

Prevention and Intervention Programs for Divorcing and Separating Families

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*Applied Research Project*

## INTRODUCTION

There is an overwhelming amount of research that shows stressors created in divorcing families lead to delinquent behavior within the family unit (Wasserman, Keenan, Tremblay, Coie, Herrenkohl, Loeber, 2003; Doherty, Galston, Glenn, Markey, Markman, Nock, Popenoe, Rodriguez, Sawhill, Stanley, Waite, & Wallerstein, 2002; Emery, Waldron, & Kitzmann, 1999; Forehand, Biggar, & Kotchick, 1998; Hetherington, Bridges, & Insabella, 1998; Shaw, Winslow, Owens, & Hood, 1998; Tucker, Schwartz, Tomlinson-Keasey, Friedman, Criqui, Wingard, & Martin, 1997; Amato & Booth, 1996; Barber & Eccles; 1992; Amato & Keith, 1991; Forehand, McCombs, Wierson, Brody, & Fauber, 1990; Hetherington, E.M., Stanley-Hagan, & Anderson, E.R., 1989; Lahey, Hartdagen, Frick, McBurnett, Connor, & Hynd, 1988). For example, Hetherington, et. al discuss that older adolescents tend to involve themselves in “extrafamilial” support systems (p. 305). These groups can be positive or negative. The important part of this idea is that the parents need to stay involved in what their children are doing and know who their children are spending time with. Another stressor that influences delinquent behavior is the conflict that occurs before parents separate (Amato and Keith). Children who come from homes where the parents argued in front of them tend to be angrier children (Forehand, et. al). There are some signs of acting out behaviors. For example, if grades suddenly drop in school, they may be getting disciplinary referrals at school, and could be arrested or brought home by the police. The important point of the research is that parents need to be focusing on the needs of their children.

Unfortunately, there is a devastating lack of prevention and intervention programs to help these youth and their families. Parents who have children and decide to get

divorced or separated need resources in their community that work with the family. Currently, in Bay County there are no such resources for divorcing families. The resources that currently exist in Bay County are family counseling, which is rarely ever court ordered for a divorcing family. Others include individual counseling, anger management, and teen court for those youth who are already involved in the delinquency system. Many children who are involved in the delinquency system have parents who are involved in the dependency court system.

The dependency court system is a branch of the Juvenile Court system. The dependency system focuses on the parents who have abused, abandoned, or neglected their children. The parents are sometimes charged criminally if the abuse is egregious enough to warrant criminal intervention. Most of the time the allegations against the parents are for not providing the basic needs, i.e., food, running water, a stable home, a drug free environment, making sure the children attend school, providing medical needs, etc. The families that are involved in the dependency system are typically parents who are divorced, going through a divorce, not previously married, and at times, one-night stands. These parents are given services that focus on the individual, not the family. For example, a case plan is based upon services that the parent(s) need to complete in order to work through the system. Some of these tasks may include individual counseling, substance abuse counseling, and/or a parenting evaluation. Many case managers do not focus on the needs of everyone in the family. The children are normally in need of help as well.

The youth who are involved in the delinquency system typically come from homes where they do not have strong parental support. Some of the common problems

within the home include: parental substance abuse, young parents, poor communication between the parent(s) and child, harsh disciplinary practices, maltreatment or neglect, and/or poor supervision (Loeber, Farrington, & Petechuk, 2003). These youth also get individual services court ordered. One problem in Bay County is that there are no services that cater to the overall needs of the family. Individual issues need to be assessed and addressed. However, these individual problems stem from the main issues and stressors within the family unit.

There is a smaller amount of research for prevention and intervention programs for these specific families. However, there are some programs that are designed to work with parents and their children to lower the risk of delinquent behavior in children (Firestone & Weinstein, 2004; Geelhoed, Blaisure, & Geasler, 2001; Pruett & Jackson, 1999; Kumpfer & Alvarado, 1998; Tein, Sandler, MacKinnon & Wolchik, 2004; Fischer, 1999; Heilmann, 2000; Glen, 1998; Pedro-Carroll, 2005; Louw & Scherrer, 2003). Louw and Scherrer studied the Office of the Family Advocate program in South Africa. This program was designed around the concept that all children and families going through a divorce go through four stages. This program was developed to help the family through these stages. The program was also designed to deal with different ages and sex of children (Louw & Scherrer). The Florida Department of Juvenile Justice is also trying to come up with programs to help these families and their children deal with various stressors within the family unit. Kumpfer and Alvarado studied numerous types of programs throughout the United States. The underlying goal of all of these programs was to focus on the family. These programs were designed to focus on the children and to help the parents deal with what is going on. Another ideal of the intervention and

prevention programs is to let the children be heard. They also help the parents learn how to communicate with one another and with their children in appropriate ways.

There is a need for research regarding the current prevention and intervention techniques. There is also a need to find, study, and publish research on techniques that are successful in deterring delinquent behavior. These programs and techniques need to be used to help lower delinquency rates and the stressors within the family. A program that can be ordered as part of a divorce decree, dependency case plan, or a juvenile treatment plan could help these families work at the root of the problem. The goal of this project is to develop a program based upon components of current methods within Bay County that will help these families as a unit and as individuals. Focusing on the family as a whole and on the individual needs will help keep the parents communicating with one another and with their children in appropriate ways.

