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Executive Director's Message

I Don't Know

Peter Salem

"The older I get, the less I know. It's wonderful – it makes the world so spacious."

The quote above is attributed to Swami Chetanananda, a monk of the Ramakrishna Order. It seems particularly apropos because over the last three years, navigating the ins and outs of COVID, I learned there is an entire universe about which I know nothing. Indeed, my world is spacious. [Read more.](#)



AFCC 60th Anniversary Conference

60 Years of Asking the Difficult Questions

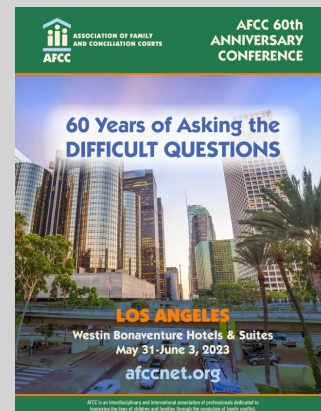
May 31-June 3, 2023

Westin Bonaventure

Los Angeles, California

60th Anniversary Conference

May 31-June 3, 2023
Los Angeles, California



Conference Sponsors



SOBERLINK

For AFCC's 60th Anniversary Conference, we are going back to the birthplace of AFCC, Los Angeles, California. Join as we celebrate 60 years of AFCC.

Exhibitor, Sponsor, and Advertise

If your business caters to the needs of family law professionals, please consider exhibiting with us in Los Angeles! AFCC already has several sponsors and exhibitors lined up for the conference, but we would like to welcome more! Confirming early lets you take advantage of lower prices, secure a better table location, and more.

Read the [exhibitor prospectus](#) for more details and contact [Abby Rebholz](#) to sign up.

Reserve Your Room Today!

Planning on joining us in Los Angeles? Book your room early at the Westin Bonaventure Los Angeles today. You can make your reservations [online](#) or over the phone by calling 800-937-8461 or 888-627-8520. Do not delay as AFCC room blocks frequently sell out.

Scholarships

Thanks to the generosity of donors to the AFCC Scholarship Fund, AFCC will offer several scholarships for the 60th Anniversary Conference. Each scholarship includes conference registration, one pre-conference institute, a certificate of attendance, and meal functions, including the Welcome Reception, Luncheon, and Annual Banquet. A limited number of scholarships will include travel stipends. The application deadline is March 8, 2023. [Apply now!](#)

Hot Off the Press - Conference Brochure!

The 60th Anniversary Conference [brochure](#) is now available! Read the brochure to see a more detailed breakdown of the conference including pre-conference institutes, workshops, presenters, schedule, CE information, and registration information. Read the [brochure!](#)

[Register Now!](#)



AFCC Chapter Conferences

AFCC Arizona Annual Conference
January 20-22, 2023
Sedona, AZ

AFCC California Annual Conference
February 10-12, 2023
Costa Mesa, CA

AFCC Online Training Programs

Advanced Issues for Family Law and Dispute Resolution Professionals
January 17-19, 2023

The Fundamentals of Conducting Parenting Plan Evaluations
March 13-16, and
March 20-22, 2023

Making the Case for Needed Statutory Changes in the Federal Responsible Fatherhood Grant Program

Debra Pontisso, MPA

In general, responsible fatherhood programs are focused on making services available to nonresidential parents struggling with issues related, but not limited, to: (1) child support; (2) employment; and/or (3) child access, parenting time, and co-parenting. Resolution of these issues can lead to increased father involvement and improved child well-being outcomes. [Continue Reading.](#)

AFCC Online Training Programs

Advanced Issues for Family Law and Dispute Resolution Professionals

January 17-19, 2023

This program addresses the challenges often associated with the most intractable family disputes, including intimate partner violence, parent-child contact problems (including parental alienation) and forgiveness interventions, child interviews, child abuse/neglect, and substance use/misuse. The program includes new content, and updates to familiar topics.

Presenters will examine how to address difficult challenges, including: the dynamics of intimate partner violence in parenting time disputes; the continuum for parent-child contact problems; effectively integrating child interviews and the voice of the child; and providing virtual services in a variety of contexts.

