

PATTERNS OF RELITIGATION

Following Divorce Education

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Two groups of parents were tracked for 2 years following their divorce: a group of 89 who attended a mandatory divorce education class and a comparison group of 23 who did not. The two groups did not differ in any assessed demographic or family characteristics. At the follow-up assessment, the parents who attended the class had relitigated (over all issues) less than half as often than those who had not attended the class (1.61 vs. 3.74). Moreover, rate of relitigation was related to mastery of skills learned in the class. The results are discussed in terms of the needs for outcome evaluation and design of education programs for divorcing parents.

In their review of divorce education programs, Arbuthnot and Gordon (1996b) report positive outcomes for a number of programs in terms of client satisfaction; parents report that they are glad they attended (even if mandated), believe that the programs are relevant and helpful, are more aware of their children's point of view, feel better able to help their children, and vow to do a better job of protecting their children from the stress caused by the parents' problems (Arbuthnot & Gordon, 1996a; Frieman, Garon, & Mandell, 1994; Kramer & Washo, 1993; Petersen & Steinman, 1994; Wolchik et al., 1993).

At the same time, however, long-term follow-ups are rare and not always so positive. Buehler, Betz, Ryan, Legg, and Trotter (1992), for example, report few differences between their treatment and control groups following a program consisting of five 2-hour sessions (*Orientation for Divorcing Parents*, which focused on parents' adjustment, common responses of children to divorce, legal aspects of divorce, and communication and negotiation skills). The authors conclude that although the parents were satisfied, "they did not evidence better outcomes when compared to nonparticipants" (p. 160). No effects were found for parental reports of child outcomes, parenting variables, or changes in relationships with divorcing spouses.

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Kramer and Washo (1993) evaluated the video-based *Children First* program, which consists of two 90-minute sessions. Parents were moderately satisfied regarding child issues but saw the program as less helpful in improving communication with their former spouse. Three-month follow-ups of child-rearing behaviors and child adjustment showed no effects attributable to the program.

However, at least one program (*Children in the Middle*) is effective not only in producing client satisfaction and increased awareness of children's needs but also in teaching parents the skills they need to adopt new behaviors (Arbuthnot & Gordon, 1996a). In the program evaluated, the video *Children in the Middle* (Arbuthnot & Gordon, 1994a) was used in a single 2-hour discussion group session. The program focuses intensively on reducing the frequency with which parents involve children in loyalty conflicts, which is the most damaging aspect of divorce for children. The program emphasizes making parents aware of these practices and their effects through video scenes depicting the most common practices, followed by training in more appropriate behavior. Small group discussion allows parents to apply the material to themselves. A workbook summarizing the class content and promoting practice of new skills is given to parents (Gordon & Arbuthnot, 1994). In addition, parents are given a more general booklet about numerous aspects of the effects of divorce on children (Arbuthnot & Gordon, 1994b), which has been shown in prior research to favorably affect parental attitudes and reported behaviors (Arbuthnot, Poole, & Gordon, 1996).

The parents rated the class high in relevance, reported significant improvement in awareness of their children's point of view, and demonstrated mastery of some of the communication and conflict reduction skills fostered by the program. At a 6-month follow-up, these parents maintained skill mastery, reported using the skills, reported dramatic improvement in protecting their children from parental conflict, and perceived favorable outcomes for their children. Further, in comparison to a group of parents who did not take the program, the treatment group demonstrated more favorable attitudes regarding child access to the other parent, showed greater knowledge of ways to keep children out of the middle of parental conflicts, and reported better adjustment regarding their relations with the other parent. Although many ratings of child adjustment did not differ at the 6-month follow-up, parents in the treatment group did report that their children had fewer absences from school and had fewer visits to physicians.

This study takes us to the next level in outcome evaluations of divorce education programs: What is the impact of a program on postdecree litigation? If parents are learning to communicate more effectively, cooperate in their parenting efforts, and reduce conflict levels for the sake of their children,

there should be an attendant decline in relitigation by parents who have attended and benefited from an effective divorce education class.