#### LITERATURE REVIEW

Divorce and separation is one stressor that causes a family to become dysfunctional. Divorce rates have increased over the last 56 years. In 1950 the divorce rate was 2.6 (per 1,000 people). By 1980 the divorce rate had increased to 5.2 (per 1,000 people). However, in 1986 the divorce rate started decreasing and continued to decrease until 2001. In 2001 the divorce rate was 4.0 (per 1,000 people) (Divorce Reform, n.d.). The total number of divorces in the United States in 2000 equaled 957,200. In 2004 Nevada had the highest rate of divorce of all 50 states (6.4 per 1,000) (Marriages and Divorces, 2006). Some states have mandatory counseling and waiting periods prior to allowing a couple to file for divorce. In Europe there are very strict laws and that require reconciliation counseling to be used to try and salvage the marriage (European Divorce

Rates, n.d.). The shortest amount of time for the waiting period is six months and it is only allowed in four countries. The lowest rate for divorce throughout Europe is in Italy. The rate was .6 in 2000. The waiting period for filing for divorce is three years. The next two countries with the lowest divorce rate are Greece (.90) and Spain (.94). Greece's waiting period for filing for divorce is four years and for Spain it is one year. Many other European countries have lower waiting periods, but the courts are required to order counseling for the couple before granting the divorce (European Divorce Rates).

The United States has different rules and regulations for couples to be able to divorce. All of the states have higher rates of divorce than in any European country. The lowest divorce rate for the United States is in the District of Columbia (U.S. Divorce Rates, n.d.). The District of Columbia has a six month waiting period and there is no counseling law required. Half of the states (25) do not require any type of counseling. Many of them have much higher divorce rates than the District of Columbia (U.S. Divorce Rates). Also, 30 states do not require any type of waiting period before filing for divorce. The lowest amount of time for a waiting period in the United States is 30 days, compared to the minimum of six months in Europe. States with a waiting period have a lower divorce rate than those without a waiting period (U.S. Divorce Rates). The counseling alternative is required in many more countries in Europe than within the United States. Perhaps these are some of the reasons why the divorce rates are so much lower within Europe than the United States. Divorce in any country is devastating to a family unit. The people most affected by a divorce are the children.

Marriage is not viewed as sacred as it used to be in the United States. Wedding vows were once viewed as sacred and divorce was something that was not discussed.

Now, society is more accepting of divorce, cohabitation, premarital sex, and childbearing out of wedlock (Doherty, Galston, Glenn, Gottman, Marke, Markman, Nock, Popenoe, Rodriguez, Sawhill, Stanley, Waite, & Wallerstein, 2002). Divorce has become an escape for people who feel that they cannot keep their relationship together any longer. There are situations where it is better for the parents to divorce in order to stop fighting and/or any violence. However, some couples do not even attempt to fix the more simple problems and just resort to divorce. Marriage has been proven to be good for society and for the individual family unit (Doherty, et. al). Doherty, et. al developed 21 reasons why and how marriage helps and continually supports a family unit and how it can avoid the devastating effects of divorce or separation. This research gives documented reasons why marriage helps the entire family unit. For example, divorce increases the risk of children in the family failing in school (Doherty et. al). That research also concluded that even if the parent remarries, the children do not do any better in school (Doherty et. al). When families decide to divorce it greatly affects the whole family, but there can be devastating results for the children in the family. The children involved in these families tend to have adjustment problems throughout the course of the divorce and beyond.

There are disturbing and dangerous affects of divorce on children. Some parents do not focus on the needs of their children during this stressful time. “Children whose parents have divorced are increasingly the victims of abuse. They exhibit more health, behavioral, and emotional problems, are involved more frequently in crime and drug abuse, and have higher rates of suicide” (Fagan & Rector, p. 1, 2000). Approximately 1.2 million children are affected by divorce every year (Fagan & Rector). The children can

be affected through neglect, physical abuse, poor academic achievement, and can cause some families to start living in a state of welfare (Fagan & Rector).

Families who end up in the welfare system have a very difficult time reaching independence again. These families are sometimes unable to provide even the basic needs for their children. The families that have been reported for abuse end up in the dependency court system. This adds a great deal of stress to the problems already in the family system. "Child abuse is closely related to delinquency and violent crime, and divorce is a relevant factor in an abused child's background" (Fagan & Rector, p. 7, 2000). A family that becomes involved in the dependency system has to go through the entire court system, much like that of a criminal case. Some differences between the systems are that the dependency system is based upon the juvenile court system. This system is essentially the same as the criminal court system except for some slight differences; there are no trials, everyone in the dependency system has allegations against them, instead of charges pressed against them, as in the criminal system. The dependency system can be a drawn out process and can take a serious toll on the emotions, behaviors, and health of families. These children that become dependent as part of the dependency system, typically end up in the delinquency system as well.

"Children of divorced parents are significantly more likely to become delinquent by age 15, regardless of when the divorce took place, than are children whose own parents are married" (Fagan & Rector, p. 6, 2000). The behaviors that the children display can lead them into the delinquency system. Conduct disorder is one of the leading diagnoses in children within the juvenile system. Two studies found that there was significantly higher number of children with symptoms of conduct disorder among

