Intimate Partner Violence and Family Mediation for Separating and Divorcing Parents: What Do We Know and Where Are We Going?

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Research Team and Co-Authors: Connie J. Beck, Jeannie Adams, Fernanda Rossi, Lily Jiang, and Claire Tomlinson

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IPV in Family Mediation: Prevalence

Across 3 studies, couples in family mediation report IPV and abuse victimization:

- 88 - 98% Psychological abuse
- 85 - 98% Coercive controlling behaviors
- **54 - 58% Physical violence (over half)**
- 12 - 56% Sexual violence/coercion/demands
- 34 - 56% Escalated physical/injury
- 47% Stalking

(Beck et al., 2011; Ballard et al., 2011; Rossi et al., 2015)

Two Empirical Studies of IPV Screening Methods


- Articles provided in Webinar materials
IPV Screening Summary

- Need to give systematic IPV screening to all parties
- Need behaviorally specific questions in IPV screening
- Recommended:
  - Interview each of the parties independently, privately, and with assurance of confidentiality
  - In a session before, and separated from, negotiations
- Article and current version of MASIC provided in Webinar materials

Is Mediation Safe and Appropriate for Cases with Intimate Partner Violence (IPV)?

Can Mediation be Safe and Appropriate for Cases with IPV?

- Particularly an issue for joint mediation
- Mediation Opponents:
  - Safety
  - Coercion
  - Power imbalance
- Mediation Proponents:
  - Would victim fare better in court?
  - Disempowerment of victims
  - Accommodations:
    - e.g., Keep parties physically separated, escort to car, etc.
Can Mediation be Safe and Appropriate for Cases with IPV?

- Proposed mediation accommodations for cases with IPV:
  - Shuttle mediation
  - Online, phone, or videoconferencing mediation

- Again, no good data on how IPV victims fare in court

- No previous data on these issues, led to our study....

Intimate Partner Violence (IPV) and Custody Decisions: A Randomized Controlled Trial of Outcomes from Family Court, Shuttle Mediation or Videoconferencing Mediation

Key Personnel: Holtzworth-Munroe, Beck, Applegate, Adams, Rossi, & Hale

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National Institute of Justice (NIJ) Study

- Study site:
  - Washington DC Superior Court Multi-Door Dispute Resolution Division (Multi-Door)

- Multi-Door’s procedures prior to study:
  - Court referred most divorce and separating cases
  - Joint mediation
  - Intake included IPV screen
  - Cases with high or concerning levels of IPV screened out of joint mediation and sent back to court*

*Ex: Severity, frequency, increasing IPV, injury, fear, lethality indicators, etc.
NIJ Study: Random Assignment

**GOAL:**
- Compare two specialized forms of mediation (shuttle and videoconferencing), to each other and to court process, for parents reporting high or concerning levels of IPV

**Shuttle Mediation** (49 cases started mediation)
- Separate rooms (never together)
- Mediator shuttles back and forth between parties
- Parties do not see or hear one another

**Videoconferencing Mediation** (50 cases started mediation)
- Separate rooms (never together)
- Mediator in third room
- Parties see and hear one another and mediator via computer screen, with safeguards

**Return to Court** (67 cases)
- Case sent back to court

NIJ Study

**Participants:**
- Families court-referred to Multi-Door for mediation
- At least one shared child
- High (or concerning) levels of IPV
- Initial cases or modifications
- Both parties independently agreed to study participation

**IPV screen:**
- Mediator’s Assessment of Safety Issues and Concerns
  - Administered by Multi-Door intake staff
  (MASIC; Holtzworth-Munroe, Beck, & Applegate, 2010)

Data Collection

- From mediators at two time points:
  1) At start of process (background information)
  2) At the end of each mediation case (immediate outcomes)

- From parties at three time points:
  1) At start of process (background information)
  2) After parties complete process (immediate outcomes)
  3) One year after study entry date (one year follow-up outcomes)

- From records at one year post final resolution:
  - Court records and mediation files (e.g., agreements, original court orders, re-litigation)
  - Criminal records
Mediators for the NIJ Study: Who Were They?

