

Child-Informed Mediation Study Follow Up:

Comparing the Frequency of Re-litigation Following Different Types of Family Mediation

Brittany N. Rudd¹

Rachel K. Ogle¹

Amy Holtzworth-Munroe¹

Amy G. Applegate²

Brian M. D'Onofrio¹

Indiana University, Bloomington

¹Department of Psychological and Brain Sciences

²Maurer School of Law

Acknowledgements: This work was supported by a Scholarship of Teaching and Learning Grant from Indiana University, Bloomington. In addition, this material is based upon work supported by a National Science Foundation Graduate Research Fellowship to the first author (Grant No. DGE-1342962). Any opinions, findings, and conclusions or recommendations expressed in this material are those of the authors and do not necessarily reflect the views of the National Science Foundation. The authors would like to thank the Viola J. Taliaferro Family and Children Mediation Clinic, our research assistants, student mediators, child consultants, and the families who participated in the project, without whom this project would not have been possible.

Citation: Rudd, B.N., Ogle, R.K., Holtzworth-Munroe, A., Applegate, A.G., & D'Onofrio, B.M. (in press). Child-informed mediation study follow up: Comparing the frequency of re-litigation following different types of mediation. *Psychology, Public Policy, and Law*.

“This article may not exactly replicate the final version published in the APA journal. It is not the copy of record.”

Abstract

With the ultimate goal of improving child outcomes, child-informed mediation approaches were developed for divorcing and separating parents. To test the initial outcomes of these approaches, Ballard, Holtzworth-Munroe, Applegate, D'Onofrio, and Bates (2013) randomly assigned divorcing parents seeking mediation to either mediation as usual (MAU) or to one of two child-informed mediation approaches (i.e., child inclusive, CI, or child-focused, CF, mediation). As Ballard et al. (2013) only presented outcomes at the conclusion of mediation, the current study examined the frequency of re-litigation across the study conditions (MAU versus CF/CI; CF versus CI), and explored associations between re-litigation and content of the mediation agreements. Consistent with our hypothesis, parents assigned to MAU in comparison to CF/CI, as well as CF in comparison to CI, had more motions, hearings, and orders in the year following the final resolution of mediation issues. The differences between MAU and CF/CI were small in magnitude and statistically non-significant trends; the differences between CF and CI were medium to large in magnitude and statistically significant. Mediation agreements that included aspirational language about co-parental communication and the parent-child relationship, provisions about communication between parents, and were rated as higher in facilitating the co-parental relationship, and child-adjustment, were associated with less re-litigation. Number of weeknights allotted to the nonresidential parent was also related to fewer motions. The implications of these findings for family mediation are discussed.

Keywords: family mediation, child informed mediation, family law interventions

Child-Informed Mediation Study Follow Up:

Comparing the Frequency of Re-litigation Following Different Types of Family Mediation

Research consistently demonstrates increased risk of negative outcomes for children who experience parental divorce, relative to children in intact families, across emotional, behavioral, social, psychological, health, and academic domains (Amato, 2010; Lansford, 2009). There are a number of variables that affect the relation between parent separation and lower child well-being (Amato, 2010), and inter-parental conflict is considered one of the most influential (Lansford, 2009). This finding is consistent with a large body of research showing inter-parental conflict, regardless of marital status, to be a risk factor for the development of psychopathology in the shared children (Amato & Keith, 1991; Harold, Shelton, Goeke-Morey, & Cummings, 2004). Continuing high conflict after divorce can lead parents to re-litigate the issues they cannot agree upon; thus, re-litigation is often considered an indirect, but quantifiable, objective, and reliable measure of ongoing parental conflict (Pruett & Durell, 2009).

Family mediation, an alternative dispute resolution method in which a mediator helps parents negotiate a settlement of their issues, is an alternative to litigation for separating parents. Despite widespread use of mediation, few empirical studies of its effectiveness exist and while the limited existing data is promising (see the Shaw, 2010 meta-analysis), only one study, now approximately 30 years old, used random assignment of cases to mediation versus litigation (e.g., Emery, Matthews, & Wyer, 1991; Kitzmann & Emery, 1994). Even in that study, mediation did not lead to better outcomes on all variables assessed, prompting calls for improvements in mediation and more studies of it (Beck & Sales, 2000).