divorced parents (Lahey, Hartdagen, Frick, McBurnett, Connor, & Hynd, 1988; Forehand, Thomas, Wierson, & Brody, 1990). There are children involved in the delinquency system that come from supportive, in-tact families. However, a larger portion of delinquents come from dysfunctional families (Loeber, Farrington, & Petechuk, 2003; Kumpfer & Alvarado, 1998; Forehand, et. al). Another study shows that more children have antisocial behaviors if they came from a divorced home or if their parents were never married (Emery, Waldron, Kitzmann, & Aaron, 1999). When children begin showing antisocial behaviors it is a strong predictor of delinquency in the future (Wasserman, Keenan, Tremblay, Coie, Herrenkohl, Loeber, & Petechuk, 2003). One main effect of divorce is the lack of two parents in a home. “The family composition or parental absence perspective proposes that a deviation in structure from a family with two first-married parents, biologically related to their children, is associated with increases in problem behavior in children” (Hetherington, Bridges, & Insabella, 1998, p. 172). Children do not adjust well to having only one parent in the home whether it was caused by death or divorce. “Children and adults from homes with an absent parent due to either divorce or death have more problems in adjustment than those in nondivorced families...” (Hetherington, et. al, p. 172). Many times the mother will gain full custody or joint custody of the children. The children will end up living with the mother full-time and seeing their father every weekend or every other weekend. The parents do not always communicate with one another, which can cause arguments. Children can also feel resentment towards the parent they do not live with. They sometimes feel abandoned by that parent. Conflict between the parents needs to be at a minimum in order to help the children deal with the separation.

Another problem that can arise from single-mother homes is the lack of income. Changing from a two-income home to a one-income home proves very difficult for the parent who has the children. Many single mothers and their children end up at the poverty level and relying on the government to support their daily needs. “Changes in family structure are an important cause of new entries into poverty...Child poverty rates are very high primarily because of the growth of single-parent families” (Doherty et. al, p. 9, 2002). There were 22% of divorced families living in poverty in 1980 (Emery, Waldron, Kitzmann, & Aaron, 1999). This percentage of mothers and children in poverty increased to 27% in 1994 (Emery, et. al). The percentages increase dramatically in single-mother homes that have never been married. In 1980 48% of single mothers, who were never married, were living in poverty with their children (Emery, et. al). That amount actually decreased to 47% in 1994 (Emery, et. al). Although it is a decrease it is relatively small knowing how many children that includes.

The combination of divorce and living in poverty alone can provoke children to act out. Whether the mother or father is the primary caregivers for the children, each of them are likely to have behavioral problems from their children. Children who are in home where the caregiver is caring and warm, but consistent in their discipline typically have a better relationship with their children (Hetherington, et. al, 1989). Approximately one quarter to one third of adolescents have adjustment problems, become antisocial, and start distributing delinquent behaviors (Hetherington, et. al). Only 10% of children in intact families have children who disassociate themselves from the family (Hetherington, et. al). Many of the behaviors of children who are involved in families of divorce happen because of the distress and lack of involvement that the parents have with their children.

There is no explanation, in the research available, as to why parents focus on their own needs instead of the needs of their children. Delinquency in these children can be a major stressor within a family that already has difficult problems.

It is already known that when biological parents divorce the children in the family typically do not adjust well. Not one individual stressor causes delinquent behavior. Numerous stressors cause the antisocial behaviors, which further the delinquent behaviors:

When parents divorce, children are frequently exposed to parental conflict and must adjust not only to the absence of the noncustodial parent but also to depressed economic resources, changes in the custodial parent's availability and overall parenting style, and more chaotic household routines (Hetherington, et. al., 1989, p. 304).

Children react to the separation very differently given their age at the time of the divorce. Younger children do not have the ability to understand and completely comprehend what is happening during and after a divorce. How the parents interact with the children during the younger ages is critical to their later development. Younger children (i.e., infants and toddlers) do not have a grasp on what is happening or why. It is extremely important for parents to talk with their children and explain what is happening at their level. Not many children have a family that takes the time to help them understand. Once a parent or parents talk with their children, there is a smaller chance that the children will blame themselves for the cause of the divorce (Hetherington, et. al). The older children, pre-teens and adolescents, have a better understanding of what is happening when parents divorce. Like the younger children, adolescents and pre-teens still go through the anger

and pain of their parents divorcing. The difference is in how they deal with it behaviorally.

One goal of this project is to make others aware of the causes of delinquent behaviors in children from divorced families. These children need a chance to understand what is going on and why the divorce is happening, on a level that they understand. The children need to be involved in some of the decision making and have a chance for their opinions to be heard. When this does not occur, the children become angry and begin to rebel against their parents. When youth determine this is a way to gain attention from their parents the behavior continues.

The problem of delinquency is further complicated when the mother has a history of delinquency. “Mothers’ delinquent behavior also was positively correlated with age at first childbirth and poverty status in both 1980 and 1994, indicating that increased delinquent activities among female adolescents is related to childbirth at a younger age and to both concurrent and future poverty” (Emery, et. al, p. 574, 1999). This is one way that the welfare, delinquency, and dependency circle continues throughout generations. Teenagers that become mothers are also at a higher risk of divorcing later in life (Emery, et. al). Parents who acted out as teenagers are also more likely to have teens that have behavior problems. “...the direct path between mothers’ delinquent behavior and children’s externalizing behavior (14 years later) remained significant in all analyses” (Emery et. al). Parental delinquency and early parenthood are two ways to predict children’s behaviors. Another way to determine delinquency is through the conflict that occurs between parents and children in divorced families.

