

**Dispute Resolution & Special Court Programs
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Program Evaluation Protocol: Program Evaluation for Nebraska's Parenting Act

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Program Evaluation Protocol:
Program Evaluation for Nebraska Parenting Act

Presented to

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Executive Summary

The success of the Nebraska Parenting Act Evaluation Strategy is dependent on Nebraska's continued involvement, commitment and enthusiasm to cultivate and create an Evaluation Protocol and to offer and secure one or more evaluators to perform the Parenting Act Evaluation using the Protocol. This Strategy is designed to be relevant to the needs of various stakeholders and to strengthen local resources to reflect the needs of the children and families involved in the various services offered in connection with the Parenting Act.

Nebraska's Parenting Act, Neb. Rev. Stat. §§43-2920 et seq. (Cum. Supp. 2012), originally enacted in 2007 is a set of directives for meeting the best interests of children following separation and divorce. The expertise and dedication of the various stakeholders engaged in the Nebraska Parenting Act Advisory Panel were critical in helping to shape the Parenting Act Evaluation Strategy so that it reflects the needs of the children, parents, families and various stakeholders involved in custody and parenting time court matters.

The Evaluation Protocol is the first phase of the Parenting Act Evaluation Strategy, which includes the development of a 'blueprint' for the future evaluation of the Parenting Act. During this initial stage of the Evaluation Strategy, the Nebraska Judicial Branch has collaborated with the Evaluation Team¹ to develop an evaluation roadmap so that it both reflects the needs of community stakeholders and outlines the methodological rigor required to identify and address the strengths and needed improvements of the Parenting Act in responding to the needs of children and parents after the filing of proceedings or modifications of orders in which parenting functions for a child are at issue in Nebraska.

The Purpose of the Evaluation

The first task of the Evaluation Protocol was to determine the various components of the Parenting Act and how this legislation has been implemented in relation to its objectives and mandates, especially with respect to the services provided to the clients and the engagement with key stakeholders within the family justice context.

Considerations for the Parenting Act Evaluation Strategy were based on key indicators of effectiveness and efficiency of the Parenting Act in meeting its objectives and mandate. For each issue a set of key questions were identified along with the specified indicators and data source for the questions. Key questions that guided the Strategy, included:

- How do things function in a practical manner under the Act, including what works well and what's problematic?
- How has the Act changed outcomes for families?
- When should children be included in this process (guidelines)?

¹ The Nebraska Parenting Act Advisory Panel; Dr. Michael Saini, PhD.; Debora Brownyard, Director of ODR/Special Court Programs; Jay Wilson, Parenting Act Mediator Administrative Assistant; and Beverly Russell, Practicum Student, Werner Institute for Negotiation and Dispute Resolution, Creighton University.

- Are parents able to develop parenting plans that work for them and their children?
- Do victims of domestic violence feel that their concerns/needs are met through the process created?
- Is the Parenting Act being implemented appropriately across the entire state of Nebraska?
- What aspects of the Act, if any, are not being properly implemented in the manner specified in the Act?
- Does it reduce contested hearings?
- Is it financially feasible?
- Cost effective?
- Are the present forms of mediation conducive to reaching an agreement on parenting?
- Does the Parenting Act improve time efficiency for resolution or overall court process?

The Parenting Act

The Parenting Act has its unequivocal focus on the best interest of the child. Eschewing to favor either “mothers’ rights” or “fathers’ rights,” the Act puts children at the center instead of in the middle. Nebraska’s statutes are gender neutral without any presumptions regarding gender and custody. With the best interests of children standard at the core of the Act, issues of safety, parental accountability, and consistency are explicitly addressed in a way not previously seen in statute.

The Parenting Act:

- emphasizes the "best interests of the child" standard as the basis by which child custody and parenting time issues are resolved and establishes best interest requirements;
- provides statutory definitions of the terms: legal custody, joint legal custody, physical custody, joint physical custody, domestic intimate partner abuse, emotional and economic abuse, parenting functions, and unresolved parental conflict;
- recognizes the importance of maintaining parent-child relationships while at the same time protecting parent and child victims of child abuse, neglect, and domestic intimate partner abuse;
- requires the court to provide a parenting information brochure to each party in a divorce or separation with children;
- requires the court to review or develop parenting plans for all parenting, custody, visitation, and access to children matters;
- requires parents involved in custody and parenting time cases to attend a parenting education course unless waived by the court;
- requires parties in contested proceedings for temporary orders involving parenting functions to offer a child information affidavit as an exhibit at the temporary hearing;
- provides child of military parents continued access during military mobilization or deployment;
- encourages the voluntary use of mediation to create parenting plans;
- requires parenting mediators to conduct an individual private session (IPS) for every parent prior to determining whether or not it is appropriate to proceed in joint session mediation or to proceed in a form of specialized alternative dispute resolution;

- requires parenting mediators to include within the IPS a screening of each party for domestic intimate partner abuse, child abuse, or unresolved parental conflict and assess the ability of parents to negotiate safely and effectively;
- requires the trial court to order mediation before trial in contested custody or parenting cases unless waived after an evidentiary hearing;
- provides for specialized alternative dispute resolution (SADR) for parents in high conflict or domestic abuse relationships;
- establishes requirements for training, qualifications and standards of practice for mediators.

The Evaluation Plan

The first step of the evaluation of the Parenting Act has been to develop a program evaluation protocol, which includes a logic model to highlight the inputs, outputs, activities, indicators, and outcome variables to guide the evaluation process.

Process evaluation assesses program features in terms of the adherence to best practice principles and the activities set out in the logic model that coincide with the directives of the Parenting Act.

Program outcomes chosen for the evaluation reflect some of the primary goals of the Parenting Act including: 1) assisting parents in the timely resolution of parenting conflicts; 2) promoting and delivering quality parenting resources designed to meet the needs of parents and their children experiencing a proceeding involving custody, parenting time, visitation, or other access; 3) requiring parenting plans that establish specific individual responsibility for performing parenting functions for each child affected; and 4) earning the trust and respect of parents involved in parenting, custody and related issues by inspiring confidence and customer satisfaction with the family court process.

The Product

Compile Parenting Act Information

In development of the Protocol, the Evaluation Team obtained background information about the legislation, including legislative history, documents containing Parenting Act mediator and educational policies, goals and objectives, procedures, and processes of specific components of the Parenting Act. Qualitative questions were posed to stakeholders on the Panel Advisory Committee to elicit their perspectives on the Parenting Act, including its purpose, history, implementation, and the allocation of resources.

Develop Evaluation Framework and Evaluation Objectives

The Evaluation Team used program information gathered during the “*Compile Parenting Act Information*” phase to formulate evaluation questions. A Logic Model for evaluation framework was developed based on the target populations, outputs, activities, indicators, and outcomes (short term, intermediate and long term).

Identify Performance Indicators

The Evaluation Team worked with key stakeholders to identify the indicators of success of the Parenting Act and its parts. These performance indicators have been evaluated against established criteria for effectiveness by completing a literature review of the various services offered within the Parenting Act. The Evaluation Team reviewed the literature to discover and analyze "best practices" of related programs and to identify standards typically applied to similar programs. Information from the review of the literature has been used to identify potential areas for improvement through the application of new methods and standards.

Design Methods of Data Collection

The Evaluation Team has proposed an evaluation design based on scientific standards of rigor and credibility. The evaluation design includes both overarching methods to consider the Parenting Act as a whole, as well as specified designs to capture the implementation and impact of the various services as set forth by the Act.

Report of Findings and Recommendations

This Evaluation Protocol Report provides a blueprint for the evaluation of the Parenting Act services by clearly describing the evaluation framework, evaluation design, measures for process and outcome variables, and a plan related to the effectiveness, efficiency, and economy of the program.

Table of Contents

Acknowledgements	ii
Executive Summary.....	iv
The Purpose of the Evaluation.....	iv
The Parenting Act.....	v
The Evaluation Plan	vi
The Product	vi
1. Background.....	1
2. Nebraska’s Parenting Act	2
2.1. Overview of the Parenting Act	2
2.2. Key Components of the Parenting Act	3
2.2.1. Parenting Plan.....	4
2.2.2. Parenting Act Education Brochures	4
2.2.3. The Parenting Education Class.....	4
2.2.4. Parenting Mediation	4
2.2.5 Specialized Alternative Dispute Resolution (SADR).....	4
2.2. Strengths of the Nebraska’s Parenting Act	5
2.3. Potential Improvements of the Nebraska Parenting Act.....	5
3. Rationale for Evaluation.....	5
3.1. Overview of the Parenting Act Evaluation Strategy.....	6
3.2. Background for the Evaluation Protocol	7
3.3. Collaboration with Stakeholders.....	8
3.4. The Evaluation Consultant.....	9
3.5 2013 Nebraska Legislative Session	9
4. Literature review regarding court-based separation and divorce services	10
4.1. Settlements.....	11
4.2. Time Savings	12
4.3. Cost Savings	12
4.4. Participants’ Assessments of the Process	12
4.5. Intimate Partner Violence	13
4.6. ADR Program Design.....	13
4.7. Outcome Research	13
4.8. Summary of Literature Review.....	14
5. Project Logic Model	15
5.1. Primary Target Groups	15
6. Evaluation Questions.....	17
6.1. Process Evaluation	17
6.2. Outcome Evaluation	18
7. Methodology.....	20
7.1. Evaluation Design.....	20
7.2. Methodology Planning.....	20
7.3. Sample and Recruitment.....	20
7.4. Threats to Validity	20
7.5. Ethical Considerations	21
7.6. Data Collection Methods	21
7.7. Data Analysis Methods.....	22
7.7.1. Quantitative Analysis	22

7.7.2.	Identification of Power to Conduct Tests of Statistical Significance	22
7.7.3.	Qualitative Analysis	23
8.	Performance Monitoring Information	24
9.	Evaluation Frameworks Specific to Key Components of the Parenting Act	26
10.	Evaluating the Parenting Plan	27
11.	Evaluating Parenting Act Information Brochures	30
12.	Evaluating the Parenting Education Class.....	32
13.	Evaluating Parenting Mediation Services	34
14.	Evaluating the Specialized Alternative Dispute Resolution (SADR) Service	36
15.	Cost Analysis Findings Plan.....	38
16.	Discussion.....	40
17.	Recommendations	41
18.	References	42
	Appendix A - Parenting Act Evaluation Protocol Survey.....	45
	Appendix B - Example of Court File Analysis Framework	50
	Appendix C - The Nebraska Parenting Act, Neb. Rev. Stat. §§43-2920 (Cum. Supp. 2012).....	54
	Appendix D - Template for Conducting the Program Evaluation.....	55

1. Background

Whether in the context of divorce or of never married parents, parenting from separate homes requires significant changes in the family system, including changes in the parent-child relationship and changes in communicating, decision-making, and sharing parenting time with the other parent. This may require ongoing negotiation of roles and relationships at the individual, dyadic and systemic levels which can cause significant stress for both children and parents (Emery, 1994; Parkinson, 2000; Whitehurst, O'Keefe, & Wilson, 2008). The majority of parents are able to transition from being married to separated, while protecting their children from these negative disruptions. However, recent research shows that for some families, ongoing parental conflict, continuous animosity and stress compromise children's emotional adjustment and development (Johnston et al., 1989; Amato, 1993a; Dalton, Carbon, Olesen, 2003). [Need to check bibliography](#). The level of parental conflict has been found to be the most significant variable in both children and parents' adjustment following separation or divorce and a more powerful predictor of children's maladjustment than the actual event of separation (Lys, 1999; Amato, 2001; Bacon & McKenzie, 2004; Gilmour, 2004; Grych, 2005; Stewart, 2001). [Ck bibliography](#). While the majority of parents are able to resolve their disputes and reach an agreement on parenting from separate homes, findings suggest that 10 to 15 percent of families remain in "high conflict" for several years following separation with the children in these families at greatest risk of maladjustment and long-lasting problems (Saini & Birnbaum, 2007). [Ck bibliography](#) High conflict harms children and often the conflict becomes long term as a result of parents, attorneys, and psychologists being invested in adversarial roles because of litigation. (Johnston, 1989; Mason, 1999; Maccoby and Mnookin, 1992; Wingspread Conference, 2001; Kelly and Emery, 2003)

There has also been recognition of both the impact of intimate partner violence and abuse on children and parents and the need for civil courts to provide for safety of children who witness abuse as well as adult victims. (Pence, 1986; Edleson and Tolman, 1992; Dutton, 1996; Jaffe, Lemon, Poisson, 2002; Dutton and Goodman 2005; Ver Steegh, 2005; Hardesty and Chung, 2006; Stark, 2009) [bibliography](#)

Given the complexity associated with parental separation, there needs to be a comprehensive approach for the justice system to address family situations presenting factors that range from low conflict to long term high-conflict dynamics. For those parents who are stuck in high-conflict, professionals have developed a differential approach to the assessment, identification, and response to levels and severity of parental conflict. An example is Kelly's differential model in cases of domestic violence, the potential value of differentiation in cases of parental conflict includes: 1) moving away from a "one size fits all" paradigm that all conflict is negative; 2) providing a foundation for the better assessment of appropriateness of parenting plans for families experiencing different dimensions of conflict; 3) diminishing the 'gender wars' about gender and conflict with data rather than rhetoric; and 4) developing effective intervention programs more tailored to the dimensions of low conflict as well as conflict involving long term coercion and control. (Kelly, 2007; Edleson, 2006; Stark, 2002, 2009).

Mediation has long been a preferred method for parents to resolve their parenting disputes and recognize the best interests of the child in constructing a parenting plan. (Folberg & Milne, 1988; Emery & Wyer, 1987; Folberg, Milne, & Salem, 2004; Kelly, 2004). However, the

concerns for safety, unequal bargaining ability, and coercion through threat of abuse have been advanced as reasons not to mediate when domestic violence and abuse have occurred. (Germane, Johnson, and Lemon, 1985; Grillo, 1991; Gagnon, 1992).

Mediation advocates and researchers looking for alternatives to trial for resolution of parenting disputes where there has been domestic abuse suggested new mediation processes that offered safety, victim empowerment, and thoughtful consideration of children's needs. (Rosenberg, 1992; Ver Steegh, 2003; Edwards, Baron, and Ferrick, 2008).

