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PERCEPTIONS OF PARENT/CHILD MEDIATION AS AN ALTERNATIVE FOR
YOUTH IN NEED OF SUPERVISION IN MONTANA: A STATEWIDE SURVEY

By

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B.A. University of Montana, 1977

Presented in partial fulfilment of the requirements

for the degree of

Master of Arts

University of Montana

1987

Approved by

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June 2, 1987

Date

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There is in every child at every stage a new
miracle of vigorous unfolding, which constitutes
a new hope and a new responsibility for all.

Erik Erikson

Childhood and Society

Perceptions of Parent/Child Mediation as an Alternative for
Youth In Need of Supervision in Montana: A Statewide Survey

Director: William W. Wilmot

The purpose of this study was to examine a specific population of juvenile offenders and their families. These young people are referred to as "status offenders". They have violated laws that pertain to them due to their status as minors. Examples of these offenses include runaway, truancy, and others. The goal was to 'type' these individual families, and in addition, to ask them which of three intervention strategies (family counseling, mediation, or informal probation) they felt was the most appropriate to their situation.

The subjects were (1) adolescents on probation for committing a status offense and (2) their "most interested" parent (the one most involved during the youth's contact with the Youth Court). A two-part questionnaire was administered by Juvenile Probation Officers throughout Montana. Nine of the twenty Judicial Districts participated and forty "family pairs" or eighty subjects were surveyed.

Part I of the questionnaire involved typing the families using Olson's (1982) Family Adaptability and Cohesion Evaluation Scale (FACES-II) and Circumplex Model. Part II of the questionnaire went on to present the subjects with three separate intervention scenarios, each detailing a different response to a problem involving a runaway. After each scenario, subjects responded to its effectiveness, appropriateness, and their willingness to participate in it.

Results from Part I indicated that almost all the subjects surveyed (91%) viewed their family systems as Disengaged. There was also a significant positive relationship between the two dimensions of the Circumplex Model, adaptability and cohesion, for both parents and children ($r=.78$; $p=.000$). Results for Part II indicated that none of the three intervention strategies emerged as significantly preferred. This was true for parents and children and also held true when comparisons were made based on Family Type.

It was concluded that, given the limitations of this study, prospective clients would not choose to participate in parent/child mediation more, or less, frequently than they would the more traditional means of intervention, probation or family counseling.

ACKNOWLEDGMENTS

I would like to take this opportunity to recognize the contributions of some of the individuals who helped make this project a reality. Unfortunately, space does not adequately permit thanking everyone without increasing the size of this document considerably. So, to all those whose names do not appear below, please accept my heartfelt thanks.

Three years ago neither Bill nor I realized what the future held. If he knew, thank God, he kept it to himself. To the long-suffering William W. Wilmot, my advisor, mentor, confessor, and dear friend; it was his patience, expertise, and encouragement that made this effort possible.

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A state-wide effort such as this must rely on the time and energy of many people. This was provided in ample measure by Montana's juvenile probation officers. I take great pride in being associated with such a caring and dedicated group of professionals.

A special debt of gratitude is owed, as well, to all the families that participated in the study. To share one's pain in times of crisis is extremely difficult. They are all to be commended for their courage.

To my friends and co-workers who were always there with the personal and professional support I needed, God bless you all.

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CHAPTER I

PURPOSE AND RATIONALE

The purpose of this study is to examine a specific population of juvenile offenders and their families. The goal is to determine who they are by typing the individual families and in addition, to ask their opinion concerning which of three intervention strategies (family counseling, mediation, or informal probation) is the most appropriate to their situation.

The Youth Court Probation Department's client population cuts across all socio-economic, racial, religious, gender and ethnic strata. What they have in common is the fact that they are all in crisis. The offenders and their families are having difficulty coping with their current situation. The specific nature of the crisis, or offense, may differ greatly, from a curfew violation to homicide. For the purposes of this study the category of offenses to be examined are those commonly referred to as 'status offenses'. A status offense is a violation of the law due to the offenders status as a minor. Examples include children who run away from their homes, those who are "ungovernable and beyond the control of their parents", those who "violate any... law regarding the use of

alcoholic beverages by minors", or those who are habitually truant" (MCA 41-5-103-13). Since the inception of the Juvenile Court in this country status offenders have been a source of ongoing concern and frustration. This is currently the case for Youth Court officers in Montana. At first glance one might wonder why this population of clients is so difficult to deal with, given the less serious nature of their offenses. To better understand this, we need to look at the current system of services available for these youth and the nature of the offenses themselves.

Montana law currently recognizes three categories of young people involved with the court (MCA 41-5-103). The first is Youth In Need of Care (YINC). These are children who have been abused, neglected, or are otherwise dependent upon the social services system for their care. The agency responsible for the care and safety of these victims is the Montana State Department of Social and Rehabilitation Services. Local social workers conduct the necessary investigations and deliver these services in each county. At the opposite end of the continuum from the Youth In Need of Care category are the Delinquent Youth. They are youngsters who have been found guilty of one or more delinquent or criminal acts. The agency mandated to deal with these young people is the Youth Court Probation Department. Deputy probation officers, appointed by the District Judges, are responsible for meeting the needs of juvenile

offenders while simultaneously upholding the welfare and safety of the community. Between the two ends of this continuum are the Youth In Need of Supervision (YINS), the status offenders. A further distinction must be made between the young people who technically violate these statutes once or twice and those with a more chronic problem. This study will focus exclusively on those repeat offenders who have demonstrated the need for further intervention. These youngsters create a number of problems for the current system because they do not fit cleanly into either of the two preexisting categories of 'victim' or 'offender'. For example, which agency is responsible for providing services? What helping approaches are most effective? The answers to these questions have significant implications for these youth and their families.

Statutory responsibility for Youth In Need of Supervision rests with the Youth Court. They can be cited by law enforcement, at the insistence of their legal guardian, as being in violation of state law (MCA 41-5-103-13). The youth is then brought into court as an offender. On the surface, this would appear to solve the problem. However, upon closer examination a youth may simply be running away from a dysfunctional or abusive family situation. Are they victims or offenders? In most of these situations a good case can be made for either. Unfortunately, neither accurate labeling nor assessment of blame helps in the delivery of services. Since all the victims and the offenders are in the same family,

intervention strategies are considered to be most effective if they involve the entire family system.

Services currently available include a wide range of counseling and therapeutic approaches such as individual or family counseling provided by social workers, probation officers or private therapists. Traditional probation services exist as well, as do a limited number of out of home placement options if the family members can not remain together. The Youth Court Act mandates that probation officers make every effort, "to preserve the unity and welfare of the family whenever possible..." (MCA 41-5-102-1). For this reason officers have an ongoing interest in new skills, and resources that will help keep these families intact. Parent/child mediation is a relatively new approach to helping these families which may hold promise.

There are a number of programs throughout the country that use mediation with a high degree of success. One such program is The Children's Aid Society's PINS Mediation Project in New York City. In addition to the involvement of the entire family in mediation, the child is not blamed for family problems. Parents and children, "are accorded equal dignity at the bargaining table" (Morris, 1983 p.viii). Another attractive characteristic of mediation is that it is less stigmatizing than some other forms of intervention. There is no assumption of pathology or fault. On the contrary, all participants are expected to behave in a responsible, cooperative manner. This becomes extremely empowering if a family can come

together and begin to generate options, make decisions, reach agreements, and start to gain control of their lives.

Parent/child mediation is also seen as an educational process. As a family negotiates an agreement they begin to discover new, more open ways of communicating and solving problems. The goal of the mediation sessions is to reach a formal written signed agreement. It is not unusual for families to report afterward that the skills demonstrated and practiced in the sessions are still being utilized to help them more effectively cope with conflict.

