

Examining the Efficacy, Longevity, and Impact of the Kids First I-Cope Program

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Preface

This article presents a modestly edited final report presented to Kids First, a Portland, ME non-profit that asked us to assess their Intensive Co-Parenting Education program (I-COPE). I-COPE is a unique nine-week court-mandated course for high-conflict, litigating parents. We presented this report orally and in writing in May 2012 to members of the staff and Board of Directors of Kids First. It was not our goal to make recommendations for change for the I-COPE program, but rather to explore and examine evidence about the effectiveness of the nine-week course for parents and their ongoing relationships with each other, their children, and the courts.

We were pleased to report that Kids First's overall mission and its nine-week I-COPE course in particular are enormously helpful for the right families, at the right moment in their divorce/separation. Moreover, the methods that I-COPE employs to help co-parenting partners communicate better and put their kids first and their own hurt second appear to be highly valued by co-parenting partners. Still, as our paper indicates, we were challenged to bring to the program's attention problem areas where small changes might offer large improvements in the outcome of the course for future participants.

As students of sociology, government, and gender studies, we benefited enormously from having been able to undertake field research and to work closely with an organization that has taken remarkable strides to affect real change in the adversarial process of divorce and separation. Kids First gave us the unusual chance to work as research partners and consultants, as well as the opportunity to speak candidly with program participants, attorneys, judges, magistrates, and Kids First staff about challenging issues in the state of Maine and around the country. We will draw from the invaluable lessons that we have learned from the experience of applying our research skills in a policy and practice setting as we pursue future careers as policy makers and legal advocates.

Introduction

Separation and divorce can be painful, time consuming, and financially draining for all involved parties. As destructive as the dissolution of a relationship can be for parents, it is often the children who pay the highest price for the conflict and strife that come from continual court battles and custody disagreements. As a result, forty-six states now offer parent education programs (Schaefer 2010). According to legal scholar Tali Schaefer (2010), the meteoric increase in judicial requirements for divorcing parents to attend parenting classes exemplifies several interesting tensions in contemporary family law. For example, Schaefer lists, "The frustration of the judiciary with domestic relations litigation, exacerbated by a deeply felt sense of urgency as judges are incessantly exposed to the most acrimonious divorces; and emphasis on individual responsibility [...] and the enduring underlying belief that [...] it is wrong to divorce, at least when minor children are involved" (2010, 143) These tensions are certainly apparent in the Maine court system.

Underlying these tensions is the use of the "love hate model" in family courts of Maine; the adversary process of courts creates a binary atmosphere of love and hate, wherein there is only one "winner" and one "loser." In this way, court processes can actively harm existing family connections, greatly diminishing the opportunity for repair in familial relationships. Operating

under this type of “love-hate model,” most family court cases in the United States serve only to “reinforce the acrimony between former family members, especially in the context of divorce and child welfare” (Huntington 2008). Faced with these tensions and problematic procedures, judges and courts seek ways to mitigate the problems of harmful divorce litigation in an accessible, cost-effective way, particularly with a focus on the wellbeing of the children involved.

For 14 years, the Kids First Center in Portland, Maine has provided one approach to mitigation, operating under the belief that the hurt and stress of separation or divorce can be managed in ways that protect children and foster appropriate co-parenting skills and communication along the way. The Kids First Center, founded in the 1980s, provides a variety of classes and group sessions for parents that are designed to help them prioritize the needs of their children while dealing with the emotional, legal, and financial stress of divorce and separation. One such program, the Intensive Co-Parenting Education Program (I-COPE), is a nine-week education class that brings high-conflict parents into a group setting to learn about and practice strategies for jointly raising children while reducing or avoiding the damaging effects of divorce/separation. According to the Kids First Center, “Psycho-educational programs such as this are predicated on the understanding that conflict resolution is about changing behaviors and actions, not about changing feelings.”¹ Parents attending I-COPE must be ordered to do so by either a judge or magistrate and must attend the program together.

Unlike several other programs that Kids First offers, I-COPE begins with a session in front of a judge, who challenges the parents to work hard and take on the responsibility of putting their children’s needs before their own interpersonal conflict. I-COPE encourages parents to develop at minimum a business-like relationship that will offer their children support, stability, and protection from hostility. An article published by two I-COPE facilitators attests that “It is common for parents in this group to not have spoken to each other in years. The process of desensitizing them to hearing each other’s voices, sharing the same space and being in a safe and neutral setting begins [on the first day]” (French and Wiggin 2006, 5). Throughout the course, the facilitators’ keep the focus on the children by employing conflict resolution models and various communication strategies. Some of these strategies involve completing “homework” and mandatory phone conversations about the children between weekly class meetings. Ultimately, French and Wiggin note that, “Success is difficult to measure and the outcomes are not always superior [...] The highly emotional and financial cost of the judicial battle zone are difficult for some parents to set aside during the program; however with the support of the entire group and co-facilitators, there are always stories of success for the children and their parents” (5).