2. Nebraska's Parenting Act

2.1. Overview of the Parenting Act

In an effort to respond to increasing family court caseloads, the negative impact of parental conflict, and the judiciary's need to address the best interests of children whose parents live separately, several jurisdictions have developed state-wide and in some cases, national legislative reforms to place the children at the center of parental decision-making rather than caught in the middle of parental disputes. In 2007 (and as amended), the Parenting Act restated the state's priority to have the best interests of children as the standard by which child custody and parenting conflicts are resolved.

The Parenting Act² is the result of a multidisciplinary research based approach that has its unequivocal focus on the best interest of the child. Eschewing to favor either "mothers' rights" or "fathers' rights," the Act establishes individual parental responsibilities for providing fundamental parenting functions necessary for the care, welfare, and development of each child. The Act puts children at the center instead of in the middle. With the best interests of the child standard at the core of the Act, issues of child and parent safety and consistency are explicitly addressed in a way not previously seen in statute.

The Parenting Act, for the first time: 1) Defines the court-recognized distinction between joint legal and joint physical custody arrangements that require mutual decision making and mutual authority and responsibility to provide for the child's welfare; 2) requires courts to review and approve, or create parenting plans for all parenting, custody, visitation, and access to children matters; 3) requires parents involved in custody and parenting time cases to attend a parenting education course; 4) requires the trial court to order mediation in contested custody or parenting cases; 5) defines domestic intimate partner abuse and provides for safety of the child and parent; 6) recognizes the harm to a child from witnessing abuse; 7) provides that the safety and welfare of the child is paramount in resolving parental conflicts; 8) sets out limitations to custody and parenting time for specified risks to child safety; 9) provides for a child information affidavit to be offered in contested temporary custody hearings; 10) Establishes two levels of mediation and requires individual screening sessions to determine the safe and appropriate mediation process; and 11) addresses needs of a child of a military parent who is deployed or mobilized.

Nebraska first adopted a Parenting Act in 1993 to augment to its dissolution statutes. The 2007 Act carried forward essential elements from 1993 including: 1) an emphasis on the "best

² Neb. Rev. Stat. §§43-2920, et seq. (Cum. Supp. 2012)

interests of the child" standard as the basis by which child custody and parenting time issues are resolved; 2) a recognition of the importance of maintaining parent-child relationships while at the same time protecting victims of abuse and neglect; 3) an encouragement of the voluntary use of mediation to create parenting plans.

The Parenting Act:

- emphasizes the "best interests of the child" standard as the basis by which child custody and parenting time issues are resolved and establishes best interest requirements;
- provides statutory definitions of the terms: legal custody, joint legal custody, physical custody, joint physical custody, domestic intimate partner abuse, emotional and economic abuse, parenting functions, and unresolved parental conflict;
- recognizes the importance of maintaining parent-child relationships while at the same time protecting parent and child victims of child abuse, neglect, and domestic intimate partner abuse;
- requires the court to provide a parenting information brochure to each party in a divorce or separation with children;
- requires the court to review or develop parenting plans for all parenting, custody, visitation, and access to children matters;
- requires parents involved in custody and parenting time cases to attend a parenting education course unless waived by the court;
- requires parties in contested proceedings for temporary orders involving parenting functions to offer a child information affidavit as an exhibit at the temporary hearing;
- provides child of military parents continued access during military mobilization or deployment;
- encourages the voluntary use of mediation to create parenting plans;
- requires parenting mediators to conduct an individual private session (IPS) for every parent prior to determining whether or not it is appropriate to proceed in joint session mediation or to proceed in a form of specialized alternative dispute resolution;
- requires parenting mediators to include within the IPS a screening of each party for domestic intimate partner abuse, child abuse, or unresolved parental conflict and assess the ability of parents to negotiate safely and effectively;
- requires the trial court to order mediation before trial in contested custody or parenting cases unless waived after an evidentiary hearing;
- provides for specialized alternative dispute resolution (SADR) for parents in high conflict or domestic abuse relationships;
- establishes requirements for training, qualifications and standards of practice for mediators.

2.2. Key Components of the Parenting Act

The first task of the Evaluation Protocol was to determine the various components of the Parenting Act and how this legislation has been implemented in relation to its objectives and mandates, especially with respect to the services provided to the parents and the engagement with key stakeholders within the family justice context. There are several key components set forth by the Parenting Act that contribute to the overall objectives of this legislation. These include: Parenting Plans, Information Brochures, Parent Education, Mediation and Specialized Alternative Dispute Resolution, and court review and enforcement of each component.

2.2.1. Parenting Plan

The Parenting Act requires a parenting plan for each child that sets out each parent's responsibilities for providing parenting functions and details each parent's parenting time, custody, and decision making. Regardless of whether the parents create the Parenting Plan themselves, with the assistance of their attorneys, or with the help of a neutral mediator, the finished plan must be submitted to the court for approval. If the court does not approve a submitted plan, then the court shall establish a Plan. The Parenting Plan becomes part of the Decree upon finalization of the divorce or other court proceeding involving the children.

2.2.2. Parenting Act Education Brochures

The Parenting Act requires the State Court Administrator's Office to create educational materials to provide to all parents with information about the Parenting Act, mediation in Nebraska, the impact of divorce and separation upon children, and about attending parenting classes. These brochures are provided to parents by the clerks of the district court and by their lawyers.

2.2.3. The Parenting Education Class

The Parenting Act requires each parent to complete a State Court Administrator- approved basic parenting class addressing specific statutory learning objectives. The court may waive the requirement for good cause shown. After completion, a certificate of completion must be filed with the court. The court may require attendance at a second level parenting class when parents seek modification or court enforcement of a parenting plan.

2.2.4. Parenting Mediation

The Act requires mediation in all contested custody cases prior to trial. Mediation is defined in the statute as a process during which a neutral, trained Parenting Act mediator works with the parents informally to assist them in creating a parenting plan. In some cases the mediation process can assist in reducing tension and improving constructive communication between the parties so they can function better in parenting the children from separate homes and for the best interests of the children. The Act requires parenting mediators to conduct an individual private screening session (IPS) for every parent prior to an initial joint mediation session to assess the presence of child abuse or neglect, unresolved parental conflict, domestic intimate partner abuse, other forms of intimidation or coercion, or a party's inability to negotiate freely and make informed decisions. At the conclusion of the IPS, the mediator determines whether it is appropriate to proceed in mediation or to proceed in a form of specialized alternative dispute resolution.

2.2.5 Specialized Alternative Dispute Resolution (SADR)

Specialized alternative dispute resolution (SADR) is a process established by the Nebraska legislature as a facilitative alternative to joint mediation for parents whose relationships involve child abuse or neglect, unresolved parental conflict, domestic intimate partner abuse, other forms of intimidation or coercion, a party's inability to negotiate freely and make informed decisions,

domestic abuse, high conflict, or inability to negotiate face-to-face. Each parent is screened individually by the mediator prior to the first mediation session using an approved screening assessment tool. Specially trained and experienced mediators must be approved as qualified SADR facilitators under the Act's statutory requirements and the standards set by the State Court Administrator. Once approved, they may facilitate a process in which each parent meets in separate sessions with the facilitator to consider voluntary mutual development of a structured parenting plan with provisions for safety of the child and parents in each element of the plan. Specialized facilitation is intended to provide a safe forum to empower disputing parents to voice their concerns and perspectives, to deescalate the degree of conflict, to be heard and to be informed of the other parent's concerns and options, and to consider if those options provide a safe realistic method for parenting from separate residences with the help of a self-determined agreement. The goal is to reach a mutually agreeable settlement rather than the adversarial process of the court making the parents' decisions for them while providing a better and safer result for the child and the parents.

2.2. Strengths of the Nebraska's Parenting Act

Survey responses from the Panel Advisory Committee and other input identified several key strengths of the Nebraska's Parenting Act. These include: a requirement for each child to have a parenting plan that states each parent's responsibilities for decision making, custody, and parenting times that establish: specific exchange times for all parenting time; clearer definitions of joint legal and physical custody; domestic intimate partner abuse, economic abuse, and emotional abuse; additional attention to screening requirements for domestic intimate partner abuse; more focus on children and parents' safety; additional focus on parent decision making through increased information and mediation resources; and added focus on mediation and SADR as viable options to help parents reduce conflict and to support them in the creation of Parenting Plans and addressing future disputes.

2.3. Potential Improvements of the Nebraska Parenting Act

Survey responses from the Panel Advisory Committee also identified several key areas for potential future improvement of the Parenting Act that could be considered in the evaluation. These include: the introduction of mandatory forms, mandatory mediation training, and mandatory mediation by parents who are represented by counsel; better consistency between professionals from across the State in delivering the services as directed by the Parenting Act; more education for judges, attorneys, and parties regarding the mediation process and the safety components of the act; more focus on the cost to deliver services as directed by the Parenting Act; and more attention of quality control and evaluation of these services.

3. Rationale for Evaluation

Before deciding which information to collect, this program evaluation protocol will include (i) an implementation evaluation plan, (ii) a process evaluation plan, and (iii) an outcome-based evaluation plan. The implementation evaluation plan is designed to describe features of the program as intended in the development of the program. Process evaluation will assess program features in terms of the adherence to best practice principles and the activities set out in the logic model. The outcome evaluation will provide information about the impact of the Parenting Act.

Program evaluation uses scientific research methods to plan intervention programs, to monitor the implementation of new programs and the operation of existing ones, and to determine how effectively programs or clinical practices achieve their goals (Monette et al., 1998). Its purpose is to assess and improve the conceptualization, design, planning, administrative, implementation, effectiveness, efficiency, and utility of social interventions and human service programs (Rossi & Freeman, 1993), and it applies to both quantitative and qualitative designs and methods.

The type of data collected should capture the timing and outcomes of key events, such as the date of referral of services (e.g. parent education, mediation, SADR), whether these services were held, the date of the services, whether any agreements were reached regarding the Parenting Plan, and the types of issues that were resolved (or unresolved). The program's information system should be designed to permit the monitoring of cases as well as the evaluation of services both in the short-run (e.g., the rate of settlement, the number of days from referral to resolution for both successfully and unsuccessfully cases) and in the long run, for example: the rate of compliance and the rate of relitigation (Center for Conflict Resolution, 2005).

3.1. Overview of the Parenting Act Evaluation Strategy

Considerations for the Parenting Act Evaluation Strategy were based on key indicators of effectiveness and efficiency of the Parenting Act in meeting its objectives and mandate. For each issue a set of key questions were identified along with the specified indicators and data source for the questions. Key questions that guided the Parenting Act Evaluation Strategy, included:

- **Relevance:** Is the Parenting Act relevant to the operation of the justice system in Nebraska?
- **Program Implementation:** How Parenting Act been implemented with reference to the original objectives and design?
- **Costs and Productivity:** What are the costs of delivering the services directed within the Parenting Act?
- **Program Administration and Operation:** Are the services as directed by the Parenting Act administered and operating satisfactorily from the viewpoint of clients and stakeholders?
- **Impact:** What impact has the Parenting Act had on the families, legal and physical custody decisions, parenting time, courts and stakeholders engaged in parenting matters in Nebraska?

Based on the surveys with the Panel Advisory Committee, several key principles were provided. These include: assure the safety and wellbeing of children affected by parents separating and living apart; the extent to which identified needs of individual parents and children are met; the impact of the definition of domestic intimate partner abuse, particularly as it includes a wide array of types of abuse; whether the SADR approach provides an appropriate and effective way of developing parenting plans in the shadow of domestic intimate partner abuse (DIPA) and high conflict dynamics; regional data regarding the use of mediation vs. trial to complete a parenting

plan; client satisfaction regarding the outcomes of an attorney-negotiated parenting plan, a mediated plan, and a court-created plan; and whether the Act been fully implemented.

3.2. Background for the Evaluation Protocol

This evaluation is important to Nebraska’s children and parents. The request for this evaluation was first put forward in 2011 by the then Speaker of Nebraska’s Legislature Mike Flood. It was endorsed by Chief Justice Mike Heavican and is being managed by the Administrative Office of the Courts.

A multi-stakeholder collaborative process was developed in 2011 to devise a blueprint and strategy for the evaluation. Phase one of the evaluation (creating a blueprint protocol) was led by Dr. Michael Saini, University of Toronto Factor-Inwentash Faculty of Social Work. During the initial stage of the strategy, the Nebraska Judicial Branch worked with Dr. Saini to develop an evaluation roadmap so that it both reflected the needs of community stakeholders and outlined the methodological rigor required to identify and address the strengths and needed improvements of the current approach for responding to the needs of children and parents during and after separation and divorce in Nebraska.

During Dr. Saini’s initial visit to Nebraska in July 2011, he completed an onsite evaluation preparation assessment. This experience provided an essential lens to shape the evaluation methodology and it was a critical step in helping to foster a local response to develop the Parenting Act Evaluation Strategy.

During his visit, Dr. Saini met with the Evaluation Advisory Panel and had meetings with Speaker Mike Flood and Chief Justice Mike Heavican to learn of desired outcomes for the evaluation. Dr. Saini also presented a talk to a group of judges, lawyers, mediators, therapists, child and family counselors, educators and others entitled “*An ecological perspective to assess the risks, strengths and needed resources for high-conflict families post separation and divorce.*” The presentation, which was well received, focused on an ecological transactional model for early detection of high-conflict families as the basis for a differential response.

The Evaluation Team conducted a number of background interviews with key members of organizations, government entities, and individuals actively involved in facilitating the services outlined in the Parenting Act (see Appendix A). Data and materials were identified that could be used in the study, including: 1) parenting education materials; 2) mediation intake and closure forms; 3) the Nebraska Mediation Screening Tool; 4) case disposition reports; 5) mediation case closure data; 6) court records and examples of completed parenting plans; and 7) several brochures, newsletters and announcements about the various services offered in connection with the Parenting Act. In addition, a template to complete court file analysis was created (see Appendix B).

