

SPECIAL FEATURE

Delaware County, Ohio, domestic relations court programs designed to reduce family conflict and reach agreements

Randall D. Fuller | Amy Armstrong

Delaware County Common Pleas Court, Delaware, Ohio, USA

Correspondence

Randall D. Fuller, Delaware County Common Pleas Court, 117 N. Union Street, Level 400, Delaware, OH 43015, USA.
Email: rfuller@co.delaware.oh.us

Abstract

Families experiencing separation and divorce often find it difficult to provide emotional stability for children as the parents struggle with financial, parenting, and relationship decisions. The effect on children can be especially precarious. Adverse childhood experiences, or ACEs, are risk factors that potentially affect children for the rest of their lives. Parental separation and divorce are identified as adverse childhood experiences and the experiences of stress and loss, reduced parental effectiveness, and exposure to parental conflict, among other stressors, may explain some of the negative outcomes often observed in children following divorce. It is essential that public institutions, including courts, are informed about the risks and protective factors associated with ACEs and resolve to mitigate the effects for children and families whom they serve. Domestic Relations Courts are uniquely equipped to address the effects that parental separation and divorce have on children, given the courts' authority to govern the legal divorce and custody process. The Domestic Relations Court in Delaware, Ohio, is committed to assisting families navigate separation and divorce in a way that is in the best interests of all, especially the children. The Court has created four specific programs to help litigants navigate their emotions, create new narratives, and explore solutions to conflict outside of trial. These

innovative programs go beyond traditional court practices to treat the spouses and parents as unique individuals, giving them ample opportunities to address traumatic events and be validated for their lived experience. The suite of services includes Settlement Weeks, Neutral Evaluation, Co-parent Coaching, and Brief Family Assessments. In the subsequent sections, we will delve into each program, exploring their promise for improving outcomes for the public, the litigants, and the court as a whole.

KEYWORDS

assessments, co-parent coaching, court programs, decision-making, Delaware County domestic relations court, dispute resolution, emotions, high-conflict, listening, multiple perspectives, neutral evaluation, Ohio, parents, settlement week, teamwork, validation

Key points for the family court community

- The Delaware County Domestic Relations Court has implemented four specific programs: Settlement Weeks, Neutral Evaluation, Co-Parent Coaching, and Brief Family Assessments. These programs aim to assist families in navigating separation and divorce with reduced stress compared to traditional litigation alone.
- Successful programs prioritize promoting self-regulation and well-being among individuals involved in separation and divorce proceedings.
- Structured processes that validate emotions and highlight choices empower individuals to navigate their emotions and make informed decisions during legal proceedings.
- Through inclusive development processes and continuous improvement efforts, the Delaware County Domestic Relations Court has led a paradigm shift in the domestic relations community.

Productive resolution of conflict meets significant individual, family, and community needs.¹ When encountered in a structured and supportive manner, engaging in conflict allows people to discuss important issues; welcome new and creative ideas; release emotional tension; and provide a forum whereby people reevaluate and clarify goals and

¹Pedro-Carroll, J. L. (2010). *Putting children first: Proven parenting strategies for helping children thrive through divorce*. New York, N.Y.: Penguin Group.

needs.² In so doing, they can resolve situations in their own lives that have a ripple effect into the community and beyond.³

These advantages suggest that conflict is normal and healthy, and they underscore the importance of understanding and handling conflict in a way that leads to healthy change. But perhaps more familiar is the negative side of conflict; heated exchanges spiraling out of control, resulting in frustration, tension, stress, hard feelings, and, ultimately, more conflict. Separating and divorcing parents often perceive significant threats and may be consumed by worry of diminishing resources.⁴ Children, especially, do not fare well in high-conflict and it can have long-term consequences, including the deterioration of a relationship with a parent, and even issues with safety.⁵

The court system provides a structured process for people to obtain resolutions for their disputes. In some family law cases, a significant disparity seems to exist between the information the parents present to the court as compared to their real-life experiences. In other words, what a parent includes in their court pleadings may be characteristically very different than the information revealed in personalized, one-on-one settings with a trusted professional. In the book chapter, "Attribution in the Context of Conflict and Separation in Close Relationships," Harvey et al. (2018), describe emergent work on people's attributions and perceptions of conflict and separation.⁶ Their basic assumption is that people have an urge to try to explain why problems plague the relationship or why the relationships have ended.⁷ This attempt to explain the situation gets more pronounced after separation. Harvey and his co-authors say, "Whether this striving for understanding is based on a need for future control, simple curiosity, or some other mechanism, causal attribution in this context often manifests itself in elaborate, interpretive rationales filled with such feelings as anger, hate, despair, failure, and self-deprecation."⁸ While on the outside it may appear to be a lack of emotion that drives the analysis, in reality, it is often heavy emotions motivating the need to answer, "Why?"