Given this difficulty of assessment, the facilitators and administrators of the Kids First Center approached us, as two recommended students of government, sociology, and gender studies, seeking an outsider’s perspective on the efficacy of I-COPE. From October 2011 to May 2012, we thus developed a combined qualitative and quantitative approach to data collection in collaboration with Kids First staff, which allowed us to examine the impact that the Kids First’s high conflict program has from the perspective of the individuals in the course and the judicial officers who require it.² We analyzed the I-COPE program using personal interviews with program participants, referring judges and magistrates, and Kids First staff members. We incorporated an analysis of data collected in Kids First’s own records but not previously analyzed, including information about class

¹ Intensive Co-Parenting Education Program (Formerly known as Kids First Program for Parents in High Conflict). *Kids First Center: Supporting Families of Separation and Divorce*. http://www.kidsfirstcenter.org/services_parents.html.

² Our research protocol was submitted to the institutional review board of our institution and approved.

members and the written responses of participants to I-COPE questions about satisfaction with the course.

Overall, the response to the program from all parties has been positive. Still, the interviews we conducted provide new perspectives that may help I-COPE with self-assessment. The testimony we heard indicates that although the program's strategies and lessons are seen as valuable and well crafted, upholding the practices learned through I-COPE in everyday life can be difficult in the long-term. Furthermore, Kids First depends on the Maine District Courts to refer parents to their program. As a result, the overall success of the I-COPE program depends upon good communication between the organization and the court system about the program's goals and the most suitable program participants.

Methods

Qualitative

To understand the long-term effects of the I-COPE course, we knew that we had to consider the reports and subjective experiences of participants, the individuals whom the program is designed to help. In order to do this, we began by reaching out to individuals who had previously given consent to be contacted after completion of the course for follow-up information gathering. We only contacted participants who had completed the I-COPE program between 2009 and 2011. We sent two mailings to each of these participants requesting their consent to be interviewed confidentially for our project. In the span of about six months, we sent letters to forty-six people and received eleven consent forms in return. We proceeded to contact each of these consenting participants by phone and were able to schedule interviews with eight of them – three interviews were conducted in-person and five were conducted over the phone. We were disappointed at the relatively low response rate and cannot claim that the interview results are representative of the experience of all I-COPE participants. However, the range of responses and their richness do provide a consistent picture of the benefits of the program and raise important questions about program design. Each interviewee signed a consent form indicating their agreement to be interviewed, as well as to have their interview tape-recorded, with the condition that their identities remain entirely confidential. Throughout this report, we use pseudonyms when quoting from the interviews.

Our interviews were informal but guided by a set of pre-determined questions. These questions were specifically designed to explore the participants' perceptions of I-COPE's impact on relationships with their co-parenting partners, their children, and the court system in general. During the interviews, we emphasized that responses could be either positive or negative and should simply be candid.

As noted above, we recognize that the comments of our interviewees represent subjective perceptions influenced by a number of variables, including the individual's own level of engagement, the level of perceived engagement of their co-parenting partner, and the status of their ongoing litigation. The purpose of these interviews was to get a sense of how participants responded (and likely would continue to respond) to the strategies and methods proposed by the facilitators: whether they actively utilized the I-COPE tools, and whether they felt positively or negatively about the overall experience. We as researchers inevitably bring our own biases and experiences to the table in the interview context, and despite our best efforts to remain objective it should be noted that this is a project of human interaction and therefore can never be truly objective.

In addition to these interviews with program participants, we conducted interviews with judges, magistrates, and one Kids First staff member in order to explore the way the program is

perceived by those who mandate the I-COPE course and administer it. Most importantly, we wanted to examine how the Kids First organization interacts with the family courts in Maine, and the reasons why judges and magistrates refer co-parenting partners to the I-COPE program. We used a snowball sampling method, focusing only on judges and magistrates who we knew had dealt with Kids First before, either by mandating that couples take the I-COPE course and/or by presiding over Kids First graduation ceremonies. Our interview request letters were follow-up mailings to an initial letter that came directly from the Kids First Center. All of these interviewees were similarly encouraged to speak honestly – but not confidentially – about their dealings with and opinions of Kids First. It proved to be very difficult to contact and schedule in-person interviews with judges and magistrates. Therefore, while we interviewed two judges, one magistrate, and one Kids First staff member, only one of these interviews was conducted in person, and the rest took place over the phone.

In the case of the legal officials, the interviews focused on what judges and magistrates understand to be the purpose and goal of the I-COPE course. We were especially interested in the specific criteria referring judges and magistrates use to determine whether a couple might be well suited for this program. We also asked whether judges and magistrates noticed any change in the courtroom behaviors of individuals who had taken the course, and whether they thought the course could be improved or expanded, and how to go about doing so.