Mediator Background Information Form
Completed upon Study Entry

14 Mediators: Demographics

<table>
<thead>
<tr>
<th>Sex and Age</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Sex</td>
<td>Female: N = 6</td>
<td>Male: N = 8</td>
</tr>
<tr>
<td>Age</td>
<td>48 years</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Education</th>
<th>% of Total Sample</th>
</tr>
</thead>
<tbody>
<tr>
<td>Four year college degree</td>
<td>7%</td>
</tr>
<tr>
<td>Some graduate school</td>
<td>7%</td>
</tr>
<tr>
<td>Master’s Degree</td>
<td>36%</td>
</tr>
<tr>
<td>JD Degree</td>
<td>50%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Hispanic/Latino</td>
<td>93%</td>
</tr>
<tr>
<td>Hispanic/Latino</td>
<td>7%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Race</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Black or African American</td>
<td>29%</td>
</tr>
<tr>
<td>White</td>
<td>71%</td>
</tr>
</tbody>
</table>

Mediators: What Style of Mediation do You Prefer to Use Primarily?

<table>
<thead>
<tr>
<th>% of Total Sample</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Facilitative</td>
<td>93%</td>
</tr>
<tr>
<td>Transformative</td>
<td>7%</td>
</tr>
</tbody>
</table>

*Other mediation styles not endorsed
<table>
<thead>
<tr>
<th>Mediators: Experience, Training with Mediation and IPV</th>
</tr>
</thead>
<tbody>
<tr>
<td>Experience at Multi-Door conducting family mediation</td>
</tr>
<tr>
<td>Experience outside Multi-Door conducting family mediation</td>
</tr>
<tr>
<td>IPV trainings outside of Multi-Door</td>
</tr>
<tr>
<td>IPV trainings at Multi-Door</td>
</tr>
<tr>
<td>Do you conduct other types of mediations besides family mediation?</td>
</tr>
<tr>
<td>86% yes</td>
</tr>
</tbody>
</table>

Description of Study Participants (Court Case Parties/Parents)

(Significant Mother vs Father Differences Noted)

Parties' Age, Race, Education, Work

<table>
<thead>
<tr>
<th>Age (years): Males &gt; Females*</th>
<th>Female Mean</th>
<th>Male Mean</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age (years): Males &gt; Females*</td>
<td>30.9</td>
<td>33.3</td>
</tr>
<tr>
<td>Race</td>
<td>Female %</td>
<td>Male %</td>
</tr>
<tr>
<td>Black or African American</td>
<td>85.6%</td>
<td>85.9%</td>
</tr>
<tr>
<td>Education</td>
<td>Female Mean</td>
<td>Male Mean</td>
</tr>
<tr>
<td>Education (years): Females &gt; Males*</td>
<td>13.7</td>
<td>13.2</td>
</tr>
<tr>
<td>Employment</td>
<td>Female %</td>
<td>Male %</td>
</tr>
<tr>
<td>Employed (% yes: full or part-time): Males &gt; Females*</td>
<td>71.9%</td>
<td>85.1%</td>
</tr>
<tr>
<td>Salary</td>
<td>Female Mean</td>
<td>Male Mean</td>
</tr>
<tr>
<td>Yearly Salary</td>
<td>$37,749</td>
<td>$40,092</td>
</tr>
</tbody>
</table>

*p < .05
Relationship Descriptors

<table>
<thead>
<tr>
<th>Overall</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Parents Unmarried</td>
<td>73%</td>
</tr>
<tr>
<td>How long ago did relationship with other parent end</td>
<td>2.8 years</td>
</tr>
<tr>
<td>Time lived together with other parent (if lived together)</td>
<td>5.1 years</td>
</tr>
</tbody>
</table>

Reports about Children

<table>
<thead>
<tr>
<th>Mean</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of shared children with other parent</td>
</tr>
<tr>
<td>Age of shared child(ren)</td>
</tr>
<tr>
<td>Gender of shared child(ren)</td>
</tr>
</tbody>
</table>

Level of IPV Reported by Study Participants at Start of Study

(Study Selecting Only High IPV Cases)
**MASIC Variety Scores: IPV Victimization**