Authors and trauma-informed professionals Rebecca Bailey, Deborah Dana, Elizabeth Bailey, and Frank Davis, in their application of poly-vagal theory to family law cases, help us understand the threat response exhibited in high-conflict cases.⁹ They state, "By understanding these behaviors as adaptive survival responses and exploring the factors triggering the sense of a lack of safety, clinicians and professionals can move away from assigning motivation and moral meaning towards in favor of increased awareness, understanding, and a greater capacity to intervene effectively."¹⁰

Professionals outside the realm of family law also have valuable insights into the role of emotion in conflict. According to Donna Hicks, Ph.D., an international conflict resolution specialist, in her book, *Dignity: Its essential role in resolving conflict* (2011), "Our self-protective instincts are so ready to respond in threatening situations that we feel as though they take us over. Emotional hijacking happens to us all. How many times have we told ourselves that we will not let someone rile us and then, in spite of our best intentions, entered into a heated argument?"¹¹

Conflict hinges on the belief that a situation diminishes or threatens to diminish one's power or status, or results in unavoidable negative emotions.¹² The word that best encapsulates the need for power, control, and worth, is "dignity."¹³ Hicks writes, "As a psychologist, I always gravitate toward the unspoken conversations that perhaps were

²Brahm, E. (2004). Benefits of intractable conflict. *Beyond Intractability*. Retrieved from <https://www.beyondintractability.org/essay/benefits>.

³PON Staff. (2023). To achieve a win situation, first negotiate with yourself. *PON - Program on Negotiation at Harvard Law School*. Retrieved from <https://www.pon.harvard.edu/daily/negotiation-skills-daily/to-get-to-yes-with-others-first-negotiate-with-yourself-nb/>.

⁴Bailey, R., Dana, D., Bailey, E., & Davis, F. (2020). The application of the polyvagal theory to high conflict co-parenting cases. *Family Court Review*, 58(2), 525-543. <https://doi.org/10.1111/fcre.12485>.

⁵Pedro-Carroll, *supra* note 1, at 170-172.

⁶Harvey, J. H., Ickes, W. J., & Kidd, R. F. (2018). *New directions in attribution research*. New York, N.Y.: Psychology Press.

⁷*Id.*

⁸*Id.*

⁹Bailey et al., *supra* note 4, at 525-543.

¹⁰Bailey et al., *supra* note 4, at 525-543.

¹¹Hicks, D. (2011). *Dignity: Its essential role in resolving conflict*. New York, N.Y.: Yale University Press.

¹²*Id.*

¹³*Id.*

taking place at the negotiation table (or under the table). Emotional riptides wreaked havoc on the people and the dialogue process. I eventually concluded that the force behind their reactions was the result of primal insults to dignity."¹⁴ Hicks goes on to say, "Treating others with dignity, then, becomes the baseline for our interactions. We must treat others as though they matter, as though they are worthy of care and attention."¹⁵ This statement has an opposite, says Hicks, "Treating others as instruments to further one's own goals and interests."¹⁶ With dignity intact, events or situations are impervious to conflict; individuals can refrain from personalizing them, thus maintaining emotional independence even in the turmoil of threats of loss of power, status, and positive emotion.¹⁷

With all the complex and often threatening decisions facing parents during court involvement, professionals can be more effective when they understand the nature of reactivity that is normal under stress.¹⁸ According to Bailey et al. (2020), in their article, "The application of the poly-vagal theory to high conflict co-parenting cases," family members "can be more effective in problem-solving when they are able to reliably recognize and then subsequently regulate their internal states."¹⁹ They go on to say, "Self-(emotion) regulation can promote better communication, clearer thinking, and improved problem-solving abilities."²⁰ Thus, self-regulation is key for reducing conflict and restoring optimal thinking and parental abilities.

Innovative court programs at the Delaware County Domestic Relations Court serve as a means to address conflict in a more efficient, as well as compassionate way, enabling people to preserve their well-being instead of experiencing cognitive and emotional turmoil in court. These programs are built on three core concepts: validation, choices, and a structured process for navigating thoughts and emotions. These principles empower individuals to safeguard their well-being during legal proceedings by addressing the unique needs and lived experience of each person.

Validation in this context does not simply mean affirming the facts presented by each party; it is more about believing the real-life experiences they share in their relationship narratives and operating from their present vantage points. This validation forms the compassionate core of co-regulation, a crucial component of self-regulation of emotions.