One hypothesized way to improve family mediation is to incorporate the child's perspective into the process; two mediation approaches that attempt to do so are child-focused

(CF) and child-inclusive (CI) mediation (McIntosh, Wells, Smyth, & Long, 2008). CF focuses on the child's needs without direct involvement of the child, whereas CI includes child interviews conducted by a trained child consultant. In both, feedback about the child is provided to parents to encourage incorporation of their child's perspective into mediation negotiations. McIntosh and colleagues (2008) conducted a non-randomized Australian study comparing CF and CI. They found that both interventions led to improvements in family functioning, including decreased inter-parental acrimony, but CI often outperformed CF. In the year following mediation, parents in the CF group were twice as likely as those in CI to report returning to court over parenting matters (McIntosh et al., 2008). By the four-year follow up, families in CI, relative to CF, reported experiencing less legal action regarding childcare and living arrangements (McIntosh et al., 2009). The McIntosh et al. (2009) study findings do not include coding of court records, but rather parties' reports of legal action.

Recently, in the United States, we conducted the first randomized controlled trial of these child-informed mediation approaches and the first comparison of these approaches to a control condition of mediation as usual (MAU), in the Child-Informed Mediation Study (CIMS; Ballard, Holtzworth-Munroe, Applegate, D'Onofrio, & Bates, 2013). Our main analyses compared both child-informed interventions (CF and CI) to MAU, as well as CF to CI cases. Coding the content of the mediation agreements reached revealed few differences between CF and CI but the following differences between MAU and CF/CI. Relative to cases in MAU, parents in CF/CI cases were more likely to include, in their agreements, aspirational language about co-parental communication and about the parent-child relationships, address communication between parents, agree not to disparage or insult each other, and agree to prohibit inter-parental fighting and conflict. Agreements in CF/CI cases, relative to those in MAU cases, were rated as being

more likely to promote positive child adjustment to the parents' separation and as having more provisions to improve the co-parent relationship. The CF/CI agreements also were rated as having more explicitly stated child-related rationales for the agreement; additionally, the agreements of CI cases were rated as having more child-related rationales than those of CF cases. Also, parents in CF/CI mediation agreed to more parenting time for the non-residential parent than MAU cases when considering weekdays, week nights, and weekend nights, but not weekend days. The results of Ballard et al. (2013) suggest promising short-term benefits for families participating in child-informed mediation that may theoretically lead to positive longer-term benefits such as reduced levels of further legal action.

The current study is the follow-up evaluation of the Ballard et al. (2013) randomized controlled trial of MAU and child-informed mediation. Specifically, we examined the amount of re-litigation across the interventions for the CIMS divorce cases based on coding of public court case summaries. We hypothesized that we would find more re-litigation among parents in the MAU condition relative to CI/CF cases, as well as more in CF relative to CI cases, in the year following the resolution of all mediation issues. In exploratory analyses, we also examined associations between the amount of re-litigation and aspects of the mediation agreements found to have differed significantly between cases in MAU and CF/CI in Ballard et al. (2013), to explore possible links between the immediate effects of child-informed mediation approaches and later re-litigation. We hypothesized a negative association between re-litigation in the year following the resolution of all mediation issues and mediation agreements that: included more aspirational language; included provisions to reduce inter-parental conflict and increase inter-parental communication; were rated as higher in their promotion of positive child adjustment, co-parent relationship and inclusion of child-related rationales; and allotted more parenting time for

the nonresidential parent.

Methods

Full details regarding CIMS methodology can be found in Ballard et al. (2013).

Participants

Participants in CIMS were parents mediating initial divorces (if married) or separations (if unmarried) or modifications of previous agreements. Mediations were conducted at the Indiana University Maurer School of Law Viola J. Taliaferro Family and Children Mediation Clinic (hereafter “Clinic”). Ballard et al. (2013) presented mediation outcome data for 69 cases. For the present study, the 20 paternity cases (i.e., unmarried parents) were not included, due to lack of access to court records. Until July 1, 2014, paternity cases were confidential court proceedings in Indiana, and paternity cases that were opened before July 1, 2014 remain confidential. In contrast, as divorce records were and remain publically available, we used the publicly available data from the 49 divorce cases in CIMS. Additionally, we dropped two divorce cases from our analyses (one CF; one MAU) as the current study focused on re-litigation in the year following the resolution of all issues addressed in mediation, but at the time we coded re-litigation data (approximately two years after mediation), these cases had not yet resolved all of the issues that brought them to mediation; instead, they were still involved in legal proceedings. The final sample is 47 divorce cases.