By interviewing the programming coordinator for Kids First, in her post since 2008, we were able to get a clearer picture of whom the program facilitators and organizers hope to see in their classes, and what they expect judges and magistrates to be looking for when they refer parents to I-COPE. It was additionally illuminating to hear about the challenges of filling I-COPE classes during the summer months, given families' evening time constraints. Hearing both the administrative and judicial sides of the participant recommendation process was crucial in examining the criteria for referral that Kids First intends and how referral works in practice through judges and magistrates.

Quantitative

In addition to the perspectives of our interviewees, we reviewed and coded data from I-COPE case files beginning in 2010 through September 2012 for all 103 participants into an Excel file. We chose to include several free form responses in our quantitative break down as well, derived from various assessment forms given to participants by their Kids First facilitators. Our biggest challenge in compiling the quantitative piece of our research stemmed from inconsistencies in the records on the part of Kids First.

We narrowed our materials down to the following pieces: class payment sheets indicating how much each participant paid for the course, two different descriptive intake forms, the Mid Group Self Assessment, pre- and post-tests for self-evaluating attitudes and behaviors, and the Final Self-Evaluation form. With the exception of the pre- and post-tests, we found that each class's file had varying levels of organization, with certain forms missing from some files and present in others. Furthermore, participants themselves answered questions inconsistently, leaving many sections blank. The only intake form, which required participants to indicate their income and race, for example, was missing in about 75% of the case files. Without this intake document we have incomplete data about these demographic characteristics. Due to this inconsistency either on the part of facilitators or the participants themselves, there are several pockets of missing data. This is not unexpected or uncommon for a non-profit organization like Kids First. Once completed, we converted our coded Excel file into Statistical Package for the Social Sciences (SPSS) in order to do statistical analysis.

Presentation and Discussion of Data

Who are the I-COPE participants?

According to the data we collected from the 2010-2011 I-COPE classes, a few demographic trends emerged that allowed us to create a picture of *who* attends I-COPE. Not surprisingly, about 93% of responding I-COPE participants indicated that their race was “white” or “Caucasian.” In terms of level of income distribution, which we collected from one of the Kids First in-take forms, 41% of responding participants reported having an annual income of less than \$30,000. These data indicate that I-COPE serves mostly middle to low income individuals in Maine.

We found that *none* of the participating parents had more than three children with their respective co-parenting partner, and 60% of individuals reported that they only had one child. Further, 48% of participants reported that the age of their oldest child fell between one and five years old at the time of the course. Though the following data measure was difficult to gauge (given the free-form responses on the in-take forms), the majority of I-COPE participants report that their reason for attending I-COPE concerned on-going child support litigation, custody and residency issues, and divorce agreements that were “contingent upon completing Kids First.” Given the on-going state of litigation for almost all of the 2010-2011 I-COPE participants, it is not surprising that about 75% of responding individuals reported having an attorney at the time of the course.

Lastly, there were several Kids First intake questions that gave participants the opportunity to report any type of abuse either during their relationship with their co-parenting partner or at present. These reports included: emotional, verbal, physical, sexual abuse; Protection From Abuse order on your partner or Protection From Harassment on your partner. Given these categories, only 19% of participants reported absolutely *no* form of abuse. Of the roughly 80% of individuals who reported some type of abuse, 43% reported that the abuse was either emotional or verbal.

It should be noted that all of these statistics stem from self-reported intake surveys, and are thus susceptible to “reporter bias.” Nonetheless, these statistics shed some light on the individuals that I-COPE serves in terms of income level, number of children, reasons for attending the program and levels of conflict in the relationship.

I-COPE is Working

Although much of our research will point to the ways in which I-COPE can be improved, almost every participant that we interviewed agreed that the course was a highly valuable and important program for co-parents in conflict situations. The retrospective interviews tell the same story by and large as do the Final Self-Assessment forms and the pre- and post-test data. Our interviewees agreed that the I-COPE program is a *necessary* program for high-conflict parents, and *no one* failed to see the benefit of their work with Kids First during the nine-week seminar. Several parents indicated that the intensive, in-class “hot seat” sessions were particularly memorable and fostered an atmosphere of accountability and, ultimately, trust. The psychological impact of hearing other co-parenting couples’ work through their issues deeply and positively affected several participants. One mother commented, “It’s nice when you are hearing some people experiencing the same thing as you. It’s almost like Alcoholics Anonymous, you know? Non-alcoholics can’t really relate to what it’s like being an alcoholic.” Thus, the group process offered opportunities for learning that would not be available in individual or couples counseling sessions. According to our quantitative data, 97.6% of responding parents answered, “yes” on their final in-class evaluation forms when asked if the I-COPE course had allowed them to learn from other couples in the group. Additionally, 94% of participants affirmed that I-COPE had “helped overall” with their co-

parenting partnership, and 88% of participants report feeling “hopeful about working together” on their final I-COPE self-evaluations.