Choices play a significant role in empowering individuals. Even seemingly small, personal choices provide people with agency over their lives and help them recognize that they have control not only over their reactions, but also over their future beliefs. When a litigant declares, "I have no choice," we recognize their limited self-identity. Our hope is that with significant support, people experiencing intense relationship dysfunction can see themselves making choices to create a brighter future. In her book chapter, "From Victim to Survivor to Overcomer," Ben-David (2020), informs readers that a "key realization of this (thriving) stage is that an individual has gotten through the trauma intact, or mostly intact. This understanding allows the person to begin integrating the trauma into his or her life story, to take control of life, and to recognize the potential for change and growth. In addition, the individual is less pessimistic, and begins to recognize and embrace new possibilities."²¹

Structured processes for listening to and working with a litigant's actual lived experiences enable litigants to not only acknowledge the reality of their situation, but to feel psychologically safe in doing so. One of many trauma-informed court practices is to be predictable and reliable as professionals – declaring what we are going to do and following through reliably.²² Our structured court dispute resolution processes include opportunities for litigants to

¹⁴*Id.*

¹⁵*Id.*

¹⁶*Id.*

¹⁷*Id.*

¹⁸Bailey, Dana, Bailey, & Davis, *supra* note 4, at 525–543.

¹⁹*Id.*

²⁰*Id.*

²¹Ben-David, S. (2020). From victim to survivor to overcomer. In J. Joseph & S. Jergenson (Eds.), *An international perspective on contemporary developments in victimology* (pp. 21–30). Springer, Cham. https://doi.org/10.1007/978-3-030-41622-5_2.

²²Meyer, B. (2022). *Beyond trauma-informed: Becoming a trauma competent court* [PowerPoint slides]. Supreme Court of Ohio, Judicial College. Retrieved From: <https://www.supremecourt.ohio.gov/docs/JCS/specDockets/EducationSeries/2022/December/121522.pdf>.

voice input on legitimate choices, such as needs for breaks or to ask questions, thus respectfully giving them a sense of some control.²³

SETTLEMENT WEEK

The first court program we implemented to reduce conflict and stress for families going through our court was Settlement Week. Our Settlement Week Program started in 2018 and prioritized dispute resolution as a way to resolve family disputes. This court program sent a clear message to the domestic relations community by highlighting the benefit of dispute resolution to reduce conflict and stress for families involved in the court system. It represented a paradigm shift away from a litigation model to a dispute resolution model. While courts do a good job of resolving family law cases and making decisions when families cannot agree, there is often a better, less adversarial way to resolve family law cases.

Creating a Settlement Week Program has little to no cost for the court. Our program utilizes private mediators to help families resolve their disputes. The mediators accept a reduced fee to be part of the program. The families directly pay the mediator's fee. If the family is indigent, the court can pay the mediator out of special project funds or the court can require mediators to accept some pro bono cases to be part of the program.

The court does not hold hearings or trials during Settlement Week so that all court personnel can be on hand to answer questions and support the settlement process. The judge and magistrates are available to place agreements on the record and finalize plans for the resolution of the cases. It also has the extra benefit of creating additional writing time for judges and magistrates.

Our first Settlement Week was conducted in November 2018. After observing the successful resolution of family disputes, we decided to devote court resources to provide two Settlement Weeks per year. As of this writing, the Delaware County, Ohio, Domestic Relations Court has offered 11 Settlement Weeks over five years.

In our program, mediators agree to mediate cases assigned to Settlement Week on the days they are available. We utilize some of the most highly trained mediators in central Ohio. It has been our experience that mediators are excited to be part of Settlement Week and several have called requesting to mediate cases in our court program. Mediators benefit from participating in our program as they can showcase their mediation skills to the attorneys involved in the case and the court.

Attorneys may request to have their cases in Settlement Week, or the judge or magistrates may select a case for Settlement Week. After being screened, cases are selected to participate in the program. Attorneys attend the mediation session with their clients.

Mediation sessions are scheduled for three hours, and additional sessions are scheduled as needed. Settlement Week has a reputation of not only helping cases settle but prioritizing settlement and using court resources to demonstrate that settlement is possible, and the court will make every effort to assist. Mediation validates the litigants, gives choices, and provides a structured process whereby the litigants have support in a helpful format to reduce conflict.

Settlement Week was created to meet the needs of Delaware County, Ohio. Other courts may tailor a Settlement Week Program differently to best meet their needs. For example, courts with a smaller caseload may not need a full week dedicated to the program. Also, courts with larger caseloads may not be able to clear the court's docket during Settlement Week.

We conducted our latest Settlement Week in November 2023. Seventeen cases participated in our program. Of the 17 cases, 13 cases (76.47%) reached full settlement, 3 cases (17.65%) reached partial settlements, and only 1 case (5.88%) had no settlement.

²³*Id.*

Settlement Week can be conducted successfully virtually. During the pandemic, we conducted three Settlement Weeks virtually. Mediation sessions were conducted via Zoom. If an agreement was reached, the attorneys drafted the documents, and the court circulated the agreement to be signed electronically. The judge or magistrate took the acknowledgment under oath, on the record, via Zoom. Then, the court e-filed the documents and served the attorneys via email.

