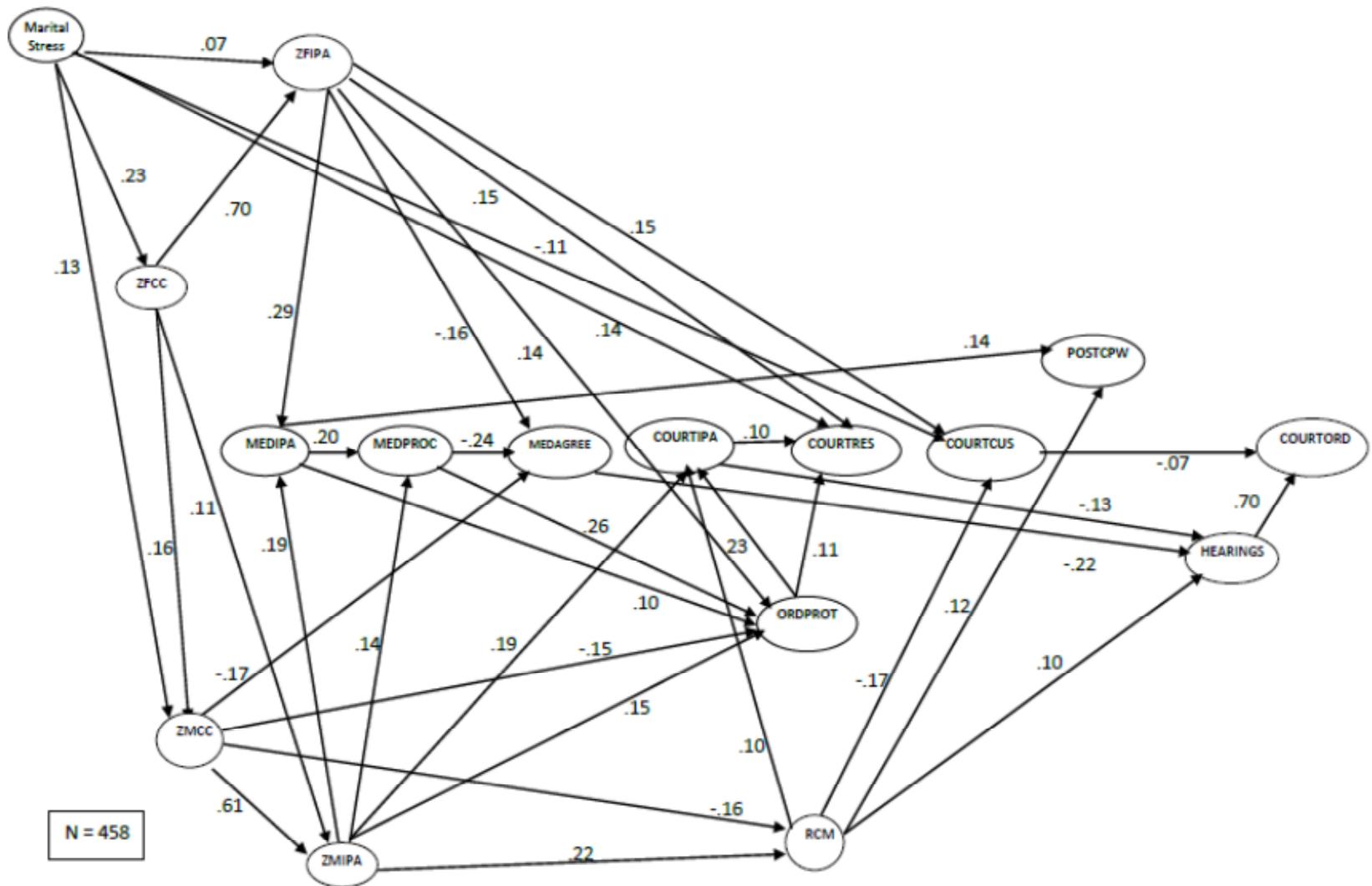


Figure 16. The Cascade Model.

Equation 1:

As expected, *Father Perpetration of Coercive Controlling Behaviors (as reported by mother) (ZFCC)* was significantly and positively predicted by Marital Stressors ($\beta=0.23$, $t_{456}=4.96$, $p<.0001$).

Equation 2:

Mother Perpetration of Coercive Controlling Behaviors (as reported by father) (ZMCC) was significantly and positively predicted both by Father's Coercive controlling behaviors ($\beta=0.16$, $t_{455}=3.36$, $p<.0008$) and by Marital Stressors ($\beta=0.13$, $t_{455}=2.80$, $p<.0053$).

Equation 3:

Father Perpetration of IPA (as reported by the mother) (ZFIPA) was significantly and positively predicted both by Father's Coercive controlling behaviors ($\beta=0.70$, $t_{454}=21.06$, $p<.0001$) and by Marital Stressors ($\beta=0.07$, $t_{454}=1.98$, $p<.0480$), but not by the Mother's Coercive controlling behaviors.

Equation 4:

Mother Perpetration of IPA (as reported by the father) (ZMIPA) was significantly and positively predicted both by Mother's Coercive controlling behaviors ($\beta=0.61$, $t_{453}=17.40$, $p<.0001$) and by Father's Coercive controlling behaviors ($\beta=0.11$, $t_{453}=2.20$, $p<.0284$), but not by either the Father's IPA or Marital Stressors.

Equation 5:

Reported Child Maltreatment (CPS involvement as reported by either mother or father) (RCM) was significantly and positively predicted by Mother's IPA ($\beta=0.22$, $t_{452}=3.59$, $p<.0004$)

but was significantly and *negatively* predicted by Mother's Coercive controlling behaviors ($\beta=-0.16$, $t_{452}=-2.64$, $p<.0086$), but not by the Father's IPA, Father's Coercive controlling behaviors, or Marital Stressors.

Equation 6:

The Mediator's Report of IPA (MEDIPA) was significantly and positively predicted by Mother's IPA ($\beta=0.19$, $t_{451}=3.23$, $p=0.0013$) and by the Father's IPA ($\beta=0.29$, $t_{451}=4.62$, $p=0.0001$), as reported by their partners, but not by Reported Child Maltreatment, Mother's Coercive controlling behaviors, Father's Coercive controlling behaviors, or Marital Stressors.

Equation 7:

Mediation Special Procedures/Safety Accommodations (MEDPROC) were significantly and positively predicted by the Mediator's identification of a case as having IPA ($\beta=0.20$, $t_{450}=4.14$, $p<.0001$) and by the Mother's IPA ($\beta=0.14$, $t_{450}=2.26$, $p=0.0242$), as reported by the Father, but not by Reported Child Maltreatment, Father's IPA, Mother's Coercive controlling behaviors, Father's Coercive controlling behaviors, or Marital Stressors.

Equation 8:

Mediation Agreements (MEDAGREE) were significantly and *negatively* predicted by Mediation Special Procedures/Safety Accommodations ($\beta=-0.24$, $t_{449}=-5.19$, $p=0.0001$) and by the Father's IPA ($\beta=-0.16$, $t_{449}=-2.40$, $p=0.0167$), Mother's Coercive controlling behaviors ($\beta=-0.17$, $t_{449}=-3.00$, $p=0.0028$), but not by the Mediator's Report of IPA, Mother's IPA, Reported Child Maltreatment, Father's Coercive controlling behaviors or Marital Stressors.

Equation 9:

Orders of Protection (ORDPROT) were significantly and positively predicted by Mediation Safety Accommodations ($\beta=0.26, t_{448}=5.19, p=.0001$), by Mediator's Report of IPA ($\beta=0.10, t_{448}=2.03, p=.0427$), by the Mother's IPA ($\beta=0.15, t_{448}=2.54, p=.0114$), by the Father's IPA ($\beta=0.14, t_{448}=2.15, p=.0323$), and were significantly and *negatively* predicted by the Mother's Coercive controlling behaviors ($\beta=-0.15, t_{448}=-2.57, p=.0105$), but not by Mediation Agreements, Reported Child Maltreatment, Father's Coercive controlling behaviors, or Marital Stressors.

Equation 10:

Court Legal Findings of IPA (COURTIPA) were significantly and positively predicted by Orders of Protection ($\beta=0.23, t_{447}=4.61, p=.0001$), Reported Child Maltreatment ($\beta=0.10, t_{447}=2.17, p=.0302$), and by the Mother's IPA ($\beta=0.19, t_{447}=2.91, p=.0038$), but not by Mediation Agreements, Mediation Safety Accommodations, Mediator's Report of IPA, Father's IPA, Mother's Coercive controlling behaviors, Father's Coercive controlling behaviors, or Marital Stressors.

Equation 11:

Court-Decreed Restrictions (COURTRES) were significantly and positively predicted by Court Findings of IPA ($\beta=0.10, t_{446}=2.23, p=.0259$), by Orders of Protection ($\beta=0.11, t_{446}=2.26, p=.0242$), and by Marital Stressors ($\beta=0.14, t_{446}=3.01, p=.0028$), but not by the Mediation Agreements, Mediation Safety Accommodations, Mediator's Report of IPA, Reported Child Maltreatment, Mother's IPA, Father's IPA, Mother's Coercive controlling behaviors, or Father's Coercive controlling behaviors.

Equation 12:

Court Custody Decrees Favoring Mothers (COURTCUS) were significantly and *negatively* predicted by Reported Child Maltreatment ($\beta=-0.17, t_{445}=-3.52, p=.0005$), were significantly and positively predicted by Father's IPA ($\beta=0.15, t_{445}=2.15, p=.0322$) as reported by the mother, and were significantly and *negatively* predicted by Marital Stressors ($\beta=-0.11, t_{445}=-2.23, p=.0262$), but not by the Court-Decreed Restrictions, Court Findings of IPA, Substantiated Orders of Protection, Mediation Agreements, Mediation Safety Accommodations, Mediator's Report of IPA, Mother's IPA, Mother's Coercive controlling behaviors, or Father's Coercive controlling behaviors.

Equation 13:

Post-Divorce Calls to Law Enforcement (POSTCPW) were significantly and positively predicted by Mediator's Report of IPA ($\beta=0.14, t_{444}=2.61, p=.0095$), and by Reported Child Maltreatment ($\beta=0.12, t_{444}=2.45, p=.0146$), but not by the Court Custody Decrees Favoring Mothers, Court-Decreed Restrictions, Court Findings of IPA, Orders of Protection, Mediation Agreements, Mediation Safety Accommodations, Mediator's Report of IPA, Mother's IPA, Father's IPA, Mother's Coercive controlling behaviors, Father's Coercive controlling behaviors, or Marital Stressors.

Equation 14:

Post-Divorce Number of Hearings (HEARINGS) were significantly and *negatively* predicted by Court Findings of IPA ($\beta=-0.13, t_{443}=-2.66, p=.0082$) and significantly and *negatively* predicted by Mediation Agreements ($\beta=-0.22, t_{443}=-4.47, p=.0001$), and were significantly and positively predicted by Reported Child Maltreatment ($\beta=0.10, t_{443}=2.15, p=.0324$), but not by the Post-Divorce Calls to Law Enforcement, Court Custody Decrees

Favoring Mothers, Court-Decreed Restrictions, Substantiated Orders of Protection, Mediation Safety Accommodations, Mediator's Report of IPA, Mother's IPA, Father's IPA, Mother's Coercive controlling behaviors, Father's Coercive controlling behaviors, or Marital Stressors

Equation 15:

Post-Divorce Number of Decree Orders (ORDERS) were significantly and positively predicted by Post-Divorce Number of Hearings ($\beta=0.69$, $t_{442}=19.22$, $p=.0001$) and were significantly and negatively predicted by Court Custody Decrees Favoring Mothers ($\beta=-0.07$, $t_{442}=-2.05$, $p=.0412$), but not by the Post-Divorce Calls to Law Enforcement, Court-Decreed Restrictions, Court Findings of IPA, Substantiated Orders of Protection, Mediation Agreements, Mediation Safety Accommodations, Mediator's Report of IPA, Reported Child Maltreatment, Mother's IPA, Father's IPA, Mother's Coercive controlling behaviors, Father's Coercive controlling behaviors, or Marital Stressors.

Conclusions and Implications

We realize that we cannot infer causality from correlational data or really any data; however, to be socially useful we will discuss conclusions, implications and policy recommendations as if these data represent actual influences. Only in this way can we then discuss possible adjustments to the mediation enterprise that could produce better outcomes for both the couples involved in the system and the court system processing the cases.

Discussion of the Findings

There has been three decades of scholarly research on numerous aspects of divorce mediation; however no comprehensive understanding of the short- and long-term outcomes for couples legally ordered to mediation to resolve custody and parenting time. In the case couples alleging intimate partner abuse (IPA), even less is known (Beck & Sales, 2001; Salem, 2009).

This study was funded by NIJ to systematically document actual percentages of IPA in mediation; to systematically analyze mediator practices addressing those IPA cases; and to assess mediation outcomes, divorce outcomes and post-decree outcomes for IPA cases. To do this we linked naturalistic clinical interview data used to screen for marital stressors and IPA and behaviorally-specific IPA questionnaire data from a large couple-matched sample to mediator's decisions concerning whether to proceed with mediation as usual, to screen out IPA-identified cases; or, to provide special procedural accommodations for IPA-identified cases. We then linked all these IPA data to mediation outcomes from in mediation case files and to decisions concerning the final parenting plans found in Superior Court divorce files. We then linked these data to longitudinal data concerning re-litigation of divorce-related issues in superior court and longitudinal data concerning contacts with area law enforcement.

Based on previous work concerning IPA screening in mediation (Administrative Office of the Courts [California], 2010, Ellis, 2006; Ellis & Stuckless, 2008; Newmark et al., 1995; Pearson, 1997), we believe that mediation screening for IPA at the study site far exceeds the standard for mediator screening practices employed in most jurisdictions. Therefore, this study represents a “best case scenario” for screening practices and responding to IPA in the mediation context at the time the study was conducted, and likely currently as well.

The results of this study provide strong empirical support for previous estimates that most couples attending divorce mediation report some level of IPA. Given that couples mandated to mediation are there precisely because they cannot agree on significant aspects of the divorce, this result was expected. Few mothers and fathers reported *no IPA* of any kind; only four couples reported that there were no incidents of any sort of IPA in the preceding 12 months prior to mediation. The parents reported at least some form of IPA occurred in over 90% of the cases and two thirds of the couples reported that either or both partners utilized outside agency involvement from law enforcement, shelters, courts, or hospitals to handle the IPA (Beck et al., 2010). These figures represent a tremendous amount of IPA in couples mandated to attend mediation and that the level was likely more serious than “*common couple violence*” identified in previous national random sample surveys (Kelly & Johnson, 2008).

Important disparities were also found in incomes between divorcing parents. Upon entering mediation, the mothers’ incomes in this study were approximately half of the fathers’ incomes. One potential interpretation of this finding is that that mediation about custody and child support is not an “even playing field” for both parties even before the issue of abuse is raised. This marked sex difference in income graphically illustrates a highly gendered pattern in child care and the patterns reflected in custody arrangements following separation. These

patterns are often inaccurately attributed to “gender bias” against men as opposed to reflecting the patterns established in the family prior to divorce.

Goal 1: Determine whether the mediation program accurately identifies couples with self-identified IPA and assess whether these cases are treated differently.

Two methods were used to address this question. The first was a written questionnaire with behaviorally-specific questions and the second was a semi-structured clinical interview performed by the mediator. The latter provided the basis for the mediators’ decisions to determine a case as having IPA. The questionnaire data provided a clearer understanding of the specific behavioral dimensions of reported IPA behaviors for research purposes, while the semi-structured clinical interview provided a more detailed understanding of the broad context of the relationship including substance use and abuse, medical or mental health issues, and reported child maltreatment.

Mothers reported significantly higher frequencies of nearly all dimensions of IPA than did fathers on the questionnaires. In terms of severe and potentially life-threatening violence, well over half of the mothers reported at least one incident of *threatened and escalated physical violence* and *sexual intimidation/coercion/assault* in the previous year. Interestingly, half of all fathers also reported at least one incident of *threatened and escalated physical violence* from their partners but significantly less frequently reported incidents of *sexual intimidation/coercion/assault* than did mothers. The average frequency of mothers reporting father-perpetrated *sexual intimidation/coercion/assault* and *threatened and escalated physical violence* was “very rarely;” however, any reports of physically forced sex, broken bones, or use of weapons in the previous 12 months is alarming, particularly given these mothers and fathers are negotiating long-term, difficult-to-modify legal agreements with their abusers and were likely no longer living together.