We have discussed elsewhere (Arbuthnot, 1995; Arbuthnot, Harter, & Gordon, 1994) some preliminary findings on the relationship between divorce education for parents and subsequent rates of relitigation. We tracked for 2 years a total of 94 parents who were mandated by the court to participate in a 2-hour divorce education class (based on *Children in the Middle*) in Lexington, Kentucky. A control group of 129 parents divorcing at the same time but not ordered to attend the class were also tracked. Initially, we simply examined the treatment versus control groups for relitigation rates and found a nonsignificant difference in the expected direction (47.9% vs. 58.9%). However, a scatter plot revealed a very interesting relationship, which subsequently proved to be significant. Only 12.5% of the parents who attended the class within 3 weeks of their initial court hearing (and receipt of the order to attend) had relitigated by the time of the follow-up evaluation. In contrast, 60% of those attending 4 or more weeks after their initial hearing date had relitigated (this latter figure did not differ from the control group rate of 58.9%).

Of further interest were the types of issues that were relitigated. By far, the most common issue bringing parents back to court was child support, followed by requests for a change in parenting plan ("custody") and access ("visitation") problems. For the control group, the percentages of each type were 59.4, 46.9, and 24.2, respectively (totals may exceed 100% due to multiple-issue filings). For parents in the 4-weeks-plus group, the comparable percentages were 72.5, 52.2, and 17.4. However, for parents in the 3-weeks-or-less group, the percentages were only 7.4, 11.1, and 3.7.

There are several possible interpretations of these data. The most optimistic is that parents who take the class early in their divorce proceedings benefit most from the class. Why? Perhaps it is because they have had less opportunity to become polarized in the conflict-engendering process of contested proceedings (e.g., accusatory depositions and filings and unrealistic demands by attorneys, which are often justified as "effective" negotiating tactics). It is also possible that the result is an artifact of the greater motivation level of responsible parents. That is, it may be that parents who are already more sensitive, child oriented, and cooperative sign up for and attend classes sooner than those who are less responsive and less responsible (and, perhaps, who are also more contentious).

The purposes of this study were twofold. First, we wanted to see if the Lexington results would be replicated in a different location by different group facilitators using the same program materials (*Children in the Middle*) and the same basic class format. Second, we wanted to examine the relationships of relitigation to other variables, such as how much the parents

learned, how much reduction in conflict they reported, and related outcomes of the class.

METHOD

RESEARCH SITE

The research was conducted in Athens County, located in the Appalachian portion of southeastern Ohio. The parent program is sponsored by the Court of Common Pleas, located in the county seat of Athens, population 20,000. Although the city of Athens is the home of Ohio University and is relatively affluent, the surrounding county is rural and relatively poor, having the highest percentage of families below the poverty line in the state. The parent program is mandated by the court for anyone filing for divorce or postdivorce litigation in which children are involved. The class is operated by the local office of the statewide Children Services agency.

PARTICIPANTS

The research sample of 89 parents was 53% female, was predominantly Caucasian, had an average of 1.8 children ($SD = .4$), had an average age of 33.3 years ($SD = 4.8$), had an average of 12.8 years of schooling ($SD = 2.0$), and had been separated an average of 14.9 months ($SD = 2.6$) at the time of the class. The social class level of the sample averaged 3.3 ($SD = 1.3$) on Hollingshead's 7-point scale. Hollingshead's scale ranges from 1 (unskilled workers) to 7 (physicians, lawyers, CEOs, etc.). Level 3 includes skilled workers (e.g., equipment operators, carpenters, secretaries, bank tellers, etc.). The sample is more fully described elsewhere (Arbuthnot & Gordon, 1996b).

A comparison group of 23 parents who filed for divorce in the year prior to the institution of the education program did not differ significantly from the treatment group on demographic or family variables. See Table 1 for sample characteristics.