Our Settlement Week program was recently praised by Ohio Chief Justice Sharon Kennedy in her 2023 State of the Judiciary Address.²⁴ The Chief Justice encouraged other Ohio judges to consider implementing a Settlement Week Program in their courts.²⁵ Several Ohio courts have expressed interest in creating a Settlement Week Program and we have worked with another Ohio court to create their Settlement Week Program. Additionally, we have participated in roundtable discussions to educate and assist other courts regarding Settlement Week.²⁶

NEUTRAL EVALUATION

Our second court program, which began in 2020, is Neutral Evaluation. Many times, people involved in a court case do not have a clear understanding of likely outcomes in court. The Neutral Evaluation Program, formerly called Early Neutral Evaluation, is used at any point during the case when the parties need direction from an experienced panel of professionals to learn the strengths and weaknesses of their case and the likely outcomes if their case proceeds to trial.

Distribution of assets and debts, valuation of businesses, spousal support, child support, designation of school placement, and allocation of parental rights and responsibilities, are typical issues brought to Neutral Evaluations. In the Delaware County, Ohio, program, the Neutral Evaluation process involves a panel of neutral professionals that includes a magistrate, who is not the magistrate assigned to the case, and another neutral professional. In cases with financial issues, the neutral professional is a forensic accountant. In cases involving issues of custody or companionship time, a licensed mental health professional is used as the other neutral professional on the panel.

In our program, each party is given 15 minutes to present their side of the case; the attorney (if they have one) is given five minutes each; and if a guardian ad litem is involved in the case, they can present for up to 20 min. The Neutral Evaluation proceeding is not recorded. The presentations give each person a chance to be heard, before a magistrate and another neutral professional, about the most important aspects of their case, without the restrictive application of the Rules of Evidence. Then, the magistrate and neutral professional ask questions to elicit more information as needed.

The entire Neutral Evaluation process is confidential and privileged, meaning, the discussion cannot be shared with others and no one from the panel can be called to testify in court. There are a few exceptions to this rule, such as someone threatening or abusing another person or disclosing information regarding the commission or planning of a felony.

Once everyone has had their chance to speak and the panel members ask questions, the panel members caucus and discuss the merits of each issue. Sometimes the panel will caucus with each side to verify their understanding of positions, information, and issues. When one or both sides have experts, the panel reviews the expert reports first and then will caucus with the experts to ask questions and gain understanding. Then, the panel reviews, with the family and other professionals, the strengths and weaknesses of the case and indicates how the court might rule on matters. The parties and counsel are given the opportunity to meet without the panel to discuss the feedback. Next, the parties may choose to mediate the issues in the case with the assistance of the neutral panel members. Almost

²⁴Kennedy, S. (2023, September 14). *SotJ settlement week clip* [Video]. The Ohio Channel/Ideastream. <https://www.ohiochannel.org/video/sotj-settlement-week-clip>.

²⁵*Id.*

²⁶Sukosd, C. (2023, September 1). *Settlement week offers faster and less costly resolution to cases*. Court News Ohio. Retrieved From: https://courtnews.ohio.gov/happening/2023/SettlementWeek_090123.asp.

always, the participants choose to attempt mediation, and the matter proceeds. However, should one or both sides choose not to mediate, then the Neutral Evaluation process ends.

In Neutral Evaluations, each case is taken very seriously and the part of the case which is in dispute is examined with great care. During the Neutral Evaluation process, the parties can feel validated in a structured process and make choices about how they want to proceed given direction from the panel.

Our Neutral Evaluation program has had great success resolving disputes with families. To date, we have conducted 29 Neutral Evaluations. Of the 29 Neutral Evaluations, 24 (82.76%) have reached full settlement on the issues presented, 3 (10.34%) have reached partial agreement, and 2 (6.90%) have not reached an agreement.

One of the most important benefits of the Neutral Evaluation process is that it allows each person to feel heard. Each person talks directly to the neutral panel in a court-like setting. After being heard by the panel, they hear the panel discuss their concerns. This process of being heard in a court-like setting is empowering and validating for the family members involved in the conflict.

The Neutral Evaluation Program gives litigants the two most important deliverables desired: one, the opportunity to tell their story in their own words; and two, the timely resolution of their case. The litigants and taxpayers also save thousands of dollars avoiding trials, objections to decisions, and appeals to decisions. The court gains valuable time in its docket, through this judicial economy, to focus on the cases and issues that must be tried.

CO-PARENT COACHING

Co-parent Coaching is our third court program that gives parents an extended opportunity to process their real-time experience, whether or not they are working toward settlement of their case. Beginning in 2020, Co-parent Coaching began as a pilot program and has since become a sought-after service for settlement-minded attorneys and their clients. Co-parent Coaching carries with it the assumption that even well-meaning and high-functioning co-parents can struggle with co-parenting. Differences in communication preferences, parenting styles, and the high-stakes and emotional nature of parenting all contribute to the potential conflicts arising from separating children into two homes. Co-parent Coaching creates a forum for parents to develop their goals for co-parenting and potential options for structuring their communications and decision-making processes to meet their goals.