Training Team:

- Chioma Ajoku, JD, PhD, ABPP
- Mindy F. Mitnick, EdM, MA
- John A. Moran, PhD
- Stephanie Tabashneck, PsyD, JD
- Nancy Ver Steegh, JD

[View the Program Brochure](#)

[Register Now](#)

The Fundamentals of Conducting Parenting Plan Evaluations

March 13-16, and March 20-22, 2023

This program will incorporate a complete overview of the parenting plan evaluation process, including the definition and roles of the parenting plan evaluator, as well as, the specifics of the evaluation process, including interviewing, recordkeeping, use of technology, and best practices for report writing and testifying.

Participants will learn the difference between a forensic role and a clinical role, how to review court orders and determine what information should be obtained, strategies for interviewing adults and children, how to assess co-parenting issues, how to develop and test multiple hypotheses, and how to craft recommendations.

Training Team:

- Chioma Ajoku, JD, PhD, ABPP
- Robin M. Deutsch, PhD, ABPP
- April Harris-Britt, PhD
- Kathleen McNamara, PhD
- Sol R. Rappaport, PhD, ABPP

[View the program brochure!](#)

[Register Now](#)

Research Update

Early Findings Highlight Potential of Online Dispute Resolution for Family Cases

Jennifer Shack & Donna Shestowsky

Text-based online dispute resolution is an increasingly popular, but largely untested, option for family and other disputes. We recently had the pleasure of conducting **the first neutral evaluation** of any family law court online dispute resolution (ODR) program in the United States. The program was launched by the **20th Circuit Court Friend of the Court (FOC)** in August 2020. Caseworkers at the FOC help their clients try to resolve post-judgment matters related to child custody, parenting time and child support in lieu of having their matters resolved via court hearings. If resolution is not possible or the parties

are not interested in resolving their matter outside of court, the caseworkers instruct parties on how to file motions, as needed. [Continue Reading](#).

Award Nominations

AFCC will be acknowledging the accomplishments of leaders in family law by presenting awards at the AFCC 60th Anniversary Conference. We encourage you to recognize your colleagues by submitting a nomination. Nominations for the awards listed below will be accepted online through March 21, 2023.

John E. VanDuzer Distinguished Service Award recognizes outstanding contributions and/or achievements by AFCC members. [Nominate a colleague!](#)

Stanley Cohen Distinguished Research Award recognizes outstanding research and/or research achievements in the field of family and divorce. [Submit your nomination now!](#)

Irwin Cantor Innovative Program Award recognizes innovation in court-connected or court-related programs created by AFCC members. [Nominate a program!](#)

Webinar Corner

Access to Justice/Family Dispute Resolution Services

Jeannie Sato, JD & Loren P. Hildebrandt, JD

Wednesday, January 11, 2023

1:00pm – 2:00pm Eastern Time (US/Canada)

Registration will close on January 10, 2023 at 9:00am Eastern Time US/Canada.



The Alaska Court System started the Early Resolution Program (ERP) in 2009. Custody and divorce cases with self-represented litigants (SRL) are screened to determine if they have a disqualifying factor; if not, they are heard in ERP. In 2021, almost 80% of ERP cases settled. There are benefits even for cases that do not settle. In addition, the Alaska Court System offers other resources to parents who either do not attend or do not settle their case at ERP. This webinar will discuss the ERP screening process, factors that could lead to ruling out a case, how to identify positive outcomes from participating in dispute resolution even if the case does not completely settle, and the Alaska Court System's other resources for parents to either resolve their case or improve parenting skills.

Jeannie Sato, JD joined the Alaska Court system in 2018 as the Justice for All Grant Project Implementation Manager after 12 years in private practice as a family law litigator, collaborative law attorney, mediator, and parenting coordinator. Beginning January 1, 2020, Jeannie replaced Stacey Marz as the Alaska Court System's Director Access to Justice Services, which includes the Family Law Self-Help Center's Phone Line; Adult Guardianship Self-Help Phone Line; web-based self-help content for self-represented litigants; dispute resolution; the Early Resolution Program, which triages all new family law cases; language access; the Legal Navigator internet portal program; the state jury office; an eviction diversion program; and court forms.