Measures

Individual demographics. Each parent completed a basic demographics form, reporting, for example, age, ethnicity/race, education, employment, and yearly income.

Re-litigation. We were interested in the amount of court activity following the resolution of all mediation issues. In mediation, 31 cases reached a full agreement and thus resolved all

initial issues. For those cases, we coded re-litigation in the year following mediation. However, 16 cases ended mediation without a full agreement (i.e., either partial or no agreement) and thus had unresolved issues. For those cases, we coded re-litigation in the year following a final court order or divorce decree. Thus, the time periods coded were not exactly the same for all cases.

Approximately two years following the completion of mediation cases in CIMS, we obtained online public court case summaries (hereafter “case summary”) for each divorce case from the State of Indiana Public Records Inquiry and Doxpop. We developed a system to code public case summaries, derived from a previous court records coding system (Beck, Walsh, Mechanic, Figueredo, & Chen, 2011). In Indiana, a case summary is the court record that documents every action taken by the court, the parties, or third parties since the initiation of the case. As the case summary typically does not provide a full description of each action in the case, but rather is primarily a log of actions taken, our coding system captured the number of actions in the case, rather than the content of those actions. The actions we counted included: 1) motions, petitions, correspondence, and responsive pleadings, which we coded as “*motions*” (e.g., “Date: Motion to Modify Parenting Time, Filed by Father, Date of File Stamp”); 2) *hearings* (e.g., “Date: Hearing on Motion to Modify Support, Time and Judicial Officer Name, Result: Commenced and Concluded”); and 3) *orders* (e.g., “Date: Order Establishing Support Issues, Judicial Officer Name, Father shall pay child support in the amount of \$104 per week or \$450 per month through an income withholding order, Date Order Signed”).

Using the case summary coding forms, one trained coder coded case summaries for all of the study cases. A second coder was randomly assigned 20% of the cases to code to establish inter-rater reliability, which was adequate (intra-class correlation coefficient [ICC] range: .95-1.00). For the 10 cases coded by both coders, consensus was established to resolve any

differences. Given our interest in re-litigation reflecting ongoing inter-parental conflict, following initial coding procedures, one of the co-authors who is a legal expert (Applegate), examined the case summaries and codes (blind to study condition assignment) to eliminate any motions or orders that were not related to conflict. For example, a motion to reschedule a hearing or a notice of a parent's address change (required by Indiana law) and to which no objection was raised by the other party, are typically not related to conflict; they only reflect court scheduling or other notification issues. As another example, an "agreed motion" and "order granting an agreed motion" do not reflect conflict but rather suggest cooperation among parties who reached their own agreement. Thus, in our data analyses, we examined the number of conflict-related motions, hearings, and orders.

Coding of mediation agreements. Ballard et al. (2013) coded the content of mediation agreements for cases that reached a full or partial mediation agreement; 39 of those cases are included in the current study. As noted above, we were interested in the codes on which there was a statistically significant difference between MAU and CI/CF cases in Ballard et al. (2013). Thus, for the present study, we used the following codes from the original study. First, we used five dichotomous codes of the presence or absence, in agreements, of: 1) Aspirational language about co-parental communication, 2) Aspirational language about parent-child relationship, 3) Agreement to not disparage or insult the co-parent, 4) Restrictions on inter-parental fighting, and 5) Discussion of parental communication. Second, we used three global rating codes, rated from 0 to 2, capturing: 1) Number of child-related rationales stated (e.g., "for [child's] benefit we agree to develop a consistent routine and communicate with child at an age appropriate level"), 2) Likelihood of the agreement facilitating a positive co-parenting relationship (e.g., "parents agree to exchange important information about [child] once per week by phone"), and 3)

Likelihood of the agreement facilitating child adjustment (e.g., keeping conflict low, parents “taking it slow” with new romantic partners). Finally, we used three codes capturing time with the non-residential parent, the number of weekdays, weeknights, and weekend nights.