Coaching is big business in the larger context outside of the field of family law. According to the International Coaching Federation (ICF), which claims to uphold the “gold-standard” for coaches, coaching is currently a multi-billion-dollar industry.²⁷ Coaching in domestic relations courts, however, is in its infancy. The Co-parent Coaching Program in Delaware County has its roots in the ICF competencies. At the time of this writing all coaches in the program are accredited or on the path to accreditation through an ICF-authorized training program.

According to Harvard Business Review, the hallmark feature of coaching is the nature of the coach-coachee relationship, which is oriented toward supporting, rather than directing, change. The coach is trained to expertly ask questions that tap into the coachee's readiness to change.²⁸ Robert Quinn, in his classic book, *Change the World* (2000), states that, “the least effective way for people to change is to tell them to change.”²⁹ Coaching, on the other hand, inspires change through inquiry, feedback, and a deep listening presence.³⁰

Timothy Clark, author of *The Four Stages of Psychological Safety* (2020), opines that “change happens when people feel psychologically safe to do so.”³¹ A big part of a coach's job is to help people experiment with new

²⁷International Coaching Federation. (2023). Global coaching study 2023 executive summary. Retrieved From: https://coachingfederation.org/app/uploads/2023/04/2023ICFGlobalCoachingStudy_ExecutiveSummary.pdf

²⁸Boyatzis, R. E., Smith, M., & Van Oosten, E. (2019). Coaching for change. *Harvard Business Review*. Retrieved From: <https://hbr.org/2019/09/coaching-for-change>.

²⁹Quinn, R. E. (2000). *Change the world: How ordinary people can accomplish extraordinary results* (1st ed.). Jossey-Bass.

³⁰Ordoñez, J. (2023, July 13). The art of listening in coaching. *International Coaching Federation*. <https://coachingfederation.org/blog/the-art-of-listening-in-coaching>.

³¹Clark, T. R. (2020). *The 4 stages of psychological safety: Defining the path to inclusion and innovation*. Berrett-Koehler Publishers.

behaviors.³² The Co-parent Coaching process at the Delaware County Domestic Relations Court allows parents to discuss goals and interests without legally binding agreements to try new behaviors and ideas for co-parenting.

One of the issues addressed in Co-Parent Coaching is emotion regulation, which has its roots in attachment theory. Trusted professionals can serve as a proxy attachment figure, to provide psychological safety similar to the feelings of safety and security from secure interpersonal and familial relationships.³³ When a professional serves as a reliable source of protection and support, they can become an attachment figure to another adult.³⁴

The security experienced with the attachment figure leads to curiosity to explore options, willingness to ask for help, and lower stress reactivity.³⁵ Additionally, the protection offered by the trusted professional invites return to full cognitive functioning after stressful interactions, re-calibrating thinking and feeling states, and returning the brain to a state of optimal reasoning.³⁶ In summary, it is co-regulation with the professional serving as an attachment figure that makes an enormous difference in helping litigants safeguard their well-being during their court-involvement.

In the Co-parent Coaching Program, individual sessions with each parent give the coach an opportunity to build rapport with each parent and get to know their individual concerns and stressors. While coaching sessions are specifically designed to avoid advice on the “right way” to co-parent, the coach is uniquely qualified to expose potential risks for the child in the middle of adult conflicts, or possible blind spots affecting each parent as they undertake parenting without the contributions, or buffer of the other parent in the same home.

The Delaware County, Ohio, Co-parent Coaching Program involves three phases. First is the introductory phase of individual sessions. Typically, one to two 30-45-minute sessions are adequate for the litigant to sense the coach's commitment to safeguard their well-being and provide guardrails for joint sessions. Second, up to six sessions in-person or over the Zoom platform with both parents present allows parents to explore options and determine what needs to be articulated in order to have closure on their past dynamic. Third, up to two Co-parent Coaching sessions allow the coach and parents to firm up any agreements that will be passed on to a guardian ad litem or attorneys, or to close the loop on referrals to outside counseling or other supportive services that will uphold a new family dynamic on-going.

The coach helps the parents see their options to communicate more, less, or simply differently. Parents have the opportunity to imagine new ways of getting along and jointly supporting their child's needs, even if they choose a parallel or otherwise hands-off approach to co-parenting. It is clear in the Co-parent Coaching Program that there is no “one-size-fits-all” approach to parenting, let alone co-parenting. We emphasize that stress is real, but not an excuse to give up. We teach parents to look closely into the real-time experiences and needs of each family member, rather than in preconceived ideas of how parenting “should” be. No matter your circumstances, the “right” answers to parenting questions are those which are your own.

Some parents prefer to meet in shuttle-style sessions, and some prefer to meet in person, often having conversations for the first time in years. It is common in Co-parent Coaching sessions for parents to surprise one another with expressions of support or intentions contrary to what has been filed in court proceedings. With the help of the Co-parent Coach, parents can identify the areas best served by their attorneys in settlement conferences, informal negotiations or trial, and which issues they prefer to address in the informal Co-parent Coaching conversations.