<table>
<thead>
<tr>
<th>MASIC Variety Score (no behaviors reported)</th>
<th>Overall</th>
</tr>
</thead>
<tbody>
<tr>
<td>IPV ever in relationship (0-38 behaviors)</td>
<td>16.8</td>
</tr>
<tr>
<td>IPV past year (0-38 behaviors)</td>
<td>10.9</td>
</tr>
</tbody>
</table>

No statistically significant differences across study conditions or across males vs females

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**MASIC Categories: IPV Ever in Relationship**

<table>
<thead>
<tr>
<th>IPV Categories on MASIC</th>
<th>Females Reporting on Males</th>
<th>Males Reporting on Females</th>
<th>Sex Sign Difference?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ever in Relationship</td>
<td>% endorsing at least one item</td>
<td>% endorsing at least one item</td>
<td>Sex Sign Difference?</td>
</tr>
<tr>
<td>Psychological abuse</td>
<td>100</td>
<td>96</td>
<td>No</td>
</tr>
<tr>
<td>Coercive Controlling behaviors</td>
<td>99</td>
<td>96</td>
<td>No</td>
</tr>
<tr>
<td>Threats of physical violence</td>
<td>84</td>
<td>71</td>
<td>F &gt; M*</td>
</tr>
<tr>
<td>Physical violence</td>
<td>87</td>
<td>79</td>
<td>F &gt; M*</td>
</tr>
<tr>
<td>Severe physical violence</td>
<td>61</td>
<td>49</td>
<td>F &gt; M*</td>
</tr>
<tr>
<td>Sexual abuse</td>
<td>27</td>
<td>14</td>
<td>F &gt; M*</td>
</tr>
<tr>
<td>Stalking</td>
<td>70</td>
<td>56</td>
<td>F &gt; M*</td>
</tr>
<tr>
<td>Fear</td>
<td>79</td>
<td>40</td>
<td>F &gt; M*</td>
</tr>
<tr>
<td>Injury</td>
<td>69</td>
<td>61</td>
<td>F &gt; M*</td>
</tr>
<tr>
<td>Severe injury</td>
<td>20</td>
<td>13</td>
<td>F &gt; M*</td>
</tr>
</tbody>
</table>

---

**IPV Related Variables**

<table>
<thead>
<tr>
<th>Have you ever filed an order of protection against the other parent?</th>
<th>Females</th>
<th>Males</th>
</tr>
</thead>
<tbody>
<tr>
<td>% yes</td>
<td>58%</td>
<td>28%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Has the other parent ever been arrested for domestic violence against you?</th>
<th>Females</th>
<th>Males</th>
</tr>
</thead>
<tbody>
<tr>
<td>% yes</td>
<td>39%</td>
<td>15%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Risk*</th>
<th>Scale</th>
<th>Female Mean</th>
<th>Male Mean</th>
</tr>
</thead>
<tbody>
<tr>
<td>Risk of physical danger from other parent</td>
<td>1 = not risky at all, 9 = very risky</td>
<td>4.5</td>
<td>3.0</td>
</tr>
</tbody>
</table>

*Sex effect: females > males, p<.05
**Mediator Perspective on Mediation (Shuttle vs Videoconferencing Mediation)**

Mediator Form Completed after Mediation Ends with Each Case

Note (throughout talk):
NS= Nonsignificant statistical difference
* = p < .05
p value given for statistical trends

---

**Mediator Report: Feeling Safe?**

<table>
<thead>
<tr>
<th>Scale</th>
<th>Shuttle Mediation (N=48-49)</th>
<th>Videoconferencing Mediation (N=50)</th>
<th>Condition Effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>How safe did you feel during mediation?</td>
<td>1 = not at all safe</td>
<td>6.82</td>
<td>6.84</td>
</tr>
<tr>
<td>7 = very safe</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>How safe did your mother feel during mediation?</td>
<td>same</td>
<td>6.67</td>
<td>6.34</td>
</tr>
<tr>
<td>How safe did your father feel during mediation?</td>
<td>same</td>
<td>6.65</td>
<td>6.54</td>
</tr>
<tr>
<td>Did you have to use the panic button at any point in the mediation?</td>
<td>Percent &quot;yes&quot;</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