Evaluation is more than a set of procedures. It is an attitude of continually questioning and gaining information to ensure program and services meet the needs of all stakeholders. Feedback on all aspects of the Parenting Act is important to know the areas that have been working well, areas that could be improved and to develop strategies to explore the overall effectiveness of the Parenting Act. To gain a better understanding of the Parenting Act, a survey

was sent to the Panel Advisory Committee, asking them about the key features of the Parenting Act. This survey was critical to gain a better understanding of how stakeholders view the services and directives within the Parenting Act and how they would envision the Parenting Act Evaluation Strategy. The extensive accumulation of data to help frame the protocol is a testament to the magnitude of services offered in connection with the Parenting Act.

3.3. Collaboration with Stakeholders

An important component of Nebraska’s Parenting Act Evaluation Strategy was creating an Advisory Panel of various stakeholders to provide both direction and suggestions to ensure the Evaluation Strategy met the needs of all stakeholders.

The Advisory Panel provides a communication link with community stakeholders, the Nebraska State Court Administrator, and the evaluation team. The Director of the Office of Dispute Resolution of the State Court Administrator's Office (Debra Brownyard) and the Principal Evaluator (Dr. Michael Saini) co-facilitated the evaluation project and liaised with the Advisory Panel charged with the responsibility of:

- Provide consultation with the Director and Principal Evaluator
- Facilitate and problem-solve with the Director and Principal Evaluator on issues pertaining to the implementation and ongoing management of the evaluation project.
- Provide input and suggestions regarding the interim evaluation deliverable “The Draft Report” and the final evaluation deliverable “The Final Report”
- Develop a communication plan on behalf of the agencies and organizations participating in the project.

The Advisory Panel was comprised of individuals representing the following stakeholder groups:

- The Director of the Office of Dispute Resolution of the State Court Administrator's Office (Debra Brownyard)
- Principal Evaluator (Dr. Michael Saini)
- Trial court judges
- Family law attorneys (NSBA)
- ODR-approved mediation centers
- Douglas County District Court Conciliation and Mediation Office
- Parenting mediators
- Specialized ADR facilitators
- Domestic violence agencies
- Children’s agencies and research
- Parents’ agencies and research
- Legislators
- NMA (Nebraska Mediation Association)
- Child and family therapists
- Parent educators

- Nebraska law schools, mediation graduate programs
- National Center for State Courts
- Law enforcement
- CPS – high conflict families
- Others

3.4. The Evaluation Consultant

Dr. Michael Saini is an Assistant Professor at the Factor-Inwentash Faculty of Social Work, University of Toronto, Canada. His interests focus on research, policy and practice with children and families involved with child welfare, family law and alternative dispute programs. He has conducted research to explore high conflict divorce, parenting competency after divorce, the intersection of child welfare and custody disputes, and child protection mediation as an alternative to legal disputes within the child welfare context. Dr. Saini has published in the areas of high conflict divorce, custody evaluations, judicial decisions of joint custody, and parenting after divorce and separation. He is an editorial board member for the Family Court Review and the Journal of Child Custody and a member of the Association of Family and Nebraska Parenting Act Courts. For the past twelve years, he has been conducting custody evaluations and assisting children's counsel for the Office of the Children's Lawyer, Ministry of the Attorney General of Ontario. He is also the Course Director of "Foundations for Conducting Custody Evaluations," a 48-hour workshop with Continuing Education at the University of Toronto.

3.5 2013 Nebraska Legislative Session

Two legislative bills regarding the Parenting Act were introduced to the Nebraska Legislature in January 2013: LB22 which would create a legal presumption of joint legal custody and LB212 which would create a legal presumption of a minimum of 45% of parenting time for each parent. At this writing, the bills are still in the Judiciary Committee. Because of these two bills and the interests of proponents, opponents, and other stakeholders, this evaluation can provide insight into the impact that the Parenting Act has had upon parents' negotiated or mediated custody choices as well as court-ordered custody decisions.

4. Literature review regarding court-based separation and divorce services

Parents separating, divorcing, and living and parenting separately are becoming a normative experience for many children and families in North America (Boyan & Termini, 1999; Mitcham-Smith & Henry, 2007). Separation, divorce, and children born out of wedlock are realities of the North American society and culture. In the United States, over 1 million couples divorce every year (Munson & Sutton, 2005). One in two marriages will end in divorce and 40 percent of the current generation of children will experience parental divorce (Deutsch, 2008; Shifflett & Cummings, 1999; Whitehurst, O'Keefe & Wilson, 2008). Nationally, the number of children born to unmarried parents in 2005 reached 40% of all births and will soon surpass the number of children born to married parents. In other words, a significant number of marriages, common-law relationships, uncommitted and committed but not married intimate adult partnerships end in separation, or divorce, or with paternity and custody orders for parents not living together. Research studying a variety of methodologies, measures and samples of reaching parenting agreements suggest strong support for the use of ADR in family disputes. Joan Kelly has written that family ADR used in public and private sectors, in voluntary and mandatory services, when provided both early and late in the natural course of these disputes has been consistently successful in resolving custody and access disputes. In general, evidence suggests that ADR can settle complex, highly emotional disputes and reach agreements that are generally durable (Kelly 2004).

Whether in the context of divorce or of never married parents, parenting from separate homes requires significant changes in the family system, including changes in the parent-child relationship and changes in communicating, decision-making, and sharing parenting time with the other parent. This may require ongoing negotiation of roles and relationships at the individual, dyadic and systemic levels which can cause significant stress for both children and parents (Emery, 1994; Parkinson, 2000; Whitehurst, O'Keefe, & Wilson, 2008). The majority of parents are able to transition from being married to separated, while protecting their children from these negative disruptions. However, recent research shows that for some families, ongoing parental conflict, continuous animosity and stress compromise children's emotional adjustment and development (Johnston et al., 1989; Amato, 1993a; Dalton, Carbon, Olesen, 2003). [Need to check bibliography](#). The level of parental conflict has been found to be the most significant variable in both children and parents' adjustment following separation or divorce and a more powerful predictor of children's maladjustment than the actual event of separation (Lys, 1999; Amato, 2001; Bacon & McKenzie, 2004; Gilmour, 2004; Grych, 2005; Stewart, 2001). [Ck bibliography](#). While the majority of parents are able to resolve their disputes and reach an agreement on parenting from separate homes, findings suggest that 10 to 15 percent of families remain in "high conflict" for several years following separation with the children in these families at greatest risk of maladjustment and long-lasting problems (Saini & Birnbaum, 2007). [Ck bibliography](#) High conflict harms children and often the conflict becomes long term as a result of parents, attorneys, and psychologists being invested in adversarial roles because of litigation. (Johnston, 1989; Mason, 1999; Maccoby and Mnookin, 1992; Wingspread Conference, 2001; Kelly and Emery, 2003)

There has also been recognition of both the impact of intimate partner violence and abuse on children and parents and the need for civil courts to provide for safety of children who witness abuse as well as adult victims. (Pence, 1986; Edleson and Tolman, 1992; Dutton, 1996; Jaffe,

Lemon, Poisson, 2002; Dutton and Goodman 2005; Ver Steegh, 2005; Hardesty and Chung, 2006; Stark, 2009) [bibliography](#)

The last decade witnessed promising developments in ADR services that assist in the resolution of child custody disputes (Folberg & Milne, 1988; Emery & Wyer, 1987; Folberg, Milne, & Salem, 2004; Kelly, 2004). Although criteria for measuring success vary, outcome studies of ADR claim success rates of 40 to 80 percent (Kelly, Gigy, & Hausman, 1988; Emery & Wyer, 1987; Pearson & Thoennes, 1988; Saposnek, Hamburg, Delano, & Michaelsen, 1984; Shattuck, 1988).

Kelly (2004) reviewed nine family ADR studies using a variety of methodologies, measures and samples. Kelly notes that these nine studies suggest strong support for the use of ADR in family disputes. Kelly describes that in public and private sectors, in voluntary and mandatory services, and when ADR is provided both early and late in the natural course of these disputes, family ADR has been consistently successful in resolving custody and access disputes (p. 28). In general, evidence suggests that ADR can settle complex, highly emotional disputes and reach agreements that are generally durable (Kelly 2004).

Given the complexity associated with parental separation, there needs to be a comprehensive approach for the justice system to address family situations presenting factors that range from low conflict to long term high-conflict dynamics. For those parents who are stuck in high-conflict, professionals have developed a differential approach to the assessment, identification, and response to levels and severity of parental conflict. An example is Kelly's differential model in cases of domestic violence, the potential value of differentiation in cases of parental conflict includes: 1) moving away from a "one size fits all" paradigm that all conflict is negative; 2) providing a foundation for the better assessment of appropriateness of parenting plans for families experiencing different dimensions of conflict; 3) diminishing the 'gender wars' about gender and conflict with data rather than rhetoric; and 4) developing effective intervention programs more tailored to the dimensions of low conflict as well as conflict involving long term coercion and control. (Kelly, 2007; Edleson, 2006; Stark, 2002, 2009).

Lande (2004) observes that settlement rates are common benchmarks used for measuring success in research studies of family ADR. However, settlement may affect many other important outcomes, such as efficiency of and satisfaction with the process. Kelly (2004) notes the field would be advanced considerably if studies were conducted of mediator behaviors and interventions, participant characteristics and behaviors, and the relationship of these two outcomes.

4.1. Settlements

Wissler (2004) notes a range of findings in the relationship between settlement and other variables. Studies have found that settlement was related to the extent to which liability was contested, the amount of disparity in the parties' positions, the extent of party preparation, whether litigation motions were pending, whether mediators took an active role, whether the mediators analyzed the strengths and weaknesses of the case, and the amount of mediators' experience (qtd. in Lande, 2004). Settlement rates are affected by ADR program decisions about which cases are mediated. Presumably, programs have higher settlement rates if they select cases

for ADR that are more likely to settle. Thus, analysis of screening procedures and criteria may also help explain variations in settlement rates (Lande, 2004).

4.2. Time Savings

Wissler (2002) reports that program evaluations found mixed results about whether ADR programs actually reduced the length of litigated cases. Although most of the appellate court ADR programs and about half of the civil ADR programs reported faster dispositions in the ADR group, about half of the civil ADR programs and two appellate programs found no differences.

The ADR referral procedure itself may contribute to increased disposition time and should be a key independent variable in future studies (Lande, 2004). Timing of referral to and holding of ADR were the significant factors in the only study in which Wissler (2002) found a group of ADR cases performing significantly worse than nonmediated cases. In these ADR programs, disposition time for mediated cases was longer than nonmediated cases. This was apparently due to the fact that the referral to ADR occurred relatively late in the case (an average of 10.3 months after filing), and it took an average of four additional months before mediators were selected (Estee, 1987).

4.3. Cost Savings

Clarke and Gordon (1997) found lower litigation costs for cases that settled, with or without ADR, than those that went to trial. Litigation costs for cases settled in ADR were much closer to costs of nonADR cases that settled. Like measures of time to disposition, litigation costs seem strongly related to whether cases settle. Thus researchers should study factors leading to settlement and whether these factors lead in turn to time and cost savings. In the meantime, the research findings suggest that ADR proponents should avoid claiming that ADR results in cost savings to litigants (Lande, 2004).

4.4. Participants' Assessments of the Process

Wissler's (2002) review suggests that ADR participants generally have very positive assessments of the process. The studies found that most participants believed they had an opportunity to present their case, the mediators understood both the issues of the case and the participants' views, they felt that they were treated with respect and that the mediators were neutral, well prepared, and effective. Participants generally believed the ADR process was fair and said they would use ADR again. Future research should focus on identifying factors causing such positive assessments, especially factors which program designers can adjust (Lande, 2004).

Within a Canadian context, Irving and Benjamin (1988) studied the divorce ADR experience of 149 clients at a fee-for-service agency in Toronto, Ontario during 1983-1986 based on data gathered in a 25-minute telephone interview using a 29-item questionnaire. The results, which distinguished between open, closed, and assessment clients, indicate agreement rates of 79%, 88%, & 89%, respectively. Clients in closed categories reported more positive changes in interparental communication, better personal coping, and greater satisfaction with their ADR experience.

4.5. Intimate Partner Violence

There is a long standing debate about the appropriateness of mediation where there is a history of domestic violence (Maxwell, 1999; Hart, 1990; Gagnon, 1992) and on what type of ADR models and services may be necessary and most effective for parents who want ADR when there is a history of domestic violence or domestic intimate partner abuse as defined in the Nebraska Parenting Act. Given that a number of both women and men prefer ADR to other adversarial alternatives (Rosenberg, 1992; Ellis and Stuckless, 1996; Newmark, Harrell, and Salem, 1995; Ver Steegh, 2003; Edwards, Baron, Ferrick, 2008), there is a need to study the process established by the Nebraska Parenting Act. Kelly (2004) noted that since many US states, including Nebraska in 1993, passed legislation prohibiting custody mediation where domestic violence had occurred or was alleged, further study was discouraged. These statutes and policies were based on the belief that domestic violence created issues of safety, fairness, effectiveness, and power imbalance for mothers. (Ritkin, 1989; Grillo, 1991; Imbrogno & Imbrogno, 2000). Recent research documents other types of abuse including coercive power and control, non-escalating violent acts, and more commonly occurring categories of abuse or use of power and control tactics in relationships, including bidirectional or common couple violence, female violence, and separation-engendered violence, each with its distinctive features and histories (Johnston, 1995; Ver Steegh, 2005; Hardesty and Chung, 2006; Stark, 2009). Among these, there may be parents who are capable of mediating (see Johnson and Ferraro, 2000; Johnston and Campbell, 1993; Statistics Canada, 2001, Ver Steegh, 2005).

4.6. ADR Program Design

ADR program planners may want to conduct research in their local areas to understand local, legal and ADR cultures (Lande, 2000). For example, litigants and lawyers may differ in their attitudes about the best time to schedule cases for ADR, whether to use pre ADR, how much litigants should talk in ADR sessions (as compared with how much their lawyers talk), how much time should be spent in caucus, whether mediators should express opinions about various aspects of the case, and numerous other procedural features of ADR (Lande, 2004).