Although the largest disadvantage of I-COPE appears to be its lack of follow-up procedure(s), past participants noted that the interpersonal strategies and communication tools that the facilitators discussed during the course *have* had lasting impact. Jake Anderson, who completed the I-COPE program in 2010, two years after filing for divorce, agreed that the ways in which the facilitators emphasized personal accountability really stuck with him. He recalled, “[The facilitators said] ‘you can only control what *you* can control.’ So, the biggest thing I have learned from Kids First is not to engage and to just relax when you get that big long dissertation via email or something. I used to engage and now I don’t.” Wanda Cleary, who also completed the I-COPE program in 2010, highlighted a specific conflict resolution technique that she has tried to implement after the course. “As part of the toolbox of communication strategies,” Wanda said, “They gave us a little card; basically steps to resolve conflict. This little card you could carry in your wallet or purse wherever you went, and take it out whenever you and your ex were trying to resolve something and are getting to a dead end or getting heated.” Two years later, Wanda says the card remains in her wallet. Although both of these individuals reported a drop-off in communication with their former spouse at some point after the course, their responses here indicate that the I-COPE strategies had some lasting effect, even if they did not solve all of their problems.

The pre- and post-test self-assessments also provide consistent and credible evidence of positive change during the course itself. Comparisons of participants’ responses on the pre- and post-tests (self-ratings of 1 to 5 with 5 most positive) show a consistent evidence of positive improvement. Table 1 reports that the scores of over half of program participants increased on six of the eight self-assessment items, and over 70% improved with respect to “listening to my co-parenting partner” and openness “to hearing my co-parenting partner’s views.” Participants who recorded the *lowest* scores (1’s or 2’s) on pre-test questions such as “I am open to hearing my co-parenting partner’s views,” and “I am able to raise an issue in a non-blaming way,” showed the largest amount of improvement.

Table 1: Percentage of Participants with Higher Self-ratings in Post-test than in Pre-test

Test Assessment Responses	%
“Listening to my co-parenting partner”	72%
“Open to hearing my co-parenting partner’s views”	70%
“Remain calm when conflict arises”	65%
“Focus on a common goal for my children”	62%
“Raise issues in a non-blaming manner”	56%

For example, 90% of respondents who rated themselves a “2” on the pre-test question “I am open to hearing my co-parenting partner’s views” rated themselves as either “4” or “5” on the same post-test question. This improvement speaks to I-COPE’s ability to affect change during nine weeks of

learning co-parenting communication strategies. Additionally, we noticed a similar trend of improvement in the pre/post test question, “I am able to remain calm in conflict.” For example, 83.3% of participants who rated themselves a “2” on the pre-test for this particular question, improved to either a “4” or “5” on the post-test. These measures of improvement provide a significant gauge of the efficacy of the course itself on the level of improvement in relationships that co-parenting partners enjoy during their nine weeks in I-COPE.

Justice Andrew Horton, who has presided over many I-COPE induction and graduation ceremonies, noted that acquiring tools for appropriate co-parent communication is essential for reducing hostility and, in his view, for keeping families out of the courts. In his experience, Justice Horton noted that:

“A lot of trouble that people get into and the conflict that spills over into the courts stems from improper communication. Often, people have difficulty just articulating their feelings; people just have such a hard time discussing their issues in a way that isn’t confrontational. And, that’s really what Kids First does. Kids First gives parents the communication tools they need to be in each other’s lives and raise a child.”

However, extenuating circumstances and deeply rooted legal and relationship conflict can often trump just nine weeks of effective communication strategies. In the following portions of this discussion, we will address the various issues that problematize the effectiveness of the I-COPE program and these conflict resolution models.

The Effects of I-COPE on Children

Many past participants in I-COPE are happy to report that their children are doing well despite the fact that co-parenting partnerships may have disintegrated after the completion of the course. The concept of keeping children “out of the middle” remains highly salient to participating parents after the I-COPE program. However, it is undoubtedly difficult for them to acknowledge that their adult relationships and arguments may be hurting their own children. Thus, we recognize that asking parents to assess the ways in which their divorce or separation has affected their children can be extraordinarily problematic.

Though we directed many of our interview questions towards participants’ relationships with their children, individuals were often reluctant to speak about their kids. In the pre-test question, “I know that conflict damages my child,” 96% of responding participants answered either “4” or “5,” indicating that they *did* recognize the stress of high conflict divorce on their children. However, our interviews suggested that one of the major hurdles that the I-COPE program faces may be the fact that parents resist accepting how their conflict affects their children. Of the people who *did* address the concern that constant court battles and custody fights impacted their children, most agreed that I-COPE strategies made their children’s lives easier over the course of nine weeks. For example, Sam Olsen, whose teenage boys were thirteen and sixteen when their parents attended I-COPE, recalled that his sons were noticeably “satisfied [...] that my co-parent and I were speaking and having productive conversations and that kind of thing and [...] started to come out of their shell when we had better communication all around.”