PROCEDURE

Parents of minor children filing for divorce or legal separation or filing for postdecree action were notified that attendance at a 2-hour parent education class was mandatory, and completion of the class was necessary for a hearing to be scheduled. At the end of the 2-hour class, all parents were given a postclass evaluation survey to complete. This survey asked a number of

Table 1
Characteristics of the Treatment and Comparison Groups (at follow-up)

| Variable | Treatment | Comparison | Significance |
|--------------------|-----------|------------|--------------|
| Education, years | 13.2 | 13.6 | <i>ns</i> |
| Social class | 3.1 | 3.4 | <i>ns</i> |
| Age | 34.2 | 36.7 | <i>ns</i> |
| % female | 60.4 | 65.2 | <i>ns</i> |
| Number of children | 1.7 | 1.9 | <i>ns</i> |
| Months separated | 21.5 | 21.7 | <i>ns</i> |

demographic and consumer satisfaction questions about the class, including problem-situation questions to assess mastery of the course skills and a few items regarding perceptions of how well the children were coping with the divorce as well as current and projected parental conflict levels.

At this time, the parents were asked if they would be interested in participating in a research project on divorce education. They were informed that participation would be strictly voluntary and confidential, that no individual responses would be reported to either the court or to the attorneys for either party in their dispute, and that they would be contacted in several months for a follow-up telephone interview. If they completed the follow-up interview, participants would be paid \$10. The 89 parents who agreed did not differ significantly on any of the background or demographic variables from the 42 who chose not to participate.

Approximately 6 months after participating in the class, participants were called for a telephone interview. A total of 48 (53.9%) of the original 89 parents who agreed to be in the research project were reached. Of these 48, 29 (60%) were mothers, and 19 (40%) were fathers. The remainder could not be located ($n = 26$), failed to respond to repeated calls ($n = 12$), or declined to participate ($n = 3$). No demographic differences were observed between the parents retained or lost from the postclass survey to the 6-month follow-up. Relitigation data were obtained from court records between 24 and 27 months following each participant's completion of the class.

RESULTS

Parents in the treatment group were relatively accurate in predicting the likelihood of their own relitigation. The correlation between their postclass estimate of the probability of relitigation and actual relitigation was $r = .45$,

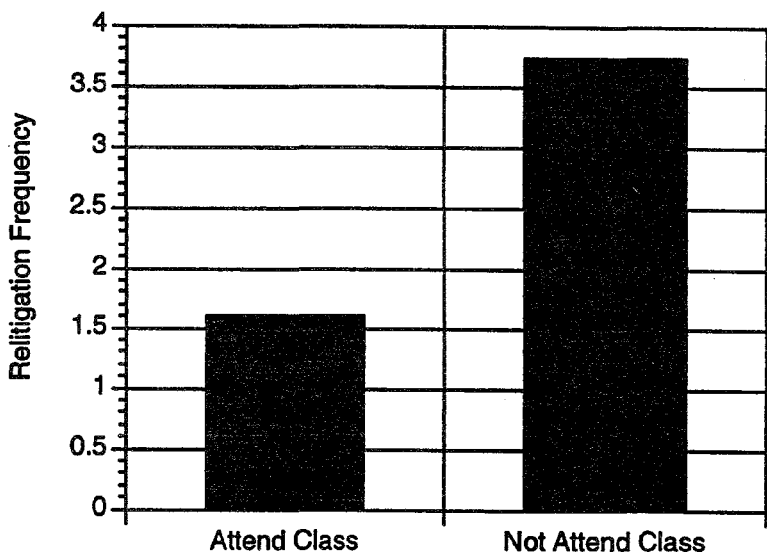


Figure 1. *Difference in relitigation frequency between treatment and control groups.*

$p < .01$. For the control group, the correlation was low and nonsignificant ($r = .11$, *ns*). The optimistic interpretation of this result is that treatment parents were better able to assess the seriousness and affect the course of their conflicts. Parental ratings of the amount of conflict their children had been exposed to in the past 3 months were correlated with relitigation for control group parents ($r = .62$, $p < .01$) but not for parents in the treatment group. The absence of a relationship for the parents who attended the class may have been due to attenuation of the range of their conflict scores at the follow-up.