When children become teenagers and puberty takes control there is to be an expected amount of conflict within the home. Adolescence is a time when youth are trying to figure out who they are, who they want to be, and where they want head in life. Normally, this does not include the opinions of their parents. In a single parent family the child may have lost some of his/her bond with the absent parent resorting in that child making decisions with little to no supervision. These children have more control over what they want to do, what they wear, who they hang out with, etc. Conflict with parents happens differently between boys and girls and in divorced and married families. Children in divorced homes argued with their parents significantly more than children in married families (Forehand, et. al, 1990). There was less problem solving and positive communication in divorced families as well (Forehand, et. al). This research indicates that there is more conflict between parents and their children in divorced families compared to married families. This conflict can lead to more delinquency.

The earlier a divorce occurs in a child's life, along with how the parents dealt with the divorce and the relationship with their children plays an important role in how serious the criminal acts can be. Children who become delinquent at an early age tend to become more serious and violent criminals (Loeber, et. al, 2003). Some of the trigger behaviors can start as early as toddlerhood. These behaviors can include serious aggression, violating the rights and property of others, conduct disorder, and developmental delays in language (Loeber, et. al). Of course, when these types of behaviors are being seen, parents should have their children assessed for any mental health problems. Unfortunately, this does not occur as frequently as it should. It is rare, however, to see these behaviors this early. Normally the beginning of delinquent behaviors starts around

the age of seven (Loeber, et. al). The early delinquency is happening more and more frequently though. "...in 1997 law enforcement agencies made an estimated 253,000 arrests of children age 12 or younger, and these made up 9 percent of all juvenile arrests involved persons under the age of 10" (Loeber, et. al, p. 5). The triggers for these behaviors include antisocial parents, substance-abusing parents, poor parenting practices, physical abuse, divorce, parental psychopathology, teenage parenthood, and family violence (Loeber, et. al; Wasserman, et. al, 2003). Although there are other risk factors outside of the family environment, the family environment is where the children are the majority of their time. Being able to understand and find the source of the delinquent behaviors early on could help to prevent the behaviors from becoming more violent and serious. Early delinquent behaviors have a direct link to problems within the family unit. It is the ultimate goal of this project to educate others on the importance of providing early prevention and intervention programs for these families. For these families to be involved in the delinquency and dependency systems only makes their situations worse and can cause serious problems for the family unit. More prevention and intervention programs need to be evaluated and considered by the individual state governments in the United States. Implementing these programs will help to decrease the divorce and further decrease the delinquency rates.

Being able to prevent a family from getting to this point could help decrease the number of juveniles that enter the juvenile system. The key is to begin prevention measures when parents file for divorce. This way the adversarial system can recruit the parents early in the stages of divorce with the goal of potentially saving the marriage or counseling the parents to put their children first in the process. The individual state

governments need to re-evaluate their divorce laws and find better ways to deal with couples who want to divorce. Although this paper is not about lowering divorce rates, states need to study the European approach to divorce and try to get the numbers down. There are prevention and intervention programs in the United States and throughout other countries that attempt to intervene and fix the problems instead of immediately granting a divorce.

There are numerous shortcomings of the current adversarial system in the United States. Unlike the programs in European countries, these programs are recommended if the parents file for divorce. Unfortunately, the United States does not try to help the families salvage the marriage and fix the issues. The current adversarial system claims to focus on the needs of the children and find the truth in order to help the family in the best way possible. “Although the goal of an adversarial, rights-based model is to best serve the interests of children, the current system has a number of shortcomings that undermine the best intentions of the professionals involved” (Firestone & Weinstein, p. 203, 2004). One important point here is that the system has legalized the problems of a family: “Family relationships have become “legalized” in such a way that the system loses sight of the human problems in context and focuses on only addressing answers to the legal issues” (Firestone & Weinstein, p. 203). The problems within a family cannot be fixed by signing a piece of paper. The problems will still be in the family. However, parents do not see this. Some parents in these situations think that if they get divorced then the problems will go away. They do not understand how it affects their children and how it ultimately changes the dynamics in the family. Instead of the parents taking control of the situation and trying to fix their problems, they rely on attorneys and judges to make the

decisions and “fix” the situation. However, the goal of this project is to utilize the local adversarial system to determine if prevention and intervention services are needed and would be utilized. Judges, Magistrates, Attorneys, Guardian Ad Litem, and Social Workers are the people who deal with these types of clients on a daily basis. This group of people would be the ones implementing and following through with these prevention and intervention services.

Another problem of the adversarial system is that it does not focus on what is best for the children. “This focus on the rights of the parents in custody and parenting disputes often occurs without a discussion of the responsibility adults owe to their children” (Firestone & Weinstein, p. 204, 2004). Although the parents do have rights and there are adult issues to deal with, the children’s needs and rights get left out. Then the problems within the families continue to mount because the children’s behaviors start to decline. The rights-based model does show that the family, whether divorced or not, is a “living entity” that is constantly changing (Firestone & Weinstein). This model does bring out that parenting can change after a divorce. There should be a very close evaluation of the current parenting practices at the time of the divorce. Therefore services can be offered and provided to the parents if there are already issues between the parents and/or children. Typically prior to the divorce the children’s behaviors are starting to decline. The parents might see disciplinary referrals at school, experimentation with drugs, and/or declining grades. Instead of focusing on these issues, the current system takes a very quick look at the current situation in the family and makes decisions based upon that. What needs to happen is exactly what the model states: “The family is a living entity, dynamic in nature, involving personalities and relationships that will change depending

on how the family is reordered” (Firestone & Weinstein, p. 205). The purpose of the adversarial system is to focus on the needs of the children. Instead, it focuses on what the parents want, what property goes to whom, and the children are not dealt with. Instead, the children’s opinions need to be asked and discussed and the parents’ current situation and how the family got to this point needs to be examined. There are some programs that have been examined and are helping to change the current methods and procedures within the adversarial system.