Loren P. Hildebrandt, JD is a Staff Attorney and the Early Resolution Program Coordinator for the Alaska Court System. He manages the Early Resolution Program

(ERP) statewide. He also teaches hearing and trial preparation classes to self-represented litigants and serves as part of the legal team for the Court System's Department of Access to Justice Services. Loren clerked for the Anchorage Superior Court from 2009-2010 after graduating from the University of Washington School of Law and earning an MA in English from the University of Kentucky. He worked as an associate in firms focusing on family law, criminal law, and civil litigation before joining the Alaska Court System in 2014.



Registration

Members: \$15

Non-Members: \$50

Certificate of Attendance

Members: \$15

Non-members: \$20

[Register Now!](#)

AFCC DE&I Series

Child Abuse and Culture

Nolanda Robert, MS & Kelly Browe Olson, JD, LLM

Thursday, January 5, 2023

4:00pm-6:00pm Eastern Time US/Canada

This DE&I webinar will focus on the cultural concerns, impact, and disparities in the child welfare system. The system has many flaws and one of the largest is the lack of attention to cultural issues impacting the families at the center of these cases. The lack of cultural awareness, biases and personal beliefs lead to separated families, which can cause further ACE's for children and trauma for the adults. Families struggling with addiction and poverty are thrown into further crisis, instead of being helped by a system that is meant to decrease crisis. We will examine some cases and incorporate some of the research on evidence-based practices.

Nolanda Robert, MS, CCFC is the Family Support Services Coordinator at the Cecil County Circuit Court and has served in this position since 2005. In her position as Coordinator, she provides services to families who are currently separating or divorcing and/or having child custody and visitation disputes. She also works with families who are dealing with domestic violence, and child protection services matters. Nolanda is a current Mediator and Parent Coordinator. Nolanda is also a Clinically Certified Forensic Counselor. Nolanda has trained teachers, educational support staff, case managers of community programs; and parents in working with children with mental health disorders, behavior problems, special needs children, and other various topics surrounding children and families. Nolanda is the current President of the Maryland Chapter of the AFCC, and on the AFCC Task Force for Diversity, Equity, and Inclusivity.



Kelly Browe Olson, JD, LLM is the Director of Clinical Programs and an Associate Professor at the UALR William H. Bowen School of Law. She oversees the mediation, litigation, tax and consumer protection clinics, and state-wide Special Education and Dependency/Neglect mediation projects at Bowen. She also teaches family law, mediation seminars, ADR, and domestic violence courses. She helped create the U.A.L.R. Graduate Certificate

Program in Conflict Mediation. Professor Olson serves on the executive board of the AALS ADR Section and the Arkansas Conflict Resolution Association. She won the Bowen School of Law Faculty Excellence Award for Public Service in 2004 and 2013. She received her JD from the University of Michigan and an LL.M. in Child Law at Loyola.



More Upcoming Webinars!

Screening for Intimate Partner Violence

Beth McCormack, JD
February 8, 2023

Coping Abilities Children Need (And How to Ensure They Get Them)

Lyn Greenberg, PhD, ABPP
March 7, 2023

Gender and Sex in Family Law: How to Work with a Gender Diverse Population (DE&I Series)

Rebecca Stahl, JD LLM
April 12, 2023

Group to Individual Inference in Scientific Testimony

Chancellor & Dean David Faigman; Professor Michael Saini
April 18, 2023

The Impact of Intimate Partner Violence on Young Children

Kate Wurmfeld, JD; Kiran Malpe, LCSW, BS
May 10, 2023

The Work Before the Work

Sol Rappaport, PhD, ABPP
June 22, 2023

Board of Directors Nominations

The AFCC Nominating Committee is seeking nominations for individuals to serve on the AFCC Board of Directors, in the event of a vacancy. Recommended individuals must be AFCC members and have an interest in and knowledge of AFCC and its work. Nominations must be received by January 31, 2023, to be considered by the committee prior to the election at the AFCC 60th Annual Conference. The term is three years, beginning July 1, 2023, and concluding June 30, 2026. If you or a member you know is interested, please send the first and last name, contact information, resume, and a letter of interest to the AFCC Nominating Committee via email to afcc@afccnet.org.