The only dimension of IPA that was not statistically significantly different for fathers and mothers and that was the milder forms of physical acts (*physical abuse*). This finding appears to initially support previous research suggesting fathers and mothers both engage in milder forms of physical aggression, such as pushing and shoving (and other less severe violence, such as hitting or biting) with equal frequency. Critically important is the finding that other more life-threatening dimensions of IPA (*threatened and escalated physical violence; sexual intimidation/coercion/assault*) are perpetrated much more frequently by fathers against mothers (Kelly & Johnson, 2008). This vital distinction between lower level acts of physical abuse and life-threatening, injurious physical acts of violence has not often been made in previous literature on violence (Archer, 2000a; Dutton & Nicholls, 2005; Felson & Outlaw, 2007; Straus, 2008).

Analyzing the data taking into consideration both parents in the relationships and all dimensions of IPA presents a different picture. The latent classes produced from this data did not produce a class representing *situational couple violence* (Kelly & Johnson, 2008). Instead, of the five latent classes produced from this data, four classes clearly indicated a perpetrator and a victim in the relationship. One class represented couples with mutually low (or no) abuse or violence. In other words, a class with only elevations on *physical abuse* or in combination with *psychological* abuse for both members of the couple did not emerge from this data. It may be that because the participants in this study were all divorcing and were in conflict over custody and/or parenting time, and were reporting high levels of IPA, thus, there was a restricted range of IPA behaviors in these couple relationships compared to that generally reported among representative community samples. Whereas *situational couple violence* is common in nationally representative samples (Johnson, 2006), it does not appear to be common in this divorcing sample of couples, all of whom, by definition, are in conflict over parenting issues and in divorce mediation. These

findings support the growing argument about the gendered nature of IPA perpetration as largely a function of the nature of the type of sample from which participants are recruited, with *common couple violence* much more likely to be found among normative, compared to ‘clinical’ samples of any sort.

The four IPA classes that emerged from data in this study included *Coercive Controlling Violence—father perpetrator*, *Coercive Controlling Violence—mother perpetrator*, *Mutual Violent Control* and *Lower Level Coercive Controlling Violence—father perpetrator*. The two latter latent class types are very interesting. Although Kelly and Johnson (2008) described the *Mutual Violent Control* type in their work, this is the first study that actually empirically validated that this class exists, albeit a small one. The class contained only 4% of the eligible couples (N=32). Continued investigation and cross-validation of the latent classes which emerged from this study is important as several types of couple-level IPA has severe risks for child maltreatment post-divorce. A deeper understanding of couple-level IPA can provide information for constructing safer family structures and parenting arrangements post-divorce (Kelly & Johnson, 2008).

One other interesting class that emerged from this data was the *Lower Level Coercive Controlling Violence—father perpetrator*. The elevations on the IPA subscale dimensions were clearly lower than those found in the *Coercive Controlling Violence—father perpetrator* class, and this class did not have elevations on *physical abuse*. This *Lower Level* class may represent a formerly *Coercively Controlling Violence—father perpetrator* class; however, because the participants in the study were all divorcing and no longer living together the opportunities available for the father to perpetrate other forms of abuse were reduced. Because this *Lower Level* class represents 35% of the sample, it is important to cross-validate these findings using a

separate sample of abusive but intact or recently separated couples to support these findings.

Future research should also include in-depth interviews with both parents to fully understand the nature, frequency, context and consequences of IPA throughout the entire relationship.

In terms of mediator identification of IPA, using clinical interview data, mediators identified well over half of couples as presenting IPA (59%) and, in general, the mediators tended to successfully identify the couples with the highest levels of IPA. In comparing clinical interview data to behaviorally specific questions in a questionnaire format, however, about one third of those *not identified* with IPA by the mediator had reported on the questionnaire at least one incident of either *threatened and escalated violence* or *sexual intimidation/coercion/assault*, suggesting some degree of false negative classification by the mediators.

In terms of the couples with the very highest levels of reported IPA, mediators correctly identified the seven cases where couples reported mutually high levels of violence; however, they failed to identify eight of these cases (six couples where the mother reported father as the perpetrator of high violence, and two where the father reported the mother as the perpetrator of the high violence). Interestingly, although not identified as a case with IPA by the mediator, one of the high father IPA cases was nevertheless screened out for IPA. False negatives are of particular concern in this context, as failing to accurately identify IPA when it is present, is likely more detrimental than inaccurately identifying IPA as present when it is not. In the first case, potential safety is compromised, as well as the potential fairness of the mediation process itself, and in the latter, extra attention or accommodations might be provided when they are unnecessary, without creating the potential for any harm. Thus, in the context of mediation, it's better to over- than under-identify IPA among high conflict, divorcing couples.

It is important to understand how these cases failed to be identified by the mediator. In the current naturalistic study, methods of IPA assessment were self-report, one for the data obtained via a face-to-face semi-structured clinical interview and the other via written responses to questions presented in questionnaires. The mediators at the study site did not use the questionnaire data to make IPA determinations but instead relied solely on the semi-structured clinical interviews to determine IPA.

Although intuitively attractive to practitioners, reliance on semi-structured clinical interviews that have not been empirically validated may not accurately identify some high violence couples. The semi-structured clinical interview (PMI) was used unsystematically and in a non-standardized fashion, with much mediator discretion about whether, how, and what questions were asked; therefore, some cases were missed – false negatives. It is important to note, however, that there were no false positives (cases identified by mediators as IPA that were not identified as such on other measures), again a concern of less significance than that of false negative detection, given the potential consequences of under- versus over-detection of IPA. Research is mixed in terms of whether individuals are more likely to disclose sensitive information, such as IPA, in the context of an interview or a questionnaire format. Consequently, it seems prudent to employ both methods, and to encourage mediators to use questionnaire data in their assessment of IPA, and to adopt a standardized approach to administration, in which ALL questions about IPA are asked of ALL individuals, irrespective of whether or not any red flags, or suspicions are raised about IPA by the couples or on questionnaire data. The model of universal screening is likely to be considerably more effective in reducing the rate of false negatives in the IPA screening process.

Although not yet well validated, several instruments have been developed for this purpose (Ellis & Stuckless, 2006; Holtzworth-Munroe, Beck & Applegate, 2010; Michigan Supreme Court, 2006; Putz, Ballard, Holtzworth-Munro, Applegate, & Beck, 2009). Universal, comprehensive screening for IPA is currently rare (Holtzworth-Munroe, et al., 2010) but gaining popularity. The Ontario Canada Court of Justice and the Superior Court of Justice recently provided extensive guidelines for required IPA screening for all potential clients to be provided family mediation in these courts (Ontario Attorney General, 2011).

Clinically this finding also lends some support to the victim advocate's position that in general, mothers do not tend to exaggerate the levels of IPA in interviews with the mediator to gain unfair advantage in determinations of custody. If this were the case it would be expected that the IPA-related information provided in face-to-face interview with mediators would be at least equally or more severe than that reported on the written questionnaires.

It is crucially important that mediators accurately identify IPA because without identification of IPA, a) the cases will not be screened out of mediation when appropriate, and/or b) the mediation process will likely not be modified to accommodate potential victims. This study confirms previous mediation program director estimates that rarely are cases screened out of mediation (Pearson, 1997). In this study, although 59% of the cases were identified by the mediator as having IPA, only 3% of the cases were screened out due to IPA concerns identified by the mediator prior to mediation. Although few cases were screened out, the mothers (but not fathers) who were screened out reported higher levels of victimization than those that remained in mediation. Interestingly, four couples who were not initially identified by the mediator as having IPA were screened out later. In addition, 3% of the cases were screened out for other reasons.

There are several possible reasons for this low percentage of cases screened out. Judges find high level IPA cases disturbing and often want the assistance of mental health professionals in interviewing litigants and negotiating agreements that are in the best interests in the children involved. Litigation is not necessarily the best method of obtaining in-depth, accurate information concerning relationship dynamics, particularly if the couples do not have attorneys and are trying to navigate the process alone. Although not all, many mediators do screen for IPA and are able to interview each parent individually to learn about relationship dynamics. With the couple dynamics in mind, mediators can then assist couples in negotiating agreements.

An additional pressure for mediators to process cases may come from the mediation program administration as one of the measures of job performance is the numbers of cases processed and the numbers of agreements obtained.

The victims may also have requested to proceed in mediation even in the face of high levels of IPA. Some victims of IPA want to continue in mediation believing that mediation may be their only, or best, option for working out a parenting agreement with their abuser. Without attorneys, victims are left to negotiate directly with their abusers without professional assistance of any kind. The victims may also have not believed the IPA to be serious or to be a factor in negotiating an agreement. This possibility is consistent with research on battered women indicating their tendency to minimize the severity and impact of violence in their lives. In considering the effects of high IPA and that very few of cases are being screened out of mediation, it is important to assess whether victims want to proceed. Previous research indicated that many victims of IPA want to be given the choice to mediate (Alaska Judicial Council, 1992). In this context, respecting victims' wishes to proceed (or not to proceed) in mediation is an important consideration, and fits with the feminist model of empowering victims to make their

own choices, in part, as a way of reconstituting their sense of personal agency and control, which were diminished as a result of IPA perpetrated against them.

While it is important to consider victim input into decisions about mediation, it may also be the case that they are uninformed about the potential threats to safety of the negotiated agreements without specific restrictions on contact between parents and parenting (orders of protection; orders restricting method of contact between parents; neutral exchanges of the children at a specific public location, a family member's home, or a judicially approved service provider), and threats to the fairness of the process itself that might result from proceeding with mediation in spite of IPA history. In this context, it might be important to educate victims about these considerations, so that they are able to make a truly 'informed' and empowered decision. In the context of this naturalistic study, it may be that mediators allowed victims the opportunity to attempt to mediate if they wished to do so. In subsequent studies, it will be important to interview couples mandated to mediation and mediators providing these services to learn reasons for proceeding in the face of high levels of IPA.

A second important aspect of mediators identifying cases as having IPA is whether victims went on to negotiate a potentially unsafe agreement in mediation. On a hopeful note, victims of IPA may be able to safely proceed in mediation if the process is modified to accommodate them with special procedures for safety. The mediators in the study were sensitive to client reports of IPA. Overall, approximately one fifth of the couples in this sample were provided some type of accommodation to promote safety for the victims in the mediation process. The accommodations varied widely; some were focused on ensuring that victims were not put at greater risk by attending mediation. For example, accommodations were provided to ensure victims were able to leave the program offices and get to transportation without worrying

about whether the abuser was going to harass or intimidate them along the way (requiring parents to leave separately; providing a security escort to the car). Other accommodations were focused on ensuring victims were not harassed or intimidated while at the mediation program offices (separate waiting rooms; screenings on separate days; shuttle mediation; mediation sessions on separate days; and, an experienced male and female mediation team providing services).

Reasons for the inconsistency in the provision of accommodations are unclear although it is likely due to the fact that this was a naturalistic study of records from one jurisdiction, which were not developed for research purposes but instead for mediators to use in conducting their work. If the same results are found in other jurisdictions, it might have something to do with mediator unfamiliarity with some accommodations or the necessity of providing them. Perhaps researchers working with practitioners can design a study where mediators are provided with a standardized set of accommodation practices along with hypotheses for which are best to implement in cases involving different types of IPA, thereby empirically investigating if the process can be improved by which accommodations are instituted across cases.

An important finding is that safety accommodations were significantly more likely to be provided for parents who telephoned the mediation program office and expressed concerns about mediating or made specific requests concerning the particular accommodations which would be helpful. Accommodations were also more likely to be instituted in cases identified by the mediator as having IPA, but there was a weak correlation between overall level of IPA and mediators' providing accommodations. There are several reasons for this weakened correlation.

In interviews with the mediators we found that not all the mediators considered the special procedures identified in the literature and identified for this study as accommodations for

safety (shuttle mediation, separate screening days, separate waiting rooms, mediation on separate days, escorts to car, experienced mediator team, parents required to leave at different times) as such but instead considered them as “mediation techniques.” Therefore, for a number of mediators, they did not note in the medication case file when these “techniques” were used. The data in this study then represents an underestimate of the actual number of accommodations provided. As noted above, future research will need to be conducted prospectively with carefully defined definitions of accommodations provided and training in standardizing documentation of these procedures so that all the accommodations provided are captured in the data.

These findings suggest that couples referred to mediation ought to be encouraged to discuss with mediators IPA-related issues and to request specific accommodations to enhance safety. IPA-related issues cannot be addressed without adequate information from the victim to the mediator. In addition, documenting accommodations when provided will assist agencies in tracking when these are provided and the circumstances of the cases.

One method of determining whether IPA is serious enough that outside agencies are brought into assist is to assess calls to the local area law enforcement. A tremendous number of parents made calls to area law enforcement agencies to request assistance in managing IPA in the relationship. In the pre-mediation screening interview, approximately half of both parents indicated to the mediators that police had been called for IPA or a parent had been arrested for IPA at some point in the relationship (50% fathers and 54% reported police were called). This high rate of calls was substantiated in local area law enforcement records, thus providing consensual validation for the self-reported data on this variable. As noted above, using a much more restricted timeframe (two years prior to filing for divorce up to February 1, 2007), law enforcement records document that 40% of the families in the study had made calls.

Interestingly, the calls did not come at the same point in the divorce process. The calls came in about equal percentages in different timeframes (16% before filing for divorce, 16.5% during the divorce process and 15 % post-divorce).

It appears that at all steps in the divorcing process, a number of parents use law enforcement as an intervention in managing family conflict, and only a minority rely upon it at all stages of the process. And, it appears likely that calls to law enforcement are occurring in couples with no IPA and a range of levels of IPA. The types of calls assessed included a broad range yet related to IPA and children (assault, child abuse, violation of order of protection, custodial violation, trespassing, harassment, phone harassment, interfering with custody, keeping the peace). Nearly a quarter of the couples in this study also mentioned having an order of protection. It appears from the findings that a significant number of parents who are nonviolent or who perpetrate lower levels of IPA, likely commit a variety of crimes against their co-parent during the divorce process. This suggests that the stressful nature of the divorce process, particularly among high conflict couples, may result in new cases of IPA among those who had not been previously violent, and may exacerbate the violence among those with prior histories of violence. Consequently many of the victims appear to turn to area law enforcement to respond to the conflict or to enforce an order of protection.

Several important conclusions can be drawn from these findings. Neither parent is underreporting the number of calls to law enforcement when questioned in individual face-to-face interviews with mediators. In addition, parents generally agree about the rates of law enforcement involvement with the family. And, cases that mediators identified as having IPA were the most frequent callers. This is not surprising as outside agency involvement with the

family (including shelters, hospitals, and orders of protection) was a significant factor driving mediators identifying a case as having IPA (Beck et al., 2010).

Although less common than calling area law enforcement, 42% of the cases in this study reported having orders of protection at some point in the relationship. Cases identified as having IPA by the mediator were found among those reporting orders of protection. Interestingly, the level of substantiation of the order of protection (mentioned only or mentioned and substantiated) did not matter for mediators in identifying a case as having IPA. Unfortunately, the available data did not report on rates of violation of such orders, thus it is impossible to gauge their effectiveness in limiting or preventing IPA in this sample. Future research needs to track violations of orders of protection in divorce cases.

In summary, there is strong empirical evidence that *most* couples attending divorce mediation report some form of IPA and, second that few cases are actually screened out of mediation. It may be true that “*common couple violence*” (Kelly & Johnson, 2008) is the most common type of IPA in the general population; however, for many couples in this sample the IPA appears to be much more serious. This finding strongly suggests that there is a need to carefully screen for and document all levels and types of IPA.

Mediators identify many fewer cases as having IPA than couples identify themselves. The lower number of *mediator-identified* cases of IPA relative to *parent-identified* cases of IPA reflects a clinical decision by mediators to identify cases wherein more dimensions of IPA, and higher severity within the dimensions, were designated IPA as compared to when *any* dimension of abuse was reported. Thus, mediators are using clinical judgment to sort cases and do not designate every case that reports any abuse as one with IPA. Unfortunately, there were a small number of high level IPA cases that were not identified as such by the mediators. Basing

classification of cases on nonsystematic, semi-structured clinical interviews may not be the most effective method of assessing IPA. This suggests the need for more systematic assessment and management of IPA in the mediation context.