There are various types of programs in other communities and in other countries that focus on the specific needs of the families going through divorce. Many law firms have developed mediation and education programs for parents who decide to get divorced. There is also a large amount of research on these various types of programs in other parts of the country (Pedro-Carroll, 2005; Firestone & Weinstein, 2004; Louw & Scherrer, 2004; Tein, Sandler, MacKinnon, & Wolchik, 2004; Geelhoed, Blaisure, & Geasler, 2001; Heilmann, 2000; Fischer, 1999; Pruett & Jackson, 1999; Glenn, 1998; Kumpfer & Alvarado, 1998). The main goal of these programs is to strengthen families. These programs evaluate the problems within the family at the time the parents file for divorce. The focus is on fixing the problems within the family unit:

Many of these social problems are intimately connected to the weakening of the family’s care for children. A clear link has been established between witnessing and experiencing family conflict and violence and later violent delinquent acts, poor school performance, poor mental health, and increased teen pregnancy (Kumpfer & Alvarado, p.3).

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) developed an initiative to strengthen families. One of the strong beliefs of this initiative is to strengthen the parenting skills and practices, which would in turn lower delinquency rates and dependency cases (Kumpfer & Alvarado, 1998). One of the focuses of this initiative and other programs is to increase parent education and support. The OJJDP initiative has various programs to deal with children in different stages of development. Older adolescents (15-19) are at a different intellectual level than younger adolescents (11-14). One of the programs that OJJDP offers are family-focused programs (Kumpfer & Alvarado). This type of program mainly deals with delinquent children who have parents who do not have strong parenting skills (Kumpfer & Alvarado). These programs work with the parents in individual training for a while and then the counselors will integrate the training into the home. The counselors help the parents apply what they have learned in real world situations with their children. Many parents and children attend counseling and then go home and never learn or understand how to apply what they have learned to their home situations. Being able to have a counselor go to the home and work with the parents *and* children together could help for both parties to understand what the problems are, how the problems start, and how to fix the issues surrounding the family. Educating the parents about divorce and whether it is truly necessary or not is another program available.

In Jackson County, Missouri parents who file for divorce have to go through a court ordered divorce education program. All divorce proceedings only require that the parents attend their hearings and appointments with their attorney. This particular program is different. The family court division of Jackson County, Missouri has

developed a divorce education program called Focus on Children in Separation (Glenn, 1998). This program has separate classes for adults and children for every couple that is planning on separating or divorcing (Glenn). The classes for the children are divided by age group to focus on the difference in development (Glenn). The curriculum for the children focuses on how to deal with grief and change. The adults learn how to deal with their children, but also how to communicate effectively so it does not hurt the children behaviorally. There is a lot of positive feedback for this specific program. The parents have indicated that they have seen how bad it could get and the classes helped the parents to see what they needed to do in order to ensure that their children didn't get hurt (Glenn). The downfall of this program is that the children and parents do not participate in classes or counseling together. This program has not been evaluated extensively, but there is constant feedback from the participants. There are other programs throughout the United States that are interconnected to the court systems.

Although there are an increasing number of programs for parents, there is still a lack of programs that help the children. There is a smaller amount of county court programs in the United States that require children's attendance than counties that children's attendance in programs is only suggested. "Of the 67 counties [Minnesota] in which information was obtained from court personnel, 25 counties required children's attendance at a program, whereas 42 counties encouraged children's attendance" (Geelhoed, Blaisure, & Geasler, 2001, p. 395). The children who become involved in these classes typically attend for five and a half hours for each class. The curriculum for these classes varies for how at-risk the children are and they are separated into different age groups (Geelhoed, et. al). The progress of the children in these programs is reported

back to the court system in order to determine if the children need further prevention or intervention. The results from the pilot study show that parents have seen improvements in their children's behaviors. "...results suggested that parents perceived an increase in their child's self-esteem and willingness to express feelings postprogram, especially for children who initially scored low in self-expression and self-esteem, and exhibited the most pretreatment behavior difficulties" (Fischer, 1999 as cited in, Geelhoed, et. al, p. 399, 2001). The only downfall of the program, like others, is that it does not have classes for the parents and children together. In order for parents to fully understand the impact of the divorce or separation they need to have an understanding of what their children are feeling and going through at the various phases of divorce. There are other communities that do not go through the court system to provide services to separating and divorcing families.

One of the most interactive programs that focus on the whole family is located in South Africa. When couples decide to divorce or separate the whole family is sent to the Office of the Family Advocate (Louw & Scherrer, 2004). South Africa realized that children involved in divorcing families become the target of abuse, abandonment, and typically get caught in the middle of disputes: "The misuse of minor children as pawns in as well as the tug of war between the parents and in stressful legal procedures can add to this trauma, the court tries to avoid it at all costs" (Louw & Scherrer, p. 18). The family advocate program is designed to help families as a unit by focusing on the immediate and long term effects of separation and divorce. This program is so far the best and most intense program available to build a new program in Bay County and across the Gulf Coast.