Unlike the Lexington data, the Athens data showed a clear and significant difference between the treatment and the control groups for the total relitigation rate (i.e., relitigation over all issues). Over the 2 $\frac{1}{4}$ -year period, the parents who took the class averaged 1.61 filings, whereas parents in the control group averaged 3.74 filings ($F_{1,51} = 9.70$, $p < .01$; see Figure 1). Also unlike the Lexington data, there was no pattern for total relitigation as a function of time between filing and date of class. However, there was a significant increase for relitigation over access (visitation) problems as a function of longer delays between initial filing for divorce and date of class attendance (M for 0-30 days = .08, M for 31-60 days = .14, M for 61+ days = .27; univariate $F = 3.94$, $p < .05$; see Figure 2).

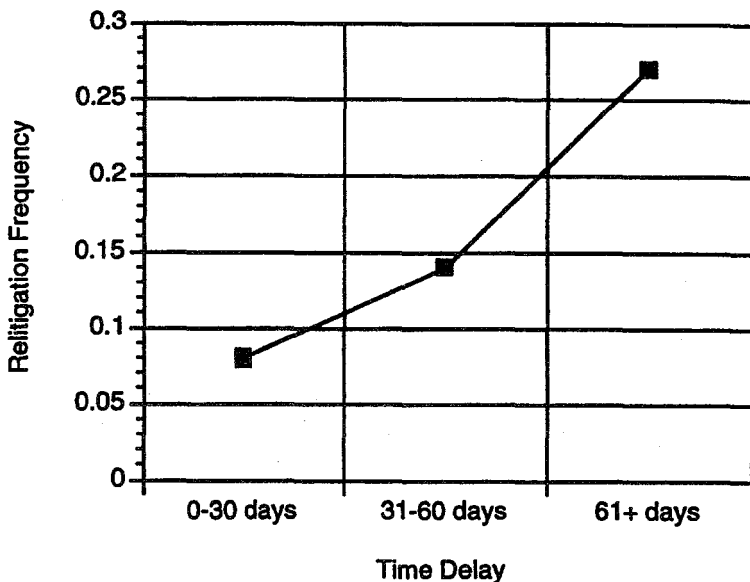


Figure 2. Increase in relitigation frequency over visitation as a function of longer time delays.

RELATIONSHIPS WITH OTHER VARIABLES

Education. The data were examined with analysis of covariance (ANCOVA). Education served as the covariate to determine whether the relationships between time delay and relitigation were an artifact of parents' education levels (i.e., whether better-educated parents were taking classes sooner and the observed benefits of the class regarding relitigation could be attributable to their education level rather than to class content). In this analysis, education level was not a significant covariate.

Skill mastery. The parents who attended the class were assessed in a 6-month follow-up to determine maintenance of skills learned in the class. Parents were given problematic hypothetical scenarios involving their children and ex-spouse. Good solutions to the problems would draw on communication and conflict reduction skills taught in the class. Solutions were scored in terms of both what the parent would say to their child (SAY scores) and what they would do to resolve the problem (DO scores). As reported in Arbuthnot and Gordon (1996), parents in the treatment group scored signifi-

cantly higher than those in the comparison group on DO scores ($p < .001$) but not on SAY scores.

Parents' DO scores were highly related to reduced relitigation, as evidenced by the following correlations: total relitigation, $r = .58$, $p < .01$; custody, $r = .56$, $p < .01$; domestic violence, $r = .79$, $p < .01$; other, $r = .41$, $p < .05$. Parents' DO scores were not related to relitigation frequencies for visitation or child support. Parents' SAY scores were significantly related to reduced relitigation only for custody, $r = .39$, $p < .05$.

Child variables. For several child outcome variables, no relationships were observed with relitigation (e.g., parental ratings of adjustment, days absent from school, visits to physicians, etc.). However, for parents who did not attend the class, parental beliefs that the child would benefit from therapy and that the parent had sought therapy were predictive of greater total relitigation rates ($r = .45$, $p < .01$; $r = .35$, $p < .05$, respectively). Further, relitigation appeared to be concentrated in the area of child support ($r = .41$, $p < .05$; $r = .63$, $p < .01$, respectively). No relationships were observed between child variables and relitigation rates for parents attending the class.