Whereas some argue that mothers exaggerate the seriousness of IPA to gain unfair advantage, at least in terms of reports of area law enforcement calls and/or arrests and reports of orders of protection, parents substantially agree when reporting these to mediators in semi-structured clinical interviews. Thus, it does not appear that one parent is exaggerating the seriousness of IPA and/or outside agency involvement with the family to mediators.

Mediators were sensitive to both mothers' and fathers' reports of IPA when deciding on whether to provide safety accommodations for couples. When clients telephoned the mediation program offices with concerns or specific requests for accommodations, mediators responded at an even higher rate than when mediators themselves identified the need. Although mediators in this study responded by modifying the mediation process to accommodate many of these couples, the rates reported are likely an underestimate of those actually provided. For mediation programs tracking this important information, documenting when accommodations are provided and for what reason will be critical.

Goal 2: Assess whether mediation agreements, divorce decrees and/or parenting plans include safety measures in cases involving self-reported IPA.

If cases are not screened out and the couple has IPA in the relationship, and an agreement is reached, an important consideration is the adequacy of agreements in providing protections for children (parenting time supervision) and safety restrictions (orders of protection, limits on contact, neutral exchanges of children in public places or third party exchanges) for adult victims. In this study there were reports of frequent *psychological abuse* and, rarer still but present, reports of *physical abuse, sexual intimidation/coercion/assault, and threatened and escalated physical violence*. While full or partial agreements were reached in many cases, provisions for supervised parenting time and restrictions on contact between parents (orders of protection; orders restricting method of contact between parents; neutral exchanges of the children at a specific public location, a family member's home, or a judicially approved service provider) were virtually absent in the entire sample of cases.

This finding could lead to speculation that the mediation did not protect these victims and their children or effectively discriminate among various dimensions of IPA. This speculation is buffeted by the finding noted above that, regardless of whether it was the mother or father reporting victimization, couples who later failed to reach any agreement and were transferred back to the traditional litigation process were found to have previously reported the highest overall IPA scores (2 standard deviations above the mean), followed by those who reached only partial agreement. The lowest IPA scores were reported by those who ultimately reached full agreements in mediation. Thus, those couples of most concern, in terms of IPA severity did not reach an agreement in mediation and returned to court. For these couples with high IPA, it would be helpful if there was a the requirement of representation in the adversarial process.

Allowing victims the *opportunity* to choose to proceed (or not to proceed) in mediation is an important consideration. Proponents of mediation have long argued that providing a safe, neutral and controlled environment for victims allows victims to have a voice and express their views (Duryee, 1995; Erickson & McKnight, 1990; Girdner, 1990; Kelly, 1995; Landau, 1995; Magana & Taylor, 1993; Marthaler, 1989; Newmark et al., 1995; Pearson & Thoennes, 1984; Vincent, 1995; Yellott, 1990). On the contrary, opponents of mediation have argued that most often victims' voices are ignored or marginalized in mediation thus recreating the imbalance of power existing in the relationship (Bryan, 1992; Cobb, 1997; Grillo, 1991). Staying sensitive to the desires of victims of IPA without forcing decisions to proceed or not to proceed is a delicate balance all mediators must face. It may be that some of the victims in this study agreed to enter mediation because they wanted to have a voice and express their views; but, they were empowered enough to refuse to agree to proposals that would not adequately protect them and their IPA-exposed children.

For example, if the abusive parent would not agree to supervised exchanges, restrictions on contact between parents or supervised parenting time, the victim may have exercised the option of not making a mediation agreement and moving back into traditional court processes. As a result, victims of the highest levels of IPA might have wanted to participate in mediation but not to be forced to make an agreement that was not suitable for their family. It is important that future research gather data empirically sound data concerning why victims of IPA choose to proceed or not in mediation. This data could assist mediators in further refining the mediation process to safely allow victims a voice.

In interviews with mediators, we learned that in some cases mediators protect victims by moving ahead initially with mediation and then terminating the mediation within the first

session. By doing so, mediators take responsibility for terminating mediation as opposed to terminating mediation based on what the mediator was told by the victim in the screening interview. Several mediators at the study site believed terminating mediation after only the private screening interview might subject the victim and violence-exposed children to additional violence for revealing the IPA to the mediator. An important point is that the actions a mediator can take to protect victims may not be captured in statistics concerning the number of cases screened out after the first individual interview with the parents. Future research will need to design prospective studies to better capture mediator and victim decision-making concerning whether to proceed and why, and methods used to protect victims in specific cases when decisions to proceed or terminate the sessions are made. Only with this rich information can we truly understand the difficult balance mediators must take in working with couples with IPA.

Another possible form of safety precaution that could be included in the divorce decree was to legally recognize that a relationship had a history of IPA. Unfortunately only 2% of the cases included a legal finding of domestic violence in the divorce file and among some of the cases of extremely high IPA there were no legal findings in the divorce file. In the study jurisdiction the legal finding of “significant domestic violence” (Domestic Violence and Child abuse; Ariz. Stat. Ann. §25-403.03) has important legal ramifications. The finding precludes a joint custody award. In addition, the finding creates a rebuttable presumption that an award of custody to the parent who has committed the act of IPA is contrary to the best interests of the child. The perpetrating parent then also has the burden of proving to the court that parenting time will not endanger the children and the court can place restrictions on contact between the perpetrating parent and the children (orders of protection; orders restricting method of contact between parents; neutral exchanges of the children at a specific public location, a family

member's home, or a judicially approved service provider, prohibit overnight parenting, require a bond for the safe return of the child, limit use of alcohol or controlled substances during parenting time).

A complicating factor for victims in this legal analysis is that the statute regulating this finding (Ariz. Stat. Ann. § 25-403) states that the presumption does not apply if both parents have committed an act of domestic violence (i.e., causes or attempts to cause sexual assault or serious physical injury, apprehension of imminent serious physical injury, behaviors for which the court could issue an order of protection). Clear evidence of one parent as the abuser and the other parent having committed no defined acts are necessary for the statute to govern. While this legal finding could be extremely important for victims in assisting them in obtaining decrees which include safety precautions, it could also be difficult to qualify under it files cross or counter pleadings against the victim and the court finds that both committed domestic violence and issues a dual order or counter orders of protection. It is therefore important for advocates for victims, lawyers representing victims and policy makers to strongly encourage victims who would qualify under this statute to seek these legal findings so that statutory safety precautions are enlisted to help victims obtaining decrees that include safety precautions. An issue for further debate is if statute is useful in the event that victims' defend themselves or their violence-exposed children physically. Are the victims then no longer considered victims under the statute?

One troubling finding that highlights the need for continued vigilance is that two cases with a legal finding of domestic violence had parenting plans with joint legal and physical custody of the children. It is unclear how this happened. It may be that both had a legal finding of IPA. There could have been some extenuating circumstances. Why this parenting arrangement in these two cases is unclear.

When agreements were made in mediation, by far the most frequent agreement was primary physical custody to the mother with parents sharing joint legal custody. In fact in general, the specific mediation agreements as to physical and legal custody did not significantly differ according to the level of reported overall IPA. Mothers were the most frequent primary residential custodians in mediation agreements no matter the level of IPA was reported (Beck, Walsh & Weston, 2009).

Mirroring the custody arrangements made in mediation, mothers were most commonly awarded primary physical and/or legal custody (70%) while fathers were awarded primary physical and/or legal in 8% of the cases. Joint custody was awarded in 18% of the cases. The courts were sensitive to IPA in making these arrangements as joint custody was rarer in either mother-perpetrated or father-perpetrated cases of IPA, or when the reports of IPA were combined for a family level of IPA.

Although some couples with high IPA reached an agreement, an important question is what happens when couples with higher levels of IPA *do not* reach an agreement in mediation. Interestingly, the final parenting plans in these cases were very similar results to those arrangements that were reached in mediation. Mothers were most commonly awarded primary physical and/or legal custody (71%) while fathers were awarded primary physical and/or legal in 11% of the cases. Joint custody was awarded in 18% of the cases.

The encouraging news is that for couples who did not reach an agreement in mediation, safety restrictions were put into place in the parenting plans at the final divorce at a much higher rate than security restrictions negotiated in mediation (18% at time of divorce versus 6% in mediation) and those appearing generally in cases at the time of the divorce (7%). It appears that some victims whose abuser would not agree to safety precautions in mediation, chose to not

make an agreement in mediation, were able to return to court and obtain safety restrictions from the courts at the time of divorce.

Mothers were by far the most frequent primary residential and/or legal custodians both in mediation and in final divorce decree arrangements. This arrangement continued to even the highest level of combined mother and father IPA (2 standard deviations above the mean for both mothers and fathers). When taking a somewhat less severe classification of mutual IPA (those families classified as *Mutually Violent* Control in the latent class analysis) the majority of couples did not reach agreement in mediation but returned to the court for resolution of the disputed issues. For those who did remain in mediation, mother custody was the most frequent outcome. This was also true for court awards of custody. Over half of the couples' awards of custody were for mother primary custody. Somewhat surprisingly, in court ordered awards 15% were joint custody awards.

In summary, rarely are cases screened out of mediation after the initial meeting with the parents individually, rarely do abusers agree to restrictions placed on parenting or contact between parents in mediation agreements, rarely are restrictions placed on abusers in divorce decrees, and rarely is a legal finding of domestic violence made in cases with any level of IPA. A complex analysis of the findings indicates that screening cases out of mediation at an initial meeting may be risky. Mediators are in the difficult position of choosing whether to provide a victim an opportunity to choose whether she/he would like to proceed and altering the procedures to make the mediation as comfortable as possible for the victim, or making the choice for the victim of whether proceed or not to proceed in mediation. While the choice is simple if the victim does not want to proceed; the choice becomes much more complex if the victim does want to move ahead. Allowing a victim to choose could be empowering and could provide a

forum for the victim to safely have a voice with their abuser. Allowing the mediation to proceed also gives mediators a chance to observe the dynamics of the couple and evaluate the fairness of the process while it is in process. In addition, a mediator terminating the mediation after the initial session may better protect the victims than screening them out initially.

The critical piece in this analysis is that mediators *must* be well trained in identifying IPA to make these nuanced decisions at every point in the mediation process. Future research must focus on assessing how IPA impacts the negotiation process for victims. In the meantime, because virtually all cases involve some form of *psychological abuse* and *coercive controlling behaviors*, mediators may want to pay particular attention to focusing on the parents' understanding and then remediating the impact of such abuse on all members of the family, particularly the children. Psychological abuse can be just as devastating as other forms of abuse (O'Leary, 1999; Stark, 2007; Theran, Sullivan, Bogat, & Stewart, 2006).

While restrictions are rarely placed on contact between parents and on parenting in general in agreements in mediation, it also appears that victims of the highest levels of IPA are leaving mediation without agreements. These couples then go on to court and have restrictions included in their divorce decrees at a much higher rate as compared to restrictions in mediated agreements and for couples with lower rates of IPA in mediation. It is possible, however, that standardized, multi-modal screening for IPA would result in more accurate identification and dispositions of these high risk couples early on in the process, before they go through mediation and fail to reach an agreement.

As was done in this jurisdiction, it is important for mediators, advocates and lawyers working with victims to remind victims in most mandatory mediation jurisdictions they are *required to attend the orientation* screening session but they are *not* required to reach

agreements, particularly agreements that are unsafe. It is important that the limitations of the mediation process are acknowledged. This reminder should not be buried in a long list of potential benefits of mediation but should instead be an important focus of the orientation. Because mediators are not judges they cannot order that specific terms (such as protections for children or restrictions on contact between parents) be included in mediation agreements even if it would be in the best interests of the children and the adult victim (Beck, Walsh & Weston, 2009). Although mediators in this study allowed couples to negotiate agreements that did not often include specific restrictions, couples with the highest levels of IPA did not reach agreements and, for many of these couples, the divorce decrees included restrictions. If advocates for victims and policy-makers have as a goal the desire for safety restrictions to be included in mediation agreements then a process other than traditional mediation will likely be required. Hybrid models of mediation may be an option to consider, particularly for couples with high levels of IPA and who do not have attorneys to assist in framing the issues and negotiating the terms of divorce decrees and parenting plans if mediation fails.

Mediator/arbitrator hybrid models of mediation have been used in community mediation and results of early studies investigating these models found they produced effective negotiation behaviors during mediation (Pruitt, 1995; McGillicuddy, Welton & Pruitt, 1987). Researchers investigated three conditions:

- (1) Straight mediation-- mediator did not issue any decisions following unsuccessful resolution by the clients (med only);
- (2) Mediation/arbitration-- mediator did issue a legally-binding decision if the clients did not reach agreement (med/arb[same]); and
- (3) Mediation/arbitration—a different mediator issued a legally-binding decision if the clients were unable to reach an agreement (med/arb[differ]) .

The results of the study found that in med/arb(same), disputants engaged in more problem solving, were less hostile and less competitive. Somewhat surprisingly, in this condition the mediators/arbitrators were also viewed as less forceful, and the clients saw themselves as more involved in the decisions. And, mediators in both mediation only and med/arb(differ) conditions were less involved than those in med/arb(same) group (Beck & Sales, 2001).

Results of studies investigating similar hybrid models in the divorce mediation context indicated that satisfaction rates did not differ between those jurisdictions in California where mediators make recommendations to the court in unsuccessful mediation, and thus resemble the med/arb(same) model, and those mediations where the process is confidential, which resembles the more traditional mediation process (Kelly, 1996; Depner, Cannata, & Ricci, 1995). Future research would, however, need to carefully empirically investigate the short- and long-term outcomes for self-representing, high IPA couples assigned these hybrid models as compared to mediation as usual. The potential benefits of such models are that critical IPA screening information provided in mediation could be incorporated into agreements to protect victims and violence-exposed children in the volatile years post-divorce.

Goal 3: Assess the frequency with which mediation agreements/divorce decrees are re-litigated over time.

In the five years post-divorce, the majority of families returned to court at some point for hearings, orders and/or stipulations. The good news is that regardless of the legal procedure the family participated in (hearing, order, or stipulation) the majority of families returned between one and five times in the five year period. The bad news is that, a small subset of families was responsible for consuming a tremendous number of court resources; 31 families were responsible for 31% of the hearings in the five years of the study. For these families, continued court involvement was the hallmark of their post-divorce life. Depending on the circumstances of the cases, excessive involvement of the courts in families is being discussed and recognized as a form of economic abuse and stalking (Miller & Smolter, 2011; NCJFCJ, 2008; Pollet, 2011).

Data collection for this study was conducted prior to the current efforts of courts to manage these high volume cases. Recently courts have developed Parenting Coordinator Programs to address the needs of these high conflict, high volume users of court processes (AFCC Task Force on Parenting Coordination; 2005; Beck, Putterman, Sbarra & Mehl, 2008; Coates, Jones, Bushard, Deutsch, Hicks & Stahl, et al, 2003; Hayes, 2010; Henry, Fieldstone & Bohac, 2009). These programs enlist the assistance of a parenting coordinator to quickly respond to and resolve many of the issues that would have required couples return to court. The proposed benefit to the couple and the children is that issues get resolved much more quickly and do not linger and escalate. The benefit for the court systems is the reduction in returns to court. Although few have been evaluated for effectiveness, those that have been evaluated have shown some promise (Beck et al., 2009; Henry et al., 2009). Continued court-based efforts to develop case management processes for these high conflict families and empirically evaluate their

effectiveness are essential for reducing the burden these high users place on their families and the courts.

Since all of the participants in this study had disputes concerning the future of their children; it is not surprising that the majority of the post-decree hearings, stipulations and orders post-decree were child-related (child support, child custody, or parenting time). Issues related to child support required the most court resources. Fathers were overwhelmingly more likely to request hearings to modify child support while in contrast mothers were only as likely as the Court or an Unknown source to request hearings to enforce child support orders. Fathers are somewhat more likely to request hearings to modify parenting time. Fathers are also overwhelmingly more likely to request modification of spousal maintenance while mothers are overwhelming likely to request hearings for issues related to IPA, child abuse and harassment. Thus, it appears fathers request the court modify financial obligations and mothers request the courts enforce fathers' financial obligations. It is not the case that mothers are more often instigating changes in financial arrangements but mothers and sometimes courts and presumably welfare agencies are more often requesting obligations to be met by fathers.