Donate to the AFCC Scholarship Fund

The AFCC Scholarship Committee provides financial support to help family law professionals from all corners of the world convene at AFCC conferences. These scholarships enable access to some of the best continuing education along with an amazing network of collegial professionals. With your help, the Scholarship Committee can extend opportunities to more professionals.

Wouldn't you want your next opposing counsel, custody evaluator, and/or judicial officer to have the knowledge and appreciation of the research, practice, and approach of the system that you do?

[Donate Today](#)

AFCC eNEWS

The *AFCC eNEWS* is the monthly e-newsletter of the Association of Family and Conciliation Courts. The *eNEWS* provides up-to-date information for professionals including practice tips, international news, and the latest initiatives in family law and conflict resolution. The *AFCC eNEWS* is provided at no charge to you; anyone can subscribe. [Subscribe here](#).

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Making the Case for Needed Statutory Changes in the Federal Responsible Fatherhood Grant Program

Debra Pontisso, MPA, Chair, Responsible Fatherhood Roundtable

In general, responsible fatherhood programs are focused on making services available to nonresidential parents struggling with issues related, but not limited, to: (1) child support; (2) employment; and/or (3) child access, parenting time, and co-parenting. Resolution of these issues can lead to increased father involvement and improved child well-being outcomes.

Nationally, approximately 1.5 million children (or 40.5% of all live births) were born to unmarried parents in 2020 and this percentage and number has relatively stayed the same for the past 18 years. Unmarried births, combined with divorce, results in approximately 24 million children living in single-parent households that are primarily female-headed. These households experience the highest rates of poverty and other adverse social, emotional, and economic consequences.

Compared to the sea of federal family support programs focused on the needs of mothers and their children as administered by the Administration for Children and Families, HHS, the Responsible Fatherhood (RF) Grant is the largest, single source of program funds for fathers and nonresidential parents.

The RF Grant is one part of another grant program – Healthy Marriage – that was legislatively authorized by Congress in 2005 under 42 U.S.C. §603(a)(2). The Healthy Marriage Responsible Fatherhood (HMRF) grant has an authorized, combined annual budget of \$150 million or \$75 million per program. Both grants are *discretionary programs* which means that funding decisions and awards are made by the federal government directly to grantee recipients.

It is important to understand, however, that each grant program has separate statutory goals, allowable services, and grant funding announcements. The discussion that follows is focused exclusively on the Responsible Fatherhood Grant.

I. Responsible Fatherhood (RF) Grant – Proposed Legislative Change

Over the past 3+ years, an ad hoc Responsible Fatherhood Policy Work Group (Work Group) representing national fatherhood organizations, researchers, academicians, community-based service organizations, policy advocates, etc., has taken an in-depth look at the RF Grant Program with the goal of formulating proposals that would maximize its impact and increase the number of

fathers served – with a specific emphasis on low-income nonresidential and/or unmarried fathers – in a greater number of communities nationwide.

Based on an internal WORK GROUP analysis of available data on direct service grantees funded since its inception, the RF Grant has had limited impact in terms of national scale and geographic areas served. This result is due, in large part, to the RF Grant's establishment as a discretionary program – a program-specific approach which by-passes the state in funding decisions. Nor does the current funding approach address the fact that all states are grappling, to some degree or another, with the social and economic consequences of father absence or noninvolvement on child well-being and family outcomes.

Therefore, the Work Group proposes that the RF Grant be statutorily changed from a discretionary program to a formula-based grant to *all states*.

A formula-based grant is based on a defined formula or data set that is used in determining the distribution of and amount of funds that will be made available to each state.

It is encouraging to note that the National Conference of State Legislatures (NCSL) policy position on a federal fatherhood program appears to mirror the legislative change the WORK GROUP is proposing. In part, NCSL believes that a federal fatherhood program should:

- Provide funds to all states on a formula basis;
- Ensure state legislative authority;
- Provide states flexibility in determining eligibility of program participants;
- Provide state flexibility to create or support programs at the local level;
- Encourage collaboration on the state and local level; and
- Provide states the opportunity to use government, non-profit or faith-based providers as the state determines best fits the needs of their communities.

