Navigating Case Complexity Pathways; the WISE approach to intervention selection

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Welcome to the end of another year

Exhaustion...Plodding on ... Staggering on ....

to get to the Christmas break and relief from clients

... a new year’s resolution.. “it will be better next year.... Self care.. Bla bla bla...”

.... and around the cycle we go..
Why do we do this work

Why is it better to seek dispute resolution outside of the court process?

(Ellis D., 2015)
# Prevalence of Family Violence

## Singapore, Australia, Canada and UK

<table>
<thead>
<tr>
<th>2015</th>
<th>Singapore</th>
<th>Australia</th>
<th>Canada</th>
<th>UK</th>
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</thead>
<tbody>
<tr>
<td>Rate of Domestic Violence</td>
<td>1:10 women will experience domestic physical or sexual assault</td>
<td>1:3 women will experience domestic physical assault</td>
<td>1:3 women will experience domestic physical assault</td>
<td>1:4 women will experience domestic physical assault</td>
</tr>
<tr>
<td>Women deaths</td>
<td>Low (second lowest in the world)</td>
<td>1.6 per week</td>
<td>1.2 per week</td>
<td>2 per week</td>
</tr>
<tr>
<td>Population</td>
<td>5.5 million</td>
<td>25 million</td>
<td>30 million</td>
<td>64.5 million</td>
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</tbody>
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- **53** Women were violently killed in Australia 2017.
- **62** Women have already been killed in 2018.
The challenge of existing models

Why is it better to seek dispute resolution outside of the court process?

- Current models of FDR - including mediation, counselling and group work - were intended for the average separating couple.

BUT we are not seeing these people!
We trained for the nice couples. We are not seeing NICE COUPLES where are all the nice couples??

......PROBLEM
The challenge of existing models

- Why is it better to seek dispute resolution outside of the court process?
- In effect it is a shift from here to here
The challenge of existing models

- AIIS have identified that about 80% of separations occur without the assistance of any of us!

- 20% of separations consume all of our time.

- Bill Eddy has identified that the majority of highly adversarial litigants have personality disorders.
The problem we face

- Our models may not be enough
- We are trained for one group of parents, and we meet a totally different group
- Just about every location where I provide supervision (15 different locations across the eastern states) claims to have the worst DV, the highest drug and alcohol and the worst child abuse in Australia.
- No one I meet these days works with “conflict” everyone is a “high conflict Specialist”, and now Lorri Maloney and Bruce Smythe have gone off and given us the new “H” word HATRED.
- In some cases everything we have will not be enough.

Welcome to our Christmas break 2018
The challenge of existing models

- Our work become more complex.
- Current models of ADR/FDR are proving insufficient to assist separating parents to reach agreements that not only work, but also promote safety across the family system.
Simple -v- Complicated -v- Complex -v- Chaotic

- **Simple** = easily knowable.
- **Complicated** = not simple, but still knowable.
- **Complex** = not fully knowable, but reasonably predictable.
- **Chaotic** = neither knowable nor predictable.

How SIMPLE is the image
How COMPLICATED are the meanings
How COMPLEX are the deeper issues
If I do not know which parts are simple, which are complicated and which are complex, I risk a CHAOTIC outcome.
Complicated Cases

- Complicated can be described mathematically as
  \[ Y = a + bx \]

- For a complicated case to have a good outcome \( (Y) \), it requires that the client \( (x) \) receive:
  - High existing base skill and knowledge \( (a) \): the better our skill and the more we know the better the outcome
  - Dedicated attention, time and effort \( (b) \): the more effort we make the better the outcome
  - The greater the attention, dedication, skills and knowledge, the better the result for the client.
Complex Cases

- Complexity can be described mathematically as
  \[ Y = a + bx \quad \text{AND} \quad Y = a + bx \]

- For a complex case to have a good outcome \( Y \), it has \textbf{NO LINK} to the client \( x \) receiving:
  - High existing base skill and knowledge \((a)\): the better our skill and the more we know, creates a great outcome \textbf{OR NOT}
  - Dedicated attention, time and effort \((b)\): the more effort we make the better the outcome \textbf{OR NOT}

- In complex cases our best efforts can lead to a great outcome \textbf{AND} our best efforts can lead to a worse outcome.
Complicated or Complex

“Complicated” refers to a system having many parts, making it somewhat harder to understand, whereas “complex” refers to a system being not fully predictable.