Contempt actions for enforcement of child support orders are often brought by the court (if the payor's wages are being garnished and paid through the courts) or by the department of public welfare (if the recipient or any children are receiving public assistance). When these actions are taken over the objections of the mothers, it could place the victim at increased risk. A national survey of child welfare agencies found that less than half of the agencies had written policies and procedures for addressing the issue of IPA in families seeking their services (Hazen, Connelly, Edleson, Kelleher, Landsverk, Coben et al, 2006; Yearwood, Dowd & Starsonneck, 2008) and another study found that only slightly more than one half of the surveyed welfare

agency caseworkers reported they always screened families for IPA, with the remaining caseworkers indicating they sometimes screen for IPA (Bourassa, Lavergne, Damant, Lessard & Turcotte, 200; Yearwood et al., 2008). These results are concerning in that another study of 1082 applicants for public assistance in four different welfare offices found that 40% of the applicants for public assistance confided that they were currently experiencing domestic violence (Pearson, Thoennes & Griswold, 1999; Yearwood et al., 2008).

At times victims will specifically not seek child support or enforce child support orders. A study found that 7% of female victims of IPA in Colorado applied for a waiver releasing the other parent from paying child support (Pearson & Griswold, 1997; Yearwood et al., 2008). Of these women, 76% viewed the abuser as still dangerous and believed that seeking child support would make the situation even more dangerous; 38% had a confidential address; and, 72% moved to avoid the abuser (Pearson & Griswold, 1997; Yearwood et al., 2008). The complexity of post-divorce parental relationships needs further investigation particularly concerning financial relationships as they place the most significant burden on the post-divorce custodial parents and may place victims of IPA and their IPA-exposed children to increased risk of future violence.

In this study fathers were predominantly the parent paying child support and spousal maintenance as mothers were overwhelmingly the primary physical custodians of the children. An important question for future research is to investigate why fathers' were overwhelmingly the instigators of legal disputes concerning financial arrangements. A simple answer is that the laws governing child support payments do not take into consideration important costs for fathers resulting in economic hardships for fathers (Braver, Shapiro & Goodman, 2006). Another possibility is that physical custody arrangements change after the divorce leaving fathers with

more time with their children and more costs associated with the more time. It could also be due to changes in the fathers' financial status, changes in child development and child needs with respect to outside activities.

An important consideration is that continued legal wrangling over child support and/or spousal maintenance could be a method of harassing and abusing an ex-spouse through the legal system (Miller & Smolter, 2011; NCJFCJ, 2008; Pollet, 2011). Mothers do overwhelmingly request hearings for IPA, child abuse and harassment; however IPA measured at the time of mediation had was only a weak influence on post-decree hearings and orders. It may be that IPA changes over time with increases in IPA for some families.

The good news for mediation programs is that mediation does appear to have a positive impact on reducing post-divorce litigation. Those couples who were able to reach a full agreement in mediation required significantly fewer post-decree hearings and orders. Unfortunately, not all couples are able to reach a full agreement and reaching a partial agreement did not have the same benefits in reductions in post-decree litigation. Couples with only partial agreements often continue to return to court for additional stipulations post decree. Stipulations, however, indicate some degree of cooperation and an ability to resolve issues without hearings and thus place less of a burden on the courts.

The finding that mediation reduces post-decree litigation is important for policy makers considering whether to develop or fund mediation programs. In the study jurisdiction, well-trained mediators were given wide latitude to provide as many sessions with couples as needed and were able to assist many couples in reaching agreements. Over half of the couples entering mediation were able to negotiate a full agreement. And, in doing so, these couples required fewer

court resources post-divorce. For the couples unable to reach agreement in mediation, mediation added a potentially time consuming step to the divorce process.

An important finding that is well supported by the extant research on separation and divorce is that for some couples IPA did not stop at separation or divorce. For a minority of couples, calls to law enforcement, orders of protection, and court hearings regarding IPA were reported after separation and after the divorce was finalized. Again, it is important that any agreements between the couples address the risk of continued IPA.

Goal 4: Test a multivariate conceptual model using variables that are hypothesized to affect mediation, divorce case and post-divorce outcomes (see Figure 16).

To better understand the dynamic nature of the divorce process and the many interrelated variables, we also used a multivariate analytic approach. We began by aggregating theoretically relevant constructs across an entire system to guide our inquiry into those leading to outcomes associated with mediation, the divorce and the post-divorce legal processes. We then created a theoretically-specified causal order for the constructs and then ran a series of multiple regression models in the context of a Cascade Model (Figure 16). Beginning at the far left of Figure 16, 15 specific hypotheses were tested relating to the relationship between the constructs (see pp. 113-118). These can be categorized into three temporally related sets of variables.

The first set was variables that occurred prior to mediation (marital stressors, father and mother perpetrated coercive controlling behaviors and IPA) and we hypothesized these variables had a strong impact on mediation outcomes as well as downstream outcomes associated with the divorce and post-divorce. The next set of variables was those that occurred as a result of mediation (mediator call of IPA, mediator providing special procedures/accommodations, and whether an agreement was reached). The third set of variables was those that occurred as a result of the final divorce (court finding of IPA, restrictions in decree on the abusing parent, order of

protection, child maltreatment and custody decree favoring mothers). The final set of variables related to post-decree outcomes that were possible after the divorce process (post decree hearings, orders and calls to law enforcement); however, fortunately not all couples had post-decree interactions with the area law enforcement or the courts.

Prior to Mediation

The first four hypotheses concern the relationships between marital stressors, *coercive controlling behaviors* and parental IPA. We hypothesized that marital stressors are an important trigger forms of *coercive controlling behaviors*. Marital stressors assessed in this study included mental and physical health concerns, use of counseling/therapy, use of medications, substance abuse/use concerns and a measure of poverty. Decades of research has documented the emotional chaos and financial hardship experienced by families going through a divorce (Ahrons, 1994; Emery, 1994; Fine & Harvey, 2006; Hetherington & Kelly, 2002). Divorce is an emotionally difficult and stressful time on any couple, even the most physically and mentally healthy and financially secure. We hypothesized that those couples experiencing additional stressors noted above could be triggered to use *coercive controlling behaviors* or IPA. The results indicated that this was the case. Marital stressors influenced fathers' use of *coercive controlling behaviors*. For mothers, both fathers' use of *coercive controlling behaviors* and marital stressors influenced mothers' use of *coercive controlling behaviors*. Although significant, the data was limited to those stressors documented in case files. To more fully understand the relationship between marital stressors and *coercive controlling behaviors*, future research needs to investigate more completely distal and proximate marital stressors that are found to trigger instances of IPA (Finkel, DeWall, Slotter, Oaten & Foshee, 2009) and the impact of these triggers on couples in the context of an ongoing divorce.

The analyses then focused on three hypotheses concerning the relationships between IPA (*psychological abuse, physical abuse, threatened and escalated physical violence and sexual intimidation/coercion/assault*), marital stressors and *coercive controlling behaviors*. Prior research indicated a strong relationship between *coercive controlling behaviors*, and the other dimensions of IPA for this population (Kelly & Johnson, 2008). There were significant relationships between these variables; however, there was a difference in what influenced fathers' and mothers' use of IPA.

Fathers' use of IPA was strongly influenced by his *coercive controlling behaviors* towards the mother and marital stressors but not by mothers' use of *coercive controlling behaviors* towards him. At least for fathers in this sample, it appears that when *coercive controlling behaviors* failed to achieve the goal of controlling the mother additional dimensions of IPA were then used. Mothers' use of IPA is strongly influenced by her use of *coercive controlling behaviors* and the fathers' use of *coercive controlling behaviors* but not his use of IPA or marital stressors. From these results it appears that mothers' struggle for control turns into IPA whereas for fathers marital stress drives his use of *coercive controlling behaviors*. If these *coercive controlling behaviors* fail he uses IPA to deal with the marital stress and control the relationship with the mother. In our prior work we hypothesized, and then confirmed using structural equations modeling, that control is the motivator for other dimensions of IPA (Tanha et al., 2009). In other words, when *coercive controlling behaviors* fail, physical dimensions of IPA (*physical abuse, threatened and escalated physical violence; sexual intimidation/coercion/assault*) are then used in service of the goal of control. It appears that attempts at control did fail for both mothers and fathers and both moved into using other, more severe forms of IPA.

We then moved to the hypothesis concerning the effects of child maltreatment on mediation outcomes, divorce and post-divorce outcomes. We hypothesized that child maltreatment would co-occur with IPA and that mothers would have less favorable custody and parenting time outcomes when this occurred. Reported child maltreatment was influenced by mothers' use of IPA against the father but was significantly and *negatively* influenced by mothers' use of *coercive controlling behaviors*. Reported child maltreatment was not, however, influenced by fathers' use of either IPA or *coercive controlling behaviors* or marital stressors.

These findings are interesting in that child maltreatment is extremely important for making custody decisions post-divorce. There are very few studies investigating co-occurrence of IPA and child maltreatment, particularly in the context of reports and re-reports to Child Protective Services. The ones that do exist generally focus only on patterns of *physical abuse* between both parents and children (Jouriles et al., 2008; Mahoney, Donnelly, Boxer, & Lewis, 2003; Slep & O'Leary, 2005). Two studies using small samples found the most common form of co-occurrence was for both spouses to engage in IPA and for one or both parents to engage in severe aggression toward the child (Jouriles, et al., 2008). And, in these prior studies mothers were about as likely as fathers to use severe aggression toward the child. It is interesting that in this study we found that the predictive association was more on mothers' maltreatment of children as opposed to fathers'.

A unique feature of this study is that we were able to assess a broader range of parental IPA behaviors. By *including coercive controlling behaviors* we found there was a protective effect of a mother who uses *coercive controlling behaviors* against the father on the reports of child maltreatment. From these findings it appears that if mothers' *coercive controlling behaviors* of fathers is effective the mothers do not move on to physical dimensions of IPA with

either the fathers or the children. Alternative explanations for the relationship between mothers perpetration of both IPA and child maltreatment are that (1) fathers made retaliatory and possibly false reports of child abuse against the mother and (2) that mothers disciplined the child harshly knowing that if she did not the father would do so far more harshly. One unpublished study from a hospital-based program at Boston's Children's Hospital found that 16 months after children were released from the hospital 85% of the battered women were no longer living with their batterer, the child abuse stopped and only 3 of the 500 children studied were subsequently placed in foster care (Taylor, 1998). It appears that separating the parents was instrumental in stopping the child maltreatment regardless of whether it was perpetrated by the mothers or the fathers.

Future research needs to continue this finer grained analysis of the relationship between different types of IPA and *coercive controlling behaviors* and child maltreatment. Focusing solely on the co-occurrence of physical forms of IPA and child maltreatment also neglects to take into consideration the serious and lasting impact of the more psychologically oriented forms of IPA and child maltreatment (O'Leary, 1999; Stark, 2007; Theran et al., 2006) and the complex relationship between the two.

Mediation Outcomes

The next four hypotheses concern the relationships between the measures of IPV, *coercive controlling behaviors*, and mediation outcomes (whether a mediator determines a case to include IPA, whether the mediator offers the couple special mediation procedures to accommodate IPA, and whether couples make an agreement in mediation). We hypothesized that both mothers' and fathers' IPA and *coercive controlling behaviors* would predict whether a mediator would determine that a case has IPA. We also hypothesized that couples' IPA and *coercive controlling behaviors* and whether couples were determined by the mediator to have

IPA would predict whether a mediator would offer a couple special mediation procedures to accommodate IPA. And, we hypothesized that mediator identified IPA, special accommodations and the parents' IPA and *coercive controlling behaviors* would predict whether a couple negotiated an agreement in mediation. These hypotheses were supported in interesting ways.

The mediator's determination that a case had IPA was influenced by both the mothers' and fathers' reported levels of IPV. This is important in that this finding indicates that mediators are sensitive to both mother and fathers' reports of IPA. This mediator IPA determination is extremely important for the couple in that it opens door for the mediator consider a host of options to protect the safety of the victim and violence-exposed children, in the short and long-term. The mediator can suggest procedural accommodations to ensure the victim feels safe enough to represent their own interests during the mediation process.

To ensure the seriousness of the IPA is documented, is assessed in terms of effects on parenting, and that it comes before the judge to consider in determining custody arrangements, the mediator can recommend the victim obtain an assessment of IPA. These assessments can be obtained at relatively low cost from a domestic violence advocate agency and sometimes well-trained domestic violence units of local law enforcement agencies. These agencies can also assist the victim in deciding how best to proceed in terms of obtaining orders of protection and other safety measures to protect themselves and their IPA-exposed children. If the victim has economic resources, a mediator can recommend the victim request a custody evaluation from an evaluator who is well trained in detecting IPA and making appropriate recommendations to protect the safety of the victim and the IPA-exposed children. Suggestions to contact custody evaluators and law enforcement agencies are predicated on the critical assumption that both are well-trained in the accurate assessment and detection of IPA. Many custody evaluators are not

well-trained and thus can create conditions that lead to continued victimization (Dalton, Drozd, & Wong, 2006).

Having a determination that a couple had IPA in the relationship significantly influenced the decision of the mediator to provide special accommodations for the couple in mediation. Mediators' provision of special procedures was also significantly influenced by mothers IPA against fathers but not fathers IPA against mothers. And, neither parents' *coercive controlling behaviors* was independently influenced by special procedures. It was hypothesized that *coercive controlling behaviors*, would be independently detrimental to victims' confidence in negotiating with an abuser. This was not found in this data. The reasons for this lack of direct relationship could be explained by the indirect relationships *coercive controlling behaviors* has through IPA. Both parents' IPA was highly influenced by their perpetration of *coercive controlling behaviors*. It may also be that victims' who experience *coercive controlling behaviors* in the absence of physical forms of IPA did not request special procedures be provided. It may also be that victims of *coercive controlling behaviors* do not feel at a disadvantage in negotiating in mediation. Future research needs to continue developing measures of *coercive controlling behaviors*. The measure used in this study was a first effort at investigating how these particular behaviors impacted mediation. There may be other important items that need to be included for both mothers and fathers.

The reasons for mediators' particular sensitivity to fathers' victimization in relation to providing special procedures is interesting. For decades victims' advocates have argued that mothers' victimization does not make a significant impact on mediator decision-making; however, this is not quite the entire story in this study. Mediators were sensitive to mothers' victimization in identifying a case as having IPA but were more sensitive to fathers in provided

special accommodations during the process of mediation. It may be that mediators were concerned that mothers' IPA would lead to incidents of IPA immediately following the mediation sessions. The most common accommodations provided were for the parents to leave the mediation site at separate times or for one parent to be escorted to their car. With mothers high on IPA the mediator may have felt the couple at higher risk of incidents of IPA on the way out of the offices. It could also be that there was more evidence in the form of law enforcement reports etc. to substantiate claims made by father. Attempting to rationally negotiate the future structure of your family at the same time both parents are going through immense emotional turmoil is an unnatural process and can cause anger and increase the chances of overt hostility.

We hypothesized that couples provided special procedures and with high levels of IPA and *coercive controlling behaviors* would not reach an agreement in mediation. This hypothesis was partially supported. Making an agreement in mediation was significantly and *negatively* related to a mediator providing special procedures in mediation, significantly and *negatively* influenced by fathers' IPA and significantly and *negatively* influenced by mothers' *coercive controlling behaviors*. In other words, if a couple needs a mediator to provide special accommodations to participate in mediation, there is less likelihood of the couple actually reaching an agreement. There are some practitioners and scholars that vehemently argue that couples benefit from mediation whether they reach an agreement or not. The argument is that the mediation process itself can provide significant benefit for couples in learning how to negotiate and focusing them on the needs of their children. There has been less discussion concerning how to operationalize potential outcomes to capture and quantify of this benefit. Assessing the costs and benefits of providing accommodations is essential.

Beyond special accommodations, couples wherein fathers' do not perpetrate IPA and mothers do not perpetrate *coercively controlling behaviors* were more likely to reach an agreement. Fathers who feel controlled and manipulated by mothers and mothers who are victims of IPV likely do not trust the other parent to negotiate fair agreements in mediation or do not feel safe in negotiating with the other parent. Rather, couples with these issues prefer to return to court for awards of custody and/or parenting time.