II. The Data Speaks to the Need for a Change

A. How the RF Grant Program Currently Works

1. Currently, the RF grant is a *discretionary program* and funds are awarded directly from the federal government to applicant organizations that commit to deliver services in three areas: 1) promoting or sustaining marriage; 2) enhancing responsible parenting; and 3) promoting economic stability.
2. The federal Office of Family Assistance (OFA), Administration for Children and Families (ACF) within the Department of Health and Human Services periodically issues a Notice of Available Funds soliciting proposals from service organizations for a specific 5-year funding cycle. The applications are reviewed, and approved grantees selected.
3. The available set-aside of funds for direct service grants is less than the \$75 million annual authorization since an amount (ranging from \$16 - \$21 million annually over the years) is taken out to fund research and evaluation projects, program monitoring, the Responsible Fatherhood Clearinghouse, federal administrative costs, etc.
4. Historically, the average grant award - per grantee – is substantial, averaging \$1.5 million per year over a 5-year grant cycle.
5. No. of grantees funded within states over 20 years:

FY 2006-2010:

\$50 million total authorized per year (breakout not available)

94 grantees funded in 28 states

FY 2011-2015:

\$59 million available out of \$75 million annual for direct service grants

59 grantees funded in 28 states + D.C.

FY 2016-2020:

\$43 million available out of \$75 million annual for direct service grants*

34 grantees funded in 19 states

*Excludes 5 Reentry and Mobility grants - \$6.8 million

FY 2021-2025:

\$59 million available out of \$75 million annual for direct service grants

58 grantees funded in 24 states

B. Limited Reach of the RF Grant Program

Based on a review of data reports of grantees funded, the Work Group's analysis yielded the following observations regarding the irregularity in funding across states during the 20 years the RF Grant program has been operational.

Summary of RF Local Grantee Funding Data by State: FY 2011-2025

(Data unavailable for the 5-year grant period FY 2006-2010)

Direct service organizations in 11 states that never received RF grant Funding:

Arizona, Delaware, Hawaii, Idaho, Maine, Massachusetts, Mississippi, Nebraska, New Hampshire, Oregon, and Wyoming

Possible reasons?

1. Organizations applied but did not get approved for funding; or
2. Organizations did not apply.

Direct service organizations in 19 states + D.C. that received funds in one RF 5-year grant cycle:

Alabama, Arkansas, Georgia, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Montana, Nevada, North Carolina, North Dakota, Rhode Island, South Dakota, Tennessee, Vermont, Washington, West Virginia, and District of Columbia

Direct service organizations in 8 states that received funds in two RF 5-year grant cycles:

Alaska, Connecticut, Maryland, New Jersey, New Mexico, Oklahoma, South Carolina, and Utah

Direct service organizations in 12 states that received funds in three 5-year RF grant cycles:

California, Colorado, Florida, Illinois, Kentucky, Missouri, New York, Ohio, Pennsylvania, Texas, Virginia, and Wisconsin

III. Seizing the Opportunity to Update RF Grant Allowable Services

The current RF Grant statute was passed in 2005 and the allowable services identified in the legislation reflect the priorities of the times which included, for example, a significant emphasis on promoting or sustaining marriage for fathers to be served. The other two areas are: Economic Stability and Responsible Parenting.

Since there has a preponderance of quantitative and qualitative of research on fathers since this time – much of which has been funded through the RF Grant – perhaps it is appropriate to also reassess and legislatively amend the allowable services in order to ensure that they respond to the *current* needs of fathers, particularly those who are low-income, unmarried and/or nonresidential parents.

The funding of allowable service activities should be legislatively updated to include, for example, helping today's fathers with:

- Obtaining Parenting Time Agreements/Orders
- Resolving Child Access Issues and Parenting Time Disputes;
- Navigating the Child Support System;
- Providing Enhanced Co-Parenting Services;
- Promoting Healthy Parenting Skills Training;
- Working with Fathers Behind Bars and Upon Release; and
- Providing Case Management Services, Referrals to Community-based Services, and Monitoring.