Procedure

Intake and Mediation. As described in Ballard et al. (2013), parties referred to the Clinic attended an intake appointment two weeks before their mediation. Once both parents were independently informed about the possible intervention options and consented to study participation, their case was randomly assigned to a study condition and each parent separately completed a research assessment. Only families with at least one child age 5 or above were eligible for CI, given that CI requires a child interview and following the guidelines used by McIntosh in her original study (McIntosh et al., 2008). If the case was assigned to CI, the children ages five or above participated in a child interview. Child interviews were completed by child consultants who were clinical psychology graduate students. The same set of law student mediators and psychology student child consultants provided services in all three study conditions.

Parents returned to the Clinic for mediation, conducted by law students. In MAU cases, a child consultant was not present, and the parents and mediators immediately began the negotiation phase of mediation. In CF or CI mediation, with the mediators present, the child consultants began the session by giving the parents feedback about their children. The primary goal of the feedback was to discuss a few main issues that would be helpful for the parents to consider during negotiations. Messages were tailored to the individual case, but often included information about the impact of inter-parental conflict on children and the need to develop a civil co-parenting relationship and stronger parenting alliance. CF parent feedback focused on general

research on the effects of divorce on children, as tailored to the ages of the children in the family. CI parent feedback was primarily based on what the child consultant had learned during the child interview. After the feedback, child consultants left and parents and mediators started the negotiation phase of mediation. When mediation ended, parents completed outcome forms. Later, mediation agreements were coded for content and for the present study, we gathered and coded public case summaries.

Results

Sample Descriptors

As the present study included only divorce cases, these descriptors vary slightly from those provided in Ballard et al. (2013). Across study conditions, on average, parents were in their thirties (fathers: $M=34.20$ years, $SD=9.97$; mothers: $M=31.57$ years, $SD=8.89$) and had 13 years of education (fathers: $M=12.91$ years, $SD=2.01$; mothers: $M=12.89$ years, $SD=1.74$). Yearly income averaged \$27,670 ($SD=\$17,825$) for fathers and \$19,560 ($SD=\$15,219$) for mothers. The majority of parents were White and non-Hispanic; 10% of fathers (2% American Indian/Alaska Native; 4% Black/African-American; 4% Other) and 6% of mothers (2% American Indian/Alaska Native; 2% Black/African-American, 2% Other) were non-White. The average duration of the parents' relationship was eight years ($M = 8.23$, $SD = 6.15$, r between parent's report = .98). On average, parents in the sample had one to two children together ($M = 1.40$, $SD = .49$, r between parent's report = .83), and the oldest child was 7 years old ($M = 7.09$, $SD = 5.27$, r between parent's report = .99). Also, 45% of fathers and 49% of mothers reported having a new partner; 19% of fathers and 26% of mothers reported having an attorney.

Re-litigation Statistical Analyses

First, linear regressions compared the number of motions, hearings, and orders by study

condition. For each set of analyses, we first compared MAU and CF/CI, and then CF and CI, in the same manner as Ballard et al. (2013). Then, for exploratory purposes, Pearson's and Point-biserial correlations explored whether mediation agreement content, as originally coded in Ballard et al. (2013), was negatively associated with amount of the different forms of re-litigation. All analyses were analyzed in SPSS version 22 as one-tailed tests due to directional hypotheses. Using Cohen's (1992) recommendations, effect sizes were interpreted using .20 as small, .50 as medium, and .80 as large.

Comparing Groups on the Number of Motions, Hearings, and Orders

See Table 1 for the average number of motions, hearings, and orders by study condition, as well as the linear regression estimates, 95% confidence intervals, and p-values. In the year following the resolution of all issues, cases in CF/CI had, on average, 2.77 fewer motions, 0.51 fewer hearings, and 1.22 fewer orders in comparison to MAU cases; these differences were all small in magnitude and statistically non-significant trends. Further, relative to cases in CF, cases in CI had, on average, 1.67 fewer motions (a large effect), 0.47 fewer hearings (a medium effect), and 1.07 fewer orders (a large effect); all three CI versus CF group differences were statistically significant.

Associations between Ratings of Mediation Agreements and Number of Motions, Hearings, and Orders

See Table 2 for correlations between mediation agreement content codes and re-litigation in the year following the resolution of all issues, across study conditions. As these were exploratory analyses, in the text, we only discuss findings that are statistically significant. The presence of aspirational language about co-parental communication and parent-child relationships was associated with fewer hearings and orders following the resolution of all issues

from mediation. Further, the presence of provisions about communication between parents was associated with fewer motions, hearings, and orders. Also, mediation agreements rated as higher in facilitating the co-parental relationship, and child-adjustment, as well as those that included more child-related rationales, were significantly associated with fewer hearings. There was only one measure of time with nonresidential parent that was significantly related to any form of re-litigation-- number of weeknights was associated with fewer motions.

