



The Center for Divorce Education's **CHILDREN IN BETWEEN** A CO-PARENTING PROGRAM FOR DIVORCING AND SEPARATING PARENTS

Arbuthnot, J. (2002). A Call Unheeded: Courts' Perceived Obstacles to Establishing Divorce Education Programs. Family Court Review, 40,3 pp. 371-382.

A recent national survey (Geasler & Blaisure, 1999) has shown that nearly half of all counties in the U.S. now provide some form of education program for divorcing parents. This represents a near tripling in number of programs over the 1994 survey, and indicates a rapidly growing interest in providing a promising intervention for families in crisis. By the same token, however, these data indicate that just over half of all counties in the U.S. do not provide such a program. This manuscript (a) presents the results of a national survey of counties not providing programs to assess the reasons why no program is provided, (b) compares results within this sample of recent adopters and continuing nonadopters, (c) frames the results of this study in terms of the larger literature on adoption of new technologies, and (d) explores strategies for increasing adoption rates in nonadopting jurisdictions.

Overall, it appears that population characteristics and case load variables have little to do with adoption of innovations. Resources (often related to population, most likely due to court budgets and revenues) may be a more important factor. Innovation-adopting courts generally provide more other services for divorcing families. Although there were no differences in use of family counseling or guardians ad litem, innovators were considerably more likely to also offer custody evaluations, mediation, individual counseling, supervised visitation, settlement conferences, and family service specialists. These differences speak to a generally more proactive stance of the court. It probably also speaks to greater success in locating funding to start up and maintain such programs. In this sense, innovative courts may be located in communities with a generally more proactive philosophy concerning the role of the courts in family crises.

The self-report data provides some clarity to the issue of obstacles to innovation. It is clear that courts which have not adopted an educational intervention for divorcing parents claim that they have not done so largely due to a lack of financial and technical resources. Given that half of all county court jurisdictions in the U.S. have been able to institute such programs, these claims may or may not speak to the real obstacles to innovation.

Recommendations

Impediments and sources of resistance to the adoption of proactive innovations in court systems fall into a number of categories; each leads to general principles about promoting change. We will examine in turn

- (1) origins of the proposed innovation,
- (2) the nature of the innovation,
- (3) the change process, and
- (4) the climate for innovation.

In general, resistance to the adoption of innovative programming will be less if:

1. Origins of the proposed innovation

1.a. Information about the need for and availability of interventions originates with the judge's professional peers.

1.b. The proposed innovation has widespread support of the judge's respected superiors.

1.c. The proposed innovation has been adopted by a large proportion of other court systems, particularly by those that are respected by the local judge.

1.d. The persons involved in the implementation of the innovation have a sense of ownership of the project-i.e., they have played an active role in its statement of goals, its design, the selection of materials, and the selection of service providers. Such individuals include, at least, the judge, hearing officers, key administrative staff, and members of the bar.

1.e. Outside experts remain in the role of consultants, providing information about a variety of options, including evaluation data.

2. The nature of the proposed innovation

2.a. Participants see the innovation as leading to a reduction rather than an increase in the existing demands of their jobs.

2.b. The innovation is consistent with existing attitudes and values about the role of the courts.

2.c. The innovation does not threaten participants' present autonomy or job security. 2.d. The innovation is compelling, inherently interesting, and appealing to the participants.

2.e. The goals of the innovation are clear and progress toward them is measurable and measured.

2.f. Funding can be secured, either internally or externally, for adequate planning, training, and acquisition of facilities and materials.

2.g. Costs of the innovation do not detract from ongoing programs which are seen as valued and/or effective.

3. The nature of the change process

3.a. The participants have participated in the process which leads to a perceived need for the innovation.

3.b. The innovation has been decided upon by mutual consensus.

3.c. The innovation is reasonably organic-i.e., it can take into account on-going assessments and evaluations, and respond to valid disagreements, concerns, and fears.

3.d. Resistance is seen as requiring more careful and detailed exploration of options, explanation of procedures, and anticipation of possible problems. To succeed, one may need to find ways to motivate the opposition to come aboard.

3.e. Clear timelines and responsibilities for specific actions are established and monitored.

3.f. A "local champion" is identified and assumes responsibility for both motivating participants and monitoring progress. This person could be within or outside the court, but must have both credibility and unbounded energy.

4. Climate for innovation

4.a. Key players come to the realization that changing social conditions often require changes in outlook, procedures, and programs.

4.b. Innovation is viewed as healthy for the organization, and is supported in both concrete terms (i.e., rewards) and in organization climate.

4.c. Steps are taken to clearly explain to the public the need for the proposed innovation; the philosophies on which it is based; how it will work; and its benefits for direct recipients, the courts, and the taxpayer.