

Development and Practical use of an Emotional Readiness Assessment for Support in Family Justice Processes

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Citation:

HOULSTON, C, MILLINGS, Abigail, MANSFIELD, P and HIRST, SL (2019). Development and Practical use of an Emotional Readiness Assessment for Support in Family Justice Processes. Family Court Review, 57 (3), 332-341. [Article]

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Development and practical use of an Emotional Readiness Scale for support in family justice processes.

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Abstract

The ability to make effective co-parenting agreements and reduce conflict following divorce depends on a person's emotional state or readiness. This article outlines OPO's development and piloting of an Emotional Readiness Scale and subsequent digital tool, in collaboration with others. It comprises: a summary of a literature review to identify the key emotions experienced during separation and their influence on making effective childcare arrangements; item development derived from the review and expert consultation; feedback from separated parents regarding sources of support; practitioners' feedback regarding the tool's feasibility; and concordance between mediator comments and clients' scores on the tool. Ways of using this tool in practice and implications for further development are also discussed.

Keywords: Co-parenting; Scale development; Emotional readiness; Divorce

OnePlusOne (OPO) is a research into practice charity, founded in 1971, specialising in evidence based early intervention to strengthen family relationships. In 2012, OPO developed an online self-help course for separating parents – *Getting it Right for Children* (GIRC). Since then OPO has worked with the *Child and Family Court Advisory Service* (Cafcass) providing online resources, such as GIRC. Most recently, OPO has provided an online Co-Parent hub for Cafcass service users, which includes specialist content from both OPO and Cafcass, designed to support face-to-face services such as the Separating Parenting Information Programme (SPIP), a course for separating parents. The Emotional Readiness Scale, the development of which is described in this article, is the basis for a digital Emotional Readiness Tool, one of the specialist content pieces that Cafcass selected for their online Co Parent hub.

The importance of being emotionally ready to agree childcare arrangements following separation was highlighted by a groundbreaking UK study, *Mapping Paths to Family Justice* (Barlow et al., 2014). A main conclusion from this study was that the ability to make effective financial arrangements, co-parenting agreements and to reduce conflict following divorce depends on a person's emotional readiness. Dispute resolution was found to often end without agreement because one or both parties had not been emotionally ready to cope with negotiations with the ex-partner. Responding to this evidence, OPO reviewed the psychological literature on the emotional states of separating couples with the aim of developing a simple scale for assessing the emotional readiness of separating parties. As Barlow et al. also identified increasing use of online assistance by separated parents, OPO decided to develop an online tool to screen and signpost participants to appropriate information and support. This article outlines the development and piloting of the Emotional Readiness Scale, on which the online tool is based.

Emotional readiness following separation

Divorce and separation are challenging times in terms of emotional upheaval. Research suggests that those going through a separation can experience a complex interplay of emotions (Sweeney & Horwitz, 2001; Halford & Sweeper, 2013), and declines in emotional well-being are more pronounced if there are children involved (Leopold & Kalmijn, 2016). These strong emotions can impair parents' ability to cope and some separating couples require support to deal with practicalities, such as making and agreeing childcare arrangements (Jurma et al., 2015; Mitcham-Smith & Henry, 2007). To ease the burden on British courts and to reduce conflict, there have been attempts to encourage out-of-court pathways where divorcing and separating couples receive support through mediation, solicitor negotiations or collaborative law, to agree arrangements without involving the courts (Barlow, Hunter, Smithson & Ewing, 2014). However, research suggests that engaging in these difficult negotiations too soon can lead to fruitless mediation attempts, and possibly, worse entrenchment (Beck & Frost, 2006; 2008).

Pivotal research has shown that the emotional readiness of separated parents to negotiate childcare arrangements with the child's other parent is crucial in determining the success of various out of court pathways (Barlow et al., 2014). Indeed, the authors conclude that the ability to make effective co-parenting agreements and to reduce conflict following divorce depends on a person's emotional state, or readiness. Establishing the extent of separating parents' emotional readiness would enable practitioners to signpost to appropriate support and to pathways, which facilitate successful dispute resolution and effective co-parenting. Separating parents who are emotionally ready are more likely to progress towards making amicable agreements about childcare arrangements. However, for those less emotionally ready, there is a need for more support. Such support might include communication skills development, or more intense psychological help such as counselling.