CHAPTER II

LITERATURE REVIEW

History of the Juvenile Court

The juvenile court system in this country has its roots in the English equity or chancery concept of parens patriae. In this system the king acted as parent or "father of his country," exercising his control over the persons and property of minors (Caldwell, 1966 p.356). As a substitute parent the court was given the discretionary power to do whatever it felt was in the child's best interest. Nineteenth century trends in Europe and America dictated that children should not be abandoned or killed by adults, as Empey (1982) noted, they "had the right: to life, food, clothing, and shelter, to be raised and loved by their own parents, to be permitted to attend school, to learn moral principles, to be protected from evil city streets, immoral companions and places of vice and corruption"(p. 64).

Parens patriae was officially established in this country by the Pennsylvania court case Ex Parte Crouse in 1838 (Sig. Events in Juv. Justice, 1982). The judge ruled that the state court had the authority to act as surrogate parent where the natural parents were unable or unwilling to provide for the child. Foster (1981) states it this way: "The state had an obligation under the parens patriae doctrine to exersize guardianship over children whose life

circumstances foretold of waywardness, and to make them productive citizens. Juvenile courts were to be the agency through which this (child saving) would be carried out" (p.476).

In this atmosphere the Juvenile Court of Cook County, the first of its kind in the world, was established in Chicago, Illinois. This law, entitled "An Act to Regulate the Treatment and Control of Dependent, Neglected and Delinquent Children," was approved on July 1, 1899. As Fox (1972) observes, the philosophy underlying the juvenile court "is that erring children should be protected and rehabilitated rather than subjected to the harshness of the criminal system"(p.302). Its proponents, known as the "Child Savers," had high hopes for the movement. Mead (in Platt, 1977) also applauds the child saving movement by describing it as a "reflection of the humanitarianism that flowered in the last decades of the 19th Century" (p.xiv). Chronologically, the movement's first impact on the federal level was officially noted with the creation of the U.S. Children's Bureau in 1912 (Kornegay & Wolfle, 1982). It was established to study issues and disseminate information affecting the welfare of children.

The notion of separate juvenile courts to address the special needs of children grew rapidly. By 1927 all states except Wyoming had passed similiar legislation, and it followed in 1945 (Sig. Events In Juv. Justice, 1982). The movement was not without its critics, however. As Hasenfeld and Sarri (1976) explain, while the reformers were idealistic and optimistic, they failed to build in enough accountability. A large gap was left between aspiration and

reality. They went on to state that, "seldom did we observe in practice consistent implementation of the values and philosophy of the founders of the juvenile court" (p. 207). Caldwell (1966) also identified some inconsistencies between theory and practice when he noted that, "although originally equity was used chiefly to protect dependent or neglected children who had property interests, its action prefigured the protective intervention of the state through the instrumentality of the juvenile court in cases of delinquency" (p.356). In an effort to treat or rehabilitate youth, these courts relaxed the normal constitutional safeguards afforded adults. Critics continued to draw attention to the fact that juveniles could lose their freedom not necessarily for what they did, but rather for who they were.

Platt, (1977) in his book The Child Savers, attacks the very fabric of the movement by proclaiming that it "was not a humanistic enterprise on behalf of the working class against the established order. On the contrary, its impetus came primarily from the middle and upper classes who were instrumental in devising new forms of social control to protect their power and privilege" (p.xx). He went on to suggest that "the child saving movement tried to do for the criminal justice system what industrialists and corporate leaders were trying to do for the economy—that is, to achieve order, stability, and control, while preserving the existing class system and distribution of wealth" (p.xxii).

These growing concerns fostered, "the second major social movement to address the problem of juvenile delinquency...the

child's rights movement"(Mauss 1975). It's "primary position is that the juvenile offender, though in need of separate and special care, is still to be considered a citizen of the country and to be afforded the same constitutional rights as an adult" (p.138). In the 1940's this philosophy began to be heard in official settings (p.139).

Platt (1977) describes these proponents of children's rights as Due Process Constitutionals. They see the juvenile court as "arbitrary, unconstitutional" and contrary to "the principles of fair trial" (p.152-153). It is an "invasion of personal rights under the pretext of welfare and rehabilitation" (p.158). He also identifies another group which had little use for the juvenile court, but for very different reasons. They were originally referred to as the Legal Moralists by Hart in his work Law, Liberty, And Morality. The movement is still alive, and promotes the following philosophy:

"the juvenile court is a politically ineffective and morally improper means of controlling juvenile crime...Judicial punishment can never be imposed merely for the purpose of securing some extrinsic good, either for the criminal himself or for civil society; it must in all cases be imposed (and can only be imposed) because the individual upon whom it is inflicted has committed an offense...The right of retaliation...is the only principle which...can definitely guide a public tribunal as to both the quality and quantity of a just punishment."(p.152-153)

An issue emerged from this dialogue that continues to be the focus of national debate today. It involves the proper scope of juvenile court jurisdiction over noncriminal or status offenders. Both of the above groups objected to court involvement in these

cases, but for different reasons. Due Process Constitutionalists saw forcing young people to seek 'help' at the expense of basic legal rights as degrading rather than rehabilitative. The Legal Moralists, on the other hand, saw the court as an agent of societal retaliation and punishment with no mandate to provide social services.

In 1961, with the passage of the Juvenile Delinquency and Youth Offenses Control Act (P.L.87-274), the Federal Government again demonstrated its interest in assisting juvenile justice efforts by authorizing the Health, Education and Welfare Department (HEW) to award grants for pilot projects for prevention or control of juvenile delinquency. Here we see a clear mandate for welfare (social services) involvement with predelinquent children. The intent seemed noble and sound, to divert these young people before they entered the juvenile justice system. Difficulties arose, however, in determining which programs were actually preventing delinquency and which were merely entertaining their youthful clients (Lipsey, 1984). Authorization for this particular grant program ended in 1967 (Kornegay & Wolfle, 1982).

During the 1960's and 1970's there was a great deal of legislative and court related attention focused on setting precedents and priorities for the juvenile justice system. The following is a chronological look at some of the key local, state and federal decisions made during those two decades that influenced this process.

By 1962 a "new legal category was created in New York and California to acknowledge the legal and correctional differences between status offenders and criminal offenders" (Sig. Events in Juv. Just. 1982). Persons in Need of Supervision (PINS), as these youth were referred to, defined the noncriminal basis of juvenile court jurisdiction and made status offenders separate from dependent and neglected youth as well. By 1974 thirty four states were making such a distinction. Other, less formal titles for status offenders were also coined. Among them was Rosenheim's (1976) referral to "juvenile nuisances" (p.50) and Russell et al. (1983 p.6) spoke of "soft-core", as opposed to "hard-core", delinquents.

The late 60's and early 70's found the U.S. Supreme Court generating opinions that affected the basic legal rights of juveniles. Four crucial cases had significant impact. In 1966 Kent v. United States decided on issue in favor of establishing the right of juveniles to receive a formal hearing before waiver to adult court. The Gault case (In re Gault) outlined six areas of infringement and extended certain due process safeguards to juvenile court proceedings. A 1970 case In re Winship successfully changed the standard of proof in delinquency hearings from a "preponderance of evidence" to "proof beyond a reasonable doubt". And finally, the McKeiver v. Pennsylvania decision in 1971 served to deny juveniles the right to a trial by jury.

In 1968 Congress responded by producing the Juvenile Delinquency Prevention Control Act (P.L. 90-445) (Kornegay, Wolfle 1982, pp.561-597). This gave H.E.W. primary federal authority to

address the problem of juvenile delinquency. It mandated a national approach to the issue. During the same year the Crime Control Act (P.L. 90-351) was also passed. This established the Law Enforcement Assistance Administration (L.E.A.A) within the Department of Justice. Their focus was to be on crime and assisting in the administration of the criminal justice system. While no specific mention was made of delinquency or juvenile crime, as a practical matter, it was assumed to be a law enforcement responsibility.

Here we see the seeds of a dilemma being planted that still exist today. The official congressional position was that juvenile delinquency was a social problem for H.E.W. to deal with, as opposed to a criminal or law enforcement problem for L.E.A.A. to handle. Unfortunately, in practice there was a great deal of overlap and confusion over responsibility and the lack of clear guidance from the federal government only made matters worse. This confusion manifested itself in the fact, that at that time L.E.A.A. was appropriated far greater financial resources than was H.E.W. Figures for F.Y. 1970 reflect that L.E.A.A. spent \$32 million while H.E.W. only spent \$15 million in this area (K&W, 1982).