Divorce Outcomes

The next four hypotheses concern the relationships between the measures of IPV, *coercive controlling behaviors*, mediation outcomes and divorce outcomes (whether a case has a legal finding of IPA, whether a divorce decree has restrictions placed on parenting or contact between parents, whether there is an order of protection and whether the custody agreement favors mothers). We hypothesized that fathers and mothers' IPA and *coercive controlling behaviors*, and child maltreatment would be influenced by the case having orders of protection. This hypothesis was partially supported. Mediators' determinations of IPA, mediators' providing special procedures for the mediation sessions, fathers' IPA and mothers IPA were all positively and significantly influenced by whether a case would have an order of protection. These results are not surprising because our prior analysis of this data indicated that an important factor in mediators making a determination that a case has IPA was evidence of outside agency involvement with the family (Beck et al., 2010). What was interesting was the influence of *mothers' coercive controlling behaviors negatively* on whether a case would have an order of protection.

This pattern of findings mirrors the relationship between mother's *coercive controlling behaviors* and reports of child maltreatment. It may be that if mothers perpetrate IPA the reaction

of the legal system is very strong and orders of protection are issued. However, if mothers exhibit *coercive controlling behaviors* toward the fathers and it is successful in controlling the relationship, the mothers then do not move on to committing IPA nor do they raise the concerns of the legal system. These behaviors then actually protect themselves and their children.

Defining and investigating empirically *coercive controlling behaviors* in the context of mediation is just beginning. It may be that other items need to be included to fully understand the relationship between *coercive controlling behaviors* and orders of protection. It will be important to continue this research and continue to develop measures that accurately capture the construct for both mothers and fathers. It may be that the measure used in this study did not adequately capture mother-perpetrated *coercive controlling behaviors*. Preliminary evidence from a small scale study using the same measure of *coercive controlling behaviors* that was used in this study indicated that at least for a sample of men in same sex relationships, the *coercive controlling behaviors* take different forms (Raghavan & Beck, 2010).

We hypothesized that a legal finding of IPA in a case would be related to fathers and mothers IPA and *coercive controlling behaviors* as well as a case having an order of protection and child maltreatment. A potential safeguard for victims in a family with IPA is for the victim to request the court to issue an order formalizing a finding of domestic violence in the family. In the study jurisdiction, if such a finding is ordered, special conditions were placed on who could be awarded custody and the restrictions that could be placed on the abuser. This hypothesis was only partially supported. Results indicated that mothers' IPA, reported child maltreatment and orders of protection all significantly and positively influenced whether a case would have a legal finding of domestic violence in the case. Fathers' IPA did not have an influence.

One potential reason for these findings is that there is a popular stereotype of mothers who are involved in custody disputes. The stereotype is that mothers make false claims about IPA or exaggerate IPA that is there, and make false claims about child maltreatment as a way to gain unfair advantage in a divorce (Mastracci, 2007). Divorce attorneys representing mothers may be hesitant to request a legal finding of domestic violence for fear of playing into this stereotype and reducing their chances for a good outcome for clients who are mothers. Careful analysis of court records is needed to determine which parent petitioned the court for the legal finding.

Another potential reason is that it is mothers who are maltreating the children and perpetrating IPA against fathers and it is these behaviors that drive a legal finding of domestic violence in a family. Careful future research documenting the specific types of IPA in a relationship, the specific types of maltreatment against the child, and the specific perpetrators of both is needed to determine which of these scenarios are true.

Restrictions placed on abusers' access to victims and interactions with violence-exposed children are important safeguards to preventing future IPA. We hypothesized that restrictions placed on parenting and contact between a couple would be determined by a court finding of IPA, mothers and fathers' IPA and *coercive controlling behaviors*, orders of protection and child maltreatment. This hypothesis was partially supported. A court finding of IPA, marital stressors, fathers' IPA and orders of protection all significantly and positively influenced whether a decree would include restrictions on contact and parenting. It is interesting that while mothers' IPA was related to a legal finding of IPA in a relationship, it was the fathers' IPA that directly influenced restrictions being placed on parenting agreements. It is important for future research to investigate reasons attorneys seek legal findings of IPA. It may be that attorneys have

determined that fathers' will have a better chance of obtaining custody if they request a legal finding of IPA but not mothers.

Interestingly, marital stressors and orders of protection also influence restrictions in the decree. Items included in the marital stressors constructs may drive this finding. Substance abuse and mental health concerns, along with child maltreatment, are extremely important factors judges consider in ordering restrictions on parenting.

We coded the custody agreement variable in such a way as to capture the range of legal and physical custody options possible. We coded the custody agreement variable such that a positive number would reflect an arrangement favoring the mother (sole legal and physical custody to mother) and at the opposite end of the spectrum a negative relationship would indicate the custody arrangement favoring the fathers. Custody decrees favoring mothers were significantly and *negatively* influenced by reported child maltreatment and marital stressors, and significantly and positively influenced by fathers' IPA. This finding is interesting in that it suggests that courts are extremely sensitive to mothers' child maltreatment and possibly marital stressors relating to the mother (mental health and/or substance abuse concerns). Because mothers are overwhelmingly the primary residential parents in this study, courts are seriously considering if mothers can be fit parents.

Post-Decree Outcomes

Continuing conflict between parents after a divorce has been finalized has well established detrimental effects the parents and children as well as places burdens on the law enforcement agencies and courts responsible for assisting parents in resolving conflicts. The remaining three hypotheses concern the variables which influence continued involvement with

the legal system. Two sources of continued involvement were assessed: calls to area law enforcement and court hearings/orders post-divorce.

The majority of parents returned to court after the divorce was finalized and nearly as many had interactions with local law enforcement. Forecasting who might need post-decree intervention is important. With this information mediators and judges could discuss how procedures might be modified to help reduce the possibility of conflict post-divorce and thus the need for continued court and law enforcement involvement. A measure of post-divorce conflict is whether one or both of the parents made calls to the area law enforcement. We hypothesized that calls to area law enforcement would be influenced by parental IPA and *coercive controlling behaviors*, outcomes from mediation and the divorce process. Interestingly, the two important predictors of post-decree calls to area law enforcement were the mediator identification of a case as having IPA and reported child maltreatment. In our previous work we identified that a major influence on mediator identifying a case as having IPA was outside agency involvement including shelters, medical (hospital), police and criminal justice systems (order of protection) (Beck et al., 2010). It is interesting that two of these variables collected at the time of mediation (calls to police and child maltreatment) are then predictive of post-divorce calls to law enforcement. First, the finding speaks to the importance of mediators including these questions on any screening. And, second, it speaks to the importance of judges' structuring agreements to protect the safety of victims and maltreated children possibly through restrictions being placed on abusing parents. Because parents are no longer living together, the opportunity for IPA is reduced, although not eliminated due to shared custody or visitation agreements, but not so for child maltreatment or for parents using the children as pawns, or as another way to control the other parent (i.e., emotional abuse).

We hypothesized that the number of post-decree court hearings would be influenced by parental IPA, mediation and divorce outcomes. The number of court hearings post-divorce was significantly and *negatively* influenced by whether a couple reached an agreement in mediation and whether the court made a legal finding that the case involved IPA, and was significantly and positively influenced by reported child maltreatment. These findings are exciting for mediation programs in that if couples are able to reach a full agreement in mediation, there is a reduction in post-decree litigation.

The remaining findings indicate that multiple problem families (IPA and child maltreatment) continue to request court intervention to resolve issues in the family. Court-based programs (such as parenting coordinator programs) have come into existence since the data was collected for this study. These programs are specifically designed to assist multiple problem families quickly resolve the majority of disputes without the need for court hearings (Beck, Putterman, Sbarra & Mehl, 2008). Continued evaluation of these programs including direct assessment of the children are needed to determine the usefulness of them in decreasing relitigation.

The number of court orders was significantly and positively influenced by the number of post-decree hearings and significantly and *negatively* influenced by court custody awards in decrees favoring mothers. It appears that mothers who received unfavorable awards continued to work toward more involvement with their children post-divorce.

Recommendations for Policy, Practice and Research

Making decisions about who should be and who should not be in mediation is not as clear as one would hope (Beck & Frost, 2006; Beck et al., 2010). Decisions concerning couples with IPA in mediation are extremely complex issues that must include input from victims, mediators, court administrators and policy-makers. From the results of this study, we are advocating:

(1) Provide essential training in the dynamics of IPA

Mediators, judges and court staff working directly with potential victims of IPA need to be well trained in the dynamics of IPA and how it may manifest the context of a divorce.

(2) Use a structured, systematic approach to assessment of IPA in mediation

Using a structured, systematic, multi-method approach is likely to be considerably more effective than using only a semi-structured clinical interview in reducing the rate of false negatives in the IPA screening process. We are strongly recommending that mediators adopt a standardized approach to administration of both semi-structured clinical interviews and standardized questionnaires and ask all questions about IPA of all parents.

Mediation practitioners, scholars and violence experts also need to work together to continue developing a more reliable, valid, approach to screening for all dimensions of IPA in mediation including stalking. Because *coercive controlling behaviors* were important indicators separate from the other dimensions of IPA, continued focus on developing adequate screening measures for both mothers and fathers is needed.

(3) Automate screening measures

Development of an automated version of a comprehensive IPA screening measure that quickly combines data from both members of a couple for mediator review and decision-making is critical for an accurate assessment of IPA. Although assessment can be automated relatively

easily, the complex decisions mediators must make for a particular couple in determining whether to move forward with mediation or not, or to provide an accommodation or not, requires careful thought and analysis of the benefits and risks in consultation with the reported victim.

(4) Assess Mediation special procedures to accommodate victims

Prospective research using systematic and structured assessment of IPA which clearly documents the reasons for dispositions of cases with documented IPA histories is needed so that effective policies to screen clients out or provide accommodations can be developed. An accommodation which might be helpful to empirically investigate for reported victims of IPA wishing to continue in mediation is for mediators to pre-arrange with the victim a sign (e.g., hand signal or word) that the victim can use in the event the she or he feels unsafe or afraid. If used the mediator will know to stop and possibly caucus with the parents individually to insure the victim wishes to continue. Some abusers convey threats only the victim will understand and it is important for a victim to be able to signal a mediator when this occurs. Perhaps researchers working with practitioners can design a study where mediators are included in developing a standardized set of accommodation practices along with hypotheses that identify which accommodations are best implemented in cases involving different types of IPA. Carefully defined and collected outcomes can then measure the effectiveness of the accommodations provided, thereby empirically investigating if the process can be improved and appropriate accommodations instituted across cases.

Mediation program personnel, lawyers and advocates working with potential victims should strongly encourage clients who are concerned about IPA or who want specific accommodations in the mediation process to call and request such accommodations or express concerns about mediating.

(5) Acknowledge the limitations of the mediation process

Mediators are not judges and cannot *order* that certain conditions to be included in agreements (such as protections for children or restrictions on contact between parents) or that the conditions be followed even if such requirements would be in the best interests of the children or the adults. In the majority of jurisdictions across the United States, mediators instead facilitate negotiations between parents and each parent has a right to decide what they will and will not agree to. If both parents do not agree to a specific condition, it will not be included in any resulting agreement. If parents do not agree on any issues then no parenting agreement will result. Holding mediators and mediation programs responsible for parenting agreements, freely negotiated between the parties, that do not include safety precautions flies in the face of what mediation in this and many other jurisdictions are designed to accomplish. If a mediator believes that one of the parties cannot adequately represent their interests or the agreement negotiated between the parents will not be in the best interests of the child[ren] is terminate mediation, the resource the mediator has is to terminate mediation without an agreement. This decision is difficult, complex and must be made carefully and in consultation with the party having trouble representing her or his interests.

(6) Investigate hybrid mediation/arbitration mediation interventions

If policy-makers wish to ensure that couples with IPA negotiate mediation agreements which include safety restrictions, they must consider empirically investigating a separate process for these couples. The hybrid mediation/arbitration intervention may be particularly important to empirically investigate with *pro se* couples with high IPA. Currently, victims without legal representation who are unable to negotiate safe parenting plans in mediation currently must return to court and present her or his case to the judge.

(7) Encourage legal findings of “domestic violence” in appropriate cases

The results of this study indicate that a parent with a legal finding of domestic violence in their case is more likely to have safety restrictions on contact between abuser and victim and on parenting (e.g., orders of protection; orders restricting method of contact between parents; neutral exchanges of the children at a specific public location, a family member’s home, or a judicially approved service provider) in the divorce decrees. Lawyers, advocates for victims and mediators should carefully consider, in consultation with victims, recommending that victims obtain court orders with legal findings of domestic violence.

(8) Assess outcomes for children directly and prospectively

Children are often caught in the cross-fire of parental IPA and so the co-occurrence of IPA with child maltreatment is high. Broader assessment and evaluation of child maltreatment and IPA (looking beyond physical forms of both) is essential to truly understand if mediation or any other court program is benefitting children. Psychological abuse can be just as devastating as other forms of abuse (Coker, Smith, Bethea, King, & McKeown, 2000; O’Leary, 1999; Stark, 2007; Theran, Sullivan, Bogat, & Stewart, 2006). Because virtually all cases in the study involved some form of psychological abuse, mediators should pay particular attention to assisting the parents to understand and remediate the impact of such abuse on the members of the family, particularly the children.

(9) Assess the effectiveness of court-based programs for pre- and post-divorce “frequent flyers”

A small group of families were found to require a tremendous number of court hearings post-divorce. As a result, parenting coordinator programs are developing rapidly across the United States with very little empirical basis of support. Courts need to empirically evaluate the

effectiveness of court-based parenting coordinator and case management processes to determine whether these programs are having the desired benefits for families.

Limitations of the research.

Archival data from court records and area law enforcement records are an unobtrusive and efficient means of gathering important data. Data collection in this manner is not traumatic for the subjects and it does not disrupt the ongoing court and law enforcement processes.

Archival data is also relatively cheaper, quicker and easier to assess large numbers of cases. And, in some cases the information cannot be assessed in any way (Jewkes, 2008). There are, however, limitations to using official records to collect data. The data available is limited to what the records contain. Records are often incomplete, files can be misfiled and documents intended for the files can be misfiled. The quality of the records is not under the control of the researcher (Jewkes, 2008). Access to the records can be limited and refusal to allow access or provide certain portions of the data can occur.

More specific to this study, these data are from only divorcing couples who had disputes about custody and/or parenting time of their children from one jurisdiction and one court-sponsored, free mediation program. There is no way to empirically identify which couples chose this program over private, fee-for-service mediator or mediation program. It is likely that those couples with the most disposable income did so. Because this is a study specifically of divorcing couples with children referred to mediation and not all divorcing couples, couples without children and/or those couples with children but who were able to work out agreements concerning custody and/or parenting time were also not included in this study. Because of the specifics of this sample, there are limits to the generalizability of the findings.

It is important to note several issues relevant to the screening procedure and the use of the screening forms by the mediators. As noted above, these forms were a portion of the mediation program's routine screening procedures and were not designed specifically for research

purposes. These forms were provided as a tool for the mediators to use in recording factors relevant to their decisions about whether to and how to continue mediation. Therefore, these data represent the individual determinations by mediators as to what was important to them to note.

In addition, the behaviorally-specific questionnaire included in the file (the RBRS) looked at IPA in the past 12 months only. Thus, it did not capture the full extent of IPA that existed in the entire relationship nor did it document specifically current IPA ongoing in the relationship. The RBRS also did not assess either who the primary or predominant aggressor was or the relationship context in which any of these behaviors occurred. Whether the acts were self-defense or abusive/violent acts cannot be distinguished using the RBRS. Future research needs to include structured, standardized assessment measures of IPA in addition to in-depth interviews with the clients to gain a full understanding of the important areas and the specific contexts and impact of the violence in the family. It is extremely important for future research that a clear picture of the history of the IPA in the relationship can be understood, the victim and abuser can be correctly identified so that the court system can respond appropriately to protect the victim and the violence-exposed children.