---

**Mediator Report: Time Spent in Mediation**

<table>
<thead>
<tr>
<th>Shuttle Mediation</th>
<th>Videoconferencing Mediation</th>
<th>Sign</th>
</tr>
</thead>
<tbody>
<tr>
<td># of mediation sessions held</td>
<td>2.4</td>
<td>2.6</td>
</tr>
<tr>
<td>Average length of each session</td>
<td>2.2 hours</td>
<td>2.0 hours</td>
</tr>
</tbody>
</table>
### Mediator Report: Satisfaction

<table>
<thead>
<tr>
<th>Scale</th>
<th>Shuttle Mediation (N = 48-49)</th>
<th>Videoconferencing Mediation (N = 47-49)</th>
<th>Condition Effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>How comfortable or satisfied were you with this approach for this case?</td>
<td>6.16</td>
<td>5.54</td>
<td>Shuttle &gt; Video (p=.05)</td>
</tr>
<tr>
<td>How comfortable or satisfied was mother with this approach?</td>
<td>same</td>
<td>5.73</td>
<td>5.35</td>
</tr>
<tr>
<td>How comfortable or satisfied was father with this approach?</td>
<td>same</td>
<td>5.83</td>
<td>5.36</td>
</tr>
</tbody>
</table>

### Mediator Report: Appropriateness

<table>
<thead>
<tr>
<th>Do you believe that this case was appropriate for this form of mediation?</th>
<th>Shuttle Mediation %</th>
<th>Videoconferencing Mediation %</th>
<th>Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td>0%</td>
<td>6.0%</td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>89.8%</td>
<td>78.0%</td>
<td>Shuttle &gt; Video (p&lt;.08)</td>
</tr>
<tr>
<td>Unsure</td>
<td>10.2%</td>
<td>16.0%</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Should case have been handled with a different approach?</th>
<th>Shuttle Mediation %</th>
<th>Videoconferencing Mediation %</th>
<th>Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>34.7%</td>
<td>58%</td>
<td>Shuttle &lt; Video*</td>
</tr>
</tbody>
</table>

### Mediator Report: Impact

<table>
<thead>
<tr>
<th>What impact did the mediation have on the outcome of the case?</th>
<th>Shuttle Mediation</th>
<th>Videoconferencing Mediation</th>
<th>Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 = Very Negative</td>
<td>5.16</td>
<td>4.59</td>
<td>Shuttle &gt; Video*</td>
</tr>
<tr>
<td>7 = Very Positive</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>What impact did the mediation have on the ability of the parties to reach agreement?</th>
<th>Shuttle Mediation</th>
<th>Videoconferencing Mediation</th>
<th>Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 = Very Negative</td>
<td>5.12</td>
<td>4.35</td>
<td>Shuttle &gt; Video*</td>
</tr>
<tr>
<td>7 = Very Positive</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Mediator Report Summary: Shuttle Vs Videoconferencing

Safety: Focus of Study
• All reported feeling safe.
• No statistically significant differences on any measure of perceived safety.

Some Differences
• Shuttle > Videoconferencing

Immediate Outcomes
Agreement Rate and Resolution Time

Mediation Agreement Rates

<table>
<thead>
<tr>
<th>Case Status</th>
<th>Shuttle Mediation</th>
<th>Videoconferencing Mediation</th>
<th>Non-Study Family Cases at Multi-Door Dispute Resolution Division (Year 2015)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mediation Agreement Rate (reached full or partial written agreement)</td>
<td>43% (21/49)</td>
<td>22% (11/50)</td>
<td>47% (184/384)</td>
</tr>
<tr>
<td>Video &lt; Shuttle* Video &lt; Non-Study Cases*</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Video < Shuttle and Video < Non-Study Cases indicate lower rates than Shuttle and Non-Study Family Cases respectively.
### Time to Final Resolution

