

1-18-2019

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Recommended Citation

Hollis, Joi, "Using a Risk Assessment to Predict Family Court Service Use in Custody Disputes" (2019). *2019 Program & Posters*. 25.
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Using a Risk Assessment to Predict Family Court Service Use in Custody Disputes

Joi Hollis, PhD

Problem

Since 2005, increases have been seen in:

- percentage of intractable child custody disputes;
- risks, needs of families, and financial, emotional burden;
- rates of unmarried parents and single fathers

Using a family risk assessment instrument to determine the appropriate services for families involved in high-conflict custody cases can expedite court processes while reducing related family burdens.

Purpose

The purpose of this quantitative study with a nonexperimental design was to determine if the Child Risk Index for Divorcing or Separating parents (CRI-DS) is an effective family risk assessment instrument, identifying specific needs of families to place families in appropriate court-connected programs. Assessment of family risk provided to parents at the earliest phase of the court process can result in the receipt of preventative services to resolve family issues.

Significance

The findings of this study support several objectives. First, they may help to expedite court processes through the use of the risk assessment as a triage instrument. Children and families are supported by identifying those most at risk and providing services to ameliorate potential negative outcomes. Courts will be better able to target resources necessary to better match the needs of children, benefitting families as well as family justice practitioners providing services.

Social Change Implications

This study can support evidence-informed decisions on how to best assist family courts in promoting the use of empirically grounded therapeutic interventions, educational programs, and dispute resolution services, enabling family justice practitioners to better implement community resources.

Theory or Framework

Kellam and Van Horn (1997) **life course/social field theory**- at each stage of life, during major life transitions, individuals experience demands associated with being a parent, maintaining relationships, and/or separating families.

One underlying scientific perspective of this developmental epidemiological prevention model is preventive intervention trials directed at early hypothesized risk factors, and particularly its role as a basis for social policy and institution of prevention measures for at-risk children and families.

Relevant Scholarship

Families engaged in high-conflict custody disputes are the most labor intensive, often using a disproportionate amount of court resources (Goodman et. al., 2004; Kline Pruett, Nangle, & Bailey, 2000).

The children of these households are at greater risk to experience clinically significant levels of mental health problems or to receive mental health services (Amato & Keith, 1991; Braver, Griffin, & Cookston, 2005; Zill, Morrison, & Coiro, 1993).

These children are at greater risk of engaging in risk-taking behaviors like drug and alcohol use, experience significant academic problems, and engage in sexual activities prior to the age of 18 (Braver et. al., 2005).

Research Questions

1. Are gender, education level, and marital status significantly associated with an elevated pretest risk (CRI-DS) score?
2. Is there a statistically significant relationship between pretest risk scores and interparental conflict?
3. Is there a statistically significant relationship between the risk scores (at 10-month follow up) and interparental conflict?
4. After controlling for relationship status, is there a statistically significant relationship between parent risk and the **number** of court-affiliated family interventions in which parents participate (not including the NBP program)?
5. Controlling for relationship status, is there a statistically significant relationship between parent risk as classified by the (CRI-DS) on the **type** of court-affiliated family interventions in which they participate (not including the NBP program)?

Participants

Sample size = 385. The participant pool was primarily English-speaking or bilingual (Spanish) individuals throughout Arizona with an active family law case pending before the Court. Participants engaged in the 2 week New Beginnings Program, a theory-based psychoeducational and skills building course targeting risk and protective factors impacting youth outcomes for children of parents in high conflict custody disputes.

- 179 were female (46%)
- 144 were male (37%)
- 62 gender info lacking (16%)

Procedures

The 15-item CRI-DS was developed as a screening tool to identify children most at risk for experiencing long-term psychological and emotional problems as a result of their parents' divorce (Tein et al., 2013). It is used as an assessment instrument for the NBP for children. CRI-DS questions cover child and parent behavior problems, parent conflict regarding child discipline practices and parent visitation rights, and parenting self-efficacy questions. This is a secondary data analysis of data collected as part of a larger study. The archival data consisted of a limited data set including family/participant ID, risk index items and summary scores from recruitment and pretest, general demographics (e.g., age, ethnicity, SES, family size), and items related to court service use at the 10-month follow up.

Analysis

Binomial logistic regression was conducted on RQ's one, four and five with gender, education level, and marital status entered on one regression model to predict risk scores. A nonparametric 2-tailed Spearman correlation was used on RQ's two and three.

Findings

1. Statistically significant for both Gender and Divorce.
2. Statistically significant, positive correlation between pretest risk scores and interparental conflict.
3. No statistically significant correlation between posttest risk scores at 10-month follow up and conflict intensity.
4. Statistically significant relationship between parent risk on the **number** of court-affiliated family interventions in which parents participate.
5. No statistically significant relationship between parent risk and **type** of family interventions.

Interpretation

Gender and marital status were significantly associated with an elevated pretest risk score. There was also a positive correlation between pretest risk and conflict intensity; where pretest risk increases, conflict intensity also tended to increase. And though not statistically significant, as posttest risk at 10-month follow up increases, conflict intensity tended to also increase. There was also a statistically significant relationship between parent risk on the **number** of court-affiliated family interventions in which parents participate.

Limitations

The sample did not represent a wide diversity with respect to ethnicity, length of post-separation time, and different custody and parenting time arrangements. Further, the participant pool, were primarily White (non-Hispanic). This specific study did not fully account for minority culture within Arizona and/or ethnic implications concerning co-parenting conflict.

Recommendations

Future research could examine cultural factors, relationship dynamics of unmarried parents, and socio-economic considerations related to custody .

Additionally, further study could survey family law professionals regarding their training and experience in working specifically with parents involved in high-conflict custody disputes.

Lastly, further study would be of merit to expand judicial education and implementing risk protocols as they are assigned to complex family law cases.

Acknowledgements

Jesus Tanguma, Committee Chairperson, **Tracy Masiello**, Committee Member and **Virginia Salzer**, University Reviewer

NIDA Grant R01DA026874: Multi-Court Trial of NBP to Prevent Substance Abuse and Mental Health Disorder