The data in this study concerning accommodations is likely a serious underestimate of the actual number of accommodations provided. Some mediators at the study site did not document these accommodations because they believed they were mediation techniques as opposed to accommodations. There has been two decades of scholarly discussion of the possibility of special procedures used in mediation to accommodate couples with IPA (Duryee, 1995; Erickson & McKnight, 1990; Girdner, 1990; Landau, 1995; Magnana & Taylor, 1993; Marthaler, 1989; Newmark et al., 1995; Vincent, 1995; Yellott, 1990), but there has yet been no systematic empirical research investigating what accommodations are provided and when they are provided

and why they are provided. This study represents one of the first attempts to document the use of special accommodations for couples with IPA. This study was a naturalistic evaluation of one county's practices. Future prospective research is needed first which carefully defines special procedures/accommodations, assigns couples to specific accommodations based on hypothesized needs, then documents defined outcomes associated with the couples in the different accommodation groups (Ellis, 2008). This research would be helpful in understanding how accommodations affect case processing and case outcomes.

In assessing independent evidence of IPA allegations, a strong word of caution is necessary about the law enforcement data in this study. It is extremely important to note that the time period from two years prior to filing a divorce decree to January 31, 2007 could represent a serious underestimate of the total calls to all law enforcement for the couple. These data are only those calls that were made to the two local law enforcement agencies at the study site. Calls could have been placed to agencies outside the local area and would not be reported in these data. Families often relocate during and after a divorce. Those that relocated temporarily at any point or relocated permanently and called law enforcement assistance in the new location would not be represented in these data. In addition, due to limited law enforcement agency resources to collect data for this study, these data represent only calls where both parents are involved. If the mother and father were not suspect and victim in a call, the call was not included in the data. Thus, these data likely underestimate law enforcement contact in this sample.

Although limitations exist, these data are unprecedented in the field of divorce mediation research. To date, virtually all of the published samples used to study mediation included small samples, limited data, or low response rates (Beck & Sales, 2001). In this study, the sample

included all parents (N=965 couples) mandated to attend mediation and did so for a first time mediation for a pending divorce through a court-sponsored, free mediation program.

Implications for Future Research.

This study provides valuation information that can improve future research, practice and evaluation of IPA screening practices in mediation. The design of the study can serve as a model that can be emulated in other jurisdictions. The valuable methodological innovations included in this study are numerous and potentially include: cross checking with criminal justice data; cross checking with civil court data (orders of protection); cross checking with service agency data (Child Protective Service and area shelters); efforts to empirically assess actual practices in mediation in IPA cases; collection of empirical data on the outcomes of mediation and court cases where custody is disputed and IPA is reported; use of the mediation context as an opportunity to systematically screen for IPA and as a resource for research in a high-risk yet non-shelter sample.

Future studies could easily overcome the limitations of this current study (decontextualized counts of behaviorally-specific acts) by including questionnaire items and/or in-depth interviews concerning the history of the relationship and context surrounding the IPA drawn from the state of the art research on lethality assessment and measurement of IPA, much of which has been supported by NIJ. Future studies could also assess more systematically shelter and other protective service use to screen for high risk cases and cases likely to result in ongoing conflict and risk of harm. Future studies could also more carefully assess short- and long-term well-being and safety outcomes for children and parents in addition to outcomes of cases in courts and law enforcement records.

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Dissemination of Research Findings

Publications

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Thesis

- Perkins, A.B. (2010). *Spousal rape in divorcing couples: An exploration of spousal rape through the report of couples in divorce mediation* (Unpublished Master's Thesis). University of Arizona, AZ.

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- Beck, C. J. A. & Walsh, M. E. (in preparation). Understanding gender differences in parenting time in the context of intimate partner abuse.
- Beck, C. J. A., Anderson, E., Walsh, M. E. & Benjamin, G. A. H. (in preparation) Latent class analysis of couple level intimate partner violence in couples mandated to attend divorce mediation.
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Presentations

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Attachments

Attachment A: Mediation Case File Data

Demographics

Mediation Order Date

Mediation Start Date

Mediation End Date

RESEARCH_RECORD_ID

(SPSS label: casenum)

h_CLIENT_AGE_AT_PETITION_DATE: Husband's age at the petition date

(SPSS label name: hpetage)

h_ETHNICITY: Husband's Ethnicity

(SPSS label: hethnic)

h_EDUCATION: Husband's Level of Education

(SPSS label: hedu)

h_OCCUPATION: Husband's Occupation

(SPSS label: hoccup)

h_GROSS_INCOME: Husband's Gross Income

(SPSS label: hgrinc)

h_RELIGION: Husband's Religion

(SPSS label: hrelig)

h_MARRIAGE_COUNT: Number of marriages the husband has had

(SPSS label: hmarriag)

h_AGREEMENT_OUTCOME: The agreement outcome of the case

(SPSS label: hagree)

h_DOMESTIC_VIOLENCE: Husband: Was domestic Violence Present

(SPSS label: hdv)

h_CHILDREN_COUNT: Count of the number of children the father has

(SPSS label: hchildnm)

h_INDIVIDUAL_SESSION_COUNT: Count of the number of individual *therapy* sessions for the father

(SPSS label: hindsenm)

h_JOINT_SESSION_COUNT: Count of the number of joint *therapy* sessions

(SPSS label: hjntsenm)

h_CONF_HELD_COUNT: Count of the number of mediation sessions held

(SPSS label: hconfnum)

w_CLIENT_AGE_AT_PETITION_DATE: Wife's age at the petition date

(SPSS label name: wpetage)

w_ETHNICITY: Wife's Ethnicity

(SPSS label: wethnic)

w_EDUCATION: Wife's Level of Education

(SPSS label: wedu)

w_OCCUPATION: Wife's Occupation

(SPSS label: *woccup*)

w_GROSS_INCOME: Wife's Gross Income

(SPSS label: *wgrinc*)

w_RELIGION: Wife's Religion

(SPSS label: *wrelig*)

w_MARRIAGE_COUNT: Number of marriages the Wife has had

(SPSS label: *wmarriag*)

w_AGREEMENT_OUTCOME: The agreement outcome of the case

(SPSS label: *wagree*)

w_DOMESTIC_VIOLENCE: Wife: Was domestic Violence Present

(SPSS label: *wdv*)

w_CHILDREN_COUNT: Count of the number of children the Wife has

(SPSS label: *wchildnm*)

w_INDIVIDUAL_SESSION_COUNT: Count of the number of individual *therapy* sessions for the mother

(SPSS label: *windsenm*)

w_JOINT_SESSION_COUNT: Count of the number of joint *therapy* sessions

(SPSS label: *wjntsenm*)

w_CONF_HELD_COUNT: Count of the number of mediation sessions held

(SPSS label: *wconfnum*)

Table 1

Referral Source: Referral Source to the FCCC (Family Center for the Conciliation Court)

(SPSS label name: *referral*)

MO Requested by: Mediation was requested by

(SPSS label name: *moreqby*)

MO Requested by other, desc: Mediation was requested by other, description

(SPSS label name: *moreqoth*)

Case Open Day Count: How many days the case was open

(SPSS label name: *codaycnt*)

M Representation: Mother's representation

(SPSS label name: *mrepres*)

F Representation: Father's representation

(SPSS label name: *frepres*)

Mediator Staff: Who was the mediator assigned to the case

(SPSS label name: *mediator*)

M Spanish: Is the mother Spanish speaking

(SPSS label name: *mspanish*)

F Spanish: Is the father Spanish speaking

(SPSS label name: *fspanish*)

M SSAS Discussed Concerns: Did the mother discuss concerns with the support or administrative staff (e.g. security)

(SPSS label name: *mssasdc*)

M SSAS Accompanied: Was the mother accompanied to her car, etc. by support or administrative staff (e.g. security)
(SPSS label name: *mssasacc*)

M SSAS Separate Waiting Area: Did the mother need a separate waiting area
(SPSS label name: *mssasswa*)

M SSAS Separate Orientation: Did the mother need a separate orientation
(SPSS label name: *mssasso*)

M SSAS Other Desc: What were the mother's other concerns that she discussed with support or administrative staff
(SPSS label name: *mssasoth*)

M SSAS Referred for Further Review: Was the mother referred for further review (form is located in the front office)
(SPSS label name: *mssasrfr*)

F SSAS Discussed Concerns: Did the father discuss concerns with the support or administrative staff (e.g. security)
(SPSS label name: *fssasdc*)

F SSAS Accompanied: Was the father accompanied to his car, etc. by support or administrative staff (e.g. security)
(SPSS label name: *fssasacc*)

F SSAS Separate Waiting Area: Did the father need a separate waiting area
(SPSS label name: *fssasswa*)

F SSAS Separate Orientation: Did the father need a separate orientation
(SPSS label name: *fssasso*)

F SSAS Other Desc: What were the father's other concerns that he discussed with support or administrative staff
(SPSS label name: *fssasoth*)

F SSAS Referred for Further Review: Was the father referred for further review (form is located in the front office)
(SPSS label name: *fssasrfr*)

M MS Accompanied: Did the mediator recommend the mother be accompanied
(SPSS label name: *mmsacc*)

M MS Separate Waiting Area: Did the mediator recommend a separate waiting area for the mother
(SPSS label name: *mmsswa*)

M MS Other Desc: Mediator's other recommendations for the mother, description
(SPSS label name: *mmsoth*)

F MS Accompanied: Did the mediator recommend the father be accompanied
(SPSS label name: *fmsacc*)

F MS Separate Waiting Area: Did the mediator recommend a separate waiting area
(SPSS label name: *fmsswa*)

F MS Other Desc: Mediator's other recommendations for the father, description
(SPSS label name: *fmsoth*)

M CRC Security Escort Count: Contact Record Categories, count of the number of escorts needed for the mother
(SPSS label name: *mcrsec*)

F CRC Security Escort Count: Contact Record Categories, count of the number of escorts needed for the father
(SPSS label name: *fersec*)

U CRC Security Escort Count: Contact Record Categories, count of escorts needed for unknown
(SPSS label name: *ucrsec*)

CRC Leave Separately Count: Contact record categories, count of the number of times the couples left separately
(SPSS label name: *crclvsep*)

CRC Security Other Desc: Contact record categories, security description
(SPSS label name: *crcsoth*)

M Order of Protection: Did the mother have an order of protection
(SPSS label name: *morofpro*)

M Order of Protection Desc: Order of protection for mother, description
(SPSS label name: *morofprd*)

F Order of Protection: Did the father have an order of protection
(SPSS label name: *forofpro*)

F Order of Protection Desc: Order of protection for father, description
(SPSS label name: *forofprd*)

Critical Incident Report: Was a critical incident report included in the file
(SPSS label name: *crincrep*)

M Internal Referral: Did the mediator refer the mother for counseling
(SPSS label name: *minref*)

M internal Referral Reason: The reason the mother was referred by the mediator
(SPSS label name: *minrefr*)

M internal Referral Counselor Meeting: Was mother was referred to a meeting with a counselor
(SPSS label name: *minrefcm*)

M internal Referral Separate File: Did the mediator make a separate file for the mother
(SPSS label name: *minrefsf*)

M internal Referral DV: Was there a referral for the mother because of evidence of domestic violence
(SPSS label name: *minrefdv*)

M internal Referral Prior Case: Did the mother have a prior case
(SPSS label name: *minrefpc*)

M Internal Referral Comment: The mediators comments re: the internal referral
(SPSS label name: *minrefco*)

F Internal Referral: Did the mediator refer the father for counseling
(SPSS label name: *finref*)

F internal Referral Reason: The reason the father was referred by the mediator
(SPSS label name: *finrefr*)

F internal Referral Counselor Meeting: Was the father referred to a meeting with a counselor
(SPSS label name: *finrefcm*)

F internal Referral Separate File: Did the mediator make a separate file for the father
(SPSS label name: *finrefsf*)

F internal Referral DV: Was there a referral for the father because of evidence of domestic violence
(SPSS label name: *finrefdv*)

F internal Referral Prior Case: Did the father have a prior case
(SPSS label name: *finrefpc*)

F internal Referral Comment: The mediators comments re: the internal referral
(SPSS label name: *finrefco*)

SUB MO Recom: What does the mediator recommend re: subsequent mediation
(SPSS label name: *morecom*)

SUB MO Recom Desc: Subsequent mediation recommendation, description
(SPSS label name: *morecomd*)

MO Outcome: Mediation outcome
(SPSS label name: *moutcome*)

Agreement DV Language: In the agreement is there language to indicate domestic violence (e.g. supervised visitation, limited phone calls and visits, etc.)
(SPSS label name: *agdvlang*)

Agreement DV Language Desc: Language in the agreement indicating domestic violence, description
(SPSS label name: *agdvlgd*)

Agreement Child Maltreatment: Is there language in the agreement to indicate child maltreatment
(SPSS label name: *agchlmal*)

Agreement Child Maltreatment Desc: Language in the agreement indicating child maltreatment, description
(SPSS label name: *agchmald*)

Agreement Other Special Language: Was there other special language in the agreement to indicate a problem
(SPSS label name: *agothsl*)

Agreement Other Special Language Desc: Special language in the agreement, description
(SPSS label name: *agothsl d*)

Table 4

M Months since last together: How many months did the mother report passed since the couple was last together
(SPSS label name: *mmslatog*)

Mother's Relationship Behavior Rating Scale (Self-report) Question #1: Resolved things peacefully with me.
(SPSS label name: *mrbrs1*)

Mother's Relationship Behavior Rating Scale (Self-report) Question #2: Did not want me to have male/female friends.
(SPSS label name: *mrbrs2*)

Mother's Relationship Behavior Rating Scale (Self-report) Question #3: Became very upset if my chores were not done when he/she thought they should be.
(SPSS label name: *mrbrs3*)

Mother's Relationship Behavior Rating Scale (Self-report) Question #4: Demanded that I obey him/her.
(SPSS label name: *mrbrs4*)

Mother's Relationship Behavior Rating Scale (Self-report) Question #5: Put me down.
(SPSS label name: *mrbrs5*)

Mother's Relationship Behavior Rating Scale (Self-report) Question #6: Became angry if I said he/she was drinking too much or using drugs.
(SPSS label name: *mrbrs6*)

Mother's Relationship Behavior Rating Scale (Self-report) Question #7: Demanded that I perform sex acts that I did not want to.
(SPSS label name: *mrbrs7*)

Mother's Relationship Behavior Rating Scale (Self-report) Question #8: Told me I was ugly or unattractive.
(SPSS label name: *mrbrs8*)

Mother's Relationship Behavior Rating Scale (Self-report) Question #9: Told me I could not manage or take care of myself without him/her.

(SPSS label name: mrbrs9)

Mother's Relationship Behavior Rating Scale (Self-report) Question #10: Insulted or shamed me in front of others.
(SPSS label name: mrbrs10)

Mother's Relationship Behavior Rating Scale (Self-report) Question #11: Became very angry if I disagreed with his/her point of view.
(SPSS label name: mrbrs11)

Mother's Relationship Behavior Rating Scale (Self-report) Question #12: Controlled how much money I could have or how I spent it.
(SPSS label name: mrbrs12)

Mother's Relationship Behavior Rating Scale (Self-report) Question #13: Controlled my coming and going.
(SPSS label name: mrbrs13)

Mother's Relationship Behavior Rating Scale (Self-report) Question #14: Felt that I should not work or go to school.
(SPSS label name: mrbrs14)

Mother's Relationship Behavior Rating Scale (Self-report) Question #15: Insisted on sex whether I wanted it or not.
(SPSS label name: mrbrs15)

Mother's Relationship Behavior Rating Scale (Self-report) Question #16: Screamed or yelled at me.
(SPSS label name: mrbrs16)

Mother's Relationship Behavior Rating Scale (Self-report) Question #17: Had no respect for my feelings.
(SPSS label name: mrbrs17)

Mother's Relationship Behavior Rating Scale (Self-report) Question #18: Acted like a bully toward me.
(SPSS label name: mrbrs18)

Mother's Relationship Behavior Rating Scale (Self-report) Question #19: Treated me like I was stupid or dumb.
(SPSS label name: mrbrs19)

Mother's Relationship Behavior Rating Scale (Self-report) Question #20: Was mean or rude to me. *(SPSS label name: mrbrs20)*

Mother's Relationship Behavior Rating Scale (Self-report) Question #21: Physically forced me to have sex.
(SPSS label name: mrbrs21)

Mother's Relationship Behavior Rating Scale (Self-report) Question #22: Pushed or shoved me around.
(SPSS label name: mrbrs22)

Mother's Relationship Behavior Rating Scale (Self-report) Question #23: Hit or punched me.
(SPSS label name: mrbrs23)

Mother's Relationship Behavior Rating Scale (Self-report) Question #24: Threatened me with or used a weapon against me.
(SPSS label name: mrbrs24)

Mother's Relationship Behavior Rating Scale (Self-report) Question #25: Hurt me so badly I had to seek medical help.
(SPSS label name: mrbrs25)

Mother's Relationship Behavior Rating Scale (Self-report) Question #26: Made me afraid for my life.
(SPSS label name: mrbrs26)

Mother's Relationship Behavior Rating Scale (Self-report) Question #27: Throw me around the room.
(SPSS label name: mrbrs27)

Mother's Relationship Behavior Rating Scale (Self-report) Question #28: Acted like he/she would like to kill me.
(SPSS label name: mrbrs28)

1 = None of the time

Mother's Relationship Behavior Rating Scale (Self-report) Question #29: Threatened to cut or stab me with a knife or other sharp object.