<table>
<thead>
<tr>
<th>Case Status</th>
<th>Shuttle Mediation</th>
<th>Videoconferencing Mediation</th>
<th>Court</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Time from study entry to final resolution (Mean days)</em></td>
<td>70.7</td>
<td>79.3</td>
<td>243.2</td>
</tr>
</tbody>
</table>

*Court > Mediation*

### Immediate Outcomes

#### Party Perspective on the Process
(Shuttle vs Videoconferencing Mediation vs Return to Court)
After the Process Ended

### Statistical Design

**Mixed effect regression models**
- Compared:
  - 1) Mediation (both forms) versus Court
  - 2) Shuttle versus Video Mediation
  - 3) Men versus Women
- Not presenting sex differences today.
- Did not Compare:
  - Video vs Court
  - Shuttle vs Court
  - Condition X Sex Interaction

**Fixed effects**
- Condition
  - Shuttle mediation
  - Videoconferencing mediation
  - Return to court
- Sex
  - Male
  - Female

**Random intercept effects (nesting)**
- Families
- Mother and father per case
- Mediators
- Families
- Judges
- Families

*NS = nonsignificant statistically*
* = p<.05 throughout slides
p value given for trends
Immediate Outcomes:
Safety (Key Focus of the Study)

<table>
<thead>
<tr>
<th>Party Perception of Process: Immediate Outcome</th>
<th>Scale</th>
<th>Shuttle Mediation (Mean)</th>
<th>Video Mediation (Mean)</th>
<th>Return to Court (Mean)</th>
<th>Significant difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average Across 5 Questions, e.g.:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. How safe did you feel during that process?</td>
<td></td>
<td>6.22</td>
<td>6.09</td>
<td>5.28</td>
<td>Mediation &gt; Court*</td>
</tr>
<tr>
<td>3. How fearful for your own physical safety did you feel during the process?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Males (6.06) &gt; Females* (5.65)</td>
</tr>
</tbody>
</table>

Overall Satisfaction with the Process

<table>
<thead>
<tr>
<th>Party Perception of Process: Immediate Outcome</th>
<th>Scale</th>
<th>Shuttle Mediation (Mean)</th>
<th>Video Mediation (Mean)</th>
<th>Return to Court (Mean)</th>
<th>Significant difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>How satisfied were you with the process?</td>
<td></td>
<td>3.74</td>
<td>3.69</td>
<td>3.18</td>
<td>Mediation &gt; Court*</td>
</tr>
</tbody>
</table>

Perceptions of Positive Aspects of the Process

<table>
<thead>
<tr>
<th>Party Perception of Process: Immediate Outcome</th>
<th>Scale</th>
<th>Shuttle Mediation (Mean)</th>
<th>Video Mediation (Mean)</th>
<th>Return to Court (Mean)</th>
<th>Significant difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average Across 9 Questions, e.g.:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. How comfortable were you during that process?</td>
<td></td>
<td>5.60</td>
<td>5.59</td>
<td>4.69</td>
<td>Mediation &gt; Court*</td>
</tr>
<tr>
<td>3. How satisfied are you that your concerns were heard and understood during that process?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. How satisfied are you with the fairness of the process?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. How satisfied are you that the process required that both the other parent and you to be respectful to each other?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Process was Appropriate

<table>
<thead>
<tr>
<th>Party Perception of Process: Immediate Outcome</th>
<th>Shuttle Meditation (Percent Yes)</th>
<th>Video Meditation (Percent Yes)</th>
<th>Return to Court (Percent Yes)</th>
<th>Significant difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>One item:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Again, considering the process that</td>
<td>89%</td>
<td>84%</td>
<td>76%</td>
<td>Mediation &gt; Court*</td>
</tr>
<tr>
<td>was most helpful or important, do you</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>believe that that process was</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>appropriate for your case?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Upset

<table>
<thead>
<tr>
<th>Party Perception of Process: Immediate Outcome</th>
<th>Scale</th>
<th>Shuttle Meditation (Mean)</th>
<th>Video Meditation (Mean)</th>
<th>Return to Court (Mean)</th>
<th>Significant difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>How upset did you feeling during the process?</td>
<td></td>
<td>3.85</td>
<td>3.97</td>
<td>4.68</td>
<td>Mediation &lt; Court*</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Males (3.79) &lt;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Females* (4.56)</td>
</tr>
</tbody>
</table>