IV. There is Always Room for Improvement

Legislatively amending the RF Grant so that it is changed from a discretionary program to a formula-based grant **to all states** is based on the premise that it is a better and more effective and equitable use of existing funds.

Doing so would further establish fatherhood as a state-level human service priority and, of equal importance, provide states with the financial means to support effective community-based services - particularly those in underserved communities - for fathers and nonresidential parents over the long term.

Hopefully, I have made the case for doing so. It is also my belief that such a change will contribute to an increase in father-child involvement and support, especially for many of the nation's 24 million minor age children growing up in single parent households.

Debra Pontisso, MPA, began her 33-year career with the federal Department of Health and Human Services (HHS) in 1979 and, at the time of her retirement in 2012, she had been working in the Office of Child Support Enforcement (OCSE) managing the [Child] Access and Visitation Grant – a \$10 million per year program authorized by Congress based on the goal of increasing noncustodial parents' access to and visitation with their children.

During her tenure with HHS, she held various positions in the Administration on Aging, Office of Community Services (anti-



poverty and community development programs), and Office of Refugee Resettlement. She also served as Associate Director of the U.S. Commission on Child and Family Well-being (1994-1996) which involved holding public hearings throughout the country and preparing a Report to Congress and the President which contained recommendations for removing the obstacles to and increasing the involvement of fathers in the lives of their children. Ms. Pontisso currently serves as Chair of the Responsible Fatherhood Roundtable.



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Early Findings Highlight Potential of Online Dispute Resolution for Family Cases

Jennifer Shack & Donna Shestowsky

Text-based online dispute resolution is an increasingly popular, but largely untested, option for family and other disputes. We recently had the pleasure of conducting **the first neutral evaluation** of any family law court online dispute resolution (ODR) program in the United States. The program was launched by the **20th Circuit Court Friend of the Court** (FOC) in August 2020. Caseworkers at the FOC help their clients try to resolve post-judgment matters related to child custody, parenting time and child support in lieu of having their matters resolved via court hearings. If resolution is not possible or the parties are not interested in resolving their matter outside of court, the caseworkers instruct parties on how to file motions, as needed.

The FOC launched its ODR program with the goal of enhancing parties' experiences as they handle post-judgment family law disputes. The FOC hoped the program would be simpler, more convenient and cost-effective for the parties than traditional processes, which typically included in-person mediation, a joint meeting with the caseworker, or a hearing. Parties were, of course, also free to resolve matters without FOC assistance. They also aimed for ODR to increase efficiency in the disposition of disputes. We ultimately concluded that the program achieved some of these goals; we lacked sufficient data to determine whether others were accomplished.

The FOC used Matterhorn's text-based ODR platform, which allows parties to communicate with each other and their caseworker via asynchronous text messages and document exchanges. We used case data, ODR data, pre- and post-process party surveys and staff interviews to gain insight into:

- ODR accessibility, including the percentage of parties who participated and opted out, information about ODR available to parties, and parties' capacity to use ODR
- Parties' expectations for the ODR process, as well as their views on using video mediation as an alternative

- Parties' evaluation of their ODR experience in terms of procedural justice, satisfaction, fairness of the process, and ability to control the outcome of their matter
- Parties' impressions of the FOC and the other party
- Agreement rate, hearing rate and efficiency (time to disposition, caseworker time spent on matters) associated with ODR use and compared to the traditional process

We found that 48% of the parties who were offered the chance to use ODR ended up using it. This participation rate was high compared to other early ODR programs, which had participation rates of 21% to 36%. In half the cases in which caseworkers directed their clients to participate in ODR, at least one of the parties simply did not register to use it despite the FOC's intent to mandate participation. We gleaned several possible reasons for parties' failure to register. For example, the emails used to instruct parties to register for ODR used language that parties may have found confusing, in terms of the expectation that they participate as well as what the program entailed. We also found that parties did not understand the main features of the program.