Unlike Sam, many parents don’t recall noticing specific changes in their children based on the strategies taught by I-COPE. Concerning her fifteen-year-old son, Debora Best remarked, “During the class I guess I could see some relief in [him], but we had so much court time before the class it’s hard to know.” This mother’s observations illuminate the situation that most families find themselves in when they begin I-COPE after years of litigation. Another father stated that it was

impossible to know whether I-COPE had any real impact on his six year old son: “During and after the course,” the father recalls, “there were just so many ups and downs, ups and downs for [him], so right now he is doing better [...] but that has nothing to do with Kids First.” The general pattern in our interviews was that individuals, if they noticed a change in their children at all, did not attribute it to the I-COPE program specifically. Rather, as was the case with Debora, the culmination of court proceedings was perceived to be the most important turning point for children who felt stressed or anxious during their parents’ divorce or separation. This is an important reminder that continued litigation has an independent effect both on relationships between co-parents and on children that I-COPE cannot control.

Accountability

All I-COPE participant interviewees were asked about the quality and frequency of communication between themselves and their co-parenting partner before, during, and after completing I-COPE. Every single respondent had extremely positive things to say about their experience during the nine weeks of the course. As noted previously, 88% of I-COPE participants reported feeling hopeful about working with their co-parenting partner after completing the course. However, the free response data on the self-evaluation form for this particular question showed that a few respondents took the time to note concerns like, “I am afraid that we will fall into old ways,” or “I don’t think [he’ll] stick to this...”

These concerns emerged as a powerful theme in the interviews done weeks and months after the course concluded. Six out of eight interviewees experienced a significant drop-off or decrease in communication after the course ended. Not only did these individuals feel as if it was much more difficult to implement I-COPE strategies after the course was completed, but they also suggested a higher degree of follow-up by Kids First, and greater accountability of parents for a longer period of time. One father commented:

“Communication improved during the course, but *immediately* fell apart after the course [...] Every week we had to make a phone call which was kind of scripted. So, we did that and then my ex just literally stopped after the last class. Literally the night after the class my ex sent me an email that said, ‘I will only be communicating in writing from now on.’”

This father’s experience was not atypical. One mother remarked, “The calls stopped the week we graduated,” and another father said, “It was days after we graduated, we completely fell backwards.” Although these participants *did* feel that the program really was useful and helped them improve their co-parenting and communication skills, they had trouble continuing their good behavior without a facilitator, a judge, or a room full of fellow parents to answer to each week. More specifically, many interviewees wished they had had more time under the auspices of the program during which to practice their communication and cooperation skills. Another father noted, “As far as the Kids First functionality part of it, it was good while it lasted but, you know... the lack of follow up is the thing. It works. It does work. It works while you’re *there*. But the follow up, must be incorporated into the mandated part.” Similarly, Bonnie Clark said, “I definitely think they should do a monthly follow-up, court ordered.” Gerald Merman added, “It would almost be nice if you left one last session, and the court can call you back in six months and see how things are going[...] We would have practiced what we said we would practice for another year[...] otherwise you fall off the cliff with the kid first and you land on top of the kid.”

Overall, the issue of extended accountability and follow-up was most relevant for the parents who felt that the course did have something valuable to offer. For these individuals, the skills they learned and the desire to improve were not enough once the course itself ended. Instead, they hoped to be held responsible for their behavior towards one another and towards their children

for more than nine weeks. According to these interviews, the dissolution of communication was not really a reflection on the quality or usefulness of specific I-COPE strategies and tactics for communication and co-parenting. Rather, the problem stemmed from a decreased commitment to implementing these strategies, falling back into old habits, and feeling less pressure to uphold the positive and constructive behaviors that the program fosters. With no prospect of being held accountable for these actions in the foreseeable future, continued communication became more difficult.

The Specific Methods and Messages of I-COPE

The evidence of learning and growth in the course is consistent and powerful. By and large participants embraced the specific methods, tactics, or messages of I-COPE. However, there were two notable exceptions. First, some participants admitted discomfort with the notion that both co-parenting partners should always share blame and responsibility equally. For example, one father commented, “There’s an understanding that both parties share the blame and there’s some truth to that, but it’s not always representative of the situation; it’s not always both people instigating things. I couldn’t always get behind that.” Second, the notion that the past must always stay in the past also caused some participants problems. A father mentioned, “The theme was that what’s in the past is in the past, but how far back does the past go? Last week I think should count [...] It was difficult to talk in the context of that [theme] and not be able to bring up a lot of the significant issues that were still going on at the time.”

There is certainly great value to both of these lessons, but what these individuals were most likely really picking up on was the lack of individualized, situation-specific support. It is impossible to say whether the experiences of these two fathers were in fact exceptions to the basic tenets that co-parents share responsibility and that past conflicts should stay in the past – more personalized, private analysis of their unique situations would likely have been required to figure that out. This kind of one-on-one work, as far as we understand, is not a part of Kids First’s mission. Instead, the benefits of group work must come at the expense of intensive one-on-one work, which is more appropriate in marriage or couples counseling, with *guardians ad litem* and attorneys for example. Ultimately, this may suggest a disconnect between some of the specific goals and methods of the I-COPE course, and the participants’ perception or understanding of these goals and methods. A logical solution might be to spend more time at the outset explaining exactly what the course is and what the course is not. The more explicit this information can be to participants, the better equipped they will be to handle what I-COPE asks of them.