In 1971 the Secretary of H.E.W. and the United States Attorney General exchanged letters in an effort to clarify this issue. H.E.W. was to be responsible for prevention programs and clients prior to their having contact with the juvenile or criminal justice system. From then on L.E.A.A. was responsible. To place this discussion in the context of this study, at the point where these two notions converge, precariously rests the issue of the status offender.

Should these young people be treated as victims or offenders? Attempts to resolve this, in the few years that followed, resulted in limiting H.E.W. to sponsoring programs outside the juvenile justice system and not limiting at all what L.E.A.A. could fund.

In 1974 the Juvenile Justice Delinquency Prevention Act was passed. L.E.A.A. and its newly created subunit the Office of Juvenile Justice Delinquency Prevention (O.J.J.D.P.) were assigned primary federal responsibility for programs and policy pertaining to juveniles (K & W, 1982). H.E.W. only retained grant programs for runaway centers. It was here too, that L.E.A.A. was given responsibility for implementation of federal policy concerning status offenders. The message seemed to be, juvenile delinquency (including status offenses) was no longer a social problem but one to be dealt with by law enforcement and the courts.

As was mentioned, the 'juvenile nuisance' issue remains a hotly debated one. Two central questions keep emerging: what should be done and who should do it? Gable and McFall (1983) address the first question by asking if we should, "Do good? do bad? or do nothing?" (p. 20) By "doing good" they refer to providing treatment or prevention services and support. This is generally viewed as the preferred means of intervention in cases involving soft-core delinquency. Stereotypically, this approach is also associated with viewing the youngster in question as a victim. "Doing bad" refers to punishment, discipline or incarceration. Recent federal legislation severely limits, and clearly intends to eliminate, this type of response to status offenses. Here we see

the young person responded to as an offender. Their third alternative is to "do nothing". This is sometimes referred to as radical non-intervention. E.M. Schur (1973) in his book on the subject explains this concept.

Youthful "misconduct," it is argued, is extremely common; delinquents are those youths who, for a variety of reasons, drift into disapproved forms of behavior and are caught and "processed." A great deal of labeling of delinquents is socially unnecessary and counterproductive. Policies should be adopted, therefore, that accept a greater diversity in youth behavior; special delinquency laws should be exceedingly narrow in scope or else abolished completely, along with preventive efforts that single out specific individuals and programs that employ "compulsory treatment." For those serious offenses that cannot simply be defined away through a greater tolerance of diversity, this reaction pattern may paradoxically increase "criminalization"--uniformly applied punishment not disguised as treatment; increased formalization of whatever juvenile court procedures remain, in order to limit sanctioning to cases where actual antisocial acts have been committed and to provide constitutional safeguards for those proceeded against (p.23).

It is helpful to view this option not only as a by-product of, or reaction to, certain agencies inability to be all-things-to-all-people, but also to examine the possibility of it being a preferred alternative in some cases.

The acid test for any new program or approach in criminal justice has always been the examination of recidivism rates. Rausch (1983) analyzes two of the above approaches and their resulting impacts on recidivism. "Results indicate that it makes no difference, with respect to official recidivism, whether status offenders experience juvenile court processing or a diversion program. Thus, there is no support for one program over the other

.

on the basis of either deterrent or negative labeling effects" (p. 52). Here court vs. diversion projects were measured and an "untreated" control group was not. While this added dimension would have provided us with some valuable information we are still able to conclude that those who champion one approach versus another, do so largely on the basis of philosophical differences and not a wealth of hard data. Pollak (1982) expands the discussion by adding that, "the most controversial issues related to status offender services concern the mix of services that should be provided (institutional vs. nonresidential) and discretion in service use. Should youth be compelled (by courts) to accept service or should all service use be voluntary at the discretion of youth and their families" (p. 935)? In order to answer, or even adequately examine, this question we need to deal with the issue of who should be providing services to soft core juvenile offenders.

As one might imagine, strong differences of opinion exist here as well. In 1975 a powerful statement was issued by the board of directors of the National Council on Crime and Delinquency. They stated that, "Subjecting a child to a judicial sanction for a status offense -a juvenile victimless crime- helps neither the child nor society; instead, it often does considerable harm to both" (p. 3). They go on to say that, "We believe that the juvenile court system can utilize its coercive powers fairly and effectively against criminal behavior that threatens the safety of the community. The court, however, cannot deliver or regulate rehabilitation services... Noncoersive community services must bear the

responsibility for the unacceptable but noncriminal behavior of children"(p. 4). Hasenfeld and Sarri (1976) agree with removing these services from the court but for different reasons. They believe that, "juvenile courts are hampered in attaining high levels of effectiveness because of the volume of 'juvenile nuisances' that they process, and because they spend disproportionate amounts of time on these cases" (p. 216). Gough (1980) not only agrees with the notion of removal but goes so far as to ask 'what-if' about its consequences.

Inevitably, if the status offense jurisdiction is removed, some cases will be lost to help and some youth will go unassisted who might have been aided if the formal scheme of coercive intervention ... were kept. It is believed, however, that their numbers will be relatively few, and that the social costs of retaining the status offense jurisdiction as it now exists far outweigh the relatively small benefits. And the removal of beyond-control cases from the juvenile court's jurisdiction should allow the vigorous application of its now taxed resources to cases of abuse and criminal conduct, to the benefit of all (p.135).

In 1977 the State of Washington implemented this approach by legislatively defining status offenders as "non offenders"(ref. "The Juvenile Code"). They continue to provide a variety of voluntary services to young people and families in crisis and, on the other end of the spectrum, to deal with juvenile criminal offenders. However, little in the way of proactive 'protective' services are offered to status offenders.

Those who feel that the court should retain primary jurisdiction do so, as well, for a variety of reasons. Even with hard evidence to the contrary some still feel that coercion has a

deterrent effect. The majority view here, however, involves a case for 'unequal protection'. Arthur (1977) explains it this way: "Children are not small adults. They lack experience; by definition they lack maturity. They cannot choose intelligently between options, because they do not know the options or the consequences of the options. Children should not be emancipated wholesale" (p. 31). O'Neil (1978) also takes exception to simply leaving these kids alone. He, "feels that is failing them and society" (p.4). Martin and Snyder (1976) agree. "Parents and children who are in conflict with each other, or children who are in conflict with society during adolescence should have community resources available for their voluntary use. But we also believe that these same resources should be available to the juvenile court for those adolescents who are beyond the control of their parents or other significant adults. Otherwise, we are putting the burden of change on those who have shown that they can bear it least well" (p.9).

In 1974 the State of Montana responded to the legal rights movement by passing the Youth Court Act. This piece of legislation, mandates that a youth's legal rights are strictly followed, and allows the court to provide "protective" services to status offenders. They are officially referred to here as "Youth in need of supervision," (M.C.A. 41-5-103-13a-d) and are dealt with as offenders. By this I mean that young people who commit these offenses are now cited by law enforcement and are required to appear in the Youth Court to answer to the charges. They may not be held in jail, however, as per the Judicial District's detention policy.

The National Advisory Committee on Juvenile Justice Standards and Goals (1977) appointed a task force that stated, "The members of the Juvenile Justice and Delinquency Prevention Task Force found themselves unhappy with the currently popular "either/or" approach- either retain court jurisdiction over status offenses in its traditional form or eliminate it entirely. They stated that, "some retention of the court's power to intervene is appropriate and necessary, not only to protect children from themselves but to serve as a forum where they can seek relief from intolerable circumstances" (1977 p.51).

What should be done for, or about, these youngsters? And who should do it? The controversy continues. The above mentioned task force does, however, expand this conversation in a direction that needs to be explored further.

Family Systems

The J.J.D.P. Task Force (1977) goes on to suggest that instead of only dealing with the youth as either a victim or an offender that it would be better to focus our efforts on entire "Families with service needs"(p.51). Hasenfeld and Sarri (1976) agree. "In the case of status offenses, youth are processed rather than their adult parents, when the latter are often at least as culpable as the juvenile"(p.216). It is interesting to note that in situations like this, usually those offending and those being victimized are all members of the same family. For this reason it makes good sense

to examine the entire family system as a focus of our intervention efforts.