The program uses four steps that most children and parents go through during and after a divorce: breaking-down period, experimental period, equilibrium, and reorganization (Hetherington, 1979, as cited in Louw & Scherrer, p.18, 2004). This program is also designed around the fact that boys and girls deal with divorce and separation of their parents differently. The children are assessed by a family counselor based upon age and sex. Once the child is interviewed, the parents go through a similar process to determine what the parents' expectations are with the outcome of the divorce. Case law has changed laws within South Africa to take into consideration if the parents' desires are in the best interests of the children (Louw & Scherrer). It is hard to believe, but there are parents who use their children as pawns to try and hurt their soon-to-be ex-spouse. The advocacy center has developed 14 criteria that help determine what the best needs are of the children (Louw & Scherrer). These criteria are a guide for a counselor to help determine what the appropriate needs of the children are. For example, if one has been an abusive parent in the past and has admitted to the allegations it may not be in the best interest of the child to live with that parent alone. One interesting aspect of the 14 criteria is that the moral character of the parents is taken into consideration. Morality is taken into consideration when a parent is being looked as a possible placement for a child. The individual's criminal history and abuse history are the facts that determine their mortality. "...morality is determined by the community and is largely a relative concept. Morality should...be important only to the extent that it would be indicative of the parent's inability to care for the child(ren)" (Louw & Scherrer, p. 24). The morality of a parent is normally taken into consideration when it comes to a custody battle. The court tends to look at the criminal history and any dependency history the parent may have

instead of morality. Although a criminal history can be viewed as a glimpse of a moral history, it is not necessarily viewed that way. This specific program had some of the best findings compared to other programs.

One of the more important findings in the study of this program was that the children had a positive experience while being interviewed and enjoyed being able to give their opinion and talk about how they felt. “Three-quarters of the children also believed that it was very or absolutely important to the family counselor to obtain their opinion about their own best interests” (Louw & Scherrer, p. 32). This shows that children want the opportunity to know what is happening and be able to express their thoughts and opinions. This is a very important concept for adversarial systems and advocate programs throughout the United States and the world. It is apparent throughout various programs that the children involved in divorce situations want the chance to be heard. They know that what they have to say is important and not enough lawyers, judges, or parents take the time to listen to what the children want out of the divorce situation. Every type of program has deficiencies. However, taking the different high points of the programs and applying them to one program could create a community program that focuses on the needs of the children that are going through divorce while also dealing with the legal side of the situation. However, the parents and their attorneys, as well as the judge can hear all sides, including what the children want.

## METHOD

### *Participants*

There are a number of professionals who work with individuals going through the adversarial system. The opinions of judges, magistrates, divorce and dependency attorneys and their respective clients, Guardian Ad Litem, and Juvenile Probation Officers in Bay County will be solicited to participate in the survey. This will give a well rounded view of the opinions of those familiar with the court systems within Bay County.

A 25-question instrument was developed that provides demographic information and the ideas of the participants when it comes to how professionals and clients assess the dependency and juvenile justice system (See Appendix A). Names will not be needed in this project. There are check boxes so the participants can indicate how they are a party to the survey (i.e., judge, magistrate, dependency attorney, divorce attorney, Guardian Ad Litem, Juvenile Probation Officer, divorce client or dependency client, etc). In Bay County, there is one judge and one magistrate. Out of the numerous attorneys, clients, Guardians Ad Litem and Juvenile Probation officers, four will be chosen from each area. All participants will be chosen through a voluntary process. A letter will be sent to each agency soliciting clients to complete the survey. Each employee at the agencies can choose whether or not to participate in the survey. An attorney can ask their clients if they would like to participate in the survey. If the client chooses to do so the attorney can pass along the website address and additional information. All participants will be chosen on a voluntary basis. No confidential information will be asked for in order to participate in this survey.

The 25-questions on the survey are focused on scenarios within the dependency and juvenile justice system. The questions on the survey are developed around the ideals of the program in South Africa. The questions are meant to gain knowledge of local professionals who work in the adversarial system and also to gain knowledge from their clients in order to find out if this type of program would be beneficial to the Gulf Coast area, specifically Bay County. A formal letter will be sent to the corresponding agencies explaining the basis of the project and providing the 30 day time limit to complete the survey. A website address will be provided to the participants for easy access to the survey. A participant of the survey will be able to access the survey from any computer that has internet access. Gulf Coast Community College and Florida State University, Panama City Campus will have access to computers with the internet for those who do not have home computers. Prior to accessing the survey each participant will read through a letter that briefly describes the reason for the survey. The letter will explain that the survey is to gather professional and public opinions of whether or not this project could be implemented. The proposed program is a way to combine the drawn out steps of the current adversarial system and make it shorter. The objective is to appeal to the participants of the current adversarial system in order to implement a more efficient and effective system. The completed surveys will be analyzed to determine the attributes and opinions of the participants.

It is anticipated that the administrators of the system i.e., judges, magistrates, attorneys, Guardians Ad Litem, and Juvenile Probation Officers will be supportive of the development and implication of this program. There are also expectations that the clients of these systems will be against this program due to it being a task that is court ordered to

be completed. Most of these clients are in the system against their will. Clients in the current system within Bay County become vexed towards any type of services that are offered and even court ordered. A service that is ordered is like being forced to do chores instead of going outside and playing basketball. It will be very important to have the support from clients, as well as, administrators for this program to work. This will be a court ordered task and parents will still be against it due to the fact that it is something they are being forced to do. However, once the parents begin the program and see that it is there to help them and the family they may not feel so angered towards having to complete the program. Perhaps after the program shows positive outcomes, more families will be interested in participating in the program. If enough clients and professionals are interested in the program it will, hopefully, be implemented throughout Bay County and surrounding areas. Even though clients do not want to be court ordered tasks, there are many advantages to this program.