When you manage a system, you need to know whether it is either predictable or complex.

Complicated
- Property Settlements
- Relocation
- Child with disability
- Multi-parent families (mum, mum and dad)
- Parent with disability

Complex
- Personality Disorders
- Mental health issues
- Drug and Alcohol
- High conflict and hatred
- Domestic and Family Violence
- Alienation

Both complicated and complex cases require more careful management. However the interventions applied may differ.

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WISE Colour Coding

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<th>YELLOW CASES</th>
<th>ORANGE CASES</th>
<th>RED CASES</th>
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<tr>
<td>Low Risk Cases</td>
<td>Moderate Risk Cases</td>
<td>High Risk Cases</td>
<td>Extreme Risk Cases</td>
</tr>
<tr>
<td>No indicators of complexity or complication</td>
<td>Historic indicators of complexity. Presence of complication can be managed using traditional approaches to ADR/FDR</td>
<td>Current concerns with respect to complexity which are managed from outside of the family law system. Complications are manageable from within the family law system. Requires alteration to traditional ADR/FDR approaches</td>
<td>Current concerns with respect to complexity are unmanaged. Complications require family law interventions that are outside of traditional ADR/FDR</td>
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Complexity and the fields of possible outcome; The Green Field

- **Characteristics of the Green Field**
  - Complexity is absent
  - Complications are known and accepted by the parties
  - Good will enters the room with the clients
Complexity and the fields of possible outcome; The Yellow Field

- Characteristics of the Yellow Field
  - Complexity is present and managed
  - Complications are known and need to be managed within the ADR/FDR process
  - Good will is sporadic “He/She is a good parent.. BUT…”
Complexity and the fields of possible outcome; The Orange Field

- Characteristics of the Orange Field
  - Complexity is present, and managed much of the time. Complexity requires continual intervention from non-family law organisations/departments
  - Complications are present and sources of blame/shame
  - Good will is absent
Complexity and the Fields of possible outcome; The Red Field

- Characteristics of the Red Field
  - Complexity is unmanaged
  - Complications are not seen as real
  - Good will is absent and threats are present
  - Fear of life changing incidents is present for at least one person in the family system
Having identified the field... How can we work differently?

The WISE
THE WHEEL OF INTERVENTION SELECTION
What is the WISE

- **A Practitioner Tool**
  - Follows Screening and Risk Assessment processes the WISE invites the practitioner to colour code the case
  - Assists in decision making about the most effective interventions for levels of complexity
  - Provides targeted information and resources about areas of complexity AND areas of complication

- This is an expansion of the work of the DOORS Risk Assessment tool and the DOVE risk assessment tool and the associated research behind them (McIntosh J. et al, and Ellis D. et al)
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| Therapeutic approaches can be applied. Traditional ADR/FDR can be applied but... | Safety planning plus Traditional ADR/FDR can be applied | Safety planning plus Directive ADR/FDR approaches must be applied. Traditional models are contra indicated | Not Suitable for ADR/FDR. Safety planning must occur prior to case closure |
Therapeutic approaches can be applied. Traditional ADR/FDR can be applied but...
Yellow Field
Moderate Risk

Safety Planning useful
Traditional ADR/FDR can be applied
SOLO PRACTICE FACILITATIVE FDR APPROACHES

The YELLOW ZONE works from an underlying philosophy that a future cooperative parenting relationship is possible, however the current level of disagreement between the parents requires the use of a facilitative mediation approach.

High conflict is present some or a lot of the time, however the provision of the structured mediation model allows the parents to find agreement on some or all of their issues.

DESCRIPTION
This case can be brought into a process of FDR negotiation and/or Couple Counselling or other forms of ADR.

The presence of some of the Ellis Risk Factors distinguishes this case from Green Cases.
- Physical Separation Less Than Six Months AND
- Female Initiated Separation AND
- Male Still Engaged in the relationship

Ellis factors are contained in the Stepping Stones Approach article attached.
Safety Planning must occur. Directive ADR/FDR approaches must be applied. Traditional models are contra indicated.
Orange Cases
Dimensions of Conflict
Ontario (currently being evaluated by Bala N.)