“Faking It” for Nine Weeks

Although interviewees indicated that the course was very helpful and valuable, some also believed that it was possible to “fake it,” or simply to answer questions and complete homework assignments without truly believing in or caring about the messages of the program. Of course, “faking it” may be an occasional though inevitable by-product of court-mandated class participation, but some interviewees felt that lengthening the amount of time spent accountable to higher authorities – Kids First or the court – would decrease the likelihood that someone could merely “fake it.” According to one father, “[...] it’s almost like some of the people just did it to play the game [...] because it was court ordered [...] if we were called back there now, it would be a totally different story.” Bonnie Clark added, “You can be good for nine weeks. That’s not the rest of your life.” These complaints are not shocking or unique to I-COPE – there will always be some individuals who lack the commitment or the engagement necessary to be honest program

participants. However, the desire for an extended period of obligation to the program provides an intriguing analysis of this common problem. The comments about faking it also gave rise to concerns among some participants that their co-parenting partners graduated “in good faith” despite lack of a real commitment to change.

Good Faith?

Despite the fact that Kids First facilitators and judges emphasize that I-COPE is a difficult and intensive nine-week course, several of our interviewees indeed believed that “faking-it” was the name of the game for their respective co-parenting partners. Through our interviews, we found that some individuals were surprised and frustrated at the grade that their co-parenting partner received in front of the judge. Due to the fact that a parent’s I-COPE grade is thought to affect his or her standing in custodial legal proceedings, several parents felt that the facilitators were *too* lenient in the end with their partners. After several weeks of “faking it [...] and barely participating except to attack me,” one father commented that he felt frustrated when his co-parenting partner “received good faith even though at the last session there with the judge she wouldn’t even sit with me.” Debora Best, who completed the course in 2011 after three years of parental rights litigation, firmly noted that the worst part about I-COPE was the fact that her co-parenting partner “passed [...] even though he didn’t do his homework [...] and the facilitators said he was not going to ‘cut it.’” Indeed, she indicated a sense of betrayal by the facilitators who she believed “said one thing and did another” when it came time to stand in front of the judge. Furthermore, Debora was frustrated that her co-parenting partner had passed in good faith because she knew he would use the grade as leverage in court. Debora’s comments speak to the depth of suspicion and disaffection between co-parenting partners during I-COPE and the problems arising from a court-mandated program, despite learning to disregard the past and look beyond emotions. Understandably, the opportunity to present oneself in the best possible light in front of a judge is extremely important to litigating co-parents who attend the I-COPE course. Unfortunately, it seems that the litigation context and perception of the importance of I-COPE grades may at times foster an atmosphere of resentment after the fact that can only result in the breakdown of communication and conflict resolution strategies post-graduation.

How late is too late?

In order to make I-COPE as beneficial as possible, and to make its effects as lasting as possible, Kids First already employs an extensive co-parent selection process. The graph below shows the distribution of years *since* filing for divorce or parental rights (based on year docketed in court) in relation to when a couple attended I-COPE. A substantial majority of I-COPE participants attended I-COPE between three and five years after their initial litigation. Nearly a quarter of the cases for which we had data began six or more years before I-COPE participation. The heavy investment in litigation may lead to referral to the program, but poses significant barriers to successful translation of course concepts into relationships with the parenting partner.