#### POLICY IMPLICATIONS

Presently, in the dependency and family law courts of Bay County, judges will make the prevention/intervention program mandated for families who are divorcing and/or are involved in the dependency system. The State Attorney's Office will make the recommendation to the court to refer the families to the program in order for the judge to accept or deny the recommendation. Although a judge or magistrate can also make the recommendation for the family to complete a task, the State Attorney is typically the party that makes the recommendations for sentencing in criminal cases. In the dependency system the Department of Children and Families make the recommendations for the parents to complete certain tasks. In the case of divorce, the state would make the

recommendations for the divorcing parents. Once the proposed program is initiated any attorney, judge, or magistrate can recommend and/or order the family complete it.

Implementing the proposed program would bring great change to the adversarial system within Bay County by consolidating many of the existing steps and tasks. The main people that the change will impact are the families. In all three types of courts i.e., juvenile, dependency, and family law, all of the participants are under a court order with specific tasks that they must follow and abide by. Adding this program as a task will incorporate numerous other tasks that are ordered. For example, in the dependency system a parent or parents are required to have some type of parenting class and counseling. This program would incorporate both of those items. In the juvenile system parents are typically required to participate in counseling with their children. This program would allow that to happen in the same evening. How this would work is the family meets at one time. Individual counseling lasts for approximately one hour. After the first hour, family counseling will start for another hour. The total time a family has to take out of their evening is two hours for one appointment. Normally, a family would have to set up two or three appointment days and sometimes the appointments are weeks apart from each other. The proposed way would eliminate wasted time and the families would be able to complete the tasks more efficiently, which would make the counseling more effective. The anticipated program is able to incorporate numerous other resources to help parents and children through the process at one time instead of having various offices that they must go to, which causes missed days of school and work. Though the program would be a different way to approach the issues, it is more practical approach and would benefit many parents that cannot miss work. Although the timeframe is still

one year, this will eliminate a family having to make numerous appointments and having to worry about how they are going to pay for all of the services. Right now it typically takes 12-18 months to successfully complete the dependency system. The proposed program would take one year exactly.

Research shows that most courts and professionals in the advocacy system support prevention and intervention programs (Pedro-Carroll, 2005; Firestone & Weinstein, 2004; Louw & Scherrer, 2004; Geelhoed, et. al., 2001; Fischer, 1999; Glenn, 1998). This project is to determine the level of support from professionals and clients for a prevention and intervention program in Bay County. In all of these studies on prevention and intervention programs, the courts supported the implementation of the programs. What is important is that the courts and the community programs maintain a constant contact in order to evaluate how the program is going. This is also important to maintain the communication and to better develop the programs.

The first step is to identify the community supporters for a program to be implemented in the Bay County area. There needs to be more community programs in Bay County to help these families so the situation does not spiral out of control. The second step is to develop these programs for families in order to keep them out of the various court systems. The program will be intended to help families learn to communicate better. During chaos people do not communicate in a positive way, which can add to the crisis. This program is more intense and provides numerous services in one. The families will be able to continue working together through one provider for the duration of a year. Although the family may not choose to stay together, they will be able to communicate and have a positive relationship. Being able to achieve this will prevent

further turmoil within the family. Currently, the goal of court system, e.g., dependency, family law, and juvenile justice is currently to help a family through any situation the best it can. In every court situation there is a follow up hearing to evaluate how the case is going with what has been implemented. This will give the program a valid look at what and if it needs to change certain aspects.

## References

- Amato, P.R. & Booth, A. (1996). A prospective study of divorce and parent-child relationships. *Journal of Marriage and the Family*, 58, 356-365.
- Amato, P.R. & Keith, B. (1991). Parental divorce and the well-being of children: A meta-analysis. *Psychological Bulletin*, 110, 26-46.
- Barber, B.L. & Eccles, J.S. (1992). Long-term influence of divorce and single parenting on adolescent family and work-related values, behaviors, and aspirations. *Psychological Bulletin*, 111, 108-126.
- Doherty, W.J., Galston, W.A., Glenn, N.D., Gottman, J., Markey, B., Markman, H.J., Nock, S., Popenoe, D., Rodriguez, G.G., Sawhill, I.V., Stanley, S.M., Waite, L.J., & Wallerstein, J. (2002). *Why marriage matters: Twenty-one conclusions from the social sciences*. New York: Institute for American Values. (ISBN # 1-931764-01-8)
- Emery, R.E., Waldron, M., Kitzmann, K.M., & Aaron, J. (1999). Delinquent behavior, future divorce or nonmarital childbearing, and externalizing behavior among offspring: A 14-year prospective study. *Journal of Family Psychology*, 13, 568-579.
- Firestone, G. & Weinstein, J. (2004). In the best interests of the children: A proposal to transform the adversarial system. *Family Court Review*, 42, 203-215.