4.7. Outcome Research

Although outcome research has largely been the focus for justifying ADR programs, it is not without its problems (Lande, 2004). Using the criteria of settlement rates, satisfaction of participants, and cost and time efficiencies does not necessarily answer important questions about ADR. For one, the debate continues as to whether merely getting an agreement in ADR is a sure sign of success. Some researchers assert that if the ADR process focuses on relational issues with therapeutic objectives (Irving and Benjamin, 1995) or with emotionally transformative goals (Bush and Folger, 1994), agreement is not the only important criterion for an outcome of success.

Moreover, some unknown percentages of couples actually settle their disputes outside ADR and decide to treat their children differently as a result of ADR intervention and education, even if they could not reach agreement in ADR. Yet in such cases, the mediator may conclude that the case was unsuccessful (Saposnek, 2004).

Saposnek (2004) notes that the complexity of the research questions that remain to be answered about the effectiveness of family ADR is best represented in the following hypothetical grid: “To better understand the nature of family ADR, we need to know which clients, with what personal and interpersonal dynamics, with what length and quality of pre-separation relationship, with how many children, at what ages, at how long since separation, with what preparation experience and quality of individual or marital counseling, with what number and complexity of issues in dispute, with what extended family or new partner’s involvement, in what ADR setting (court or private), with what experience level and training of the mediator, using what model and processes of ADR, for how many sessions, with what frequency of sessions, with what kinds of follow-up interventions and referrals.”

4.8. Summary of Literature Review

The literature review suggests that ADR has positive consequences to resolve disputes of custody and access. Many authors have suggested that research is needed to address ADR effectiveness beyond settlement rates. The Parenting Act Evaluation Strategy should therefore consider a full range of process and outcome measures. Although settlement rates will be analyzed and discussed, this process and outcome evaluation will review other factors of the Parenting Act to evaluate overall program efficiency and effectiveness.

5. Project Logic Model

The Parenting Act Evaluation Strategy is guided by a Logic Model that embraces the full complexity of the approach within the Act. The Logic Model provides a visual depiction of the activities for the target population. The program evaluation collects and reports on data across various project components which links to the Logic Model (see below), namely inputs, activities, outputs and outcomes (including immediate, intermediate and long term). For each of the components noted above (inputs, activities, outputs and outcomes), the evaluation matrices summarizes the Logic Model in chart format, which include a description of indicators, timing, data sources and methods, and instruments. These charts provide the reader with more granular information of the Logical Model.

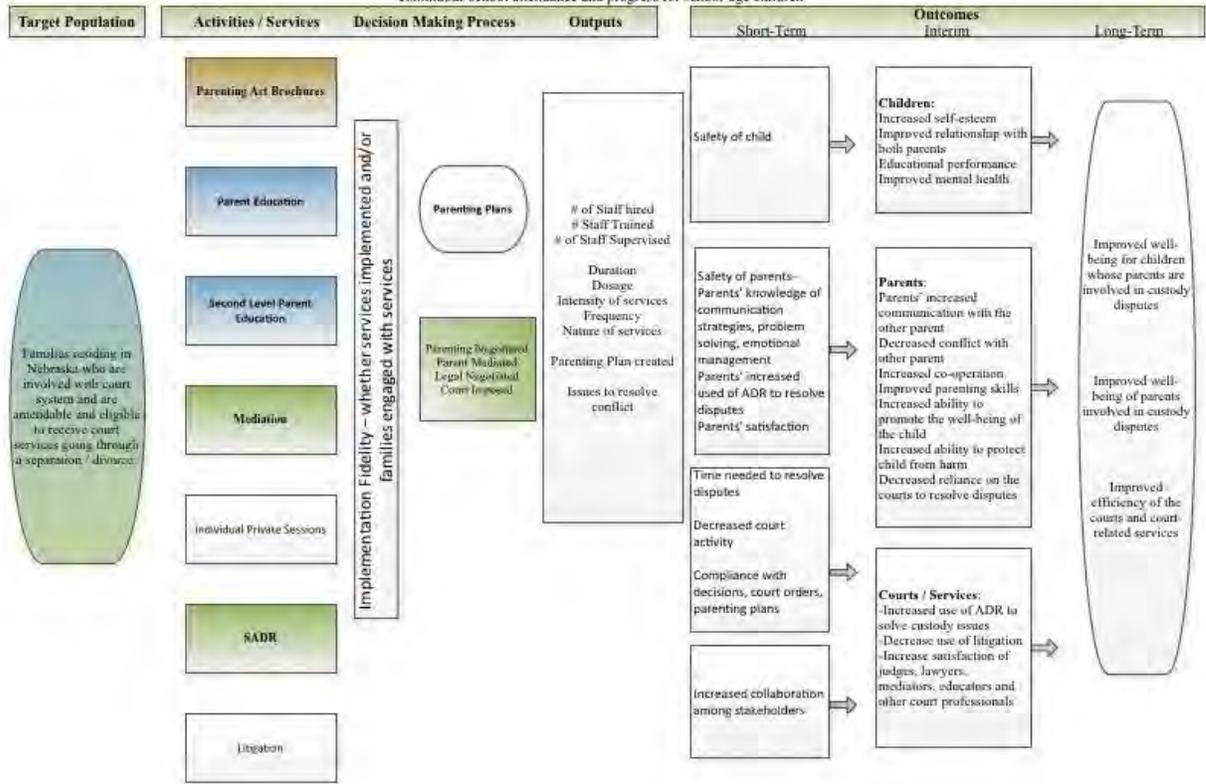
5.1. Primary Target Groups

The primary target for this evaluation includes a two-tiered target group approach. The first tier includes parents and children, including an analysis of demographics, variations regarding representation and the involvement of children. The second tier includes the judges, court personnel, attorneys, other professionals, etc.

Children and families at risk of higher levels of conflict have been exposed to a number of risk factors that have been associated with higher levels of conflict, including: mental health problems, substance use, domestic violence, frequent court involvement, use of multiple services to resolve conflict, involvement of the child in interparental conflict.

Logic Model: An Evaluation of the Nebraska Parenting Act

Goal: A parenting arrangement and parenting plan or other court-ordered arrangement which provides for a child's safety, emotional growth, health, stability, and physical care and regular and continuous school attendance and progress for school-age children



6. Evaluation Questions

Evaluating the effectiveness of Parenting Act is important to ensure the services accurately and effectively reflect the needs of all stakeholders.

6.1. Process Evaluation

Process-related evaluation is to facilitate the replication of the program and to make recommendations regarding how best to implement a project of this nature in order to increase the likelihood of achieving outcomes. Output performance measures were the goods and services produced by a program or organization. They include a description of the characteristics and attributes (e.g., timeliness) established as best practices for achieving effectiveness. The program evaluation has identified the following questions to be answered:

- 1) Intended Target Group: Was the target group reached? Were there members of the target population who were not being reached? Did the project attract types of participants it had anticipated?
- 2) ADR Training: Did the mediators receive adequate training to implement the program as planned? For example: does the Act establish sufficient and appropriate training to accomplish the requirements of the Act for mediation and SADR? Are the requirements and training research based? Are the mediation processes safe if followed, Were the trainers qualified for the task and did the trainers use research based methods and materials? Did the mediators feel adequately trained to understand the Act, its requirements, its research base, their obligations, do mediators mediate safely and follow the Act.
- 3) Caseloads: Were the caseloads sufficiently manageable to engage families?
- 4) Making connection with the families: Did the mediators engage with families so as to enhance continued participation in the services?
- 5) Implementation of the intervention: Have the activities been implemented as planned? Include a discussion about the program's ability to adhere to the model (where applicable).
- 6) Dosage: What was the intensity and duration of participation in the program activities?
- 7) Were the activities implemented as planned?
- 8) Participant Satisfaction: Were the participants satisfied with the program?
- 9) Stakeholder Collaboration: Have the stakeholders and partners worked collaboratively?
- 10) Stakeholder Satisfaction: Were the key stakeholders satisfied with the program?
- 11) Replication of the program: Considers whether other areas of inquiry may be important for clarifying whether the program can be replicated.

Specific process questions that were developed based on survey data with the Evaluation Advisory Panel included:

- Prioritizing issues of effectiveness over issues of efficiency.
- What impact has the Parenting Act had in terms of case timeline?
- Satisfaction of participants with process.
- What is the best timeline for parent education, mediation, and information brochures to be sequenced?
- What is the optimum sequence for negotiation, mediation, temporary parenting orders?
- Issues regarding ethical and unprofessional conduct reported, investigated, and resolved.

6.2. Outcome Evaluation

Outcomes describe the intended result or consequence that occurs from delivering the program. Outcomes were of direct importance to beneficiaries and the public generally. While outputs report on the key deliverables produced by the program, outcomes report on any behavioral changes that occur as a result of program activities/outputs.

The program evaluation has identified the following questions to be answered:

1. Relevance: Is the Parenting Act relevant to the operation of the justice system in Nebraska?
2. Program Implementation: How has the Parenting Act been implemented with reference to the original objectives and design?
3. Costs and Productivity: What are the costs of delivering the services directed within the Parenting Act?
4. Program Administration and Operation: Are the services as directed by the Parenting Act administered and operating satisfactorily from the viewpoint of clients and stakeholders?
5. Impact: What impact has the Parenting Act had on the families, custody decisions, courts, and other stakeholders engaged in family court matters in Nebraska?
6. To what extent did the project achieve the outcomes it anticipated?
7. Is there a relationship between participant or community's level or type of involvement in the project and the extent to which they experienced positive outcomes?
8. Was the project more successful in achieving outcomes with some subgroups than others?
9. Were there any unanticipated (positive or negative) outcomes of the project?

Specific outcome questions that were developed based on survey data with the Evaluation Advisory Panel, included:

- Are children safer? Are parents safer?
- Do victims of domestic violence feel safer and experience a level of protection through using the processes provided for in the Parenting Act?
- How do family lawyers strategically negotiate custody and parenting time issues with clients in which domestic intimate partner abuse, high conflict, or power and control dynamics have been identified?
- Are there fewer contested custody trials?
- What are the outcomes of contested custody trials?
- Are there fewer subsequent court-based modifications of parenting agreements for parents who mediated their parenting plans?
- Is there increased cooperation between parents in parenting from two homes?
- Do children experience increased substantial and meaningful relationships with their non-residential parent?
- Are there more cohesive and more enduring parenting plans?

From a domestic abuse perspective in the evaluation of the Parenting Act, several questions have come forward from the Evaluation Advisory Panel. These include:

- What methods, tools, information are being used to identify the existence of domestic intimate partner abuse?
- Are allegations of domestic intimate partner abuse being identified in court pleadings filed in the custody case?
- Does raising allegations of domestic intimate partner abuse in custody proceedings harm or help the victim's case, resulting in victim and child safety being written into a parenting plan?
- Are victim advocates involved in the process?
- Does the amount of time involved in the process of creating a parenting plan (negatively or positively) impact immediate safety of the victim and child?
- Does the geographic location of the case/parties impact referrals (or availability or cost or time) of SADR?
- Once domestic intimate partner abuse is identified is safety a priority throughout the remainder of the process?
- Did the victim feel free or feel coerced by those involved in the system to make decisions?
- Did the victim feel free to disclose the domestic abuse?
- Has the Parenting Act reduced post-trial conflicts between the parties? (this last question may include post-trial litigation, but is meant to be much more broadly construed than just continuing abuse through the courts)
- Does the availability of mediation/SADR serve to increase a victim's trust/satisfaction of the system?
- Does the availability of mediation/SADR serve to increase a victim's trust/satisfaction in the outcome?
- When domestic abuse is disclosed, are safety provisions crafted into a parenting plan for the specific needs of an individual or are safety provisions themselves a different boilerplate parenting plan?

It is vital that the success or failure of the Parenting Act to have taken into account the victim's perspective, whether the parent victim or the child victim. Some of the above questions would be geared specifically toward victims, but many could be asked of the bigger system participants.

7. Methodology

7.1. Evaluation Design

The evaluation design to assess selected process and outcome variables includes a mixed-method design to evaluate both overall effectiveness of the Parenting Act as well as the effectiveness of the various components. The purpose of providing a blueprint of the overall evaluation design across the various components is to provide guidance for choosing evaluation methods that best fit the evaluation of the various components and to provide guidance regarding the methodological considerations for developing an evaluation design to explore the overall Parenting Act and the services as directed by the Act.

7.2. Methodology Planning

True to the collaborative design of the Parenting Act service delivery model, planning for this evaluation framework was a collaborative project between Nebraska Judiciary, the Evaluation Advisory Panel and the Evaluation Team. Several planning meetings were held and progress reports were provided to the stakeholders on an ongoing basis in various program meetings and well as through e-mail correspondence throughout the development of this framework. An abundance of this process was facilitated by several re-workings of the program logic model as the stakeholders clarified what was happening, by whom, for whom, when, and with what intended outcomes. This process facilitated the formulation of questions that stakeholders wanted answers to. When the final program logic model was developed, a mix of process and outcome-oriented questions for the evaluation were solicited from stakeholders and developed using the Process and the Outcome Evaluation Matrix (see Appendix B).

7.3. Sample and Recruitment

As a part of developing this evaluation framework, several recording documents were created, including: a performance indicator form, a survey for professionals, and a court file analysis template.

For each component of the evaluation, several questions were developed to guide the evaluation process. Sampling and recruitment will vary depending on the component being evaluated. But generally, the evaluation should include a sample power analysis for each evaluation component to ensure there is adequate sample to discover statistically significant results (see power sample table 1).

7.4. Threats to Validity

A comparison design may not be feasible for this evaluation design because of the sample size needed to create two equal groups. Although the methodology may not include a comparison, the use of post-test measures could provide support for determining potential temporal order by considering statistical trends in the results. As discussed in the methodology, various strategies have been developed to address internal threats to validity that can occur as a result of the evaluation design, including the use of multiple testing, the use of fidelity checklists to assess whether those with higher levels of fidelity make greater changes, and the use of triangulation by

administering additional instruments, qualitative methods and case studies.