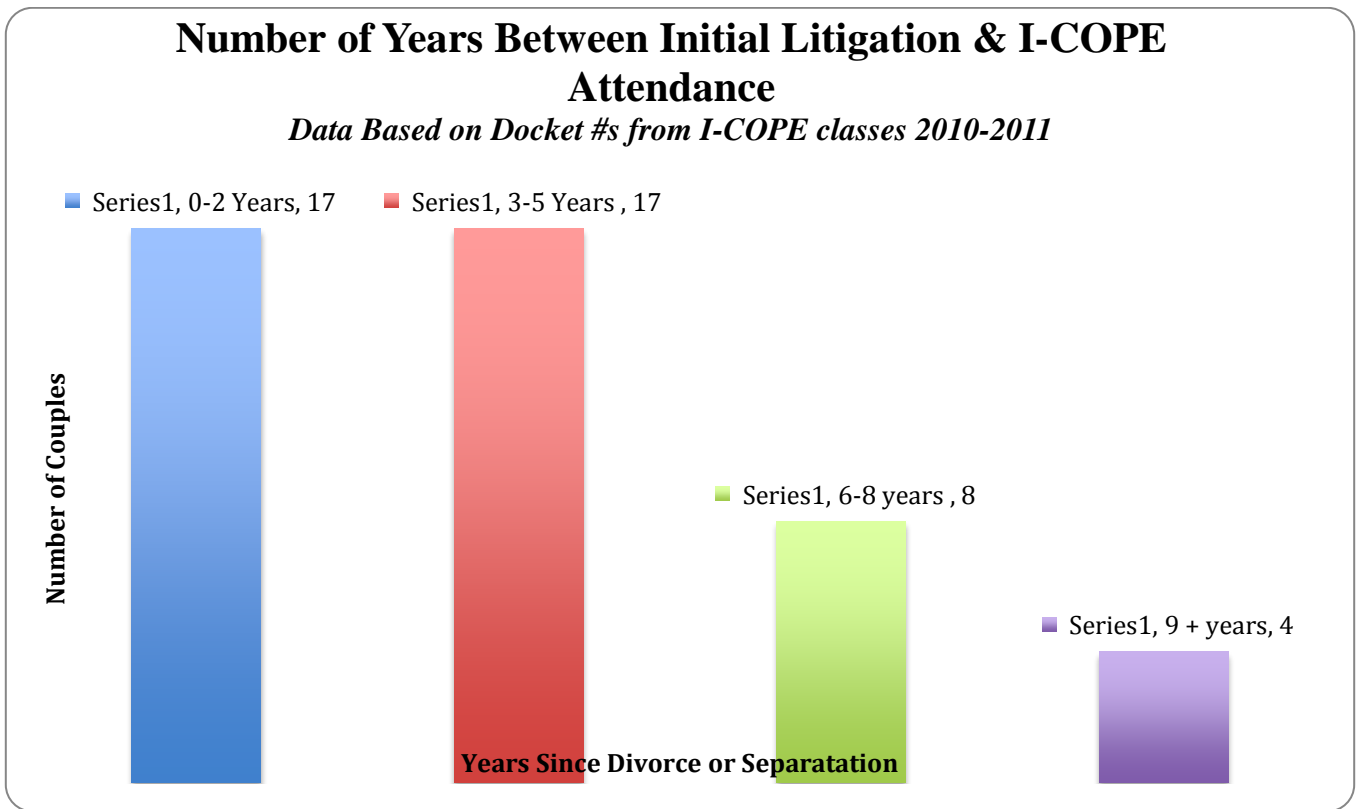


Figure 2: Number of Years Between Initial Litigation & ICOPE Attendance

Beret Skorpen-Tifft, Programming Coordinator for the Kids First Center, indicated that the I-COPE program is being much more “picky about referrals, so we have more healthy classes. We’re looking for people who are in a high conflict situation, but they’re not so far over that they can’t be helped by us.” The question then becomes, how far along in the litigation process should a couple be before they are ordered to attend Kids First? One woman, who had been divorced for nearly 15 years before she and her co-parenting partner attended I-COPE, insisted that regardless of the effectiveness of the program, it was “way too late in the game” for her and her ex-spouse. She emphasized that I-COPE “*can* work, but it just didn’t work for us. It was never gonna work for us. We were too far gone.” Indeed, in some judges’ opinions, I-COPE is a “last resort” program. For better or worse, parents are often ordered to attend I-COPE after they have exhausted all other resources. Judge Keith Powers commented, “I think in theory it would be nice to catch them earlier [in litigation] but I usually catch them later. There’s a lot of water under the dam by the time I usually see these people.” Judge Powers’ comments indicate that although, ideally parents should be pushed to attend I-COPE early in their litigation, they often spend years litigating and building up resentment, hostility, and poor communication habits before starting a course.

Throughout our research, we could not help but wonder, after a certain number of years in litigation, when is it ‘too late’ to attend I-COPE? Concerning the appropriate timing for parents to attend I-COPE, Skorpen-Tifft laments, “it’s kind of a catch-22 because the reason they’re being ordered [to attend] is because they’ve been in the courtroom too often [...]” Skorpen-Tifft’s “catch-22” is supported by Judge Susan Oram’s recommendation that attending I-COPE *post-divorce* may be the lesser of two evils. Oram notes that if couples are referred too early during the early litigation process, it not only “bogs down the courts,” but also can inhibit participants from fully embracing

the tenets of co-parent harmony and communication. Still, it may also be that late referral is particularly problematic.

Conclusion

Kids First's overall mission and its nine-week I-COPE course in particular are not only unique in Maine, but are enormously helpful for the right families, at the right moment in their divorce/separation. Moreover, the methods and tactics that the I-COPE program employs to help co-parenting partners communicate better and put their kids first and their own hurt second effectively teach skills that co-parenting partners value. Still, there are a few areas where small changes might offer large improvements in the outcome of the course for future participants. Below is a summary of the more salient problem areas we encountered and some initial ideas for responding to them that either our interviewees suggested or we wondered about ourselves.