To determine whether making child care arrangements is an achievable outcome, it is therefore crucial that the professionals supporting separating parents can quickly assess if parents are sufficiently emotionally ready or whether more support is required. A scale which can help make this assessment and signpost accordingly would be useful to practitioners as an initial filter to identify whether separating parents are ready to engage with various out of court resolution options. It could also be provided for separating parents to access themselves as an online tool to help direct them into the appropriate pathway according to their emotional readiness to engage with the child's other parent. Indeed, such online resources have been recommended as a key component for filling the access to family justice gap (Barlow, Ewing, Hunter & Smithson, 2016).

This article focuses on the development and practical application of an Emotional Readiness Scale for separating parents. First, we outline the item development process undertaken which involved a literature review and expert consultation. Second, in Study 1, we report a qualitative analysis of feedback from parents regarding sources of support following separation. Third, in Study 2, we describe practitioners' feedback regarding the feasibility of using the scale in practice. These findings are discussed in terms of the support implications for practitioners and the development of an online signposting tool. Finally, Study 3 assesses the concordance between mediators' comments and their clients' scores on the scale, following its application in face-to-face sessions. We then discuss the practical uses and implications of an online tool for separating families, and considerations for further research. Our focus throughout this paper is on the practical use of the scale with separating families. A technical paper fully detailing the validation and psychometric properties of the scale featuring quantitative results from several testing phases is forthcoming (Millings et al., 2019). It is intended that this article and the forthcoming paper will complement one another and provide detailed picture of the Emotional Readiness Scale.

Item Development for the Emotional Readiness Scale

The development of the Emotional Readiness Scale comprised an initial literature review to identify common emotions experienced during relationship separation and divorce, and expert consultation to develop the subsequent items.

Literature review

In reviewing the research literature, the leading emotional states in this context were described as: confusion/shock; guilt; frustration/desperation; grief/loss; bitterness/resentment; anger; rejection; relief; and shame. Additionally, research suggests that some of these emotions are likely to have a greater and lesser influence on negotiating with the other parent about childcare and effective co-parenting arrangements (Orth, Berking & Burkhardt, 2006; Sakraida, 2005; Sbarra, Smith & Mehl., 2006). For example, guilt is related to cooperative negotiation behaviour i.e. more yielding and problem-solving behaviour; whereas shame is related to uncooperative negotiation behaviour i.e., more forcing, more avoiding, less problem-solving behaviour (Wietzker, Buysse, Loeys & Brondeel., 2011; Wietzker, Loeys & Buysse, 2013). We define emotional readiness as the degree of resolution of person's emotional reaction to their separation, the anticipated outcome of which is an improvement in their capacity to engage with the pragmatic complexities of their separation.

Further exploration of the literature revealed that emotional reactions may depend on several factors, such as, whether a person is the initiator or recipient of the separation (Baum, 2007), their level of control over the separation process (Sweeney & Horwitz, 2001) and the length of time since the separation (Halford & Sweeper, 2013; Maatta, 2011). Evidence suggests that emotional adjustment following separation improves within two years after separation, with the most conflicted separated couples being an exception to this (Halford & Sweeper, 2013). Given that most effective childcare arrangements are established soon after separation, the focus for developing the Emotional Readiness Scale was the initial stage of

separation, when the emotional reaction is often most pronounced. We therefore concluded that the items in the Emotional Readiness Scale needed to tap the range of emotions outlined above, and to be relevant for these initial separation timescales.