7.5. Ethical Considerations

All families involved in the evaluation of the Parenting Act will be invited to sign an informed consent form agreeing to participate in the evaluation process. Signing the consent form will not oblige the families to participate and they will be free to refuse consent at any time during the process without actual or perceived risk of receiving services and without actual or perceived penalties for deciding not to participate. Strict observation of ethical principles will be followed, which includes: 1) no negative consequence for those who declined to participate; 2) potential participants informed of all that was expected of them including all benefits and risks which may be associated with participation; 3) consent to participation will be freely and voluntarily given, with full appreciation of the above; 4) participants will understand that they can withdraw their consent to continued participation at any point in the process; 5) all information gathered about them will be maintained in confidentiality; and 6) anonymity will be assured in that individual participants will not be identified in any report or document produced (Adapted by Leschied & Cunningham, 2001).

7.6. Data Collection Methods

All data sources will be based on primary data (e.g. self-report measures) and secondary data. The data sources used in this evaluation should correspond to the outcomes described in the Logic Model.

Data sources could include:

- Nebraska court system's JUSTICE case data records
- Social service data
- Victim service data
- Referrals to child/family agency as related to court cases
- Mediation center data
- Douglas County District Court Conciliation Office data
- Parenting education course data.
- Comprehensive review (actual reading) of some sample of court files
- Surveys to all stakeholders
- Qualitative data from parties

Stakeholders that could be surveyed as part of the Parenting Act Evaluation Strategy could include:

- Parents and the children
- Judges, other judicial officers, court personnel at all levels, mediators, SADR providers, screeners, attorneys, victim service providers, social service agencies, providers of the parenting classes, legislators, advocates, and those outside the state for national perspective.

7.7. Data Analysis Methods

7.7.1. Quantitative Analysis

Continuous demographic data should be presented in means and standard deviations. Categorical data will be presented as frequencies and percentages. The outcome measures and dependent variables have been conceptualized consistent with the Logic Model and operationalized using instruments to examine the co-variation, the direction and magnitude of these relationships. To complete comparative analysis of nominal data, the evaluators should use chi-square test (nominal). Analysis of variables measured at the interval and/or ratio level includes the use of paired-test for differences between means between baseline data and post for exploratory analysis. To compare mean differences at various testing points, paired-t-tests should be used to consider whether mean differences should be statistically significant. A one-way within-subjects ANOVA (repeated measures) design should be used assess for the factor of time (pre, mid, post, follow-up) for mean differences for each interval/ratio level outcome. If the repeated measures should be found to be significant, post-hoc pairwise comparisons should be completed. General Linear Analysis should be performed for multivariate analyses, whenever possible to consider potential moderator variables on the results. These factors should be derived from the fidelity checklist (e.g. number of sessions, treatment modality, external treatment, changes in residence, etc.). The assumptions underlying each statistical test have been tested. For all parametric tests of means, the homogeneity of variance should be examined using Levene’s test found in the t-test and General Linear Model procedures in SPSS. All measures should be examined for normality of distribution in the explore procedure in SPSS. Unless indicated otherwise, all p-values should be reported at the .05 level of significance.

7.7.2. Identification of Power to Conduct Tests of Statistical Significance

All Parenting Act cases should be combined to form larger units for analysis, reducing the probability of Type II errors. However, given the smaller samples of types of agreement (full, partial, none), the probability of Type II errors remains and so caution must be used when statistical findings of non-significance should be reported. In other words, it is unknown at this time whether non-significant results should be due to the program not significantly improving on outcomes or whether non-significant results should be attributed to lower sample sizes at post-test to demonstrate success. For power analysis, the following table is used as a guide in determining power in the analysis (provided by Donna Smith-Moncrieffe, Senior Evaluation Advisor, Public Safety Canada)

Table 1: Power Analysis Guidelines

test (Difference of Means	Chi-Square	ANOVA (Analysis of Variance)	Linear or Logistic Regression
Effect Size (medium power)	Effect Size (medium power)	Effect Size (medium power)	Effect Size (medium power)
Alpha levels (0.05)	Alpha levels (0.05)	Alpha levels (0.05)	Alpha levels (0.05)
N=64	N=87 (1df) Note: as the degrees of freedoms increase, the sample size requirement increases as well	N=64 (for 2 groups= 128) (for 3 groups= 52 X3 or 156) aria Note: the sample size needs to increase as the number of groups to be tested increase	N=67 Note: this sample size is for testing 2 independent vbles (IV's) only.

7.7.3. Qualitative Analysis

Qualitative interviews should be conducted and selected families involved in the program to provide a more in-depth account of implementation and process issues. Data collection should involve semi-structured interviews with both staff and families. In a semi-structured interview, the interviewer comes prepared with a list of open-ended questions for the respondent. The respondent answers in his/her own words, and these answers may lead to more questions.

Semi-structured interviews could range from 30 to 60 minutes in duration. The interviews should be audio-taped, transcribed, and then imported into a qualitative software package or qualitative analysis for themes according to the grounded theory approach. Data analysis should include exploring the transcripts for fit, relevance, and workability about the emerging categories and relationships between them (Glaser, 1992) by producing a set of themes. To increase trustworthiness, themes should be compared for negative evidence not supporting the themes.

Additionally, structured focus groups could be conducted in place of or in addition to interviews.

8. Performance Monitoring Information

Performance monitoring procedures informed decision-making, tracked success, and monitored accountability of the program. The proposed performance information noted below serves as suggested data to collect by the evaluation team in order to report on the overall performance of the Parenting Act.

Although performance monitoring information should be centralized to best track program activities through the logical linkages, there should be several data collection methods used in this evaluation to capture activities, outputs, and outcomes. However, performance measurement should be as a fundamental component of the program evaluation so quantifiable and verifiable results should be in the forefront of the comprehensive approach to working with families involved with the Parenting Act.

It is important that third parties be able to easily locate the information required when evaluating the Parenting Act. For this reason, the information below should be provided by answering the questions in this section.

- a. Date of when evaluation started _____
- b. Date at which first baseline data was collected for participants who will thus be included in the outcome evaluation _____
- c. Cut-off date for data included in evaluation reporting _____
- d. Briefly identify how each of the Parenting Act components (SADR, Mediation, etc.) is evidence-based, e.g. the name of a model program upon which it is based, the name of a report that provides evidence for the approach used, etc.

- e. Briefly explain how each of the Parenting Act components have been tailored to the local context, if appropriate (e.g. modifications made to a model, use of resources specific or unique to the community, focusing on a particular age group, etc.)

- f. Have any events held in regard to the Parenting Act increased knowledge of how to prevent and intervene with families after separation? ____yes ____no

If yes, please list and provide number of participants if known. _____
- g. Demand for services:
 - Number of families served by each of the Parenting Act components each year:

 - % of capacity in each of the services as directed by each of the Parenting Act components _____
- h. Number of participants
 - Report 'primary' and 'secondary' participants as per the table below.
 - Identify which early assessment / screening tool, if any, is used to match families to specific services. _____.
 - If no particular early assessment / screening tool is used, describe the process by which eligibility is determined.

- i. Duration of participation:
- Average length of involvement with the courts (in weeks) of all primary participants.
- j. Number of graduates from Parenting Act (those families no longer needing services offered within the Parenting Act), if any. _____
- k. Types of activities.
- Use the following chart to report how many participants have been involved in the various types of activities.
 - Each project activity should be categorized only once, using the category that best fits. The responses will be combined for all projects, to report on access to services.
 - Since participants are usually involved in several different activities, the same participants may well be counted several times.

Activity/Service	Activity/Service Provider (check one or both – numbers not required)		# of participants for the year (total for the activity)
	Court-based	Other Partner Organization	
Parenting brochures			
Parenting classes			
Mediation			
SADR			
Parenting Plans			
Other:			
Other:			

- l. Partnerships
- Use the following table to report on partnerships to date.

Name of organization	Sector	Contribution (describe briefly)	Type of contribution

9. Evaluation Frameworks Specific to Key Components of the Parenting Act

As stated above, the Parenting Act is its unequivocal focus on the best interest of the child. Eschewing to favor either “mothers’ rights” or “fathers’ rights,” the Act strives to put the children at the center of the parents’ focus rather than in the middle of the parents’ conflict. With the best interests of children standard at the core of the Act, issues of safety and consistency are explicitly addressed in a way not previously seen in statute. The Parenting Act: 1) emphasizes the "best-interests of the child" standard as the basis by which child custody and parenting time issues are resolved; 2) recognizes the importance of maintaining parent-child relationships while at the same time protecting victims of abuse and neglect; 3) defines the court-recognized distinction between joint legal and joint physical custody arrangements; 4) requires parenting plans for all parenting, custody, visitation, and access to children matters; 5) requires parents involved in custody and parenting time cases to attend a parenting education course; 6) encourages the voluntary use of mediation to create parenting plans; and 7) requires the court to order mediation in contested parenting cases.

The Parenting Act Evaluation Strategy should include both an overall evaluation framework to assess the implementation, process variables and outcomes of the Parenting Act, as well as an evaluation of each of its primary components, including the use of parenting plans, parent brochures, parenting classes, mediation and SADR. Each of these evaluations can then inform that overall evaluation strategy to provide evidence of whether the Parenting Act has been implemented as planned and to what effect for the target populations.

The next sections of the evaluation protocol considers each of these components and provides suggestions for choosing evaluation designs that are best suited for assessing the components as per the Logic Model and the overall evaluation framework.

10. Evaluating the Parenting Plan

One of the primary directives of the Parenting Act is to ensure that all parties involved with the courts in custody or parenting matters have a parenting plan. The parenting plan is intended to help parents and the children. Its focus is the children and their best interests. The parenting plan should serve as a road map for both parents to follow after the divorce or separation. It specifies each parent's parenting time, decision-making processes, as well as parenting functions. Regardless of whether the parents create the parenting plan themselves, with the assistance of their attorneys, or with the help of a neutral mediator, the finished plan must be submitted to the court for approval. In the event a parenting plan is not successfully created before a contested custody trial and mediation has been attempted, the court shall create the parenting plan in accordance with the Parenting Act. The parenting plan becomes part of the decree upon finalization of the divorce or other court proceeding involving the children.

A parenting plan is a document that establishes: how parents will spend time with their child or children; how they will share information; how they will make decisions regarding their child or children; and how they will resolve other parenting issues. Parenting plans created within the courts may place more emphasis on legal labels (sole custody joint custody etc.) than parenting plans made outside of the context of the court. But there are no simple or ideal parenting time schedules as each has advantages and disadvantages. Presumptions and rules are unlikely to capture the complexity of each family's individual needs, and especially the competing needs of disputing parents.

There are many approaches for parents to design and schedule parenting time and to develop parenting plans. Several jurisdictions have created guidelines, some of which are included below, provided for illustration only:

- Alaska Court System, Model Parenting Agreement www.state.ak.us/courts/forms/dr-475.pdf;
- Arizona's Guide for Parents Living Apart Arizona Supreme Court; http://www.supreme.state.az.us/dr/Pdf/Parenting_Time_Plan_Final.pdf;
- Oregon Judicial Department, <http://courts.oregon.gov/OJD/OSCA/cpsd/courtimprovement/familylaw/parentingplan.page>
- Rules of the District Court, Third District Court of Nebraska: <http://www.supremecourt.ne.gov/rules/trial-court/district-3.pdf>
- Divorce Forms, Nebraska Supreme Court: <http://supremecourt.ne.gov/forms/district/DC-6-5-6.pdf>

There are many factors that should be considered, including the level of cooperation or conflict between parents, developmental stages of the children, and the resources available to families. Although parenting plans are required in parental disputes as directed by the Nebraska Parenting Act, there are no age-specific standard guidelines for children. Years ago, the specific visiting pattern of every other weekend with the non-resident parent, usually the father became the favored and traditional arrangement for children following separation. Child development and divorce research provides ample evidence that the traditional alternating weekend visiting pattern failed to meet the psychosocial and emotional needs of many separated children in both

the short and longer-term (Kelly, 2005). On the other hand, research shows that chronic conflict between the parents involving court process, hostility between the parents, and battling over parenting decisions and sharing time can cause serious emotional and behavioral problems in children. (Hetherington & Kelly, 2002; Kelly 2002), and can erode the relationship between the children and one or both parents (Elrod, 2001; Elrod & Ramsey, 2001). (As cited in Henry, Fieldstone, Bohac, 2009).

As a result, the parenting plan development can be fraught with the parents' different desires, perceptions and beliefs about which structure and content of arrangements that would best serve their child's interests. In evaluating parenting plans, it is important to consider the features of the parenting plan and how well they meet the needs that are important for parents and children.

10.1. Considerations for Evaluating Parenting Plans:

Based on the surveys completed by the Evaluation Advisory Panel and follow up input several key questions were identified as being important to better understand the implementation and impact of the parenting plans within the Parenting Act. Specific questions included:

- Is there a parenting plan created for each case as intended?
- Who created the parenting plan? E.g. parents on their own; with attorneys; in mediation; default; hybrid; court ordered?
- Does the parenting plan contain the statutory components?
- Do the parenting plans describe legal custody? Physical custody? Parenting time?
- Is the parenting plan a template approach to parenting children after separation or is the parenting plan tailored to the unique needs of families?
- Do parenting plans assist in protecting victims of violence from additional harm?
- Do the parenting plans create permanency or are these plans returned to the formal court process for modifications?
- On the other hand, do the parenting plans also promote future flexibility, engender an expectation and ability for parents to cooperatively modify plans based upon the child's changing developmental needs?
- What is the impact of parenting plans?
 - Do they help parents resolve disputes quicker and more efficiently?
 - Do they provide parents with the necessary tools to resolve disputes both in the immediate and longer term?
 - Do they help limit the time that parents spend in court?
 - Do they help to provide the necessary structure to facilitate positive adjustment for children and parents following separation?
 - Do they reduce subsequent acrimonious modifications or litigation?

10.2. Suggested Evaluation Designs

Three evaluation designs are proposed to assess the implementation and impact of parenting plans. Proposals for additional evaluation designs are encouraged.