Due to the platform's technological limitations, caseworkers did not offer ODR to represented parties, those who had limited English proficiency, or those who were visually impaired. High-conflict parties were also exempted from the program. Presence of intimate partner violence (IPV) did not automatically exclude matters from ODR. The parties completed an IPV screening on the platform when they registered. If their caseworker determined that a party's responses indicated IPV was an issue, they decided together with the party whether to continue with ODR.

One surprising finding from our study was that almost all parties who used ODR accessed the platform with their mobile phone at least part of the time. Only 8% exclusively accessed the platform with a computer, while 71% used only their mobile phone. This pattern indicates that the platform and any auxiliary activities, such as communications to the parties and agreement forms, must be optimized for phones.

When we surveyed parties around the time they were asked to register for the program, parties tended to be confident they could reach agreement, but the majority did not believe the other party would be truthful during the process. They generally expressed high levels of excitement about using ODR, but also high levels of anxiety about using it. Those who planned to use ODR were twice as likely to report a high level of fear of the other party as those who were not sure they would, or indicated that they were not going to, use ODR. This result, which suggests that parties with higher levels of fear may find ODR to be more appealing, is interesting in light of the fact that the FOC decided that high-conflict parties would not benefit from ODR and were therefore not offered the opportunity.

When parties used ODR, they were four times as likely to give high ratings for fairness of the process than those who did not use ODR (50% v 12.5%), and almost twice as likely to give high ratings for satisfaction (50% v 25%). In their comments, some parties

indicated that they appreciated not having to communicate with the other party face-to-face. Others suggested that they would have preferred a process in which they could communicate face-to-face.

Parties who used ODR were also much more likely to reach agreement as those who were offered ODR but didn't use it (59% v 11%), and the number of hearings was lower for cases that used ODR, though the difference was not found to be statistically significant. In cases involving child support, parties using the online platform reached resolution nearly twice as fast as those who did not (11.8 days v 21.5 days).

Our evaluation results suggest that the FOC's ODR program provided parties with a positive experience, improved agreement rates and reduced time to resolution for child support matters. It also appears to have provided some parties with a preferred process in which they could interact with the other party without engaging in face-to-face communication.

However, our analysis suggests that parties need more education about the program, and more direct instruction on how to use it. To ensure all parties have access to a program that could improve their experience, ODR vendors must make the technology available to parties with disabilities as well as those who are not English proficient. ODR vendors should also allow parties and their attorneys to participate together on the platform. In addition, they should optimize the interface for mobile phone users.

Courts contemplating the use of ODR for family cases should consider how they can reduce access barriers for those who lack digital literacy. In addition, our findings suggest that courts might consider offering in-person and video mediation to parties who prefer these options.

Our evaluation was limited by small sample sizes for the survey and case data. As a result,, we may have been unable to detect statistical significance in some of our analyses and our assessment of participant experience was necessarily limited. Our findings may not generalize other program models that do not involve caseworkers with a standing relationship with the parties. We look forward to future ODR program evaluations that build on our findings and further examine ODR's potential to help families in need.

Jennifer Shack has two decades of experience conducting complex evaluations of court-based ADR programs and researching the effectiveness of mediation in court settings as Director of Research at Resolution Systems Institute. Her projects include outcome and process evaluations of foreclosure, child protection, eviction, juvenile and family mediation programs. Her latest evaluations include ODR for family, debt and eviction cases. In addition to evaluations, she has helped courts and government agencies to design mediation



case management and evaluation systems. More broadly, Ms. Shack is an expert at survey design and has led a committee to develop model evaluation forms for civil case mediation programs.



Donna Shestowsky, JD, PhD is Director of Lawyering Skills Education and Professor of Law at the University of California, Davis, School of Law. She teaches in the area of ADR and conducts empirical research on dispute resolution programs from a social psychological perspective. She advises state courts in the design of court-connected ADR programs and provides negotiation education services to corporations, law firms, and national organizations. Her legal and psychological commentary has appeared in national sources such as CNN, NPR, and the New York Times. She can be reached at dshest@ucdavis.edu.