Traditional psychoanalysis is based on Freud's belief that, "every person's rational orientation to the world was underlain by a very powerful and primitive, non-rational component" (Napier et al 1978). Here the, "sickness or 'neurosis' in a family resided in the family member." As a result, treatment was focused on the individual and their problems.

One of the first to challenge this perspective was a psychoanalyst, named Nathan Ackerman. In 1937, at the age of 28, he published an article entitled, "The Family as a Social and Emotional Unit" (Guerin 1976,p.3). It was one of the first scholarly works dealing with the interrelatedness of human disorders. However, psychoanalysis was an established ideology at this time and a force to be reckoned with.

In recounting the history of family therapy during the late 40's,early 50's, Philip Guerin (1976) states that characteristically,

as soon as any ideology becomes established, professional outsiders -"change merchants"- in the field become impatient with its limitations and set out to establish new frontiers and new ways of thinking. The major thrust for the development of the family perspective was due to frustration on two counts, namely, from the attempts being made to apply conventional psychiatric principles to work with schizophrenic families, and from the attempts to deal with behavior difficulties and delinquency in children. All the important work in the family movement was being done under the rubric of research.

Family research with schizophrenia was a primary focus of a majority of the pioneers in the family movement: Bateson, Jackson, Weakland, and Haley in California; Bowen in Topeka

and Washington; Lidz in Baltimore and then in New Haven; Whitaker and Malone in Atlanta; Scheflen and Birdwhistle in Philadelphia. (p. 3).

It is interesting to note, given the purpose of this study, that Ackerman maintained his work and the work of his colleagues in the Child Guidance movement was the "real" beginning of the family movement. In 1967 he wrote a paper, "The Emergence of Family Diagnosis and Treatment, A Personal View." In it he said, "the family approach arose in the study of nonpsychotic disorders in children as related to the family environment. The relative prominence of recent reports on schizophrenia and family has somewhat obscured this fact (Guerin 1976, p.4).

In another work, Ackerman (1970) underscores the need for this approach by pointing out that, "the disordered behavior of the adolescent needs to be understood not only as an expression of a particular stage of growth, but beyond that, as a symptom of parallel disorder in the patterns of family, society, and culture" (p.80).

Another significant pioneer was Salvador Minuchin. In the early 1960s, he worked at Wiltwyck School on a research project of the same name. It was designed to study the families of delinquent boys. According to Richard Rabkin, a prominent New York psychiatrist, "the Wiltwyck project was possible because of the "hopeless nature" of the patient population--that is, since there was no effective way to work with these boys, research along the family lines was possible" (Guerin 1976, p.4).

Another noteworthy pioneer was social worker Virginia Satir. She was one of the few who began to see families in private practice as early as 1951. Her anecdotal tale relates that the discovery was "an accident".

A mother of a disturbed young woman Satir had been seeing, who had been improving, called her and threatened to sue Satir for alienating her daughter's affection. Satir asked her to come in with her daughter; she then saw the same behavior between the girl and her mother that Satir had originally experienced between the daughter and herself. She soon asked for the husband and son to join the mother and daughter, and from then on began seeing families of people with many types of problems, from learning disorders and somatic illness to schizophrenics. As she explored family life histories, she began to find that "sickness was a result of imbalances in the family" (Duhl 1983, p.10).

As we have seen, the notion of dealing with problem children from a family perspective is a long established one. To understand why, it is necessary to examine the theoretical foundations of the family movement, humanistic psychology and general systems theory.

Their growth was separate yet parallel in the time following World War II. It has been suggested that the seeds of both movements found fertile soil during this period. Bunny Duhl (1983) in her book From the Inside Out and Other Metaphors, speculates that this was due to the

heightened consciousness not only of man's symbolic capacity for discovery and creation, but also of man's horrendous capacity to destroy himself through the evil of genocide and atomic holocausts brought forth the corrective humanistic psychology that Abraham Maslow termed "a revolution". This "Third Force Psychology" created "new ways of perceiving and thinking, new images of man and society, new conceptions of ethics and values, new directions in which to move". This

last is important, for this humanistic psychology was not just descriptive. It was generative, suggesting choices and actions and implying consequences (p.14).

She goes on to explain that this Third Force Psychology,

referred to man as a social, interactive being, and openly sanctioned values and processes towards an image of man Maslow had already found through his research. These ideas took root and spread throughout the country. America was also the nurturing haven for a horde of psychiatrists and psychologists, including Erik Erikson, Felix and Helene Deutsch, Kurt Goldstein, Fritz Perls, and myriad others who fled Europe before the war. Thus, humanistic psychology included Jungians, Gestaltists, Alderians, existentialists, Rogerians, psychodramatists, and many, many others--all of whom held as a basic tenet the idea that man had the potential to be a humane, responsible, actualized creature, conscious of his self and others, and tending eventually towards the transcendental.

Maslow actually conceptualized his "hierarchy of needs"(1946) towards self-actualization as a staged progression of individuals in interaction, over time, with other human beings and the environment. Thus Maslow's theory, like Piaget's stage theory of cognitive development, embodied concepts of living systems, as von Bertalanffy's theories embodied the concepts and values of humanistic psychology

General Systems Theory

Ludvig Von Bertalanffy is the recognized father of general systems theory. He came from Europe to Canada in 1949, and later moved to the United States. By 1953 thinkers from such diverse

fields as mathematics and sociology began to cluster around his ideas and the Society for General Systems Theory was formed. In 1954, the name was changed to the Society for General Systems Research. Von Bertalanffy maintained that, "life takes place in context...How we think is always a combination of what is around us in all our contexts and what we can imagine...With a general systems model, we can look at contexts and phenomena from different levels of system sequentially, while we know that all are interwoven and ongoing at the same time" (Duhl 1983, p.3).

R.D. Laing (1969) in Self and Others shares that, "we cannot give an undistorted account of 'a person' without giving an account of his relation with others. Even an account of one person cannot afford to forget that each person is always acting upon others and acted upon by others. The others are there also. No one acts or experiences in a vacuum" (p.66).

A valuable distinction needs to be drawn here between closed systems, those that do not interact with their environment, and open systems that do. The following discussion will focus on the latter. William Wilmot (1987), in his book Dyadic Communication, suggests that some of the most important qualities of an open system, " are (1) wholeness, (2) synergy, (3) circularity, and (4) equifinality" (p.101). Wilmot goes on to state that wholeness, "occurs whenever all the elements of a system are interrelated" (p.101). Von Bertalanffy (1973) tells us that his General Systems Theory, "is the scientific exploration of 'wholes' and 'wholeness' which, not so long ago, were considered to be metaphysical notions

transcending the boundaries of science" (p.xx). In contrast to a mechanistic world view that operates by blind natural laws, this is an "organismic outlook" that views the "world as a great organization" (p.xxi).

The universe of modern physics for example, is "not the gigantic mechanical clockwork of Newton, but a united network of events and relations" (Grof 1984, p.10). Bateson goes on to explain that

thinking in terms of substance and discrete objects represents a serious epistemological mistake -error in logical typing. In everyday life we deal, not with objects but with their sensory transforms or with messages about differences; in Korzybski's sense, we have access to the maps not the territory. Information, difference, form and pattern that constitute our knowledge of the world are dimensionless entities that cannot be located in space or time. Information flows in circuits that transcend the conventional boundaries of the individual and include the environment. This way of scientific thinking makes it absurd to treat the world in terms of separate objects and entities; to see the individual, family or species as the Darwinian units of survival; to draw distinctions between mind and body; or to identify with the ego body unit (Alan Watts' "skin-encapsulated ego"). Emphasis is shifted from substance and object to form, pattern and process... Systems theory has made it possible to formulate a new definition of the mind (p.11).