1. Pre-post within group design: parents could be asked 6 months post parenting plan, and 1 year post parenting plan to determine whether the parenting plan is still being used and whether any modifications have been made
2. Court file analysis: can obtain statistics from JUSTICE (recordkeeping database of the Supreme Court of Nebraska) for:
 - a. parenting plans in each custody matter; contents of the parenting plans, including determinations of legal custody, physical custody, parenting time, and other required components
 - b. modifications relating to custody/visitation/child support) of closed domestic relations cases; whether there is a distinction in volume and degree of post-decree acrimony between voluntarily negotiated or mediated original plans and litigated or court-imposed plans
3. Interviews with stakeholders: interviews could be conducted with children, parents, the courts, etc. to explore the impact of the Parenting Act.

11. Evaluating Parenting Act Information Brochures

Within the Parenting Act, provisions have been made to provide all parents with educational materials about the Parenting Act, ADR in Nebraska, and about attending parenting classes. These brochures are sent to parents by the clerks of the court.

Brochures are produced by a myriad of organizations and businesses, and seem to be widely used by consumers (Holloway & Plant, 1988; Wicks & Schuett, 1991). One of the most relevant criteria to understanding information source usage is effectiveness of the information because it reflects how influential the information is on informing consumers and increasing knowledge. (Murray, 1991). In general, brochures have been found to be a preferred consumer information source for a great diversity of consumer products or services including small manufacturers (Weinrauch, Mann, Pharr, & Robinson, 1991); dentists (Kressel & Haycock, 1988); accountants (Heischmidt, Elfrink, & Mays, 2002); insurance providers (Darko, 1999) and natural areas (Burger, 2003). But despite the attention in the literature regarding brochures across settings, there is a gap in the divorce field of whether brochures provide parents with the needed information and can help parents navigate the court process.

11.1. Considerations for Evaluating

Based on the surveys completed by the Evaluation Advisory Panel, several key questions were identified as being important to better understand the implementation and impact of the Parenting Act Information Brochures within the Parenting Act.

Questions to guide the evaluation of the Parenting Act Information Brochures include:

- Are the brochures actually distributed as required?
- Are the brochures written in understandable terms?
- Are parents reading the brochures?
- Do the parents refer back to the brochure during their divorce process?
- What clients think of the information provided as far as changing perspectives and resulting in changed behaviors?
- Whether parents' knowledge about Parenting Act increases after reading the brochure?
- Whether the parents followed the appropriate steps and engage in the process in a competent manner due to reading the information within the brochures?

11.2. Suggested Evaluation Designs

Three evaluation designs are proposed to assess the implementation and impact of the brochures.

1. Court File Analysis: obtain data from JUSTICE to determine by random sample whether the brochure was delivered to both plaintiff and defendant.
2. Qualitative interviews with parents: Interviews with parents about their experiences of reading the information contained in the brochures.
3. Pre-post within group design: Parents' knowledge of the courts could be assessed by assessing changes in knowledge from before reading the brochure to after. This survey could also explore the feasibility, utility and efficiency of presenting the information

within the brochure. It could also assess the use of brochures to determine whether parents are in fact making use of these to better educate themselves as intended.

12. Evaluating the Parenting Education Class

The Parenting Act requires both parents to complete a court approved basic parenting class, unless the court specifically excuses the requirement for good cause shown. After completion, a certificate of completion must be filed with the court.

The last few decades have seen rapid growth in court-affiliated parenting education programs for divorcing parents (Pollet and Lombreglia, 2008, p. 376). A nationwide survey conducted by Pollet and Lombreglia found that 46 states mandate divorcing parents education programs (2008). Overall, court-related programs “have been established to reduce co-parenting conflict, improve child outcomes, and to reduce future litigation” (Fackrell, Hawkins, and Kay, 2011, p. 113). While research has not kept pace with the development of these programs (MacIntosh and Deacon-Wood, 2003), several large-scale studies of mandatory education programs for divorcing or separating parents have found them effective, with a number of important positive impacts, even in cases with minimal required attendance (3.5—6 hours) (Fackrell, Hawkins, and Kay, 2011; MacIntosh and Deacon-Wood, 2003; and Thoennes and Pearson, 1999). Positive impacts include reduced parental conflict in decision making and increased parental understanding of the effects of divorce on children (Thoennes and Pearson, 1999). Thus MacIntosh and Deacon-Wood conclude, “Generally, these findings are an endorsement for child-focused education programs, even of a limited nature” (2003, p. 193). Similarly, Fackrell et al. argue, “mandated programs produced a reliable, moderate effect (defined below). Thus, we find no empirical reason for courts to pull back on mandated DPEs for divorcing parents, even brief interventions” (2011, p. 115).

Additionally, some jurisdictions have moved to “mediation preparation programs,” an educational approach to preparing parents to mediate parenting and custody issues. Mediation preparation programs share elements with parenting education programs, yet they are distinct in they add information about how to enhance the mediation process (Kitzmann, Parra, and Jobe-Shields, 2012).

Implementation of divorcing parent education programs varies regarding:

1. Whether the program is mandatory or voluntary,
2. Extent of “dosage” (instructional hours),
3. Program timing in divorce legal process,
4. A differentiated program for parents experiencing “normative” or “enduring” (high) conflict,
5. Curriculum components,
6. Primary instructional strategies employed (information-based vs. skills-based),
7. Inclusion of a child education component,
8. Safety features to protect parents and children at-risk for domestic violence,
9. Program standards and evaluation tools.

12.1. Considerations for Evaluating

Specific consideration based on the surveys of the Evaluation Advisory Panel that could be developed for evaluating the Parent Education Sessions could include:

- What percent of all parents in custody matters participate in parenting education? How often is the class waived by court?
- Parent recalls at least one constructive idea that helped them in interacting with the other parent.
- Parent recalls at least one constructive idea that assisted them in the development of their parenting plan.
- Parent recalls at least one constructive idea that they used to reduce conflict between themselves and the other parent and the children.
- Parent can identify at least one incident with the other parent in which it was more positive because of information or insight gleaned from attending the course.
- Is the parent able to differentiate between the intimate relationship that they no longer have and the parenting relationship that will continue throughout the child development years?

12.2. Suggested Evaluation Designs

Three evaluation designs are proposed to assess the implementation and impact of the parenting classes. Proposals for additional evaluation designs are encouraged.

1. Court File Analysis: obtain data from JUSTICE to determine whether the plaintiff and defendant submitted a certificate of completion of the Basic Level parenting education class.
2. A follow up survey at the end of the class to ensure parents are processing information.
3. Qualitative interviews with parents: Interviews with parents about their experiences of attending the parenting education course.
4. Pre-post within group design: provide pre/post and 6 month or 1 year follow up evaluations.

13. Evaluating Parenting Mediation Services

Beginning in 2010, mediation is mandatory in all contested custody cases prior to trial that fall under the Parenting Act, and mediation of parenting plans are encouraged for any parenting or custody issue. Mediation is a process during which a neutral, trained Parenting Act mediator works with the parties informally to assist in creating a parenting plan. The Act requires parenting mediators to conduct an individual private session (IPS) for every parent prior to an initial joint mediation session to determine whether or not it is appropriate to proceed in mediation or to proceed in a form of specialized alternative dispute resolution. In some cases the mediation process can assist in reducing tension between the parties so they can function better as parents in the best interests of children.

Mediation has been defined as the use of a neutral, professionally trained third party to help disputing parents define their issues, generate opinions and priorities, and negotiate and bargain differences and alternatives. Mediation is advantageous for disputing couples by allowing them to come up with their own agreements regarding the care of their children avoiding state interference in personal family affairs. This agreement is more personally satisfying and has a greater likelihood in being honored by both parties (Johnston, 1994; Johnston & Roseby, 1997; Litvack, 2008). Research shows that compared to litigation, mediation on average requires less time to reach an agreement (Emery, Matthews, & Kitzmann, 1994), results in greater compliance with child support agreements (Emery, Matthews, & Kitzmann, 1994), is less costly overall (Kelly, 1991; Pearson & Thoennes, 1989), and promotes more contact between fathers and their children (Emery, Laumann-Billings, Waldron, Sbarra, & Dillon, 2001).

Literature states that mediation is ideal and works best with couples exhibiting low levels of conflict, who employ direct and open communication, and for parties ready to cooperate. Parents who can contain their emotional distress, focus on their children's issues and distinguish their children's needs from their own have more successful outcomes (Johnston, 1997; Pruett & Johnston, 2005; Stewart, 2001). In fact, couples that fail to mediate often have the characteristics of high-conflict divorce (Roseby & Johnston, 1997).

Parental separation increases the risk of negative outcomes for children, with children in divorced families having double the risk of psychological and behavioral problems, with the problems most likely when interparental conflict continues postseparation (Amato, 2000; Lansford, 2009). There has been evidence that parents participating in mediation are more flexible in adapting to their children's needs and are more involved after divorce. (Beck, Sales, & Emery, 2004).

13.1. Considerations for Evaluating

Specific consideration based on the surveys of the Evaluation Advisory Panel and follow up input that could be developed for evaluating the mediation could include:

- Are there fewer contested custody trials since the implementation of the Parenting Act?
- Are there fewer issues at contested custody trials?
- Are more parenting plans being mediated since the implementation of the Parenting Act in 2008?

- What percent of mediated parenting plans result in full agreement? Partial? No agreement?
- Do the parenting mediators meet the requirements under the Parenting Act? Private mediators? Affiliated mediators?
- Are satisfactory parenting plans achieved out of mediation?
- What do post-mediation satisfaction surveys tell us?
- Are Individual Private Sessions (IPS) being conducted for every mediation?
- Do the IPS result in appropriate determination of whether to proceed in joint mediation or specialized alternative dispute resolution?
- Are appropriate mediation process determinations being made as a result of the IPS?
- What is the average and range of number of hours and sessions to mediate a parenting plan? Cost?
- Does mediation reduce the amount of time to final decree?

13.2. Suggested Evaluation Designs

Four evaluation designs are proposed to assess the implementation and impact of parenting mediation. Proposals for additional evaluation designs are encouraged.

1. Mediation Center/Douglas County Case file analysis: review to compare the outcome of the IPS determination with the type of mediation process (joint session or SADR) used.
2. Mediation Center/Douglas County Case file analysis: obtain data from the ODR approved list of parenting mediators; ODR-approved mediation centers and Douglas County District Court Mediation Office to identify parenting mediator elements: training, apprenticeship, continuing education; process used; other components.
3. Mediation Center/Douglas County Case file analysis: Evaluate the number of cases with full plan, partial plan, no plan and not appropriate for mediation.
4. Mediation Center/Douglas County Case file analysis: Evaluate the parents' surveys provided at the end of mediation.
5. Douglas County Conciliation Office:
 - a. Court File Analysis: obtain data from office files and JUSTICE to determine the % of all cases using mediation in original actions to develop Parenting Plans; data range 2008-2012.
 - b. Court File Analysis: obtain data from JUSTICE to determine how many contested custody trials were held during each of the years 2008-2012.
6. 12 District Courts: JUSTICE Case File Analysis:
 - a. assess whether there is evidence of the parenting plan being mediated in each of the 2008-2012 years.
 - b. Assess the total number of contested custody trials in each of the 2008-2012 years.
7. ODR mediation centers: summarize # of parenting issues mediated per center; data range pre-2008; post 2008-2012
8. Qualitative interviews with parents: Interviews with parents about their experiences of attending mediation.
9. Pre-post within group design: By comparing number of custody trials pre-act vs. post-act.

14. Evaluating the Specialized Alternative Dispute Resolution (SADR) Service

Specialized mediation is available for relationships involving domestic violence. Parents are screened using the Case Suitability Screen or some modified version that it intended to screen for the previous incidents, risk of and/or occurrences of domestic violence. Over the past decade, mediation services, assisting in the resolution of child custody disputes for separating/divorcing families, has demonstrated promising results (Kelly, 2004). As such, advantages of mediation have been cited as cost effective, less time consuming, private, promotes opportunity for preserving relationships, and the process is flexible and informal (as cited in Koen, Saccuzzo & Johnson). In addition, studies have also shown when mediation is used conflict is decreased, and there is evidence of more child-focused communication between parents and more involvement in the children's life of the non-custodial parent (as cited in Koen et al. 2003) Findings must be tempered, however, due to variations in research populations and methodologies measures (Kelly, 2004).

When examining mediation outcomes (i.e. full, partial, and non-agreement) Tishler (2004) reported that there were no differences between couples with DV histories and couples without concerns of violence. However, comparison of families without and with intimate partner violence showed that those with a history of IPV were more likely to have parenting plans that included safety restrictions (e.g., restrictions on interparental fighting, substance abuse) and counseling referrals. Putz, Ballard, Arany, Applegate, and Holtzworth-Monroe (2012). Less severe, non-escalating, and more commonly occurring categories of violence in relationships such as bidirectional or common couple violence may be capable of mediating (Johnston, 1995). Ballard, Holtzworth-Munroe, Applegate, and D'Onofrio (2011) found lower agreement rates for factors including history of intimate partner violence, father's reported concerns about participating in mediation, higher levels of father's income, number of mediation sessions, and attorney representation. While in 2001 (Zylstra, 2001) there was a research gap as to which types of mediation models and services were necessary and most effective for participants when there was a history of DV, however recent research begins to fill the gap. (Austin, Drozd, 2012).

14.1. Considerations for Evaluating

Specific consideration based on the surveys of the Evaluation Advisory Panel that could be developed for evaluating the SADR could include:

- Are parents in which domestic intimate partner abuse or power and control dynamics identified assigned appropriately to designated SADR facilitators?
- Do the SADR facilitators meet the requirements under the Parenting Act and policy?
- What is the average and range of number of hours and sessions to facilitate a SADR parenting plan? Cost?
- What is the number of full or partially agreed parenting plans that are entered into by the parents as a percentage of all SADR cases?
- A comparison of parenting plan elements between SADR identified cases and non-SADR cases
- The number of contested custody trials that actually take place in SADR identified cases.
- Based on the level of safety felt by the victim in these cases.

- When the parties feel comfortable engaging in the process and safety of the parties is ensured throughout the process.