(SPSS label name: mrbrs29)

Mother's Relationship Behavior Rating Scale (Self-report) Question #30: Tried to choke or strangle me.

(SPSS label name: mrbrs30)

Mother's Relationship Behavior Rating Scale (Self-report) Question #31: Kicked or stomped me.

(SPSS label name: mrbrs31)

Mother's Relationship Behavior Rating Scale (Self-report) Question #32: Threw objects at me.

(SPSS label name: mrbrs32)

Mother's Relationship Behavior Rating Scale (Self-report) Question #33: Bit or scratched me.

(SPSS label name: mrbrs33)

Mother's Relationship Behavior Rating Scale (Self-report) Question #34: Violently pinched or twisted my skin.

(SPSS label name: mrbrs34)

Mother's Relationship Behavior Rating Scale (Self-report) Question #35: Hurt me while we were having sex.

(SPSS label name: mrbrs35)

Mother's Relationship Behavior Rating Scale (Self-report) Question #36: Injured my genitals.

(SPSS label name: mrbrs36)

Mother's Relationship Behavior Rating Scale (Self-report) Question #37: Injured my breasts.

(SPSS label name: mrbrs37)

Mother's Relationship Behavior Rating Scale (Self-report) Question #38: Tried to suffocate me.

(SPSS label name: mrbrs38)

Mother's Relationship Behavior Rating Scale (Self-report) Question #39: Poked or jabbed me with pointed objects.

(SPSS label name: mrbrs39)

Mother's Relationship Behavior Rating Scale (Self-report) Question #40: Broke one or more of my bones.

(SPSS label name: mrbrs40)

Mother's Relationship Behavior Rating Scale (Self-report) Question #41: Kicked my face and head.

(SPSS label name: mrbrs41)

F Months since last together: How many months did the father report passed since the couple was last together

(SPSS label name: fmstatog)

Father's Relationship Behavior Rating Scale (Self-report) Question #1: Resolved things peacefully with me.

(SPSS label name: frbrs1)

Father's Relationship Behavior Rating Scale (Self-report) Question #2: Did not want me to have male/female friends.

(SPSS label name: frbrs2)

Father's Relationship Behavior Rating Scale (Self-report) Question #3: Became very upset if my chores were not done when he/she thought they should be.

(SPSS label name: frbrs3)

Father's Relationship Behavior Rating Scale (Self-report) Question #4: Demanded that I obey him/her.

(SPSS label name: frbrs4)

Father's Relationship Behavior Rating Scale (Self-report) Question #5: Put me down.

(SPSS label name: frbrs5)

Father's Relationship Behavior Rating Scale (Self-report) Question #6: Became angry if I said he/she was drinking too much or using drugs.

(SPSS label name: frbrs6)

Father's Relationship Behavior Rating Scale (Self-report) Question #7: Demanded that I perform sex acts that I did not want to.

(SPSS label name: frbrs7)

Father's Relationship Behavior Rating Scale (Self-report) Question #8: Told me I was ugly or unattractive.

(SPSS label name: frbrs8)

Father's Relationship Behavior Rating Scale (Self-report) Question #9: Told me I could not manage or take care of myself without him/her.

(SPSS label name: frbrs9)

Father's Relationship Behavior Rating Scale (Self-report) Question #10: Insulted or shamed me in front of others.

(SPSS label name: frbrs10)

Father's Relationship Behavior Rating Scale (Self-report) Question #11: Became very angry if I disagreed with his/her point of view.

(SPSS label name: frbrs11)

Father's Relationship Behavior Rating Scale (Self-report) Question #12: Controlled how much money I could have or how I spent it.

(SPSS label name: frbrs12)

Father's Relationship Behavior Rating Scale (Self-report) Question #13: Controlled my coming and going.

(SPSS label name: frbrs13)

Father's Relationship Behavior Rating Scale (Self-report) Question #14: Felt that I should not work or go to school.

(SPSS label name: frbrs14)

Father's Relationship Behavior Rating Scale (Self-report) Question #15: Insisted on sex whether I wanted it or not.

(SPSS label name: frbrs15)

Father's Relationship Behavior Rating Scale (Self-report) Question #16: Screamed or yelled at me.

(SPSS label name: frbrs16)

Father's Relationship Behavior Rating Scale (Self-report) Question #17: Had no respect for my feelings.

(SPSS label name: frbrs17)

Father's Relationship Behavior Rating Scale (Self-report) Question #18: Acted like a bully toward me.

(SPSS label name: frbrs18)

Father's Relationship Behavior Rating Scale (Self-report) Question #19: Treated me like I was stupid or dumb.

(SPSS label name: frbrs19)

Father's Relationship Behavior Rating Scale (Self-report) Question #20: Was mean or rude to me. *(SPSS label name: frbrs20)*

Father's Relationship Behavior Rating Scale (Self-report) Question #21: Physically forced me to have sex.

(SPSS label name: frbrs21)

Father's Relationship Behavior Rating Scale (Self-report) Question #22: Pushed or shoved me around.

(SPSS label name: frbrs22)

Father's Relationship Behavior Rating Scale (Self-report) Question #23: Hit or punched me.

(SPSS label name: frbrs23)

Father's Relationship Behavior Rating Scale (Self-report) Question #24: Threatened me with or used a weapon against me.

(SPSS label name: frbrs24)

Father's Relationship Behavior Rating Scale (Self-report) Question #25: Hurt me so badly I had to seek medical help.

(SPSS label name: frbrs25)

Father's Relationship Behavior Rating Scale (Self-report) Question #26: Made me afraid for my life.
(SPSS label name: *frbrs26*)

Father's Relationship Behavior Rating Scale (Self-report) Question #27: Throw me around the room.
(SPSS label name: *frbrs27*)

Father's Relationship Behavior Rating Scale (Self-report) Question #28: Acted like he/she would like to kill me.
(SPSS label name: *frbrs28*)

Father's Relationship Behavior Rating Scale (Self-report) Question #29: Threatened to cut or stab me with a knife or other sharp object.
(SPSS label name: *frbrs29*)

Father's Relationship Behavior Rating Scale (Self-report) Question #30: Tried to choke or strangle me.
(SPSS label name: *frbrs30*)

Father's Relationship Behavior Rating Scale (Self-report) Question #31: Kicked or stomped me.
(SPSS label name: *frbrs31*)

Father's Relationship Behavior Rating Scale (Self-report) Question #32: Threw objects at me.
(SPSS label name: *frbrs32*)

Father's Relationship Behavior Rating Scale (Self-report) Question #33: Bit or scratched me.
(SPSS label name: *frbrs33*)

Father's Relationship Behavior Rating Scale (Self-report) Question #34: Violently pinched or twisted my skin.
(SPSS label name: *frbrs34*)

Father's Relationship Behavior Rating Scale (Self-report) Question #35: Hurt me while we were having sex.
(SPSS label name: *frbrs35*)

Father's Relationship Behavior Rating Scale (Self-report) Question #36: Injured my genitals.
(SPSS label name: *frbrs36*)

Father's Relationship Behavior Rating Scale (Self-report) Question #37: Injured my breasts.
(SPSS label name: *frbrs37*)

Father's Relationship Behavior Rating Scale (Self-report) Question #38: Tried to suffocate me.
(SPSS label name: *frbrs38*)

Father's Relationship Behavior Rating Scale (Self-report) Question #39: Poked or jabbed me with pointed objects.
(SPSS label name: *frbrs39*)

Father's Relationship Behavior Rating Scale (Self-report) Question #40: Broke one or more of my bones.
(SPSS label name: *frbrs40*)

Father's Relationship Behavior Rating Scale (Self-report) Question #41: Kicked my face and head.
(SPSS label name: *frbrs41*)

Table 8

Critical Incident Reporting Count: Count of the number of critical incident reporting forms filled out
(SPSS label name: *circount*)

CIRF ITEM01: Critical Incident Reporting Form: Suicidal/homicidal threats and ideation
(SPSS label name: *cirf1*)

CIRF ITEM01 DESC: Critical Incident Reporting Form: Description of suicidal/homicidal threats and ideation
(SPSS label name: *cirf1d*)

CIRF ITEM02: Critical Incident Reporting Form: Subpoena for documentation and/or testimony of counselor/mediator/staff member

(SPSS label name: cirf2)

CIRF ITEM02 DESC: Critical Incident Reporting Form: Description of the subpoena for documentation and/or testimony of counselor/mediator/staff member

(SPSS label name: cirf2d)

CIRF ITEM03: Critical Incident Reporting Form: Information concerning an event which occurs before/after a session but which indicates potential for harm, or other security issue

(SPSS label name: cirf3)

CIRF ITEM03 DESC: Critical Incident Reporting Form: Description of the information concerning an event which occurs before/after a session but which indicates potential for harm, or other security issue

(SPSS label name: cirf3d)

CIRF ITEM04: Critical Incident Reporting Form: Reports that an attorney has recommended that a client not cooperate with a counselor/mediator

(SPSS label name: cirf4)

CIRF ITEM04 DESC: Critical Incident Reporting Form: Description of the reports that an attorney has recommended that a client not cooperate with a counselor/mediator

(SPSS label name: cirf4d)

CIRF ITEM05: Critical Incident Reporting Form: Reference to serious domestic violence (e.g. current/chronic assault, harassment, serious threats of harm or death)

(SPSS label name: cirf5)

CIRF ITEM05 DESC: Critical Incident Reporting Form: Description of a reference to serious domestic violence (e.g. current/chronic assault, harassment, serious threats of harm or death)

(SPSS label name: cirf5d)

CIRF ITEM06: Critical Incident Reporting Form: Accommodation for disability or language

(SPSS label name: cirf6)

CIRF ITEM06 DESC: Critical Incident Reporting Form: Description of accommodation for disability (specify) or language (specify)

(SPSS label name: cirf6d)

CIRF ITEM07: Critical Incident Reporting Form: Physical or sexual abuse of a child

(SPSS label name: cirf7)

CIRF ITEM07 DESC: Critical Incident Reporting Form: Description of physical or sexual abuse of a child

(SPSS label name: cirf7d)

CIRF ITEM08: Critical Incident Reporting Form: Physical altercation in the office

(SPSS label name: cirf8)

CIRF ITEM08 DESC: Critical Incident Reporting Form: Description of any physical altercation in the office

(SPSS label name: cirf8d)

CIRF ITEM09: Critical Incident Reporting Form: Potential for complaint

(SPSS label name: cirf9)

CIRF ITEM09 DESC: Critical Incident Reporting Form: Description of any potential for complaint

(SPSS label name: cirf9d)

CIRF ITEM10: Critical Incident Reporting Form: Threat to abduct a child

(SPSS label name: cirf10)

CIRF ITEM10 DESC: Critical Incident Reporting Form: Description of any threat to abduct a child

(SPSS label name: cirf10d)

CIRF ITEM11: Critical Incident Reporting Form: Injury

(SPSS label name: cirf11)

CIRF ITEM11 DESC: Critical Incident Reporting Form: Description of any injury

(SPSS label name: cirf11d)

CIRF ITEM12: Critical Incident Reporting Form: Threats of harm or death to FCCC staff

(SPSS label name: cirf12)

CIRF ITEM12 DESC: Critical Incident Reporting Form: Description of any threats of harm or death to FCCC staff

(SPSS label name: cirf12d)

CIRF ITEM13: Critical Incident Reporting Form: Bizarre or unusual behavior

(SPSS label name: cirf13)

CIRF ITEM13 DESC: Critical Incident Reporting Form: Description of any bizarre or unusual behavior

(SPSS label name: cirf13d)

CIRF ITEM14: Critical Incident Reporting Form: Client leaves session without permission of the counselor/mediator

(SPSS label name: cirf14)

CIRF ITEM14 DESC: Critical Incident Reporting Form: Description of client leaving session without permission of the counselor/mediator

(SPSS label name: cirf14d)

CIRF DESC: Critical Incident Reporting Form: Description of the incident(s) [Time, place, circumstance, witnesses]

(SPSS label name: cirfdesc)

CIRF STAFF RESPONS: Critical Incident Reporting Form: Description of the staff's response to the incident

(SPSS label name: cirfsres)

CIRF DIRECTOR CONSULTED: Critical Incident Reporting Form: Was the FCCC Director consulted

(SPSS label name: cirfdirc)

CIRF STAFF CONSULTED: Critical Incident Reporting Form: Was the FCCC staff consulted

(SPSS label name: cirfscon)

CIRF SECURITY ESCORT MOTHER: Critical Incident Reporting Form: Was a security escort requested/provided for the mother

(SPSS label name: cirfsem)

CIRF SECURITY ESCORT FATHER: Critical Incident Reporting Form: Was a security escort requested/provided for the father

(SPSS label name: cirfsef)

CIRF SECURITY LEAVE SEPARATELY: Critical Incident Reporting Form: Were the clients instructed to leave separately

(SPSS label name: cirfslvs)

CIRF SECURITY OTHER DESC: Critical Incident Reporting Form: Description of other security issues

(SPSS label name: cirfsoth)

Pre-mediation Screening Form

Subsequent Mediation: Is there a subsequent mediation PMI

(SPSS label name: submed)

Father reporting own major health problems

(SPSS label name: ffmajhea)

Father reporting mother's major health problems

(SPSS label name: fmmajhea)

Father reporting child(ren)'s major health problems
(SPSS label name: *fcmajhea*)

Father reporting own hospitalization for mental reasons
(SPSS label name: *ffhosmen*)

Father reporting mother's hospitalization for mental reasons
(SPSS label name: *fmhosmen*)

Father reporting child(ren)'s hospitalization for mental reasons
(SPSS label name: *fchosmen*)

Father reporting own hospitalization for physical reasons
(SPSS label name: *ffhosphy*)

Father reporting mother's hospitalization for physical reasons
(SPSS label name: *fmhosphy*)

Father reporting child(ren)'s hospitalization for physical reasons
(SPSS label name: *fchosphy*)

Father reporting own use of medicine
(SPSS label name: *ffmeds*)

Father reporting mother's use of medicine
(SPSS label name: *fmmeds*)

Father reporting child(ren)'s use of medicine
(SPSS label name: *fcmads*)

Father reporting therapy
(SPSS label name: *fthpy*)

Father reporting own substance abuse in the past
(SPSS label name: *ffsapast*)

Father reporting mother's substance abuse in the past
(SPSS label name: *fmsapast*)

Father reporting own substance abuse in the present
(SPSS label name: *ffsapres*)

Father reporting mother's substance abuse in the present
(SPSS label name: *fmsapres*)

Father reporting his fears
(SPSS label name: *ffears*)

Father reporting his concerns
(SPSS label name: *fconcern*)

Father reporting threats
(SPSS label name: *fthreat*)

Father reporting being coerced
(SPSS label name: *fcoerce*)

Father reporting harassment
(SPSS label name: *fharass*)

Father reporting intimidation
(SPSS label name: *fintim*)

Father reporting property damage
(SPSS label name: *fproptry*)

Father reporting physical abuse
(SPSS label name: *fphyscl*)

Father reporting the use of weapons
(SPSS label name: *fweapon*)

Father reporting sexual intimidation
(SPSS label name: *fsexintm*)

Father reporting sexual assault
(SPSS label name: *fsexaslt*)