Expert consultation

The next phase in development was to consult relevant experts regarding the emotional states identified. Consultation took place with family psychotherapists, trained mediators with experience in family law, and academics with expertise in relationships research. The emotional states evidenced in the literature were validated through discussion of both practical experiences with separated parents and relevant theoretical models, and the items for the Emotional Readiness Scale were developed. In total, ten statements were created which tapped into these emotional states, and two additional items, which assessed risk of violence, and general co-parenting ability. These items were subsequently dropped: identification of risk of violence was beyond the scope of the scale (and would be assessed in practice by other risk management procedures) and we considered that co-parenting ability is an outcome rather than a component part of emotional readiness. The wording and comprehension of each statement was tested with mediation and psychotherapy clients. The items were then subjected to substantial validity testing to assess the psychometric properties of the scale. This work is described in full elsewhere (Millings et al., 2019); however, it is relevant to the current paper to note that in one of the validity studies, separated parents completed the Emotional Readiness Scale, and provided qualitative comments regarding what sources of support they had found helpful. Here, we describe the findings from a qualitative analysis of these data.

Study 1: Qualitative analysis of sources of support for separated parents

Initial cut-offs were proposed for high, mid-range, and low emotional readiness, based on the upper 25%, the middle 50%, and the bottom 25% of a sample described in Millings et

al. (2019). In this sample, after completing the Emotional Readiness Scale, 114 separated parents gave suggestions regarding “the kinds of things that people who have gone through a break up have found helpful.”¹ This dataset was subjected to thematic analysis (Braun & Clarke, 2006). An initial reading of the data set allowed familiarisation with the dataset, and 17 codes were identified which were then reviewed further and condensed into 5 themes: passage of time, range and source of resources, mental health issues, lack of support, and focus on child. These themes are defined in Table 1:

Insert Table 1

As the current study aims to understand and explicate the categories of emotional readiness in relation to those resources used following a break-up, further thematic analysis was carried out on responses from participants within each category of emotional readiness (high, mid-range, & low). Common across the three categories of emotional readiness were: the use of support close to the individual (e.g., friends, family, work colleagues) being helpful; and, time being a healer. However, there were distinct differences between the categories with respect to all five themes. These differences are discussed below.

Range and Source of Resources

Participants in the low and mid-range emotional readiness categories reported using a wide range of support resources (e.g., family, counselling, and work). Those in the mid-range category discussed the resources they had used as both helpful and not helpful in an evaluative manner. This contrasts with those high in emotional readiness, who referred largely to those resources that they had found helpful, and, those low in emotional readiness, who referred largely to those resources that they had not found helpful.

Although participants across all categories identified friends and family as helpful in managing the break up, the type of resources used by those in the mid-range emotional readiness category was more varied. They were more likely to report finding charities,

General Medical Practitioners (GPs), and in some cases, solicitors helpful, as well as family and friends. Those high in emotional readiness also reported using counselling more frequently than those lower in emotional readiness.

Lack of Resources

Seven (29%) participants in the low-emotional readiness category reported a lack of support from external agencies (such as the court system, GPs, charities, and mediation). This contrasts with no participants in the high emotional readiness category and nine (15%) in the mid-range emotional readiness category reporting a lack of resources and/ or that resources were not helpful.

Mental Health Issues

Mental health issues were a common theme for those in the mid-range emotional readiness category. This included the use of counselling services, but also identification of own and ex-partner's undiagnosed mental health issues contributing to the break-up and consequent conflict. Of the 20 references to mental health issues in the data, 14 were from participants in the mid-range category. In the high and low emotional readiness categories discussions of mental health focussed on counselling and accessing support, whereas in the mid-range category there was also reference to the negative impact of mental health on their coping with the break-up. Largely the use of counselling was referred to in positive terms across all categories.

Focus on Child

Seven participants discussed focussing on their child/ren as a helpful means of coping with the break up. Of those seven, 5 participants were in the high emotional readiness category, one was in the mid-range and one was in the low-emotional readiness category.

Study 1 Conclusion

These findings highlight the likely different preferences, perceptions, and patterns of engagement with sources of support from individuals with different levels of emotional readiness. Those high in emotional readiness were drawing on informal social support networks, had engaged with counselling, and were striving to put the needs of their children first. Those with mid-range emotional readiness had mixed experiences of the usefulness of sources of support and used a broader range of resources (both type and source). Those with low emotional readiness were struggling to regulate their own mood and look beyond themselves. These key differences may have implications for the appropriateness of different kinds of support depending on an individual's emotional readiness and the signposting required in an online emotional readiness tool to guide separating parents to the pathway best suited to their needs.