The Co-parent Coaching Program is unique in that it allows the parents to talk about the real, underlying issues, not just the legal issues as they might in mediation. By addressing the underlying emotional issues with a skilled facilitator in structured sessions, the parents become better equipped to reach agreements and co-parent their children.

³²Boyatzis, Smith, & Van Oosten, *supra* note 28.

³³Taylor, P. J., Rietzschel, J., Danquah, A., & Berry, K. (2015). The role of attachment style, attachment to therapist, and working alliance in response to psychological therapy. *Psychology and Psychotherapy: Theory, Research and Practice*, 88(3), 240–253. <https://doi.org/10.1111/papt.12045>.

³⁴Mikulincer, M., Shaver, P. R., & Berant, E. (2013). An attachment perspective on therapeutic processes and outcomes. *Journal of Personality*, 81(6), 606–616. <https://doi.org/10.1111/j.1467-6494.2012.00806.x>.

³⁵National Collaborating Centre for Mental Health (UK). (2015). *Children's attachment: Attachment in children and young people who are adopted from care, in care or at high risk of going into care*. National Institute for Health and Care Excellence (NICE). Retrieved From: <https://www.ncbi.nlm.nih.gov/books/NBK356196/>.

³⁶Jung, N., Wranke, C., Hamburger, K., & Knauff, M. (2014). How emotions affect logical reasoning: evidence from experiments with mood-manipulated participants, spider phobics, and people with exam anxiety. *Frontiers in Psychology*, 5, 570. <https://doi.org/10.3389/fpsyg.2014.00570>.

The Delaware County Domestic Relations Court uses efficient data analysis to guide the implementation of its Co-parent Coaching Program. Applying this research approach, participants took confidential online surveys regarding their perceptions of co-parenting before and after receiving coaching services. The amount of time between pre-surveys and post-surveys tended to be three months, meaning that average differences in responses likely reflect changed perceptions. However, without treatment and control groups, differences between pre- and post-surveys could also be attributed to the passage of time and/or functioning of other family court processes, such as legal negotiations and litigation. These survey responses were then analyzed with a statistical process called an ordinal logistic regression, which estimates the likelihood of a change in ordered categories (“High,” “Somewhat High,” “Moderate,” “Somewhat Low,” and “Low”) associated with each variable. Control variables included gender, whether the co-parents were previously married, the presence of a guardian ad litem in the case, and whether each respondent was represented by an attorney, among others.

The first phase of this research measured pre- versus post-survey differences and found statistically significant improvements in three of four main indicators (less conflict, more mutual understanding, and greater confidence in the ability to resolve future disputes). Following this success, the second phase added treatment and control groups and found that mutual understanding post- versus pre-survey improved by a statistically significant margin in the treatment versus control group. However, adding a control group also meant that magistrates referred more cases to potential coaching, including cases where litigants were not identified as being particularly motivated to improve their co-parenting skills under the guidance of a coach. The data analysis efforts therefore abandoned the control group for 2023, and the third phase of the analysis is currently underway at the time of this writing.

BRIEF FAMILY ASSESSMENTS

Our fourth, and newest program, is Brief Family Assessments. This program was initiated as a pilot program and is in the early stages of development. Not to be confused with brief focused evaluations, an AFCC-supported intervention, the Brief Family Assessment Program is not a comprehensive view of any one issue facing conflicted court-involved families. On the contrary, this program is designed to be a birds-eye snapshot of the family without detailed evidence that could complicate early litigation. Rather, the program serves the purpose of raising awareness of early signs of needs which, if addressed promptly, could prevent further entrenchment of family dysfunction.

The Brief Family Assessment process was born out of a commitment to address family needs as appropriately as possible, which often includes early intervention. When conflicted parents file motions and affidavits for temporary orders, they often present a confusing or complex narrative which does not lend itself to obvious next steps for court intervention. A “red flag” could go up for the judge or magistrate when the parents demonstrate significant dysfunction, especially those putting the child or children at risk for harm. For example, if the parents' narratives of what has happened resulting in separation or the end of the marriage are incongruent, it may be difficult for the court to identify the best next steps to help the family sort through the many decisions that lie ahead of them.

We have observed that incongruent narratives between the parents are especially pronounced in cases involving parent-child contact problems. The court recognizes parent-child contact problems as a serious situation, which is best addressed promptly and thoroughly. A Brief Family Assessment can help determine the most likely hypotheses regarding the reasons the child resists contact. Common questions running through the assessor's thinking include, “Is this a situation where there is justified resistance due to parental neglect or abuse?” or, “Is the child a victim of alienating behaviors of the preferred parent?” or, “Is the child experiencing developmentally appropriate alliance with one parent with whom the child has similar interests?”