Accountability and Follow-Up

The single most prevalent critique of the program that we heard from participants and judges alike has to do with accountability and follow-up. Most participants felt that after the course ended, despite their overwhelmingly positive nine-week experience, many of the lessons they came away with were difficult to uphold in their post-Kids First lives. According to participants, this was not a result of the quality of the tools with which I-COPE equipped them, but had more to do with the fact that, as one father put it, "no one was holding our feet to the fire anymore." The overall length of the course and time spent involved with Kids First might be considered in an effort to remedy this problem. For example, the course could perhaps be extended to 18 weeks, meeting only once every other week with increases in homework assignments to keep participants engaged in the interim weeks. This lengthening would not cost Kids First any additional resources, and would help to keep parents accountable to the program facilitators and classmates for a longer period of time. Further, in this modern age of technology, it seems reasonable to expect every participant to have access to a computer with e-mail capability – though that is in issue the Kids First Program would need to address. As a result, perhaps homework assignments could be submitted via e-mail during the two week intervals to further ensure engagement outside of the Kids First classroom. This latter suggestion, however, has the potential to induce a socioeconomic bias against those without the means to access a computer, and the extended course period could potentially drag out already protracted court processes, a concern raised by Judge Oram. As Justice Andrew Horton puts it,

“What the course really aspires to do is to teach new habits, to teach respectful communication. And, 9 weeks is a very short time to acquire new habits. So the fact is, a lot of these people need court oversight and need the pressure and the stress and the coercion, frankly, that the court can bring to bear to keep them on the straight and narrow. So, I would whole-heartedly support a regular check-in.”

Here, Justice Horton advocated not only for a longer course time period, but also regular check-ins after the course has been completed. Although it may be difficult to require this kind of court participation once litigation is over, the benefits of requiring weekly or monthly court check-ins could be significant. Horton acknowledges that ongoing litigation after the course has been completed could increase “backsliding,” but also make possible mandatory check-ins which would be nearly impossible for parents who are no longer beholden to the legal system in any way. Of course, all considerations such as these must be weighed in light of the financial and logistical constraints that all non-profit organizations face and that the participants themselves worry about

with regard to limited time and money. Still, it is possible to imagine ways of reshaping the system that could improve longer-term outcomes for course participants.

Who is right for the I-COPE course?

One of the most difficult tasks on the part of Kids First administrators as well as the courts is to identify co-parents who will reap the most benefit from I-COPE. There appears to be some discrepancy in the ways that judges and I-COPE faculty members understand the course participation criteria or what to look for when referring candidates to the course. In our discussion with Beret Skorpen-Tiffit, she mentioned that I-COPE has served a fairly wide range of individuals in the past, including some parents whose children resulted from a one-time relationship. In her opinion, I-COPE could be “perfect for that population because they’ve got a long road ahead of them, and we want to give them tools they can walk out with and be educated about how to co-parent.” Indeed, these parents may have less investment in conflict as well as a significant need for co-parenting skills and communication. However, such participants would not meet a prominent court criterion for referral – repeated appearance before the Court.

Certainly, there are a variety of factors that contribute to the assessment of a couple’s “readiness” to attend I-COPE. Judge Susan Oram notes that while it would be ideal to order people to attend I-COPE before they are “dug in” to their legal battles, sometimes attending I-COPE *too* early in the divorce or separation process, while litigation is still pending, can be detrimental to the success of the program. She contends, “While you’re pending a trial you’re in full out litigation mode [...] you’re trying to keep your guard up and knock the other person down.” Thus, Judge Oram concedes that it is “slightly more helpful to people if they were sent to [I-COPE] as a final disposition on a case rather than while the case was pending.” However, at final disposition of an initial divorce – before post-divorce litigation – there is no hold by the court over the parties, unless perhaps participation in I-COPE was required in the final divorce decree.

Finally, it will be important to consider the ways in which the goals of the Maine courts and the goals of the Kids First Center sometimes conflict. Even clear and regular communication may not be enough to reconcile conflicting purposes. Based on our interviews with legal officials, a primary goal of the courts and the judges and magistrates who refer individuals to I-COPE is to reduce overall litigation and keep couples out of the courtroom as much as possible. While this is an important goal, it is not the same as Kids First’s objective of helping parents deal with divorce/separation in a way that will not damage their children. These are certainly not irreconcilable endpoints, but the ways that they diverge must be considered while exploring ways to improve I-COPE.

Ultimately, it will be the job of the Kids First Center to think about which individuals, specifically, they want in their programs. While there is certainly more than one correct answer and more than one demographic group that could benefit from something like I-COPE, the most important challenge will likely be good, regular, and clear communication between Kids First and the Maine courts. Concrete and realistic guidelines could be useful for helping judges and magistrates decide who to send to I-COPE, and who might not benefit or might even be detrimental to other members of a class. The dangers of failing to create this kind of high quality communication are real, and two of the judges we interviewed expressed some frustration about their perception of a lack of apparent consistency in who gets admitted to the Kids First program and who is turned away. As long as a court mandate is required for entry into the course, the court’s understanding of who is right for I-COPE is about as important as I-COPE’s own methods and strategies in-class.

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