"Synergy means that the whole is greater than the parts" (Wilmot 1987, p.101). Here we see that system's "phenomena must be explained not only in terms of components but also in regard to the entire set of relations between the components" (Laszlo 1972, p.5). Laszlo also explains, "Gestalt", as the way an experience has been "put" or "put together", its pattern, shape or form (p.6). This principle, "states unequivocally that the whole is greater than the sum of its parts" (p.6). Norman Ackerman (1984), Nathan's cousin,

provides an example. "When a child is born to a couple, it is a brand new group, not the same group with an addition (p. 16). This new group behaves as a new whole not simply an aggregate.

Circularity and feedback, the notion that everything influences everything else, also characterize systems (Wilmot 1987,p.101). Lynn Hoffman (1981) writes

the central concept of the new epistemology...is the idea of circularity. In the field of mental health there has been a growing disenchantment with the linear causality of Western thought (p.5). Of all those writing about a circular epistemology, it is Gregory Bateson who most persistently tried to capture this elusive beast (p.7). The therapist can no longer be seen as "impacting" on the client or family through personality, craft, or technique. The therapist is not an agent and the client is not a subject. Both are part of a larger field in which therapist, family, and any number of other elements act and react upon each other in unpredictable ways, because each action and reaction continually changes the nature of the field in which the elements of this new therapeutic system reside. A circular epistemology forces the therapist to take account of the fact that he or she is inevitably part of this larger field, an inextricable element of that which he attempts to change" (p.9).

The last of the "open system" qualities -equifinality- means that "the same state can be reached in different ways and from different beginning conditions" (Wilmot 1987, p.102). Numerous examples of this can be taken from the case histories of status offending families. There is not one specific route taken by all these families to this end; not one specific profile. Yet, they all experience the same type of unrest within their family systems.

As has been indicated thus far in the discussion of general systems theory, this "holism", is seen by its proponents as a,

"methodology and even an ontology" (Laszlo 1972, p.5). In his work The Relevance of General Systems Theory, Laszlo identifies and praises this and three other basic components of the theory. He sees the "Integration of science"(p.6), as a real possibility. The, "Unity of nature as a philosophical credo. The world governed by the same kind of fundamental laws and principles in all its different realms" (p.6). And finally the idea that, "Humanism is a task and responsibility of science" (p.6).

Taylor (1979) in a Family Process article entitled, "Using Systems theory to Organize Confusion," observed that, "transformations of such core concepts as truth and causality might in the past have required centuries of halting evolution. I see the work of systems thinkers as a step taken self-consciously on a path of great importance" (p.487).

It seems fitting to have come full circle and to conclude our examination of systems theory with a message of hope from its founder. "Possibly the model of the world as a great organization can help to reinforce the sense of reverence for living which we have almost lost in the last sanguinary decades of human history" (Von Bertalanffy 1973, p.49). Fortunately this hope has been translated into more than just a possibility. Family therapists with a systems orientation have repeatedly provided families in crisis with valuable assistance.

Culturally, however, many of these processes are difficult for us to conceptualize. As Taylor (1979) points out, "the very structure of our language (subject, verb, object) seems to demand

that we identify initiator and responder, persecutor and victim, cause and effect" (p.487). It's not surprising, given this linguistic foundation, that the two dominate orientations in Western Psychology, behaviorism and Freudian psychoanalysis have both created very mechanistic models of the psyche. Contrast this with the system's notion of circularity or Jung's discovery of the collective unconscious, myth-forming properties, and far reaching healing potential of the psyche (Grof 1984 p.16).

As these and other theoretical perspectives are examined, we must be careful not to get caught in the same linguistic dilemma identified above. To suggest that Jung is right and Freud wrong is to fall into that trap. It seems that they can both be more productively viewed, not as polar opposites but, each as a necessary step in the evolution of what works best. Norman Ackerman (1984) echoes this cautionary note by stating that, "one must be clear that the growth of awareness is spherical rather than linear. When we move to a family, we do not leave individual psychology behind; rather, the idea of family includes the idea of the individual" (p.3).

One Family System

In order to better understand why systems theory enjoys such popularity among family practitioners it may be helpful to focus attention on the issues that relate to a single family unit as opposed to the larger systems we have examined so far. As was

mentioned, the preference is to meet with the entire family. Some therapists feel so strongly about this that they refuse to work with anyone in a family unless all members participate. Others are more flexible. Virginia Satir, for example, shared in a recent workshop that she began her family practice by insisting that the entire family be present. Now, however, she states that, while the entire family is preferable, she will work with those who are present.

What is the reason for so much attention paid to the entire system? "Numerous studies have demonstrated that families behave as if they were units. In 1954 Jackson introduced the term "family homeostasis" to refer to this behavior" (Satir, 1964 p.1). Examples of this emerged as other individuals in the family began to interfere with, or even try to sabotage, successful individual treatment efforts of the "sick" member. This has been noted as hospitalized or incarcerated patients often regress following home visits. It is also common to see other family members get worse as the patient's condition improves. It is as though the family has a stake in the sickness. As Peggy Papp, another well known family therapist, explains, "key concepts of systems thinking have to do with wholeness, organization, and patterning. Events are studied within the context in which they are occurring, and attention is focused on connections and relationships rather than on individual characteristics" (1983, p.7).

The quality of the marital relationship also has a drastic impact on the character of family homeostasis. The couple is viewed as the "architects" of the family. It is no surprise that, "a

pained marital relationship tends to produce dysfunctional parenting" (Satir, 1964 p.2).

Satir goes on to refer to the "sick" family member as the Identified Patient. The I.P. is one in the family most affected by family unrest, a pained marital relationship, or dysfunctional parenting. "His symptoms are an SOS about his parents pain and the resulting family imbalance...and a message that he is distorting his own growth as a result of trying to alleviate and absorb his parent's pain" (p.3). This does not mean, however, that we can now more accurately blame parents for their child's misbehavior. The point is to move beyond blaming altogether and view family imbalance as the system's way of changing or adjusting to outside change. Brodey (in Ackerman, 1967) comments on the futility of blaming as he shares that, "family disorganization and change need not, it seems to me, represent pathology. Discontinuity between generations will persist until new kinds of continuity are established. And new continuity can be based on underlying growth and change—the growth and change of parents and family therapists as well as children" (p.19).

Papp also seems to prefer viewing family disorganization in terms of growth and change as she explains, "the parts are constantly changing in order to keep the system balanced (as a tightrope walker constantly shifts his/her weight to preserve equilibrium)" (p.7). Prigogine (in Jordon, 1985) states it this way, "living systems exhibit stability and order by being dynamic in nature" (p.168). If this is the case, and families constantly

balance themselves, one might wonder why the need would ever arise for clinical help. The answer, Papp states, "is that sometimes the family's way of balancing itself includes a symptom that is unacceptable to them and/or to society. When the symptom causes intolerable stress, either inside or outside the family, the family is compelled to seek help" (p.9). The topic of stress and its impact on a given family deserves a closer look.

Reuben Hill (1949) did some ground breaking research in this area as he examined family's adjustment to the crisis of separation and reunion in the years following World War II. He identified three variables that were crucial in determining whether an event became a crisis for a given family: "(1) the hardships of the event itself, (2) the resources of the family, its role structure, flexibility, and previous history with crisis, and (3) the definition the family makes of the event; that is, whether family members treat the event as if it were or as if it were not a threat to their status, their goals, and objectives" (p.9). This is now known as the ABC-X Family Crisis Model.

Hill's work has been expanded upon by a group of researchers that include David Olson and Hamilton McCubbin. They have provided some extremely valuable tools to use in examining family systems. In the late 1970's and early 1980's, Olson and his colleagues developed the Circumplex Model of Marital and Family Systems. "This model focuses on three salient dimensions of family dynamics - adaptability, cohesion, and communication. The model also enables us to classify families into types; the primary ones are Balanced,

Mid-Range, and Extreme" (Olson et al. 1984, p.13). In 1982 and '83, McCubbin and Patterson advanced the Double ABC-X Model that, "focuses on three aspects of family life (stressors and strains, family coping, and family resources) that determine how well the family will adjust to normal transitions and changes" (Olson et al. 1983, p.13). The Circumplex Model was used in a nationwide survey to examine and type families at various stages of the family life cycle. They conceptualized this cycle consisting of seven stages: "(1) Young Couples Without Children, (2) Childbearing Families and Families with Children in Preschool Years, (3) Families with School-Age Children, (4) Families with Adolescents in the Home, (5) Launching Families, (6) Empty Nest Families, and (7) Families in Retirement" (Olson et al. 1983 p.22). For the purposes of this study the obvious focus is on stage four and to a lesser degree stage five. It is interesting, but not surprising, to note that these were found to be two of the most stressful stages.