The parents are responsible for scheduling in-person or zoom appointments with the Brief Family Assessor. The Assessor will devote 10 hours or less to interview relevant persons, and possibly meet with the parents together to observe their dynamic. Following the interviews, the family assessor drafts a brief report, one to two pages, and files the report in the family case file within a short period of time. The recommendations in the report are considered for prompt court action, such as making temporary orders or ordering resources for the family that could include co-parent

coaching, appointing a guardian ad litem, therapy for individuals or for the family, or additional assessments such as a psychological or custody evaluation, domestic violence assessment, or substance abuse evaluation. With prompt, meaningful information for temporary orders, we find that the family progresses through the system in a way that supports and improves the well-being of each family member, each parent-child relationship and the co-parenting relationship.

It can be said that Brief Family Assessments are triage on steroids. While the Assessor cannot gain a thorough understanding of the family history, dynamic and needs in 10 hours, they can provide the court better and more meaningful information than when the court could only rely on a review of conflicting affidavits. Additionally, the Brief Family Assessment may result in recommendations for prompt improvements in how the parents are communicating and meeting the needs of the children including safety, educational, medical, social, and other developmental needs.

CONCLUSION

When developing each court program, we focused on including domestic relations professionals in the process. We started each court program in a pilot phase. While a program is in the pilot phase, we work with attorneys and other domestic relations professionals involved in the cases selected for the pilot program, to ensure their understanding, comfort, and buy-in to our court program. Once our pilot program is completed and we are ready to launch it as a stand-alone court program, we offer attorneys a free lunch and learn education via zoom. We offer attorneys free continuing legal education credits to learn, ask questions and understand our program. We also consult with mental health professionals to learn their perspective and gain their buy-in to the program.

By including multidiscipline domestic relation professionals, we have developed goodwill in the domestic relations community. This approach increases the likelihood of success for our court programs.

Delaware County Domestic Relations Court is continuously improving court processes to support not only the legal needs of petitioners and litigants, but to understand and support the well-being of the whole person. The Settlement Week Program gives focused attention of court resources to effectively and efficiently resolve family disputes. Neutral Evaluation answers key questions that can help litigants get unstuck and reach resolution. Co-parent Coaching allows new insight and behaviors to drive a new dynamic and paradigm for parenting and co-parenting, some of which generate legal agreements. Brief Family Assessments are a work-in-progress as the court identifies new ways to provide early intervention to prevent intractability and exacerbation of family problems.

Our approach to developing new, innovative programs to reduce family conflict and stress and to resolve family disputes, has created a paradigm shift in the domestic relations community. When we first offered alternatives to an adversarial approach to resolving family disputes, we experienced some resistance from the domestic relations community. As we continued including and working with many multidisciplinary domestic relations professionals, we have developed buy-in to a new, less adversarial, approach to resolve family conflict. This results in a validating and empowering approach to resolve family disputes with less family conflict. Ultimately, this approach benefits the families, especially the children, involved in the court process.

REFERENCES

- Bailey, R., Dana, D., Bailey, E., & Davis, F. (2020). The application of the polyvagal theory to high conflict co-parenting cases. *Family Court Review*, 58(2), 525–543. <https://doi.org/10.1111/fcre.12485>
- Ben-David, S. (2020). From victim to survivor to overcomer. In J. Joseph & S. Jergenson (Eds.), *An international perspective on contemporary developments in victimology* (pp. 21–30). Springer, Cham. https://doi.org/10.1007/978-3-030-41622-5_2
- Boyatzis, R. E., Smith, M., & Van Oosten, E. (2019). Coaching for change. *Harvard Business Review*. Retrieved from: <https://hbr.org/2019/09/coaching-for-change>
- Brahm, E. (2004). Benefits of intractable conflict. Beyond Intractability. Retrieved from <https://www.beyondintractability.org/essay/benefits>