14.2. Suggested Evaluation Designs

1. A follow up survey at the end of SADR. Evaluate the number of cases with full plan, partial plan, no plan and not appropriate for SADR.
2. Case file analysis: obtain data from the ODR-approved mediation centers and Douglas County District Court Mediation Office to identify SADR elements: SADR facilitator; existence of safety provisions in SADR identified cases as contrasted to non-SADR cases; process used; other components.
3. Qualitative interviews with parents: Interviews with parents about their experiences of attending SADR.
4. Pre-post within group design: By comparing number of custody trials pre-act vs. post-act
5. Proposals for additional evaluation designs are encouraged.

15. Cost Analysis Findings Plan

Like many fields, the family justice sector is facing a greater demand for greater accountability. Funders, policy makers, advocates, program directors, and program participants want interventions with demonstrated effectiveness. Thus, evaluations that assess impact are needed (Wilson & Alexandra, 2005; Partnership to Protect Children and Strengthen Families, 2007). In addition, coupling program costs with effectiveness data to calculate savings is increasingly part of this demand for accountability and serves as a valuable tool for public policy and decision-making (Lee & Aos, 2011). Federal agencies are requiring or including cost analyses in the services and programs they fund (Brodowski & Filene, 2009; Corso & Filene, 2009). Yet, these analyses remain relatively rare and underdeveloped (Mullen & Shuluk, 2010).

After a program has demonstrated effectiveness in producing an outcome of interest, such as increasing compliance with parenting plans, cost analyses are used to describe the program costs in relation to benefits. Two types of cost analyses are typically used—cost-benefit or cost-effectiveness. While both types of analysis monetize program costs, only cost-benefit studies analyze outcomes monetarily. For many family justice services, benefits can be difficult to quantify and convert to a monetary benefit (e.g., improvements in compliance), and thus, cost-benefit studies are challenging to conduct (Lee & Aos, 2011; Selameab & Yeh, 2008). Therefore, many studies perform cost-effectiveness analyses (DeSena et al., 2005; Sharac, McCrone, Rushton, & Monck, 2011), to compare the costs and nonmonetized outcomes of a program to the status quo or an alternative program (Corso & Lutzker, 2006).

Within each of these two types of cost analyses, a continuum of analyses are possible ranging from direct and immediate calculations of program costs and benefits from a limited perspective (such as an agency or program) to the economic modeling of costs and long-term societal benefits of an intervention over the lifetime of participants.

Cost-savings analysis, a method of cost-benefit analysis, is restricted to the costs and benefits realized by the government as a whole or a particular funding agency. Only the costs to the government are taken into account, and the benefits are those expressible as dollar savings somewhere in the government. This kind of analysis is used to determine whether a publicly provided program “pays for itself” and is thus justified not only by whatever human services it may render but also on financial terms alone. (Karoly, Kilburn, Bigelow, Caulkins, & Cannon, 2001).

Family justice services lack extensive information on the societal costs of prolonged litigation. There is also limited evidence regarding the potential cost benefit of the diverse menu of services within family justice to prevent prolonged litigation (e.g. mediation, custody assessments, parent coordination, case management, etc.). Though estimates of societal costs are underdeveloped, the best available data provide a sense of the extensive individual costs resulting from litigation. For example, a story featured in the July 2005 issue of *Money* magazine, reported average divorce costs to be \$3,000-10,000 for a divorce mediation, \$16,000 for collaborative law, \$35,000 for traditional attorney to attorney negotiation, and a minimum of \$20,000-\$50,000 for trial.

These estimates do not address, however, the estimated the economic burden of litigation and high conflict by examining the impact on many sectors of society over the lifetime of children and families involved in litigation and acrimonious conflict post separation, including short-term medical costs, long-term medical costs, productivity losses, mental health costs, special education, criminal justice costs, and/or quality of life costs (Corso & Fertig, 2010). Considering the impact of these costs within the context of child maltreatment, for example, estimated costs of maltreatment ranges from \$7 billion (Daro, 1988) to \$103.7 billion (Wang & Holton, 2007) annually. Corso and Fertig (2010) suggest that a more precise estimate of the annual societal cost of maltreatment is somewhere around \$64.4 billion in 2007 dollars.

15.1. Considerations for Evaluating

Estimating the benefits of preventing prolonged litigation, compliance issues, such as relitigating post-decree parenting conflicts, and the negative impact of high conflict separation is important to determine whether the allocation to such services are cost-effective. The financial consequences of relitigation can be significant to the parting couple, particularly high conflict parents who continuously engage in legal battles as shared custody parents or sole custody parents (Nomaguchi, 2005) (Henry, Fieldstone, Bohac, 2009). Although little attention has been placed on determining the potential cost-effectiveness of these preventive programs within the context of family justice services, there are a few examples of estimated savings from prevention maltreatment within the context of child welfare. Studies in Alabama (Watters, Odom, Ferguson, Boschung, & Edwards, 2007), Colorado (Gould & O'Brien, 1995), and Michigan (Caldwell, 1992; Noor & Caldwell, 2005) all concluded that given child maltreatment costs, even with conservative intervention cost estimates, prevention programs can be highly cost-effective.

15.2. Suggested Evaluation Designs

Potential approaches to be considered in the assessment of economy and efficiency may include, but are not limited to: cost-benefit analysis; cost-effectiveness analysis; operational efficiency analysis; or hybrid approaches. In determining the best approach, the Parenting Act Evaluation Strategy should consider approaches and data that have been identified in research and literature. It is important also to consider and identify the limitations that may exist in terms of data availability.

16. Discussion

The program evaluation protocol provides valuable information for the evaluation framework in terms of the real data collected as well as through the process of trialing measures. The evaluation framework is a mixed-method design which includes a baseline to post designs, qualitative interviews and court file analysis.

16.1. Insights

We learned a great deal about the benefits of evaluation and especially the importance of including an evaluation component in all the work that we do. It should be an enormous learning curve that brought frustration at times, but ultimately encouraged us to move beyond our comfort zones and embark on a full year learning process.

We learned the importance of all the phases of the evaluation framework, particularly the development of a clear and accurate program logic model. It is critical to take the time necessary to develop a detailed program logic model that clearly states the program goals and outcomes that ultimately informs the framework of the evaluation. Although it may seem simple, engaging our stakeholders and seeking their input was in a lengthy process in order to generate clarity, agreement, and understanding of the short- and long-term outcomes that the Nebraska Parenting Act is trying to achieve. This process resulted in a clear program logic model that provided the foundation for the rest of the evaluation framework.

The development of our evaluation questions then flowed easily from the logic model. Our message to other organizations embarking on this project is to: take the time that is necessary to fully integrate the learning; critical to have a strong and committed team that is learning together, allowing space for the sharing of ideas and building on one another's skills and talents.

17. Recommendations

Having completed the steps in the design of our evaluation framework, the following three recommendations are made:

17.1. Implement this evaluation framework.

While evaluation is an ongoing activity that can be integrated in the service, it is important to continue with the formal process of evaluating the Parenting Act. Maintaining evaluation activities as a standing agenda item can ensure excitement and interest in the project. Implementation of the new feedback and tracking forms designed for the process evaluation questions, and continuing the follow-up telephone interviews from the pilot can help sustain the evaluation activities prior to the implementation of the full evaluation framework. A template for evaluating and reporting has been created to help guide the evaluation team (see Appendix D).

17.2. Link this evaluation to research and best practice.

As the ADR literature is limited in scope, this evaluation framework presents a model that can be shared with other similar programs. Continuing to search current ADR literature is essential. Knowledge exchange activities may include presentation of preliminary data at relevant local and state-level forums. This evaluation could also be linked to wider evaluation activities regarding this important activity.

17.3. Create a Quality Assurance committee to implement evaluation

It is important to engage in evaluation conversations in each of the services, and building on the learning from this project and others, to incorporate evaluation frameworks for all the services. In our commitment to best practice, it is important to set up a Quality Assurance committee to address program evaluation, and be responsible for ensuring that evaluation frameworks are developed for all services that are directed by the Parenting Act. We should have a number of dedicated “champions” in evaluation leading this committee, and this type of process is recommended to all services implementing evaluation design. The integration of learning about the importance of evaluation to practice has become part of how we should plan and practice.

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Appendix A - Parenting Act Evaluation Protocol Survey

This survey went out to all members of the Advisory Panel in December 2011 to inform the evaluation framework proposed in this protocol. Below is a summary of the text of the survey.

The Evaluation Process:

Evaluation is more than a set of procedures. It is an attitude of continually questioning and gaining information to ensure program and services meet the needs of all stakeholders. Feedback on all aspects of the Parenting Act is important to know the areas that have been working well, areas that could be improved and to develop strategies to explore the overall effectiveness of the Parenting Act.

This evaluation is important to the children and families in the state of Nebraska. It was initiated by the Speaker of Nebraska's Legislature Mike Flood, endorsed by Chief Justice Mike Heavican, and is being managed by the Administrative Office of the Courts. Phase One of the evaluation (creating a blueprint protocol) is being conducted by Dr. Michael Saini, University of Toronto Factor-Inwentash Faculty of Social Work.

About the Survey:

This survey should take an estimated 20-30 minutes.

The text box for each question should expand as you type in your response, so your response can be as brief or as detailed as needed.

Your responses should be kept confidential. Responses should be reported in the aggregate. Personally identifiable information should be removed.

Your responses should be valuable in assisting the Evaluation Team in designing the Parenting Act Evaluation Protocol (a blueprint for the future full evaluation). Your responses should help:

- 1) Identify which issues, components, and outcomes should be included in the full evaluation under Phase Two;
- 2) Identify possible sources of data that can be used in during Phase Two.

Due date:

The deadline for completing the survey is January 20, 2012. Please email your Word document to Dr. Michael Saini at michael.saini@utoronto.ca

Survey Questions

Please answer the following survey questions to the best of your ability. The questions are meant to help clarify stakeholder priorities and issues and guide the Parenting Act evaluation protocol. Please note that the term “Parenting Act” always refers to the 2007 Nebraska Parenting Act, inclusive of amendments.

1. What specific questions do you have about the Parenting Act?

2. What should be the priorities for evaluating the Parenting Act?

3. What types of questions should the evaluation include regarding the target population of the Parenting Act (e.g. is the legislation reaching all those for whom it was intended?)

4. Process evaluation seeks to determine the extent to which the legislation is operating as intended. What types of questions should be included regarding timing, duration, and frequency of court processes; the timing, duration, and frequency of services; training for professionals; and other provisions and standards (*“services” means activities such as parent education, mediation, specialized ADR, information brochure to parties*).

5. Outcome evaluation seeks to determine the extent to which the legislation is making a difference in family law justice system and the lives of the target population. What do you think are the overall outcomes of the Parenting Act? (*hint: outcomes are usually connected to goals and missions)

6. How would you know whether the Parenting Act Information Brochure (required for dissemination to each party upon filing of action for custody, parenting time, etc. by Clerk of District Court) is effective?

7. How would you know whether the basic parenting education course (required for each parent) is effective?

8. How would you know whether the second level parenting education course (optional for high conflict) is effective?

9. How would you know whether the required parenting plan is effective?

10. How would you know whether the required individual initial screening session prior to mediation is effective?

11. How would you know whether the mandatory court referral to mediation prior to a contested custody trial is effective?

12. How would you know whether the Specialized Alternative Dispute Resolution (SADR) for use in mediating between parents in situations of high conflict or domestic abuse is effective?

13. Below are several possible outcomes which might result from an effective implementation of the Parenting Act. For each item below, please indicate how important it is to conduct a future evaluation of any of these items.

Outcomes	1 Not Important – 5 Very Important				
Saving court time and money	1	2	3	4	5
Saving parents' time and money	1	2	3	4	5
The durability of parenting plan agreements	1	2	3	4	5
Child's exposure to harmful parental conflict	1	2	3	4	5
Parental cooperation	1	2	3	4	5
Parental communication	1	2	3	4	5
Safety for the child and parent(s) in high conflict or domestic abuse situations	1	2	3	4	5
The frequency of children testifying in contested custody trials	1	2	3	4	5
Additional parenting plan provisions in high conflict or domestic abuse cases	1	2	3	4	5
Parents' satisfaction with the mediation process	1	2	3	4	5
Attorneys' satisfaction with the mediation process	1	2	3	4	5
Judges' satisfaction with the mediation process	1	2	3	4	5
The use of mediation over litigation to decide custody or parenting issues	1	2	3	4	5
Parents' control of decisions regarding their children	1	2	3	4	5
Access to parenting mediation for low-income or indigent parents	1	2	3	4	5
The impact of mediation in reducing post-divorce litigation in parenting issues	1	2	3	4	5
The impact of collaboration among the multi-disciplinary professionals involved with carrying out the Parenting Act	1	2	3	4	5
Other (Specify):	1	2	3	4	5
Other (Specify):	1	2	3	4	5
Other (Specify):	1	2	3	4	5
Other (Specify):	1	2	3	4	5

14. What data sources might be accessed to provide information for evaluating the distinct elements of the Parenting Act? (e.g. court records, surveys, case files, etc)

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15. What groups of people might be surveyed, interviewed, or questioned to obtain information to evaluate the Parenting Act?