What separates normative from nonnormative stress? Hill, who advanced the ABC-X Family Crisis Model, (in Olson et al. 1983) defines "a stressor as a situation for which the family has had little or no preparation, and crisis as any sharp decisive change from which old patterns are inadequate" (p.118). He goes on to operationalize this by noting the number of hardships or changes required to cope with a stressor event. The Double ABC-X Model, mentioned earlier, takes this one step further. In Hill's original model 'a' represented the stressor event. In McCubbin and Patterson's new model the stressor event is represented by 'Aa'.

taking into account the 'pile up' of 'prior strains'. "Prior strains are the residuals of family tension that linger from unresolved prior stressors or that are inherent in ongoing family roles..." (p.118). They go on to hypothesize, "that the pile up of family stressors and strains would be positively associated with a decline in family functioning and the well-being of its members. However, we remain relatively unclear as to what are the 'normal' life events and strains the family unit can anticipate or handle over the family cycle" (p.120).

To place this discussion back in the context of the family, let us again examine the Circumplex Model. Olson's stated purpose for the model is to, "facilitate bridging the gaps that often exist among theorists, researchers, and practitioners" (p.47). Family cohesion and family adaptability are organized on two axes to form the model itself. Family communication, the third dimension in the model is a 'facilitating dimension'. "Communication is considered critical to movement on the other two dimensions...positive communication skills enable couples and families to share with each other their changing needs and preferences as they relate to cohesion and adaptability. Negative communication skills minimize the ability of a couple or family members to share their feelings and, thereby, restrict their movement on these dimensions" (Olson et al. 1983 p.49).

As was mentioned earlier, Olson and his colleagues found the Adolescent and Launching stages of the family life cycle to be extremely stressful times for most families. Here parents reported,

"family adaptability and cohesion reached their lowest points during these...stages and that adolescents reported even lower levels of cohesion and adaptability than their parents did" (p. 219). There were those families, however, that reported coping quite well through these stages. What were their secrets? Collectively, they reported positive appraisals,

of the quality of their lives, marital and family strengths, communication, supportive networks of valued relatives and friends, leisure activities, strong health practices, and satisfaction with children. It comes as no surprise to note the importance of their family problem-solving skills in terms of family strengths of conflict resolution, financial management, resolution of personality issues, and reframing (p.210).

These "low-stress families", as Olson refers to them, are obviously able to reduce their stress and resulting conflicts to manageable limits. The challenge then, for anyone contemplating intervention, is how best to facilitate these strengths in "high-stress families". As was mentioned earlier, family therapy has enjoyed a great deal of success in these situations. Families in therapy report outcomes such as; enhanced feelings of self worth, family unity, and the skills necessary to maintain these changes. It is also unfortunate that many of the families most in need of these services are the least likely to use them. The majority of status offending families find the counselling or therapy process too intimidating. "I'm not crazy," is a common assertion heard when therapy is suggested. The stigma and risk of therapy make it an unthinkable option for many high stress families.

Traditional court proceedings are often used as an intervention strategy in high stress families with status offenders. In Montana, the agency delegated to deal with status offenders is the Youth Court. Here probation officers attempt to deal with these cases in as informal a manner as possible. The hope is that the family's need for assistance can be addressed without giving the youth a permanent court record. At this stage, if the family refuses outside counseling, the officer is left to his or her own resources. An attempt to be a family counselor and the youth's probation officer at the same time creates some obvious role conflicts. In this form of intervention, it is difficult to get entire families involved, given that the victim and the offender are in the same family. To explain, these cases usually do not come to the attention of local law enforcement or the legal system unless the parent registers a formal complaint. The court system then pits one generation against another in the determination of guilt. This situation can serve to reinforce and intensify the family's dysfunction by providing legal sanction for blaming the 'offender' and absolving other family members of their responsibility. Obviously, this is far from an ideal set up for counseling, yet often times these services are provided by probation officers with a great deal of success and families as well as individual juvenile offenders are helped.

A creative third alternative, family mediation, is being used in a few innovative programs in the eastern United States. Jennifer

Beer, in the Mediator's Handbook, defines it as, "a process which brings disputing parties together in the presence of an impartial third party, who helps the disputants work out an agreement. The disputants, not the mediator, decide the terms of this agreement" (Beer et al p.6). In these programs, parent/child conflicts are negotiated with the help of mediators instead of therapists. The goal here is to facilitate the creation of an agreement that addresses key family issues, not to overtly change the system, as is the case in family therapy.

The Children's Aid Society's PINS (Persons in Need of Supervision) Mediation Project is such a program. The majority of families that have used these services report that they are extremely satisfied with the results. A follow-up research report also indicated that, "as a result of the program, communication within the family had improved significantly" (Block et al, 1982 p.xiv). In order to explain these successes it is important to begin by examining the nature of interpersonal conflict itself and the role it plays in our relationships.

Joyce Hocker and William Wilmot (1985) in their work on the subject define conflict from a communication perspective as "an expressed struggle between at least two interdependent parties who perceive incompatible goals, scarce rewards, and interference from the other party in achieving their goals" (p.23). They also write that a major obstacle to productive management of conflict is the notion that a conflict struggle is negative and to be avoided. Examples of these dysfunctional perspectives on conflict include,

"harmony is normal and conflict is abnormal" (p.7), "conflict is pathological" (p.8), those who engage in these behaviors can be seen as anti-social; or the ever-popular "conflict should be reduced or avoided, never escalated" (p.8), hardly the approach advocated by the likes of Mahatma Gandhi or Dr. Martin Luther King Jr.

Are there more productive ways of viewing conflict? The Chinese character for crisis or conflict includes both the symbol for 'danger' and for 'opportunity'. Simply being open to the possibility that a given conflict may be an opportunity to grow or learn can have an extremely productive impact on the situation. If family members are willing to approach their conflicts in this manner and establish mechanisms (such as family meetings or family councils) to facilitate communication, conflict can serve to strengthen the family. Hocker and Wilmot (1985) explain this dynamic. "Productive conflicts are characterized by a transformation of the elements of conflict. A productive conflict alters the underlying conflict dimensions in a positive direction. One or more of these elements would change as the result of a positive conflict: Mode of expression of struggle, Perception of incompatible goals, Perception of scarce rewards, Degree of interdependence/dependence, or Kind of cooperation and opposition. The two parties will find that their relationship has been altered in some way at the end of the conflict. The residual impact is positive--they are more willing to cooperate, able to have a more productive conflict the next time, and more satisfied with the

result" (p.32-33). Conflict style also plays a key role in individual and system's conflict. Roger Fisher and William Ury (1983) add another dimension to the customary 'self vs. other' or 'hard vs. soft' approach to style. They speak of a 'solution' oriented style and suggest that four main points characterize the method. First, "separate the people from the problem... Figuratively, if not literally the participants should see themselves side by side, attacking the problem, not each other" (p.11). "The second basic element is: focus on interests, not positions". This is intended to, "overcome the drawback of focusing on people's stated positions when the object of a negotiation is to satisfy their underlying interests" (p.11). "The third basic point: Before trying to reach agreement, invent options for mutual gain" (p.12). This brainstorming step is intended to balance the stress that may limit creativity and narrow the focus of the negotiations. And the, "fourth basic point: Insist on using objective criteria." A rigid negotiator can be countered, "by insisting that his single say-so is not enough and that the agreement must reflect some fair standard independent of the naked will of either side" (p.12). Extensive treatment is given to this one style because it represents a 'win-win' approach to conflict. The other two styles mentioned above suggest that a 'win-lose' approach to conflict is necessary. Apart from the styles themselves, we all develop preferred styles in certain situations. Some work well for us and some don't. The

important thing is that if they are not working any longer, they can be changed. Flexibility is the key here too, for more productive conflict outcomes for individuals and systems alike.