- Clark, T. R. (2020). *The 4 stages of psychological safety: Defining the path to inclusion and innovation*. Berrett-Koehler Publishers.
- Harvey, J. H., Ickes, W. J., & Kidd, R. F. (2018). Attribution in the context of conflict and separation in close relationships. In J. H. Harvey, G. L. Wells, & M. D. Alvarez (Eds.), *New directions in attribution*. 1(1), 235–260. Psychology Press. <https://doi.org/10.4324/9780203780978>
- Hicks, D. (2011). *Dignity: Its essential role in resolving conflict*. New York, N.Y.: Yale University Press.
- International Coaching Federation. (2023). Global coaching study 2023 executive summary. Retrieved from https://coachingfederation.org/app/uploads/2023/04/2023ICFGlobalCoachingStudy_ExecutiveSummary.pdf
- Jung, N., Wranke, C., Hamburger, K., & Knauff, M. (2014). How emotions affect logical reasoning: evidence from experiments with mood-manipulated participants, spider phobics, and people with exam anxiety. *Frontiers in Psychology*, 5, 570. <https://doi.org/10.3389/fpsyg.2014.00570>.
- Kennedy, S. (2023). *SotJ settlement week clip* [Video]. The Ohio Channel/Ideastream. Retrieved from: <https://www.ohiochannel.org/video/sotj-settlement-week-clip>.
- Meyer, B. (2022, December 15). *Beyond trauma-informed: Becoming a trauma competent court* [PowerPoint slides]. Supreme Court of Ohio, Judicial College. <https://www.supremecourt.ohio.gov/docs/JCS/specDockets/EducationSeries/2022/December/121522.pdf>.
- Mikulincer, M., Shaver, P. R., & Berant, E. (2013). An attachment perspective on therapeutic processes and outcomes. *Journal of Personality*, 81(6), 606–616. <https://doi.org/10.1111/j.1467-6494.2012.00806.x>
- National Collaborating Centre for Mental Health (UK). (2015). *Children's attachment: Attachment in children and young people who are adopted from care, in care or at high risk of going into care*. National Institute for Health and Care Excellence (NICE). <https://www.ncbi.nlm.nih.gov/books/NBK356196/>
- Ordoñez, J. (2023, July 13). The art of listening in coaching. International Coaching Federation. <https://coachingfederation.org/blog/the-art-of-listening-in-coaching>
- Pedro-Carroll, J. L. (2010). *Putting children first: Proven parenting strategies for helping children thrive through divorce*. New York, N.Y.: Penguin Group.
- Quinn, R. E. (2000). *Change the world: How ordinary people can accomplish extraordinary results* (1st ed.). Jossey-Bass.
- Sukosd, C. (2023, September 1). *Settlement week offers faster and less costly resolution to cases*. Court News Ohio. https://courtnewsOhio.gov/happening/2023/SettlementWeek_090123.asp.
- Taylor, P. J., Rietzschel, J., Danquah, A., & Berry, K. (2015). The role of attachment style, attachment to therapist, and working alliance in response to psychological therapy. *Psychology and Psychotherapy: Theory, Research and Practice*, 88(3), 240–253. <https://doi.org/10.1111/papt.12045>.
- Pon Staff. (2023, December 7). *To achieve a win situation, first negotiate with yourself*. PON – Program on Negotiation at Harvard Law School. Retrieved from <https://www.pon.harvard.edu/daily/negotiation-skills-daily/to-get-to-yes-with-others-first-negotiate-with-yourself-nb/>.

AUTHOR BIOGRAPHIES



Hon. Randall D. Fuller, was elected in 2016 to be the first judge of the unified Common Pleas Court of Delaware County, Ohio, Domestic Relations Division. Judge Fuller currently serves as President of the Ohio Association of Domestic Relations Judges. He was appointed to the Board of Trustees for the Ohio Supreme Court Judicial College and serves on the Executive Committee for the Ohio Judicial Conference. He also serves on several Ohio Judicial Conference committees including Domestic Relations Law and Procedure, Court Technology, Legislative and the Judicial Advisory Group. Judge Fuller is on the Board of Directors for the Association of Family and Conciliation Courts (AFCC). He is also a Board Member and Immediate Past President of the Ohio Chapter of the Association of Family and Conciliation Courts. Judge Fuller is a frequent presenter for the Ohio Judicial College to Domestic Relations Judges and Magistrates. He also presents for the Ohio Judicial College for New Judge Orientation and is a mentor to a new Ohio judge. He has testified several times before the Ohio House of Representatives, Civil Justice Committee and Criminal Justice Committee, and the Ohio Senate, Judiciary Committee, on behalf of the Ohio Judicial Conference and the Ohio Association of Domestic Relations Judges. He received his undergraduate degree from The Ohio State University and his Juris Doctor from the University of Toledo, College of Law.



Amy Armstrong LISW-S, joined the staff at the Delaware County, Ohio Domestic Relations Court in 2020 where she serves as the Family Resource Coordinator. With over 25 years of experience working with parents and families as a parent educator and parent coach, Amy introduced coaching to the family court arena as a transformational approach to conflict. Amy is an active member of the Ohio Chapter of the Association of Family and Conciliation Courts, and actively serves on committees for The Ohio Supreme Court. Her areas of specialization include trauma-informed interventions and working with high-conflict family dynamics, especially when a child resists or refuses contact with a parent. In her private practice, The Center for Family Resolution, Amy also serves as a parenting coordinator and utilizes a multidisciplinary team approach to working with complex family dynamics. Amy earned her Masters in Social Work from The Ohio State University and earned her credential with the International Coaching Federation through authorized training at George Mason University. She launched an accredited coach training program, the Center for Coach Development, in 2020. Amy's published her first book, *Real-Time Parenting*, in 2021 and is scheduled to release her second book, *Boundaries and Bridges: Navigating Conflict Without Giving In or Giving Up*, in 2024. Amy enjoys speaking at conferences and offers workshops for family law professionals, mental health professionals, educators and corporate audiences.

How to cite this article: Fuller, R. D., & Armstrong, A. (2024). Delaware County, Ohio, domestic relations court programs designed to reduce family conflict and reach agreements. *Family Court Review*, 62(2), 309–320. <https://doi.org/10.1111/fcre.12784>