### Confidence that Parties will Follow Resolution

<table>
<thead>
<tr>
<th>Party Perception of Process: Immediate Outcome</th>
<th>Scale</th>
<th>Shuttle Meditation (Mean)</th>
<th>Video Meditation (Mean)</th>
<th>Return to Court (Mean)</th>
<th>Significant difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>I am confident that the parties will follow</td>
<td></td>
<td>3.74</td>
<td>3.88</td>
<td>3.28</td>
<td>Mediation &gt; Court*</td>
</tr>
<tr>
<td>the terms of the final resolution</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 = Strongly Disagree.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>5 = Strongly Agree</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: This question only asked of parties who reached agreement in mediation or final resolution in court condition.
Immediate Outcomes (Party Reports) with No Statistically Significant Differences Across Study Conditions

• Process will result in:
  • Positive family outcomes
  • Positive financial outcomes

• Satisfaction with:
  • Outcome (overall)
  • Final resolution (for those who reached resolution)
  • Not having reached final resolution (for those who did not)

Summary of Party Perspective at Immediate Outcome

• Mediation > Court: Variables reviewed above
• Other variables: No significant differences
• Court never “better” than Mediation

• No differences between Shuttle and Videoconferencing Mediation

Immediate Outcomes

Content of Document that Resolved the Case Issues
Immediate Outcomes:
Family Court Records
• Coded by team of law student coders (led by Applegate)
• Tested for differences across 3 study conditions
  • But few statistically significant findings, so findings presented are across study conditions (for full study sample) unless otherwise noted
• Records presenting now: Content of the “Document that Resolved the Case Issues” (mediation agreement or court order)
  • Includes resolutions reached through court if mediation did not result in an agreement

Document that Resolved the Issues:
Concerns to be Addressed
All high IPV cases
1) Will mediation lead to “worse” outcomes than court for the victim and children (e.g., less parenting time for survivor)?
2) Will document include provisions that could be useful in preventing IPV (e.g., safety restrictions, supervised child exchanges)?
3) Will document specify how to handle issues or leave issues to be negotiated, “on the spot”, in the future, which may increase risk of interparental conflict and IPV?

Family Court Records: Legal Custody
• If addressed (97%, NS), who was granted Legal Custody? (NS)?
  • Joint: 86%
  • Mother: 12%
  • Father: 2%
  • Joint: D.C. presumption
• If joint custody, specified who had final say in cases of disagreement: 42% (NS)
  • Of those who specified, who had final say? (NS)
    • Mother: 64%
    • Father: 16%
    • Other: 20%
Family Court Records: Physical Custody

• If addressed (97%, NS), who was granted Physical Custody? (NS)
  • Joint: 53% without primary designation
  • Mother: 40% sole or primary
  • Father: 7% sole or primary

• Joint: D.C. presumption

Family Court Records: Visitation/Parenting Time

• If addressed, how is visitation determined? 94% (NS)
  • Specified: 75% (NS)

• If addressed, also addressed how to modify visitation? 35% (NS)
  • Of the 35%: By mutual agreement: 86% (NS)

• Parenting Time (hours per 28 days) (NS across study conditions)
  • Women (443 hours) > Men (229 hours)*

Family Court Records: Visitation/Parenting Time

• Non-significant differences for:
  • Parenting Time Supervised: 8%
  • Addressing Physical Custody Restrictions or Contingencies: 5%
  • Addressing Holidays: 62%
  • Addressing Missed Parenting Time: 4% (NS)
    • If addressed, making up missed parenting time to be decided by mutual agreement: 80% (NS)

• Significant differences for:
  • Addressing First Option Childcare:
    • Mediation (22%) > Court (4%)*
    • Shuttle: 17%
    • Video: 28%
    • Court: 4%
Family Court Records: Child Exchanges