16. Please provide a list of strengths of the Parenting Act that we should be considered in the evaluation

17. Please provide a list of areas needed improvement for the Parenting Act that we should be exploring in the evaluation

18. What else do you want to know from the evaluation about the Parenting Act?

Appendix B - Example of Court File Analysis Framework

Nebraska Court File Analysis

Variable	Attributes	Answers	Comments
1. Demographics:			
a. Case Number	Numeric		
b. District Court	Categories (1 = District 1; 2= District 2; 3= District 3; 4= District 4; 5= District 5; 6= District 6; 7= District 7; 8= District 8; 9= District 9)		
c. Previous opening	1= Yes; 2 =No		
d. Plaintiff relationship to child(ren)	Categories (1= mother; 2 = father; 3 = other)		
e. Plaintiff Gender	1 = male; 2 = female		
f. Plaintiff represented by attorney at time of original filing	1= Yes; 2 =No; 3 unknown		
g. Plaintiff represented by attorney at time of decree	1= Yes; 2 =No; 3 unknown		
h. Number of Attorney's Plaintiff retained during Dissolution	Numeric		
i. Defendant relationship to child(ren)	Categories (1= mother; 2 = father; 3 = other)		
j. Defendant Gender	1 = male; 2 = female		
k. Defendant represented by attorney at time of original filing	1= Yes; 2 =No; 3 unknown		
l. Defendant represented by attorney at time of decree	1= Yes; 2 =No; 3 unknown		
m. Number of Attorney's Plaintiff retained during Dissolution	Numeric		
a. Number of Children	Numeric		
b. Youngest / only child			
i. Age of Child	Numeric		
c. Second youngest child			
ii. Age of Children	Numeric		
d. Third youngest child			
iii. Age of Children	Numeric		
e. Fourth youngest child			
iv. Age of Children	Numeric		
f. Fifth youngest child			
v. Age of Children	Numeric		
g. Filing date of Complaint	dd/mm/yyyy		
h. Date of Final Order / Decree	dd/mm/yyyy		
2. Is there a Parenting Plan?	1= Yes; 2 =No; 3 unknown		
3. If there is a Parenting Plan, is it:			
a. On a NE court form?:	1= Yes; 2 =No; 3 unknown		
b. if yes,?, PP modified by the parties	1= Yes; 2 =No; 3 unknown		

c. Attorney generated?	1= Yes; 2 =No; 3 unknown		
d. PP was mediated?	1= Yes; 2 =No; 3 unknown		
e. PP was signed?	1= Yes; 2 =No; 3 unknown		
f. Contents: type of PP	Categories (1 = sole custody to the mother; 2 = sole custody to the father; 3 = joint custody with mother's primary; residence; 4 = joint custody with father's primary residence; 5 = joint custody with shared residence; 6= other; 7= missing data		
g. Contents: type of access	Categories (1 = weekly; 2 = every other week; 3 = once a month; 4 =less than once a month; 5 = access not specified; 6 = no access; 7 = missing data		
h. Contents: checklist of statutorily required elements	1= Yes; 2 =No; 3 unknown		
i. Apportionment of Parenting Time, etc.	1= Yes; 2 =No; 3 unknown		
ii. Location of the child/ren during week	1= Yes; 2 =No; 3 unknown		
iii. Transition or Transportation Plan	1= Yes; 2 =No; 3 unknown		
iv. Procedures for making decisions regarding day-to-day care and control of child	1= Yes; 2 =No; 3 unknown		
v. Provision for Regular and continuous school attendance and progress for school-aged children.	1= Yes; 2 =No; 3 unknown		
vi. Requirement that parties notify each other of a change of address	1= Yes; 2 =No; 3 unknown		
vii. Consideration of child's age, the child's developmental needs, and the child's perspective, as well as enhancing healthy relationships between the child and each party	1= Yes; 2 =No; 3 unknown		
viii. Contents: Safety Provision(s)	1= Yes; 2 =No; 3 unknown		
ix. More than one Parenting Plan version in file?	1= Yes; 2 =No; 3 unknown		
x. Other: Explain:	1= Yes; 2 =No; 3 unknown		
xi. Other: Explain:	1= Yes; 2 =No; 3 unknown		
xii. Other: Explain:	1= Yes; 2 =No; 3 unknown		
4. Mediation Center or Mediator Reporting Form?	1= Yes; 2 =No; 3 unknown		
a. If yes, what information is captured? (copy document)	1= Yes; 2 =No; 3 unknown		
5. Certificate of Completed Parenting Education for Plaintiff? For Defendant?			

a. Plaintiff attended PE?	1= Yes; 2 =No; 3 unknown		
b. Date Plaintiff completed PE?	dd/mm/yyyy		
c. Defendant attended PE?	1= Yes; 2 =No; 3 unknown		
d. Date Defendant completed PE?	dd/mm/yyyy		
6. Parenting Act Notice? (Note: This is a term that JUSTICE gives to the Clerk to toggle when the Parenting Act Information Brochure is delivered to Plaintiff and Defendant	1= Yes; 2 =No; 3 unknown		
a. <i>Some cases show this as an Action by JUSTICE: Action in JUSTICE:</i>	1= Yes; 2 =No; 3 unknown		
b. <i>Some cases show this allegation in the Complaint: Complaint allegation:</i>	1= Yes; 2 =No; 3 unknown		
c. <i>Some cases show this allegation in the Voluntary Appearance: VA</i>	1= Yes; 2 =No; 3 unknown		
7. Contested Custody Trial?	1= Yes; 2 =No; 3 unknown		
a. If yes: what was outcome	Categorical		
b. If yes: evidence of a final Parenting Plan?	1= Yes; 2 =No; 3 unknown		
c. If yes: date of Trial?	dd/mm/yyyy		
8. Motion for Temporary Custody? Yes/no	1= Yes; 2 =No; 3 unknown		
a. If yes: is there a filing of a Temporary Child Information Affidavit?	1= Yes; 2 =No; 3 unknown		
9. Temporary Order for Custody or Access to Child?	1= Yes; 2 =No; 3 unknown		
a. If yes: is there a temporary parenting plan?	1= Yes; 2 =No; 3 unknown		
b. If yes: is there an order for temporary custody?	1= Yes; 2 =No; 3 unknown		
c. If yes: other conditions?	1= Yes; 2 =No; 3 unknown		
d. If yes: date of Temporary Order	dd/mm/yyyy		
10. Pretrial Order? a/k/a Order Scheduling:	1= Yes; 2 =No; 3 unknown		
a. If yes: does this include language for mediation prior to contested custody trial?	1= Yes; 2 =No; 3 unknown		
b. If yes: other relevant info?	1= Yes; 2 =No; 3 unknown		
11. Protection Order?	1= Yes; 2 =No; 3 unknown		
a. If yes: who filed? Reasons?	Categorical		
b. Granted?	1= Yes; 2 =No; 3 unknown		
c. Language regarding access to children?	1= Yes; 2 =No; 3 unknown		

d. Evidence of allegations incorporated into Parenting Plan?	1= Yes; 2 =No; 3 unknown		
e. Evidence of allegations incorporated into Final Decree? Order?	1= Yes; 2 =No; 3 unknown		
12. Final Order/Decree:	1= Yes; 2 =No; 3 unknown		
a. Restrictions on access to child?	1= Yes; 2 =No; 3 unknown		
b. If yes: what restrictions?	Categorical		
Additional Comments			
How to determine, if mediated, whether case is a specialized ADR case?			

Appendix C - The Nebraska Parenting Act, Neb. Rev. Stat. §§43-2920 (Cum. Supp. 2012)

See Nebraska Legislature's website:

http://nebraskalegislature.gov/laws/search_range_statute.php?begin_section=43-2920&end_section=43-2943

Appendix D - Template for Conducting the Program Evaluation

The template below provides both the framework for the work to be completed, but also the framework for the final report completed by the 3rd party evaluator hired by the organization.

Title Page

- Title of Evaluation Report.
- Full name of the project (include file #) and implementing organization.
- Name and contact information of evaluation team.
- Date of the report.

1.0 Executive Summary

Ensure that the summary is comprehensive and includes the following:

- Context
- Substantive results (Ensure that these can be substantiated by the analysis and findings in the report)
- Key limitations
- Conclusions

2.0 Table of Contents

3.0 Introduction

Ensure the introduction includes the following:

- Context (i.e. need for differential approach)
- The name and location of the sponsoring organization
- Start and End date of the project
- The name of the evaluation firm
- Start and end date of the Evaluation.

4.0 Project Description

- a) Brief Description of the model
- b) Literature to support the program (report updated information where applicable)
- c) Narrative description of program activities
- d) Target group: Provide detail about the primary target group. Include a discussion about what tools were used to help the project determine if the appropriate target group was recruited (i.e. assessment tool)
- e) Project logic model

5.0 Evaluation Questions

Identify key evaluation questions that findings should address. (Append the evaluation matrix from the Evaluation Plan showing evaluation questions, data sources, link to instruments, etc.)

6.0 Methodology

a. Evaluation Design:

- Describe the overall evaluation design (e.g. pre-post or repeated measures, including the intervals at which measures should be administered, and whether or not there is a comparison group).
- If applicable, describe why and how the planned evaluation design had changed during the study.
- Demonstrate what strategies were used to ensure the comparison group (if any) was feasible or comparable to the experimental group (i.e. matching techniques etc.).
- Describe the type of comparison group, if any, how it was selected, and how it has been used during the evaluation study.
- Identify the various threats to validity (internal, external, content and statistical validity) and report how these have been mitigated in the evaluation. Specifically, if there was no comparison group, how were internal threats to validity addressed.
- Describe any quality assurance protocols implemented (i.e. including training provided to standardize data collection processes, protocol for administering instruments, and protocol for data entry. This is especially important where the project was responsible for administering the instruments.
- If applicable, describe how fidelity was measured.
- Provide a brief discussion of the ethical considerations used in the evaluation. Include information about informed consent, confidentiality and disposal of data. Describe any ethical challenges that emerged during the implementation of the study.

b. Data Collection Methods:

- Report who administered the data collection and provide information on how this process may have contributed favorably/negatively to the findings.
- Identify the data sources/instruments used in this report.
- Provide the response rates for key instruments and for all data collection time periods (i.e. # of pre-tests, # of post tests # of follow up tests (6 months after the program).
- Append all questionnaires, survey instruments, interview guides to this report.

c. Data Analysis Methods:

- Identify the statistical tests used.
- Indicate whether the evaluation had enough statistical power to conduct tests of statistical significance. (Identify all aspects of the formula you are using: statistical test, level of power, alpha level, sample size and standard deviation where applicable).
- Report the results including statistical significance, effect sizes and clinical significance where appropriate.
- Identify qualitative data analysis methods that were used.

d. Methodological Limitations:

- Identify the limitations of the evaluation and the implications these might have for the validity of the findings.
- Include a discussion of where your statistics may have violated certain assumptions (i.e. use of multivariate analysis when non random sampling techniques have been used can generate unreliable data).

7.0 Performance Monitoring Information

- Provide information about the database used to collect and monitor the data
- Provide some information about the performance monitoring reports (i.e. How many were completed during the duration of the project)

8.0 Process Evaluation Findings and interpretation

- This section should provide the answers to the process evaluation questions listed in the evaluation framework. Data should be provided for the various activities and outputs in the logic model in order to answer questions about whether the intervention has been implemented as planned and whether the appropriate target population has been reached. Each section should respond to an evaluation question, related targets and indicators.
- The data should be analyzed and interpreted with a view to answering key process related questions. Process evaluation findings typically cover the following areas of enquiry:
 - Has the program reached the intended target group? What was the number of participants in relation to the number referred? Include a discussion on the assessment in the process evaluation finding section. Are the program participants at the intended risk level (i.e. what percentage of the families are in the low, moderate to high risk levels?)
 - Have the activities been implemented as planned? Include a discussion about the program's ability to adhere to the model (where applicable).
 - Have the stakeholders and partners worked collaboratively?
 - Were the participants and key stakeholders satisfied with the program?
 - Consider other areas of enquiry that may be considered important for clarifying whether the program can be replicated (i.e. fidelity checklist or framework should be discussed where applicable).

9.0 Outcome Evaluation Findings and Interpretation

The findings in Section 9.1 through 9.2 below should be reported in a way that provides clear indication of the data sources used to support them. These sections should also include an analysis and interpretation of the findings. If the implementation did not occur as expected, or produce the anticipated outputs or outcomes, the evaluation should explore possible explanations for the findings. For example, the findings should be used for the following purposes:

- To determine the extent to which the program contributed to the outcomes of interest. Remember that some aspects of the program may have been more effective than others.

- To determine the extent to which participant outcomes may be impacted by external influences (i.e. discuss issues related to internal validity problems such as “history”).
- To identify whether process evaluation issues hindered/contributed to the results (i.e. a majority of the target group was not at risk, reducing the possibility of making a significant change in the outcomes of interest).
- To report on the program’s relevance. Is there still a need for this project in the current community?

9.1 Outcome Evaluation Findings

- Ensure that all of the evaluation questions, indicators and outcomes related to changes in knowledge, attitude, perceptions and behavioural change are addressed in this section.
- The report should clearly present the results to date, in a way that is linked to the outcomes in the logic model.
- Baseline and follow-up (post-test) data:
 - Where a comparison group is being used, the report should include a comparison between participants and comparison group on the pre-test measures, and the implications for the analysis. It should describe the techniques used to test differences between the participants and the comparison group and identify what strategies are being used to increase internal validity especially where it is determined that the comparison group is not as comparable as intended (i.e. comparison group is either too low risk or varies on too many key factors).
 - The data should include at least a comparison of pre-test, post-test and post program data (six months or 1 year after the program has been completed). An assessment of these differences should be comprehensive. Where a comparison group is used, the data should include a comparison of change over time between the two groups and an assessment of the significance of the difference/similarities.
- Where possible, outcomes can be linked to outputs, for example, by comparing outcomes for participants who receive different dosages of the intervention.
- Where inferential testing of the outcome variables cannot be conducted, descriptive data should be provided with explanations for why more a more comprehensive analysis could not be conducted.
- Qualitative data should be linked to quantitative data on the same measures/indicators so that the two together provide richer, more robust findings.
- Acknowledge the limitations when reporting key findings

9.2 Cost Analysis Findings

The report should present the cost data since project inception. A cost per participant analysis should be provided.

10.0 Lessons Learned

The evaluation should provide, where appropriate, a discussion of lessons learned (positive and/or negative) to date that might be of interest to the project, the funders and the broader evaluation and project development community. Lessons learned should include those related to conducting evaluations of this nature and/or the kind of projects or target populations being addressed. This component should also highlight key lessons learned about the intervention itself.

11.0 Conclusions

This section provides the final conclusions regarding the project. The conclusions should provide an assessment of whether replication of the project is recommended and, if so, whether particular modifications should be considered when developing future initiatives.

12.0 Recommendations

Where suggested by the data and / or lessons learned, recommendations should focus on project administration in an attempt to identify future project direction and changes to implementation. Other recommendations should focus on specific courses of action for evaluation and best practices. They should address any project challenges identified earlier in the report that address any project challenges identified earlier in the report

Appendices

- Logic Model
- Performance Monitoring Information
- Sustainability Plan (Program staff can provide a proposed sustainability plan)
- Others as applicable