Power is also of great interest in any discussion of interpersonal conflict. Beliefs about power differ greatly even among experts. But what is known, as Rollo May (1972) writes, "power is always interpersonal; if it purely personal we call it 'strength' " (p.35). Power, then in any relationship would seem to be based on a given party's control of mutually valued currencies. Hocker and Wilmot (1985) provide a list of power currencies, "expertise, resource control, interpersonal linkages, personal qualities, and intimacy" (p.73). Achieveing a balance of power is crucial to productive conflict management. May (1972) goes on to challenge the commonly held notion that 'power corrupts' by suggesting that what corrupts is a sense of 'powerlessness'(p.23). Balancing the power in a relationship can be achieved by moving toward equity. This implies that, when compared one to another, each person's cost's and reward's are proportionate. Not necessarily equal, but equitable. Obviously, long-term relationships are more mutually satisfying if some degree of equity can be achieved and conflict can be approached in a collaborative manner.

Why Mediate Family Conflicts?

The status offender issue is extremely complex. Even the experts disagree about what should be done and who should do it.

What is clear, however, is that any intervention strategy enjoys a higher probability of success if it involves the entire family system. This is because, all the 'victims' and the 'offenders' in these situations are in one family unit. The challenge then, for those of us who intervene becomes, "can we get this family together?" and "once we do--then what?"

In our examination of family function and dysfunction we have discovered that all systems, including family systems, function as units. Sometimes this homeostatic balancing, that takes place within a family, can serve to support and enhance the well being of its members. At other times, however, it can have just the opposite affect. In an attempt to further clarify this process David Olson was able to identify certain characteristics associated with "low-stress families". Collectively they reported enjoying the general quality of their lives, having strong marriages, open communication in relationships, supportive networks of friends and relatives, enjoyable leisure activities, strong health practices, and satisfaction with their children. And just how are such wonderful things possible in families? Among the means to these ends, Olson (1983) suggests the importance of, "problem-solving skills in terms of strengths of conflict resolution, financial management, resolution of personality issues, and reframing" (p.210).

Family mediation is an arena in which these skills can be modeled, taught, and practiced. It is certainly not the only one. Typically, family therapy is still the intervention of choice for

most chronic status offending families. The difficulty here is that the vast majority of these families will never make it to therapy. Mediation, of course, cannot meet everyone's needs either. What it does provide, however, is a potentially less threatening way of bringing the entire family together to take responsibility for its own issues and to learn new ways of coping with them. Wynne (1984) expands the rationale for employing strategies like mediation in the discussion of the "epigenesis of relational systems" (p.297). The epigenetic (becoming-genesis; upon-epi) principle suggests that, "the interchanges or transactions of each developmental phase build upon the outcome of earlier transactions" (p.298). The formulation of these models, "points specifically to the desirability of strengthening joint problem-solving skills ... before mutuality and intimacy can be expected to stabilize" (p.314). An outcome that is often realized from the mediation process.

Another good reason to add mediation to our list of resource tools is provided by Margaret Shaw, Director of The Children's Aid Society's PINS Mediation Project in New York City. She says, and their follow-up studies confirm that, "it works!" (Morris 1983, p.i).

CHAPTER III

METHODOLOGY

Subjects

The subjects were (1) teenagers on probation for committing a status offense and (2) their "most interested" parent (the one most involved during the youth's contact with the Youth Court).

Youngsters and parents from across Montana were solicited with the assistance of local Youth Court Officers. These "family pairs", participated as part of the youth's probation. Thirteen of the twenty Judicial Districts agreed to participate in the study. Nine of these responded by administering the questionnaire to forty "family pairs", for a total of eighty subjects. This represents a return rate of thirty one percent, or eighty of the possible one hundred and thirty questionnaires.

In this sample some major population areas, like Billings and Bozeman, chose not to participate. So while sample families did come from across the state (over thirty two percent (32.5 %) of the subjects were from the eastern Montana, twenty percent (20.0 %) from central, and over forty seven percent (47.5 %) were from the western part of the state) due to the low response rate, the representativeness of this sample cannot be determined.

Experimental Design

The experimental design is a 4 X 3, for kids, and a 3 X 3, for parents, repeated measures block design. Subjects were asked to classify or "Type" their family, and then react to each of three intervention scenarios. Diagrammatically, the design is as follows:

		SCENARIOS		
		A	B	C
FAMILY TYPE	1	:	:	
	2	:	:	
	3	:	:	
	4	:	:	

The scenarios were randomly arranged to mitigate against order effects using the following combinations: ABC; ACB; BAC; BCA; CAB; and CBA.

The statistical analysis was an ANOVA and a series of correlated t-tests which allowed for assessment of 1) effects of "Blocks" (family type) and 2) differences across the three scenarios. The design and analysis was conducted once for scores of parents and once for the teenagers. Identical design and analysis was used for the two subject pools.

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Materials

The instrument itself is a two part questionnaire. The first part is the FACES II scale (Appendix I), a questionnaire developed by David Olson (1982) that enables families to be typed. The second part of the questionnaire is the presentation of three separate, randomized, treatment scenarios. Each outlines a typical runaway incident and three different responses to it. One involves a traditional Youth Court model (Appendix II), Family Therapy (Appendix III), and the other a Mediation process (Appendix IV). Following each scenario the subject was asked, via a set of satisfaction scales (Appendix VIII), which intervention strategy they would see as most effective, most appropriate and which one they would be most willing to participate in.

Each of the thirteen participating Judicial Districts received a packet of information that included:

- 1) a detailed explanation of the study
- 2) tape recorded instructions for the subjects
- 3) FACES II Scales (Appendix I)- twenty coded copies
- 4) scenarios (Appendices II-IV)-twenty coded copies of the
written scenarios in the six random orders
- 5) dependent measures (Appendix VIII)-answer sheets followed
each scenario

Procedure

The three scenarios were pretested in two ways. First, three professionals from each of the three fields, (mediation, family counseling, and probation) were given copies of the scenario that related to their area of expertise and asked to respond to its accuracy, clarity, and realism (Appendix V). After this round of testing the scenarios were amended to reflect the changes suggested by the experts. The second test was performed by thirty five university students. All three scenarios were presented in random order followed by an answer sheet (Appendix VI). Subjects were asked to read the scenarios and rank order them according clarity, readability, complexity, most favorable presentation, and mostfavorable outcome. The scores on this pretest were analyzed using a Kruskal-Wallis 1-way ANOVA. While no significant differences were noted based on the order of presentation, significant differences were evident along the other dimensions (see Table 1).

Although it was recognized that significant differences did exist between the three presentations, since Mediation was not presented in an overly positive way, it was decided to proceed with the survey using the scenarios in their present form. Notice that the Mediation scores fell between the other two in each case.

The timing and the general presentation of the questionnaires was also pretested in a limited pilot study in Missoula County before running the study state-wide.

Table 1

Mean Rank for Three Intervention Strategies along Five Separate Dimensions

Dimensions	Intervention Strategies			c2	p
	Family Counseling	Informal Probation	Mediation		
Most favorable presentation	35.01	73.37	46.12	34.04	.000*
Most favorable outcome	35.50	68.50	50.50	23.85	.000*
Complexity	46.50	49.50	58.50	3.41	.182
Readability	41.50	60.50	52.50	7.95	.019*
Clarity	39.50	65.50	49.50	15.03	.001*

*p $\frac{1}{2}$.05

Prior to the Montana Correctional Association's Fall Conference, traditionally the best attended annual gathering of juvenile probation officers in the State, all twenty Chief Probation Officers were contacted by mail. An explanation of the study was offered along with an appeal for state-wide participation. At the conference a special meeting was held with representatives from all interested Judicial Districts. Thirteen of the twenty districts were present. Here the packets were distributed and the procedures of the study were discussed in detail. At this meeting the time-frame proposed for administration of the study and collection of the data

was six weeks. An extension of four weeks was later granted to allow for inclusion of more subjects.