Study 2: Feasibility of the Emotional Readiness Scale in practice

Before digitising the Emotional Readiness Scale to create the Emotional Readiness Tool, we explored the feasibility of using the tool with practitioners who work directly with separated parents. A core part of the current UK pathways to dispute resolution in separation is the 'Separating Parenting Information Programme' (SPIP). This a course for separating parents, who are often ordered by the courts to attend. The SPIPS are delivered to groups of separating parents (separating partners attend different groups) and aim to encourage them to put the needs of their child first and to identify the skills useful in making amicable child care arrangements (Trinder et al., 2014). The SPIPS are delivered by providers commissioned by Cafcass (Child and Family Court Advisory and Support Service), and these providers often also provide mediation. The SPIPS providers were therefore identified as offering an appropriate context in which to assess the feasibility of using the Emotional Readiness Scale, in either a SPIP-or mediation environment.

An online survey (delivered using SurveyMonkey) asked practitioners about the perceived usefulness of an Emotional Readiness Scale, as well as the practicalities and preferences of how the scale could be administered, in either a SPIP or a mediation session. We also asked whether survey respondents thought that they would be able to assess a client's emotional readiness themselves, using professional judgement. We wanted to be able to benchmark the Emotional Readiness Tool against professional opinions (as we describe in the following section). The questionnaire was sent, by Cafcass, to all SPIP providers in April 2018, and an online group discussion facilitated by a researcher (the first author) was held following this during a routine conference call between Cafcass and SPIP providers.

In total, ten practitioners from eight different SPIP providers answered the feasibility questionnaire. All SPIP providers felt that having an Emotional Readiness Scale would be useful to identify separated parents' emotions towards their ex-partners, to classify them according to how ready they are to communicate amicably, and any additional support needed. They also felt it could be useful to monitor change (short and long term) in a separated parent's emotional readiness to communicate with an ex-partner.

Although most of the SPIP providers said they would have been happy to test the scale with their clients, some logistical difficulties were identified. Just over half of SPIP provider respondents felt it would be 'easy' or 'very easy' to integrate the Emotional Readiness Scale into the content they already covered with parents. However, four felt it would be 'difficult'. Some reasons they gave for this included: the amount of content already in the programme; finding time to include the scale; the sense that it may work better as a one-to-one tool; and the view that a group session made it more difficult to give personal reflections to individual parents. In terms of practitioners' confidence in making judgements about separating parents' perceived emotional readiness, just under half of SPIP survey respondents felt that they or their colleagues would be able to assess a SPIP attendee's

emotional readiness to communicate with their ex-partner. However, five said they were 'not sure'. Reasons for uncertainty included a concern that this may change the role of the SPIP provider and may impact on confidentiality. All SPIP providers were keen for the researchers to provide information on how to introduce the Emotional Readiness Scale to parents. Four SPIP providers said that they provided mediation sessions as well as SPIP sessions to separated parents; one survey respondent represented a new mediation service provided. The three survey respondents who already provided mediation services recognised how the Emotional Readiness Scale could be incorporated into their existing mediation sessions. They thought that the one to one provision of service would make it easier to introduce the Emotional Readiness Scale to separating parents and to deal with the practicalities of using the scale and providing their own assessment of a clients' emotional readiness.

Study 3: Mediator assessment of emotional readiness

Following the results from the feasibility scoping survey described above, we designed a small-scale validity testing study with mediators working with separating parents. Mediators were invited to use the Emotional Readiness Scale with clients who were taking part in a MIAM (Mediation Information Assessment Meeting). A MIAM is a first meeting with a mediator and offers separating parents a chance to find out how mediation works and whether it is right for their family situation. In addition to asking the clients to complete the Emotional Readiness Scale, mediators were also asked to indicate overall how emotionally ready they perceived the client to be using the same three categories, and to rate their own confidence in their decision (from 1, *'not at all confident'*, to 5, *'very confident'*).