DISCUSSION

The results of this study provide strong evidence for the effectiveness of one divorce education program (*Children in the Middle*) in reducing relitigation rates among divorced parents. Although evidence from earlier research has pointed to high client satisfaction and participant perceptions of relevance and effectiveness, as well as mastery of skills and parental reports of behavior change, these data confirm that parents do indeed benefit from divorce education and that the skills they learn translate into behavioral change. This result should be especially comforting to judges and legislators who have mandated divorce education programs in their jurisdictions.

Although our Lexington data had suggested the importance of early attendance—at least insofar as relitigation is concerned—the Athens data did not replicate this for the overall relitigation rate. However, there was a relationship between delay of class and relitigation for access issues. Parents who waited longer to take the class had higher rates of returning to court over access. Thus, the issue of delay in attending a divorce education class remains viable and warrants exploration in greater detail relative to other outcome variables. This work is in progress.

No covariate effect was observed for the education level of parents. This is very encouraging because it suggests that parents of varying backgrounds

can benefit equally from attending divorce education classes. Skill mastery and behavior change are not limited to those of higher educational attainment.

However, the impact of the class on relitigation was affected by mastery of specific skills. Those parents who took the class but showed no evidence of having learned new skills were more likely to return to court. This is very important evidence because it clearly suggests that if we want to have an impact on parental behaviors, we need to do more than simply sensitize parents to their children's potential problems. We need to teach behavior-oriented solutions. Programs that are not skills focused may be less effective, at least in terms of keeping parents from coming back to court because of ongoing parental conflicts.

Few variables reflective of child adjustment were related to incidence of relitigation. In fact, for parents who attended the class, none were significant. For parents who did not attend the class, it appeared that relitigation was related to parental perceptions that the children had problems of a severe enough nature that they would benefit from therapy and that the parent had sought therapy. This suggests that parents who perceive difficulties for their children may see few alternatives to using the jurisprudence route to change the structural aspects of the parenting arrangement. In contrast, we assume that parents who have taken a divorce education class may see changing the nature of the parental relationship as a more viable option. The data do not suggest whether one or the other solution is more effective.

CONCLUSIONS

The mixed outcomes reported from various programs raise several important issues for the nascent field of divorce education. There are differing approaches to both what and how parents should be educated about divorce issues. Of the hundreds of divorce education programs throughout the United States and Canada, some are "packaged" and highly structured in nature. Others provide professional materials but allow more local flexibility. Finally, some are locally developed and may vary considerably in content, style, and theoretical basis (Blaisure & Geasler, 1996; Braver, Salem, Pearson, & DeLusé, 1996). We should not expect that all are equally effective; some may not be effective at all.

Outcomes appear to vary independently of the length of the program. For example, no gains for parents occurred in one 10-hour program (Buehler et al., 1992), but the 2-hour *Children in the Middle* program showed a variety of gains. Our view is that the program focus accounts for the difference. Most programs cover a number of issues related to divorce and attempt to impart

understanding and attitude change rather than develop specific parenting or cooperation skills. Perhaps these programs are too ambitious, overwhelming parents such that little information is retained. In large groups where there is little discussion or involvement and a great deal of new and unfamiliar information may be presented rapidly, one would not expect much retention or behavior change. Conversely, focusing on fewer themes, allowing time for discussion of the material in small groups, emphasizing changes in specific parenting behaviors, and providing materials to practice those skills are more likely to produce changes.

There is a very strong need for programs to be evaluated and, if possible, directly compared with one another in comparable or identical settings. We need to know what content to include, what teaching style is most appropriate, how much information to provide, and so on. Is a highly focused, skills-oriented 2-hour program more or less effective than a more diffuse, multiple-session 8- or 10-hour program? What skills can parents learn? How much information can they process? Are we trying to teach new attitudes and behaviors that are diluted by forces beyond parental control? If we cannot demonstrate clear effectiveness, can we realistically expect courts to make such programs mandatory? In the absence of comparative outcome data, how will courts choose among programs and approaches?

This study adds substance to the claims for the utility of divorce education programs because it clearly demonstrates the impact of divorce education on system outcomes. The judicial community will gain further confidence in the effectiveness of education programs as a means for helping divorcing families as more positive results are provided in the professional literature.

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