1. Overall Interaction Patterns of One or Both Parents
2. Mental Health
3. Substance Abuse
4. Criminal History
5. Communication Regarding Children
6. Blame for the End of the Couple Relationship
7. Level of Trust Between the Parents
Dimensions of Conflict

8. Economic Resources

9. Views of Parenting Responsibility

10. Level of Emotional Abuse Between Parents

11. Level of Physical Abuse Between Parents

12. Involvement of the Child in Conflict

13. Complaints to the Child Protection Services or Police Regarding Allegations of Child Abuse

14. Reliance on External System To Resolve Separation-Related Dispute

15. Reliance on Court To Resolve Problem
Dimensions of Conflict

QUICK VIEW CHART: DECIDING WHAT TYPE OF PARENTING PLAN IS RIGHT?

Do you and the other parent reside more than fifty miles apart?

- **“YES”**
- **“NO”**

If all answers “NO”

Design a Long Distance Plan

If any answers “YES”

**Has the other parent:**
1. Acted as though violent behavior against you or your child(ren) is alright?
2. Damaged or destroyed property during an argument?
3. Hurt a pet out of anger?
4. Been so sad or upset they could not care for themselves or others?
5. Pushed, slapped, kicked, punched or hit you or the child(ren)?
6. Regularly abused and currently abuses alcohol or drugs?
7. Used weapons to threaten or hurt people?
8. Seriously threatened never to return the child(ren)?
9. Threatened to kill you or the child(ren)?
10. Sexually abused anyone by force, threat of force or intimidation?
11. Been served with a protection or no contact order?
12. Been arrested for harming or threatening to harm you or anyone else?
13. Engaged in other abusive or threatening behavior?
Do you agree with these statements:

1. I only communicate with my child(ren)'s other parent through email, certified U.S. mail, a third party (lawyer, relative, faith based professional etc.), our child(ren). (Please don't answer yes if this is caused solely by living far apart).
2. I do not believe my child(ren)'s other parent is a good parent.
3. I do not trust my child(ren)'s other parent to consistently use good judgment and make good decisions regarding our child.
4. I keep written and/or recorded records of all contact between myself and my child(ren)'s other parent.
5. I believe it is okay to make all major decisions about my child(ren) without consulting the other parent, because I have our child(ren)'s best interest at heart.
6. My child(ren)'s other parent and I can only exchange our child(ren): in a public setting with an adult third party present; with the police present; and/or by maintaining a safe physical distance.
7. Because of my child(ren)'s other parent's actions, I have serious concerns regarding our child(ren)'s emotional and psychological functioning, peer or social relations, mother/child(ren) relationship, father/child(ren) relationship, school performance, behavior and/or physical health.

If any answers “YES”

Design a Highly Structured Parenting Plan

If all answers “NO”

Design a Basic Parenting Plan
Red Field
Extreme Risk

Not Suitable for ADR/FDR. Safety planning must occur prior to case closure
**DESCRIPTION**

This case can not be brought into a process of negotiation/counselling/mediation or other ADR while it remains RED.

A presence of the Ellis Risk Factors does not preclude FDR.

- **Physical Separation Less Than Six Months AND**
- **Female Initiated Separation AND**
- **Male Still Engaged in the relationship**

However facilitative models should be applied in solo mediation and co-.mediation in therapeutic FDR approaches.

Ellis factors are contained in the Stepping Stones Approach article attached.

In addition there is the presence of risk factors including:

- Family violence unmanaged
- Drug and alcohol issues; unmanaged
- Mental health issues; unmanaged
- Child protection issues; current
- Hatred; entrenched
- Abduction concerns; unmanaged
- Alienation allegations; un-contained

**RED CASES can be:**

- Referred for urgent specialist safety planning.
- Provided with a 5601 B Certificate for access to the Family Law Courts.
- Referral can include individual counselling.
What is the point?

✓ **A WHEEL OF INTERVENTION SELECTION**

✓ A tool that helps practitioners to decide on the most appropriate approach

✓ Provision of up to date research in areas of practitioner interest

✓ A tool for supervision of front line workers that assists in describing case conceptualisation by colour

✓ An assessment tool for management that helps to describe time spent in complex cases (orange), and in red (screened out) cases.

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