Two mediators from different mediation associations took part in the study. In total, 30 separated parents completed the Emotional Readiness Scale and questionnaire and mediator assessments were provided for all these clients. Results showed a 62% match between the three categories of readiness (green-amber-red) determined by the parent and

mediator self-reports on the 10-item Emotional Readiness Scale. Seventeen percent of separated parents were classified by the mediator as *less* emotionally ready based on their self-report on the Emotional Readiness Scale, whereas 21% of separated parents were classified as *more* emotionally ready by the mediator.

Qualitative comments provided by mediators in an open-ended question identified that mediators used both verbal and non-verbal cues to make their judgements of how emotionally ready their clients were (see Table 2). When mediators categorised the parent as *least emotionally* ready, they give reasons for this judgement based on high levels of conflict between the parents and visual signs of emotional distress and upset. When parents are rated as *somewhat ready*, mediators' comments suggested some initial awareness of, and focus on, the child's needs; but also evidence of some conflict and external difficulties, such as trouble with extended family. When mediators rated their clients as *highly emotionally ready*, reasons given include the focus on both the child and other parent's needs and a sense of emotionally disconnecting from the process, or knowledge that the client had had counselling to help deal with the separation.

Insert Table 2

For most clients (25/30), mediators felt confident (rating either 4 or 5 on a 5-point scale) in making their judgements of emotional readiness. For the five clients where mediators rated themselves as moderately confident (rating 3 on a 5-point scale) the qualitative comments reveal that mediators were aware of any discrepancies between how a client may present themselves externally and how they may really be feeling about the separation and their ex-partner.

"Presents well but may be struggling"

"Presents as able to resolve - ex-partner, Cafcass, SSD believe she is manipulative."

A statistical analysis of the match between mediator and self-assessment categories of emotional readiness is presented elsewhere (Millings et al., 2019.)

General Discussion and Conclusions

In creating and testing the Emotional Readiness Scale this work demonstrates it may be a useful measure to assess separating parents' readiness to make childcare arrangements with their ex-partner. We have shown that the cut-off values proposed yield meaningful, qualitatively distinct categories, both in terms of the support highlighted as useful by separated parents, and the professional opinions of mediators regarding the level of readiness of the separating parents they work with.

The Emotional Readiness Tool, a digitised version of the scale, is currently being piloted as part of the Co-parent Hub that OPO has created for Cafcass. Clients are directed by their Family Court Advisors (FCAs) to complete the Emotional Readiness Tool via the hub, and to report back to the FCA on their score. This is then used by the FCA to begin a discussion with the client about support options for getting ready for court, with a view to triaging accordingly. Work is currently underway to develop guidance for FCAs (key points of which might also be generalisable to other settings) in how to use the emotional readiness score to support decision-making regarding support options.

It is of vital importance for future research to explore how emotional readiness scores link to measurable outcomes, such as the existence and quality of parenting plans, success in making out-of-court childcare arrangements and, when cases go to court, the complexity of the case and length of the proceedings. Additionally, it is important to consider the inherently dyadic nature of emotional readiness. An individual parent's emotional readiness might tell us a great deal about their ability to communicate and make effective parenting plans with their child(ren)'s other parent. However, communicating and making effective plans requires the engagement of both parents, and the efforts of an emotionally ready parent

can be entirely hampered by the lack of emotional readiness of their child(ren)'s other parent, if it leads that parent to disengage. It is therefore important to consider emotional readiness from a (former) couple-level perspective. Like many psychological processes involved in relationships (e.g., Millings & Walsh, 2009) emotional readiness is a dyadic phenomenon, and needs to be treated as such at both the research and practice levels.

We are currently working on a programme of research to assess the outcomes associated with different levels of emotional readiness, and to explore the dyadic nature of the construct. The continued assessment and refinement of the scale and the online signposting tool is important in meeting the emotional and support needs of separating parents and will ultimately help contribute to improved child outcomes.

Acknowledgments

We would like to thank all those who helped in supporting this research and the development of this paper including Dr Lester Coleman, Dean Wilson, Professor Anne Barlow, Professor Janet Reibstein, staff at Cafcass, the SPIP providers who participated in the feasibility survey and discussion, the mediators who piloted the scale with their clients and of course the separating parents who took part in the testing of the scale.