Discussion

Re-litigation is closely related to inter-parental conflict (Pruett and Durell, 2009), which is linked to poorer outcomes for children following divorce (Amato, 2010). We hypothesized that child-informed mediation would reduce additional involvement with the legal system after parental separation, as Ballard et al. (2013) found that it facilitated the development of mediation agreements that might lower inter-parental conflict, and McIntosh et al. (2008) found that it led to decreases in inter-parental conflict. CIMS (Ballard et al., 2013) is the first study of child-informed mediation conducted in the United States, the first randomized controlled trial of child-informed mediation, and the first study of child-informed mediation that includes a MAU control condition. Ballard et al. (2013) only reported immediate outcomes in CIMS; the present study examined the longer term outcome of re-litigation. It is the first study to examine actual court data, rather than parties' self-reports of re-litigation, following child-informed mediation.

Consistent with our hypothesis, parents assigned to MAU in comparison to CF/CI, as well as parents assigned to CF in comparison to CI, had more motions, hearings, and orders in the year following the final resolution of issues. While the differences between MAU and CF/CI were statistically non-significant trends, the differences between CF and CI were medium to large in magnitude and statistically significant, suggesting that the strong effect on re-litigation

was in the CI condition. It is important to note that study participants were volunteers and approximately one-third of cases with children old enough to be considered for the CI condition agreed to study participation (Ballard et al., 2013). Thus, we do not know how CI would impact families who are not willing to consider CI as an intervention but rather are mandated into this approach. However, these results are consistent with the only previous study of the differences in re-litigation between CF and CI (McIntosh et al., 2008; McIntosh et al., 2009). Together, these studies suggest that CI may be more effective than CF (and MAU) at reducing re-litigation following mediation. Given the differences between CI and CF, the studies suggest that providing parents with rationales for reducing conflict that come directly from their own children, rather general information about the impact of conflict on children, may be an effective way to reduce inter-parental conflict after mediation. In Ballard et al. (2013), there were few statistically significant differences in the coded content of mediation agreements between CF and CI cases. An exception was that CI cases were rated as having stated more child-related rationales in their agreement than CF cases; future researchers should consider whether increased attention to child related rationales is a possible mechanism for the lower levels of re-litigation following CI.

Based on the original Ballard et al. (2013) data, in exploratory analyses, we considered possible mechanisms for the effect of child-informed mediation approaches on reduced re-litigation by examining the relationships between amount of re-litigation and the originally coded data on the content of agreements reached in mediation. First, Ballard and colleagues (2013) found that parents in CF/CI were more likely than parents in MAU to address inter-parental communication in their mediation agreements (i.e., more aspirational language about co-parental communication, more likely to agree to minimize inter-parental fighting, conflict, and insults). If

parents were able to follow these agreements, better communication could reduce the need to settle disputes with the help of the legal system. The present study results support this possible mechanism, suggesting that to reduce conflict and re-litigation following mediation, it may be particularly important for mediators and child consultants to consider how to incorporate discussions of inter-parental conflict into the mediation process. Second, Ballard and colleagues (2013) found that parents in CF/CI included more aspirational language about the parent-child relationship and were globally rated as including more child-related rationales and provisions that may improve child adjustment. This enhanced focus on their children's needs during mediation may have encouraged parents in CF/CI to try to minimize re-litigation. Given our exploratory findings, perhaps more training of mediators to encourage parents' use of aspirational language and child-related rationales would be useful. Finally, CF/CI cases agreed to more parenting time for the nonresidential parent (Ballard et al., 2013), which may have reduced future conflict about parenting time and worry on the part of nonresidential parents about how their child was doing, subsequently reducing the need to further re-litigate the case. We only found partial support for increased parenting time for nonresidential parents decreasing re-litigation. It is not clear why increased weeknight parenting time for the nonresidential parent, but not other types of parenting time, would be associated with less re-litigation. Future data, from larger samples and using the more methodologically sophisticated data analyses allowed by larger data sets, are clearly needed to fully understand the mechanisms linking mediation agreements to re-litigation in the year following the resolution of mediation issues.