- Fischer, R.L. (1999). Children in changing families: Results of a pilot study of a program for children of separation and divorce. *Family and Conciliation Courts Review*, 37, 240-256.
- Forehand, R., Biggar, H., & Kotchick, B.A. (1998). Cumulative risk across family stressors: short-and long-term effects for adolescents. *Journal of Abnormal Child Psychology*, 26, 119-129.
- Forehand, R., McCombs, T.A., Wierson, M., Brody, G., Fauber, R. (1990). Role of maternal functioning and parenting skills in adolescent functioning following parental divorce. *Journal of Abnormal Psychology*, 99, 278-283.
- Geelhoed, R.J., Blaisure, K.R., & Geasler, M.J. (2001). Status of court-connected programs for children whose parents are separating or divorcing. *Family Court Review*, 39, 393-404.
- Glenn, J.E. (1998). Divorce education for parents and children in Jackson County, Missouri. *Family and Conciliation Courts Review*, 36, 503-510.
- Heilmann, R.W. (2000). A community-based parent education program for separating parents. *Family and Conciliation Courts Review*, 38, 514-524.
- Hetherington, E.M., Bridges, M., & Insabella, G.M. (1998). What matters? What does not? Five perspectives on the association between marital transitions and children's adjustment. *American Psychologist*, 53, 167-184.
- Hetherington, E.M., Stanley-Hagan, M., & Anderson, E.R. (1989). Marital transitions: A child's perspective. *American Psychologist*, 44, 303-312.

- Kumpfer, K.L. & Alvarado, R. (1998). Office of Juvenile Justice and Delinquency Prevention. *Effective family strengthening interventions*. Rockville, Maryland. (NCJ 171121).
- Lahey, B.B., Hartdagen, S.E., Frick, P.J., McBurnett, K., Connor, R., & Hynd, G.W. (1988). Conduct disorder: Parsing the confounded relation to parental divorce and antisocial personality. *Journal of Abnormal Psychology, 97*, 334-337.
- Loeber, R., Farrington, D.P., & Petechuk, D. (2003). Office of Juvenile Justice and Delinquency Prevention. *Child delinquency: Early intervention and prevention*. Rockville, Maryland. (NCJ 186162).
- Louw, D.A. & Scherrer, R. (2003). Children's perception and experience of the family advocate system. *International Journal of the Sociology of Law, 32*, 17-34.
- Pedro-Carroll, J.L. (2005). Fostering resilience in the aftermath of divorce: The role of evidence-based programs for children. *Family Court Review, 43*, 52-64.
- Pruett, M.K. & Jackson, T.D. (1999). The lawyer's role during the divorce process: Perceptions of parents, their young children, and their attorneys. *Family Law Quarterly, 33*, 283-310.
- Shaw, D.S., Winslow, E.B., Owens, E.B., & Hood, N. (1998). Young children's adjustment to chronic family adversity: A longitudinal study of low-income families. *Journal of the American Academy of Child and Adolescent Psychiatry, 37*, 545-554.
- Tein, J.Y., Sandler, I.N., MacKinnon, D.P., Wolchik, S.A. (2004). How did it work? Who did it work for? Mediation in the context of a moderated prevention effect for children of divorce. *Journal of Counseling and Clinical Psychology, 72*, 617-624.

- Tucker, J.S., Schwartz, J.E., Tomlinson-Keasey, C., Freidman, H.S., Criqui, M.H., Wingard, D.L., & Martin, L.R. (1997). Parental divorce: Effects on individual behavior and longevity. *Journal of Personality and Social Psychology*, 1997, 381-391.
- Wasserman, G.A., Keenan, K., Tremblay, R.E., Coie, J.D., Herrenkohl, T.I., Loeber, R., & Petechuk, D. (2003). Office of Juvenile Justice and Delinquency Prevention. *Risk and protective factors of child delinquency*. Rockville: Maryland. (NCJ 193409).

Appendix

**Directions:** Please mark the appropriate career that you are associated with. Once you have done this please read through each question carefully and mark the box that describes your feelings to the statement or question.

- Judge  Magistrate  Guardian Ad Litem  Divorce attorney   
 Dependency attorney  Juvenile Probation Officer  Divorce Client   
 Dependency Client

Strongly agree    Agree    Indifferent    Disagree    Strongly disagree

1. Parents need to be better educated on the effects of divorce on children.

                      

2. Children need to have the opportunity to be a part of the divorce process.

                      

3. A prevention/intervention program is needed in our local community to help families going through divorce.

                      

4. Parents need classes to help them understand the effects of divorce on their children.

                      

5. Children whose parents are divorcing feel that it is their fault.

                      

6. Parents must give their children an opportunity to have an opinion during the divorce process.

                      

7. Parents who are going through a divorce feel that they should not talk to their children about it.

8. Children in divorcing families choose negative peer groups.

9. Children in single parent homes with little contact with the non-custodial parent become delinquents

10. Children need to be better educated about why their parents divorce.

11. A prevention/intervention program is beneficial in keeping children in divorcing families out of the delinquency system.

12. A program developed strictly to advocate and assist families in the adversarial or dependency system will help the families move through these systems more efficiently.

13. Children who have more support from their parents are less likely to become involved in the juvenile justice system.

14. Families who go through the divorce process together and are educated about it are more likely to be more productive.

Strongly agree    Agree    Indifferent    Disagree    Strongly disagree

	23. A family should do counseling in order to work through the problems.				
	Strongly agree	Agree	Indifferent	Disagree	Strongly disagree
15. It is a parent's responsibility to be there emotionally for their children.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. It is a parent's responsibility to explain to their children why they are separating.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. When age appropriate, children, must have the right to participate in court proceedings.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Children must have the opportunity to share their thoughts and feelings with their parents.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. Communities must have resources that cater to families that are going through a divorce.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. Children need advocates in the court systems.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21. I would participate in a class that taught me how my children deal with divorce.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22. I would want my children to participate in a class to teach him/her how to deal with divorce in a positive way.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Strongly agree   Agree   Indifferent   Disagree   Strongly Disagree

24. I would want my family to participate in counseling if I were going through a divorce.

          

25. Children and parents need to work through a divorce together.