Notes

¹ Full wording of the question: “We're interested in the kinds of things that people who have gone through a break up have found helpful for managing feelings, getting one's head around what has happened, and planning for the future. We'd like to be able to share this knowledge with others, so that it may help them too. Have you any suggestions? (These might be online forums you have found useful, particular people (friends, colleagues) who were good, or not good to talk to, or support from unexpected sources, such as GPs or line managers at work)”

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Table 1. *Description of themes.*

Theme	Definition	Illustrative Quotations, by Emotional Readiness level
Passage of time	The mere passage of time as helpful.	<p>“there is light at the end of the tunnel. try and get to the real points.” (low)</p> <p>“It gave me strength knowing that this situation would not last forever and that their is light at the end of the tunnel” (mid-range)</p> <p>“Time. A clear sense of what is and is not negotiable.” (high)</p>
Range and source of resources	<p>Using multiple resources that included those close to the individual (e.g., friends, family), online resources (e.g., Facebook groups), and external professional resources (e.g., the court system, mediation, charities).</p> <p>Type of resource used by participants – this includes internal resources (e.g., acceptance), external resources (e.g., the court system).</p>	<p>“Good friends and family invaluable.” (high)</p> <p>“Women's Aid, Broken rainbow, Counsellor, Book called "Controlling People", Some friends, my brother, co-counselling partner, mediators (though not the first one who let him keep on attacking me) Samaritans... One lawyer was dreadful - trying to counsel/advise on personal and parenting issues. Another was excellent...” (mid-range)</p> <p>“I have tried many things yet am still unable to put things into practise regularly as whether I do things or not often depends on my mood.” (low)</p>
Lack of Support	<p>A lack of resources available.</p> <p>Available resources that were not helpful.</p>	<p>“Various professional people have acted as judge jury and executioner when dealing with my ex and her false allegations against me. That situation has been terrifying as I had to apply for a child</p>

		<p>arrangement order to regain proper access to my son. The court were able to collate a more complete picture and award shared care, reinstate access etc.</p> <p>I feel health visitors and doctors taking sides without any in depth knowledge of a situation is damaging and unjust for parents and children”</p> <p>(mid-range)</p>
Mental Health Issues	<p>Discussion of either own or ex-partner’s mental health as contributing to their ability to engage in/ employ resources that have been helpful following their break up.</p>	<p>“suffered with depression after our breakup and I found counselling helped a lot just by being able to talk about my problems really helped me deal with my situation” (high)</p> <p>“Counselling with a counsellor who specialises in emotional abuse; reading extensively on emotional abuse and reasons behind it; exploring the idea that my soon to be ex-husband has narcissistic personality disorder and accepting that I cannot change this, but that it is very helpful to understand where he is coming from in his often, erratic interactions. Focussing on how much better the children and I are now - all of the 5 of us off antidepressants (me) and discharged from psychiatric services (eating disorders and child and adolescent mental health).” (mid-range)</p> <p>“Undiagnosed mental illness is a huge problem and guidance on how to deal with this would have saved immense trouble” (low)</p>
Focus on Children	<p>Desire to promote child’s wellbeing motivates behaviour following separation.</p>	<p>“Mine was just putting my son first and realising that having a positive interaction with my ex was essential for his benefit. Making sure he doesn't get used as a weapon.” (high)</p>

Table 2. *Mediator assessment of their client's emotional readiness and example comments on why they made this judgement.*

Mediator's perceived level of client's emotional readiness	Example comments
High levels of emotional readiness	<p>Has had individual and couple counselling</p> <p>Emotionally disconnected focused on the process in hand and achieving the objective- "I want closure".</p> <p>Very focussed on needs of child and partner</p>
Moderate levels of emotional readiness	<p>Still very emotional but focussed on child's needs</p> <p>Lots of conflict previously some resolution when attended mediation previously conflict reappeared.</p> <p>Lots of conflict and extended family involvement.</p> <p>Clear coherent child focused</p>
Low levels of emotional readiness	<p>Very tearful and angry</p> <p>Background of emotional abuse. Distress shown throughout the meeting.</p> <p>High conflict</p>