There are several limitations of the current study. The first is the small sample of CIMS divorce cases, which limited statistical power as well as viable statistics methods. Second, we were limited, by the legal system, in the data that were publicly available. We only evaluated the

frequency of re-litigation among divorcing couples (publicly available), rather than also including frequency of re-litigation among unmarried couples (not publicly available). In addition, the use of court case summaries, rather than complete court case records, is a limitation, as access to full court case records likely would have allowed us to code the content of legal actions. Further, re-litigation is just one follow-up outcome that can be used to assess the effects of mediation, and it is a method that, while objective, only indirectly measures inter-parental conflict. Future researchers should examine additional measures of conflict to gain a greater understanding of the lasting effects of different mediation approaches. We attempted to conduct follow-up interviews with parents and children, but due to lack of funds, were unable to locate and interview an adequate number of families. Future research on child-informed mediation should include follow-up assessments with parents and children to acquire longitudinal data and to examine additional outcomes, including child and parent functioning, parent-child relationships, post-separation parenting alliance, children's perception of parental conflict, and children's perception of parental availability and alliance.

Another limitation is a lack of sufficient data to examine whether CI can be effectively used with children of varying ages, particularly younger children. In this study, families were eligible for CI only if they had at least one child age five or above. This decision was based on the inherent difficulties of interviewing young children without specialized training (Ballard, Rudd, Applegate, & Holtzworth-Munroe, 2014) and to be consistent with the original McIntosh research comparing CI and CF (McIntosh et al., 2008). But that decision, combined with the average young age of children in the study (7 years old), leaves future researchers to study if age of child is a moderator of the effects of child informed mediation. Finally, both the mediators and child consultants in this study were graduate students in training. Thus, it is quite possible that

this study underestimates the effects that the interventions can have on families relative to cases working with more experienced mediators and child consultants.

In general, the field would benefit from more methodologically rigorous studies of mediation. For example, only one study has used random assignment to compare mediation to litigation (Emery et al., 1991), and it is now quite dated. While the current study was the first to compare traditional mediation to child informed mediation approaches, future researchers should also compare the impact of child information mediation to traditional litigation. In addition, more research is needed evaluating the differential effectiveness of CF versus CI, as well as the costs and benefits of CI mediation and child interviews for young children. As the field continues to develop new approaches to mediation and new mediation styles, randomized controlled trials are necessary to test the impacts of new approaches.

References

- Amato, P.R. (2010). Research on divorce: Continuing trends and new developments. *Journal of Marriage and the Family*, 72, 650-666. doi: 10.1111/j.1741.3737.2010.00723.x
- Amato, P.R. (1991) Parental divorce and the well-being of children: A meta-analysis. *Psychological Bulletin*, 110, 260-266.
- Ballard, R.H., Holtzworth-Munroe, A., Applegate, A.G., D'Onofrio, B.M., & Bates, J.E. (2013). A randomized controlled trial of child-informed mediation. *Psychology, Public Policy, and Law*, 19, 271-281. doi: 10.1037/a0033274
- Ballard, RH, Rudd, BN, Applegate, AG, & Holtzworth-Munroe, A. (2014). Hearing the Voice of the Child in Divorce. *Psychology, Law, and the Wellbeing of Children*, 121.
- Beck, CJA, & Sales, BD. (2000). A critical reappraisal of divorce mediation research and policy. *Psychology, Public Policy, and Law*, 6, 989-1164. doi.org/10.1037/1076-8971.6.4.989
- Beck, CJA, Walsh, M.E., Mechanic, M.B., Figueredo, A.J., & Chen, M.K. (2011). Intimate partner abuse in divorce mediation: Outcomes from a long-term multi-cultural study. (Doc No. 236868). Research Monograph. Washington, DC: National Institute of Justice.
- Cohen, J. (1992). A power primer. *Quantitative Methods in Psychology*, 112(1), 155-159.
- Emery, R. E., Matthews, S. G., & Wyer, M. M. (1991). Child custody mediation and litigation: Further evidence on the differing views of mothers and fathers. *Journal of Consulting and Clinical Psychology*, 59, 410-418. doi: 10.1037/0022-006X.59.3.410
- Harold, G.T., Shelton, K.H., Goeke-Morey, M.C., & Cummings, M. (2004) Marital conflict, child emotional security about family relationships and child adjustment. *Social Development*, 13(3) 350-376.