- Was addressed: 75% (NS)
- If addressed, where exchanges could take place (many options and could be >1 option)
- Significant difference between conditions for only one option:
  - Parents' Home: Mediation (44%) > Court (9%)*
    - Shuttle: 52%, Video: 38%, Court: 9%
- If addressed, also addressed how to modify it: 20% (NS)
  - Of the 20%, by mutual agreement: 95% (NS)

Family Court Records: Restrictions on Interparental Interactions

- Confidential address (NS): 1%
- Explicit Statement of No Violence (NS): 3%
- Limits on Contacts (NS): 3% in public
  2% in private
- No verbal fighting (NS): 14%
- Limits on amount (e.g., only send one email per week) (NS): 2%
- Limits on methods (e.g., only text or email) (NS): 13%
- Limits on content (e.g., only discuss child related issues) (NS): 10%

Mediation > Court*:

- Communication between parents addressed:
  - Mediation: 56%; Court: 31%
- Restrict disputes in child’s presence:
  - Mediation: 44%; Court: 14%;
- Aspirational language about co-parental communication (e.g., civil discussions):
  - Mediation: 38%; Court: 8%;
- Agree to limit parents’ passing of messages to one another through the child
  - Mediation: 35%; Court: 10%
Family Court Records: Counseling

- Referrals to counseling: 5% (NS across conditions)

Summary of Document that Resolved the Issues

1) Will mediation lead to “worse” outcomes than court for the victim and children?
   - Study did not confirm fears that mediation agreements would “hurt” victims of IPV and their children, relative to court
   - No significant differences, across study conditions, in:
     - Legal custody
     - Physical custody
     - Parenting time

2) Will document include provisions that could be useful in preventing IPV?
   - Consistent with past research: Safety issues and restrictions not often specified
   - Some mediation outcomes specify less conflictual interparental interactions, relative to court outcomes
   - But mediation more likely to allow child exchanges at parents’ homes

3) Will document specify how to handle issues or leave issues to be negotiated, “on the spot”, in the future, which may increase risk of interparental conflict and IPV?
   - Consistent with past research, both mediation and court leave issues to be negotiated “on the spot”, potentially creating risk for more conflict and IPV
Summary of Immediate Outcomes Across Measures

• Mediator Report:
  • No differences in safety across shuttle and videoconferencing (safe)
  • Some preferences for shuttle vs video

• Party Report:
  • Mediation > Court:
  • Safety
  • Satisfaction
  • More positive about process

• Objective Records:
  • Reaching an agreement: Videoconferencing < Shuttle and Court
  • Time to resolution: Mediation faster than Court
  • No differences across study conditions in content of document that resolved the issues

One Year Follow-up Phone Interviews (Parent Reports)

～One Year Following Study Entry

50% attrition rate (N=166 parties)

Overall MASIC Past Year IPV Victimization

<table>
<thead>
<tr>
<th>Party Perception of Process- One Year Follow Up</th>
<th>Scale</th>
<th>Shuttle Mediation (Mean)</th>
<th>Video Mediation (Mean)</th>
<th>Return to Court (Mean)</th>
<th>Significant difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>MASIC Past Year Variety Score</td>
<td>0 = No, 1 = Yes (0 - 38)</td>
<td>6.16</td>
<td>7.18</td>
<td>5.68</td>
<td>NS</td>
</tr>
<tr>
<td>Party Perception of Process- Baseline vs One Year Follow Up</td>
<td>Scale</td>
<td>Baseline (Mean)</td>
<td>Follow Up (Mean)</td>
<td>Significant difference</td>
<td></td>
</tr>
<tr>
<td>MASIC Past Year Variety Score</td>
<td>0 = No, 1 = Yes (0 - 38)</td>
<td>10.92</td>
<td>6.29</td>
<td>Follow up &lt; Baseline*</td>
<td></td>
</tr>
</tbody>
</table>

**IPV has decreased from study entry but is still occurring
Follow-up: Findings with Significant or Trending Differences Across Study Conditions

- Videoconferencing > Shuttle:
  - Post-Traumatic Stress Disorder from Other Parent's Perpetrated IPV*
  - Harassment from Other Parent, p<.08