Father reporting sexual manipulation/control
(SPSS label name: *fsexmnc*)

Father reporting false allegations of sexual intimidation, sex. Assault, and man./control
(SPSS label name: *fsexfal*)

Father reporting orders of protection in the present
(SPSS label name: *foppres*)

Father reporting orders of protection in the past
(SPSS label name: *foppast*)

Father reporting police being called
(SPSS label name: *fpolcal*)

Father reporting arrests for domestic violence
(SPSS label name: *farstdv*)

Father reporting either calls or arrests
(SPSS label name: *fcalarr*)

Father reporting going to the hospital because of DV
(SPSS label name: *fgohosp*)

Father reporting considering going to the hospital because of DV
(SPSS label name: *fcsdhsp*)

Father reporting either going or considering going to the hospital because of DV
(SPSS label name: *fgocnsd*)

Father reporting going to the shelter
(SPSS label name: *fshelter*)

Father reporting CPS involvement
(SPSS label name: *fcps*)

Mother reporting father's major health problems
(SPSS label name: *mfmajhea*)

Mother reporting own major health problems
(SPSS label name: *mmmajhea*)

Mother reporting child(ren)'s major health problems
(SPSS label name: *mcmajhea*)

Mother reporting father's hospitalization for mental reasons
(SPSS label name: *mfhosmen*)

Mother reporting own hospitalization for mental reasons
(SPSS label name: *mmhosmen*)

Mother reporting child(ren)'s hospitalization for mental reasons
(SPSS label name: *mchosmen*)

Mother reporting father's hospitalization for physical reasons
(SPSS label name: *mfhosphy*)

Mother reporting own hospitalization for physical reasons
(SPSS label name: *mmhosphy*)

Mother reporting child(ren)'s hospitalization for physical reasons
(SPSS label name: *mchosphy*)

Mother reporting father's use of medicine
(SPSS label name: *mfmeds*)

Mother reporting own use of medicine
(SPSS label name: *mmmeds*)

Mother reporting child(ren)'s use of medicine
(SPSS label name: *mcmmeds*)

Mother reporting therapy
(SPSS label name: *mthpy*)

Mother reporting father's substance abuse in the past
(SPSS label name: *mfapast*)

Mother reporting own substance abuse in the past
(SPSS label name: *mmapast*)

Mother reporting father's substance abuse in the present
(SPSS label name: *mfapres*)

Mother reporting own substance abuse in the present
(SPSS label name: *mmapres*)

Mother reporting her fears
(SPSS label name: *mfears*)

Mother reporting her concerns
(SPSS label name: *mconcern*)

Mother reporting threats
(SPSS label name: *mthreat*)

Mother reporting being coerced
(SPSS label name: *mcoerce*)

Mother reporting harassment
(SPSS label name: *mharass*)

Mother reporting intimidation
(SPSS label name: *mintim*)

Mother reporting property damage
(SPSS label name: *mproperty*)

Mother reporting physical abuse
(SPSS label name: *mphyscl*)

Mother reporting the use of weapons
(SPSS label name: *mweapon*)

Mother reporting sexual intimidation
(SPSS label name: *msexintm*)

Mother reporting sexual assault
(SPSS label name: *msexaslt*)

Mother reporting sexual manipulation/control
(SPSS label name: *msexmnct*)

Mother reporting false allegations of sexual intimidation, sex. Assault, and man./control
(SPSS label name: *msexfalg*)

Mother reporting orders of protection in the present
(SPSS label name: *moppres*)

Mother reporting orders of protection in the past
(SPSS label name: *moppast*)

Mother reporting police being called
(SPSS label name: *mpolcal*)

Mother reporting arrests for domestic violence
(SPSS label name: *marstdv*)

Mother reporting either calls or arrests
(SPSS label name: *mcalarr*)

Mother reporting going to the hospital because of DV
(SPSS label name: *mgohosp*)

Mother reporting considering going to the hospital because of DV
(SPSS label name: *mcnsdhsp*)

Mother reporting either going or considering going to the hospital because of DV
(SPSS label name: *mgocnsd*)

Mother reporting going to the shelter
(SPSS label name: *mshelter*)

Mother reporting CPS involvement
(SPSS label name: *mcps*)

Attachment B: Premediation Interview Form (PMI)

Case Number: _____
Parent: Mother Father
DV Present? Yes No
Terminated due to DV? Yes No

PRE-MEDIATION INTERVIEW

1. Tape Recorder ? Weapons ?

2. Mental and Physical Health Needs of Parents and Children:
___ Major health problems or limitations?
___ Hospitalizations for mental or physical health?
___ Medications?
___ Counseling/therapy?
___ Substance abuse or concerns?

3. Safety Concerns:
___ Fears or concerns about being here?
___ Threats, intimidation, coercion, harassment?
___ Destruction of property (broken furniture, dishes, holes in walls or doors, etc.?)
___ Hitting, shoving, punching, choking, hair pulling or other violent behaviors?
___ Weapons?
___ Sexual intimidation or assault?
___ Orders of protection or restraining orders?
___ Police called or arrests for DV?
___ Considered going or actually gone to doctor or hospital for injuries?
___ Shelter services?
___ CPS Involvement?

NOTES:

Attachment C: Relationship Behavior Rating Scale (RBRS)
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RELATIONSHIP BEHAVIOR RATING SCALE
[THIS INFORMATION IS CONFIDENTIAL AND WILL NOT BE SHARED WITH THE OTHER PARENT.]
MO #: _____ Date: _____

I am the (Circle One): **Mother** **Father** **Other** _____
How many months since you last lived with the other parent? _____

Instructions: Based upon your contact with the other parent IN THE PAST 12 MONTHS, please answer ALL of the items below by placing the number that best describes your experience in front of each statement.

- 1=None of the time
- 2=Very rarely
- 3=A little of the time
- 4=Some of the time
- 5=A lot of the time
- 6=Most of the time
- 7=All of the time

THE OTHER PARENT:

- | | |
|---|--|
| 1. ___ Resolved things peacefully with me. | 21. ___ Physically forced me to have sex. |
| 2. ___ Did not want me to have male/female friends. | 22. ___ Pushed or shoved me around. |
| 3. ___ Became very upset if my chores were not done when he/she thought they should be. | 23. ___ Hit or punched me. |
| 4. ___ Demanded that I obey him/her. | 24. ___ Threatened me with or used a weapon against me. |
| 5. ___ Put me down. | 25. ___ Hurt me so badly I had to seek medical help. |
| 6. ___ Became angry if I said he/she was drinking too much or using drugs. | 26. ___ Made me afraid for my life. |
| 7. ___ Demanded that I perform sex acts that I did not want to. | 27. ___ Threw me around the room. |
| 8. ___ Told me I was ugly or unattractive. | 28. ___ Acted like he/she would like to kill me. |
| 9. ___ Told me I could not manage or take care of myself without him/her. | 29. ___ Threatened to cut or stab me with a knife or other sharp object. |
| 10. ___ Insulted or shamed me in front of others. | 30. ___ Tried to choke or strangle me. |
| 11. ___ Became very angry if I disagreed with his/her point of view. | 31. ___ Kicked or stomped me. |
| 12. ___ Controlled how much money I could have or how I spent it. | 32. ___ Threw objects at me. |
| 13. ___ Controlled my coming and going. | 33. ___ Bit or scratched me. |
| 14. ___ Felt that I should not work or go to school. | 34. ___ Violently pinched or twisted my skin. |
| 15. ___ Insisted on sex whether I wanted it or not. | 35. ___ Hurt me while we were having sex. |
| 16. ___ Screamed or yelled at me. | 36. ___ Injured my genitals. |
| 17. ___ Had no respect for my feelings. | 37. ___ Injured my breasts. |
| 18. ___ Acted like a bully toward me. | 38. ___ Tried to suffocate me. |
| 19. ___ Treated me like I was stupid or dumb. | 39. ___ Poked or jabbed me with pointed objects. |
| 20. ___ Was mean or rude to me. | 40. ___ Broke one or more of my bones. |
| | 41. ___ Kicked my face and head. |

CONFIDENTIAL
Sum - Column 1
Number Answered - Column 1

CONFIDENTIAL ONLY
Sum - Column 2
Number Answered - Column 2
Sum - Column 3
Number Answered - Column 3

Attachment D: Superior Court Divorce File Data

1. Date of Marriage
2. Mother's DOB
3. Mother's INS status
4. Mother's Language
5. Mother's Employment
6. Mother's Income – NOTES option if income changes drastically
7. Is Mother Receiving Aid
8. Mother's Representation
9. Number of changes in mother's representation
10. Father's DOB
11. Father's INS Status
12. Father's Language
13. Father's Employment
14. Father's Income – NOTES option if income changes drastically
15. Is Father Receiving Aid
16. Father's Representation
17. Number of changes in father's representation
18. Was there a prior or current custody issue in juvenile court re these children?

Children Information

19. Is mother pregnant?
20. Child 1 Initial
21. Child 1 Sex
22. Child 1 DOB
23. Child 1 place of residence at time of filing
24. Child 2 Initial
25. Child 2 Sex
26. Child 2 DOB
27. Child 2 place of residence at time of filing
28. Child 3 Initial
29. Child 3 Sex
30. Child 3 DOB
31. Child 3 place of residence at time of filing
32. Child 4 Initial
33. Child 4 Sex
34. Child 4 DOB
35. Child 4 place of residence at time of filing
36. Child 5 Initial
37. Child 5 Sex
38. Child 5 DOB
39. Child 5 place of residence at time of filing
40. Child 6 Initial

- 41. Child 6 Sex
- 42. Child 6 DOB
- 43. Child 6 place of residence at time of filing

Court Code Book Table 1

- 44. Case Number
- 45. Coder ID

Petition and Response Information

- 46. Date of Petition
- 47. Who is the Petitioner?
- 48. Did Petitioner Request a Confidential Address?
- 49. Did Petitioner mention an OOP?
- 50. Did Petitioner file a child affidavit?
- 51. Date of Response
- 52. Who was the Respondent?
- 53. Did the respondent request a confidential address?
- 54. Did the respondent file a child affidavit?

Requests

- 55. Petitioner's Request for Legal Custody
- 56. Petitioner's Request for Physical Custody
- 57. Did Petitioner Request to Move Out of State?
- 58. Respondent's Request for Legal Custody
- 59. Respondent's Request for Physical Custody
- 60. Did Respondent Request to Move Out of State?
- 61. Did Petitioner make special requests for visitation?
- 62. Did Respondent make special requests for visitation?
- 63. Did Petitioner make an allegation of DV?
- 64. Did Respondent make an allegation of DV?
- 65. Is there child abuse alleged in petition or response?
- 66. Did mother make any special requests for father?
- 67. Did father make any special request for mother?
- 68. Did father request a paternity test?
- 69. Did mother request Spousal Maintenance?
- 70. Did mother request payment of attorney's fee?
- 71. Did mother request child support?
- 72. Did father request spousal maintenance?
- 73. Did father request payment of attorney's fees?
- 74. Did father request child support?

Temporary Orders ("Pendente Lite")

- 75. Case Number
- 76. Coder ID

Temporary Custody

- 77. Was there an informal interim order for temporary custody filed?
- 78. Did mother request temporary custody of the children?
- 79. Were there allegations that temporary custody be assigned
- 80. Did father request temporary custody of the children?
- 81. Were father allegations that temporary custody be assigned
- 82. Was temporary custody awarded?
- 83. Date temporary custody was awarded
- 84. Is the temporary custody a change from when petition was filed?
- 85. Was there a hearing or stipulated agreement on temporary orders?
- 86. Was there any review hearings ordered?

Temporary Visitation

- 87. Was temporary visitation requested by Mother?
- 88. Was temporary visitation requested by Father?
- 89. Was temporary visitation awarded?
- 90. Is anyone restricted from seeing the child?
- 91. Are there restrictions or specifications on drop off and pick up?
- 92. Are the visits supervised?
- 93. Are the exchanges supervised?

Temporary Child Support

- 94. Was temporary child support requested by mother?
- 95. Was temporary child support requested by father?
- 96. Was temporary child support ordered?

Temporary Use of Residence

- 97. Was temporary use of the residence requested by mother?
- 98. Was temporary use of the residence requested by father?
- 99. Was temporary use of the residence awarded?

Temporary Division of Income

- 100. Was temporary division of income requested by mother?
- 101. Was temporary division of income requested by father?
- 102. Was temporary division of income awarded?

Temporary Spousal Maintenance

- 103. Was temporary spousal maintenance requested by mother?
- 104. Was temporary spousal maintenance requested by father?
- 105. Was temporary spousal maintenance awarded?

Temporary Payment of Attorney's Fees

- 106. Was temporary payment of attorney's fees requested by mother?
- 107. Was temporary payment of attorney's fees requested by father?
- 108. Was temporary payment of attorney's fees awarded?

Child Abuse / Domestic Violence

- 109. Is child abuse alleged in temporary orders?
- 110. Are there allegations of DV in temporary orders?

Post Decree

Demographics

- PostCaseID Case Number
- MemplCh Employment Changes Mother
- FemplCh Employment Changes Father
- MlivesCh Address Changes Mother
- FlivesCh Address Changes Father
- JudgeCh Official Judge Changes

Substance Abuse

- SArestr Was there restrictions set on alcohol or drugs?

Supervision of Parenting time or Exchanges

- SuperEx Were there supervised exchanges?
- SuperPT Were there supervised visits?
- TxPT Were there therapuetic visits?

Guardian Ad Litem

- GAL Was a GAL appointed?

Mediation

- Mediate Did the parties go to mediation?
- MedOutcom Outcome of mediation

Hearings

- HearTot Number of Total Hearings

HrDenyTot Number of Denied Hearings
 HrRevTot Number of Review Hearings
 HrOthTot Number of Other Court Initiated Hearings

Modification of Support Requests

MModCSRq Number of Child Support Hearings Mother Requested
 FModCSRq Number of Child Support Modification Hearings Father Requested
 UknCSRq Number of Child Support Hearings Requested by Unknown
 CSMoOrd Number of Child Support Modification Orders

Enforcement of Support Requests

MEnfCSRq Number of Child Support Enforcement Hearings Mother Requested
 FEnfCSRq Number of Child Support Enforcement Hearings Father Requested
 StateCSRq Number of Child Support Enforcement Hearings Requested by the State
 CSEnfOrd Number of Order/Notices to Withhold Income for Child Support?

Arrests for Support

ArrestCS Were arrest warrants issued For child support?

Maintenance

MModSMRq Number of Spousal Maintenance Hearings Mother Requested
 FModSMRq Number of Spousal Maintenance Hearings Father Requested
 UknSMRq Number of Spousal Maintenance Hearings Requested by Unknown
 SMOrd Number of Spousal Maintenance Orders

Modification of Custody

MModCCRq Number of Custody Hearings Mother Requested
 FModCCRq Number of Custody Hearings Father Requested
 UknCCRq Number of Custody Hearings Requested by Unknown
 CCMoOrd Number of Custody Orders

Parenting Time

MModPTRq Number of Parenting Time Hearings Mother Requested
 FModPTRq Number of Parenting Time Hearings Father Requested
 UknPTRq Number of Parenting Time Hearings Requested by Unknown
 PTModOrd Number of Parenting Time Orders

DV/Abuse

MDVHearRq Number of DV/Abuse Hearings Mother Requested
 FDVHearRq Number of DV/Abuse Hearings Father Requested
 UnkDVHRq Number of DV/Abuse Hearings Requested by Unknown

DVOrders Number of orders regarding DV, Abuse or Harrassment

Orders re: Contempt

Mcontemp Number of times Mother was held in contempt

Fcontemp Number of times Father was held in contempt

Awards of Fees/Judgments

MfeeJudg Number of times Mother was awarded Fees/judgements

FfeeJudg Number of times Father was awarded fees/judgements

Other Issues

HearOthr Number of Hearings re other issues

NoteOthr Notes on Other Hearings

OrderOthr Number of Orders re Other Issues

NoteOrdOth Notes on Orders re Other Issues

Stipulations

StipCS Stipulations re Child Custody Modification

StipSM Stipulations re Spousal Maintenance

StipCC Stipulations re Child Custody

StipPT Stipulations re Parenting Time

StipOthr Stipulations re Other

StipNotes Notes Other Stipulations