- Johnston, J. R., & Roseby, V. (1997). *In the name of the child: A developmental approach to understanding and helping children of high-conflict and violent families*. New York: Free Press.
- Kitzmann, K. M., & Emery, R. E. (1994). Child and family coping one year after mediated and litigated child custody disputes. *Journal of Family Psychology*, *8*, 150-159. doi: 10.1037/0893-3200.8.2.150
- Lansford, J.E. (2009). Parental divorce and children's adjustment. *Perspectives on Psychological Science*, *4*, 140-152. doi: 10.1111/j.1745-6924.2009.01114.x
- McIntosh, JE., Long, CM., & Wells, YD. (2009). *Children beyond dispute: A four year follow up study of outcomes from child focused and child inclusive post-separation family dispute resolution*. Victoria, Australia: Family Transitions.
- McIntosh, JE, Wells, YD, Smyth, BM, & Long, CM (2008). Child-focused and child-inclusive divorce mediation: Comparative outcomes from a prospective study of postseparation adjustment. *Family Court Review*, *46*, 105-124. doi: 10.1111/j.1744-1617.2007.00186.x
- Pruett, MK, & Durell, M. (2009). Family Civil Intake Screen and Services Evaluation: Final Outcomes Report. *Connecticut Judicial Branch Court Support Services Division*.
- Shaw, L.A. (2010). Divorce mediation outcome research: A meta-analysis. *Conflict Resolution Quarterly*, *27*, 447-467. doi: 10.1002/crq.20006

Table 1. Linear Regression of Number of Motions, Hearings, and Orders by Study Condition in the One Year Following Resolution of Issues

Outcome	MAU (n=13)	CF/CI (n=34)	CF (n=23)	CI (n=11)	Estimate [95% confidence interval], <i>p</i> -value	Cohen's <i>d</i>
	M (SD)	M (SD)	M (SD)	M (SD)		
Number of Motions	4.54 (11.98)	1.76 (2.31)			CF/CI vs. MAU: -2.77 [-7.04, 1.49], .10	0.32
			2.30 (2.58)	.64 (.92)	CF vs. CI: -1.67 [-3.31, -.02], .02	0.86
Number of Hearings	.92 (1.55)	.41 (.74)			CF/CI vs. MAU: -.51 [-1.18, .16], .07	0.41
			.57 (.84)	.09 (.30)	CF vs. CI: -.47 [-1.01, .06], .04	0.76
Number of Orders	2.31 (4.48)	1.09 (1.31)			CF/CI vs. MAU: -.122 [-2.91, .47], .08	0.37
			1.43 (1.44)	.36 (.50)	CF vs. CI: -1.07 [1.99, -.16], .01	0.99

MAU (Mediation as Usual), CF/CI (Child Focused Mediation/Child Inclusive Mediation), CF (Child Focused Mediation), CI (Child Inclusive Mediation), Cohen's *d* (Effect Size); M (Mean), SD (Standard Deviation)

Table 2. Point-Biserial and Pearsons Correlations between Mediation Agreement Content Codes and Number of Motions, Hearing, and Orders in the Year after the Resolution of All Issues

	Number of Motions	Number of Hearings	Number of Orders
Provisions Relating to Improving the Family System^a (Not Present=0, Present=1)			
Aspirational Language about Co-Parental Communication	-.17	-.035**	-.30*
Aspirational Language about Parent-Child Relationship	-.17	-.26*	-.27*
Agree not to Disparage	-.15	-.15	-.24
Restrictions on fighting	.16	-.11	.05
Communication between parents	-.32*	-.50*	-.44**
Global Codes^b (0-2)			
Child-related Rationales	-.05	-.27*	-.16
Co-Parental Relationship	-.03	-.36**	-.18
Child Adjustment	-.09	-.43**	-.23
Time with Nonresidential Parent^b			
Number of Weekdays	-.19	.00	-.06
Number of Weeknights	-.32*	-.16	-.28
Number of Weekend nights	.15	-.26	-.04

Note.

^aPoint-Biserial Correlations

^aPearson Correlations

*p≤.05

**p≤.01