- Shuttle > Videoconferencing:
  - Positive Co-parenting, p <.07
  - Process Resulted in Positive Family Outcomes, p < .09

- Court > Mediation
  - Parents' Perceived Social Support from Others*

Follow-Up Interview Outcomes with No Statistically Significant Differences Across Study Conditions

- Other Measures of Interparental Conflict, such as:
  - Interparental Conflict and Child Caught in Middle
  - Visitation Disagreements

- Parent Satisfaction, such as:
  - Overall Satisfaction with Process and Outcome
  - Note: Had been many differences in satisfaction at Immediate Outcome (Mediation > Court); but not one year later

- Parent's Individual Functioning (Parent's Report), such as:
  - Stress
  - Anxiety/Depression

Follow-Up Interview Outcomes with No Statistically Significant Differences Across Study Conditions

- Parenting (Parent's Report), such as:
  - Past year contact with Children
  - Parenting Quality

- Child's Functioning (Parent's Report), such as:
  - Child Internalizing and Externalizing Symptoms

- Child Risk Index, but:
  - Children at risk for future problems, based on mother reports
Follow-up: Objective Records

- Available for all parties (vs phone interview attrition)

- Change in time frame:
  - Party Follow-up Interviews were one year after study entry
  - Objective records were coded for information for one year after the final resolution of the case.

Family Court Record Coding: Re-Litigation in Study Case in Year Following Final Resolution

- No Significant Difference Across Study Conditions

- Percent with no activity: 67%
  - No Motions: 72%
  - No Responses: 88%
  - No Hearings: 80%
  - No Orders: 77%
  - No Trials: 99%

IPV Charges and CPOs: Party as Defendant in Year Following Case Resolution

- Coded available family, criminal, traffic, and civil records for each study participant with a focus on IPV.

- Study Cases (with other parent in study):
  - No significant differences across study conditions
  - No significant differences across sex
  - 8.4%

- Note: IPV could include harassment, destruction of property, etc.

- Concern: IPV charges and CPOs still continuing after final resolution is reached
  - But IPV at lower levels than study entry according to party self-report on MASIC
Summary of Follow-up Findings
Across Measures

• Possible Videoconferencing vs Shuttle differences (more later)

• No differences across study conditions in family court re-litigation rates (67% did not re-litigate family case) or other criminal/legal IPV activity:
  • Mediation doing “as well” as court condition

• IPV decreased but still occurring
  • MASIC at Follow-up Interview
  • Coding of Criminal and Court Records

• Children may still be at risk
  • Mother report at Follow-up Interview

Was a high risk sample, but...
• These cases may need more
• What other processes can Family Courts use to help these families?
• Field needs to be creative to help!

Summary of Study Findings
(Across Immediate Outcomes and Follow-Up)
and Discussion

Overall Summary (Across Time)
Videoconferencing: Preliminary Observations
Based on the Data

• Mediators showed some preferences for Shuttle over Videoconferencing

• Videoconferencing cases half as likely to reach an agreement as Shuttle or Court cases

• At one year interview with Parties:
  • Videoconferencing outcomes raised more concerns than Shuttle on some variables: PTSD from IPV, harassment, co-parenting, positive family outcomes

• Thus, for these types of cases, at this point, research team recommending:
  • Shuttle as the “go to” or starting point
  • Use Videoconferencing cautiously
Summary Across All Study Findings

- Mediation approaches designed to protect party safety can be a viable option for some cases with high levels of IPV.

- Relative to return to court, mediation can do:
  - Better, in immediate outcomes and time to resolution
  - As well as, over a one year period

Conclusion

- Opens up alternatives for resolving disputes in cases with high levels of IPV, with caveats....

- We recommend:
  - Parties with a history of high levels of IPV not be mandated to mediate
    - Study did not examine the appropriateness of court-mandated mediation in this context, as all study participants were willing to be assigned to mediation
  - Only special forms of mediation, designed for safety, be used (not joint mediation)
    - We tested shuttle and video mediation
  - A safe environment or setting
    - e.g., Multi-Door: staff involvement; safety protocols for arrival, departure, and breaks; panic buttons; metal detector, security guards, etc.

Thank you!

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