Potential families were contacted by their local probation officers who explained the study and requested their assistance. Participating family pairs appeared in their local probation offices and were provided with appropriate materials. Directions for completing the questionnaires were provided by an audio tape. Copies of the same tape were used state-wide in order to standardize the instructions. A transcript of this tape is provided as Appendix VII.

Participating probation officers reported that actually administering the questionnaires was easy and in some cases even therapeutic. Some officers shared that, in a number of cases, the survey served to stimulate extremely productive conversations between parents and their children. The difficult part, according to most officers, was finding appropriate families and then getting them to come in.

Upon completion of the study, a summary will be sent to all twenty Judicial Districts.

CHAPTER IV

RESULTS

The focus of this study was on a specific population of juvenile offenders and their families. The purpose of the study was to determine family "type", and also to ask them which intervention strategy they see as being the most appropriate to their situation.

Family Type

The 30-Item Family Adaptability and Cohesion Evaluation Scales (FACES II) were used to type subject families on the Circumplex Model (Olson 1983, p.39). David Olson obtained the baseline data for this inventory by testing families from thirty-one states across the country. His subject groups included 2,030 parents and 416 adolescents. Our subject population consisted of 40 parents and 40 adolescents from across the state of Montana.

Subject groups in this study scored much lower in Family Cohesion than did Olson's. The mean score for parents in Olson's data was 64.9, in the present study 40.6, with a low score of 18.0 and a high score of 55.0. Similarly, Olson's adolescents averaged

56.3, while those in this study averaged 37.5, with a low score of 22.0 and a high score of 54.0. The Circumplex Model, Figure 2, itemizes sixteen types of marital and family systems. One dimension of the Model is Family Cohesion. It enables us to categorize families as being Enmeshed, on the high end of the scale, or Disengaged, at the low end of the scale. As the graph that follows indicates, all the parents and all but five of the children saw their families as being Disengaged (see Figure 1).

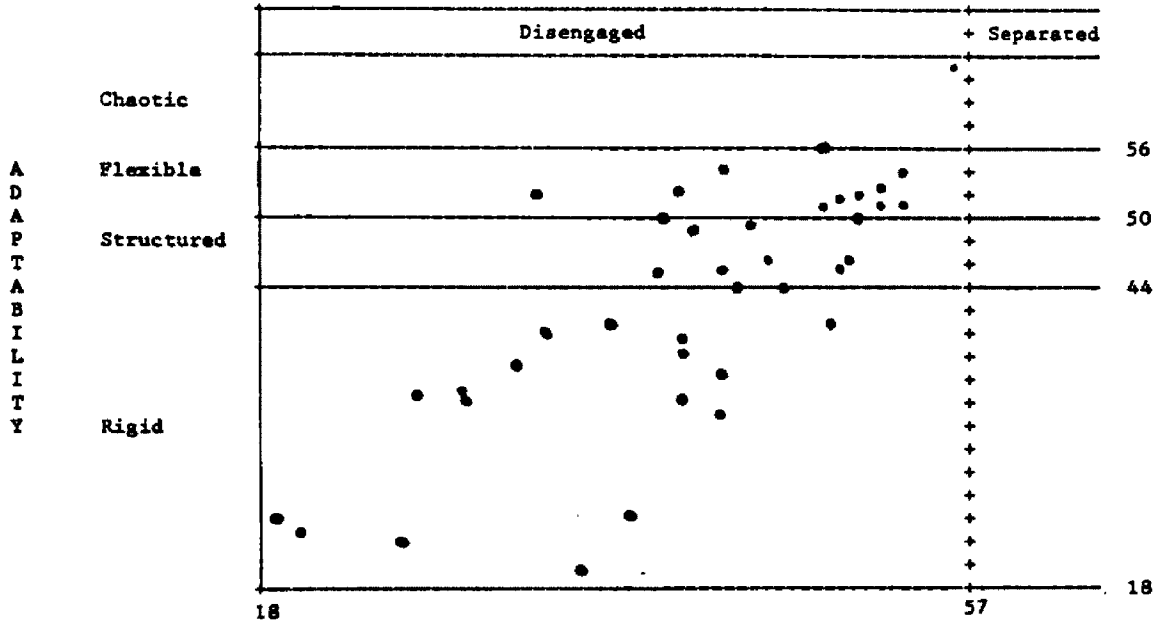
The other dimension of the Circumplex Model is Family Adaptability. Here low scores typified Rigid family systems, whereas high scores indicated that the system was Chaotic. The mean score for parents in Olson's data was 49.9, in the present study it was 42.9, with a low score of 18.0 and a high score of 59.0. Similarly, Olson's adolescents averaged 45.4, while those in this study averaged 40.2, with a low score of 18.0 and a high score of 60.0. It is important to note that this study's adaptability scores, unlike its cohesion scores, were evenly distributed from Rigid to Chotic. This study's scores are displayed graphically in Figure 1. By comparing these findings with the original sixteen categories of Olson's Circumplex Model (Figure 2) we can see that our subjects perceived their families to be "Mid-range" to "Extreme" when contrasted with the "normal" intact families Olson surveyed.

As the graphs clearly indicate, a definite pattern exists in the scores of both parents and children. What is even more remarkable, is that it is the same pattern. In this study, there is

FAMILY PROFILE: FACES II

PARENTS

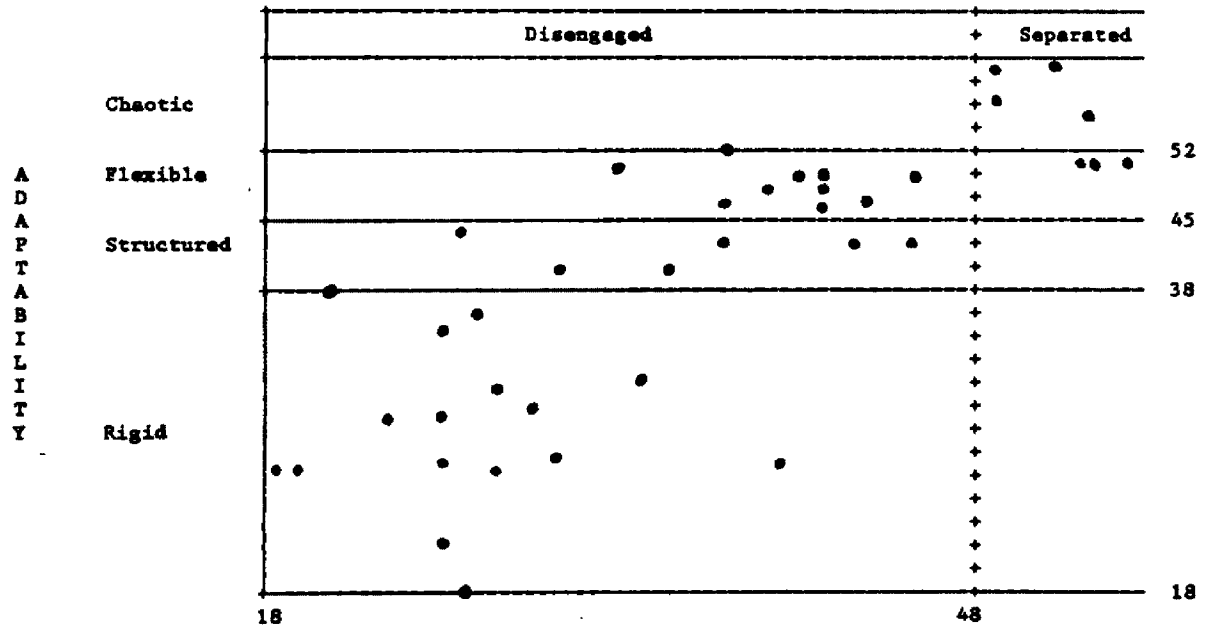
COHESION



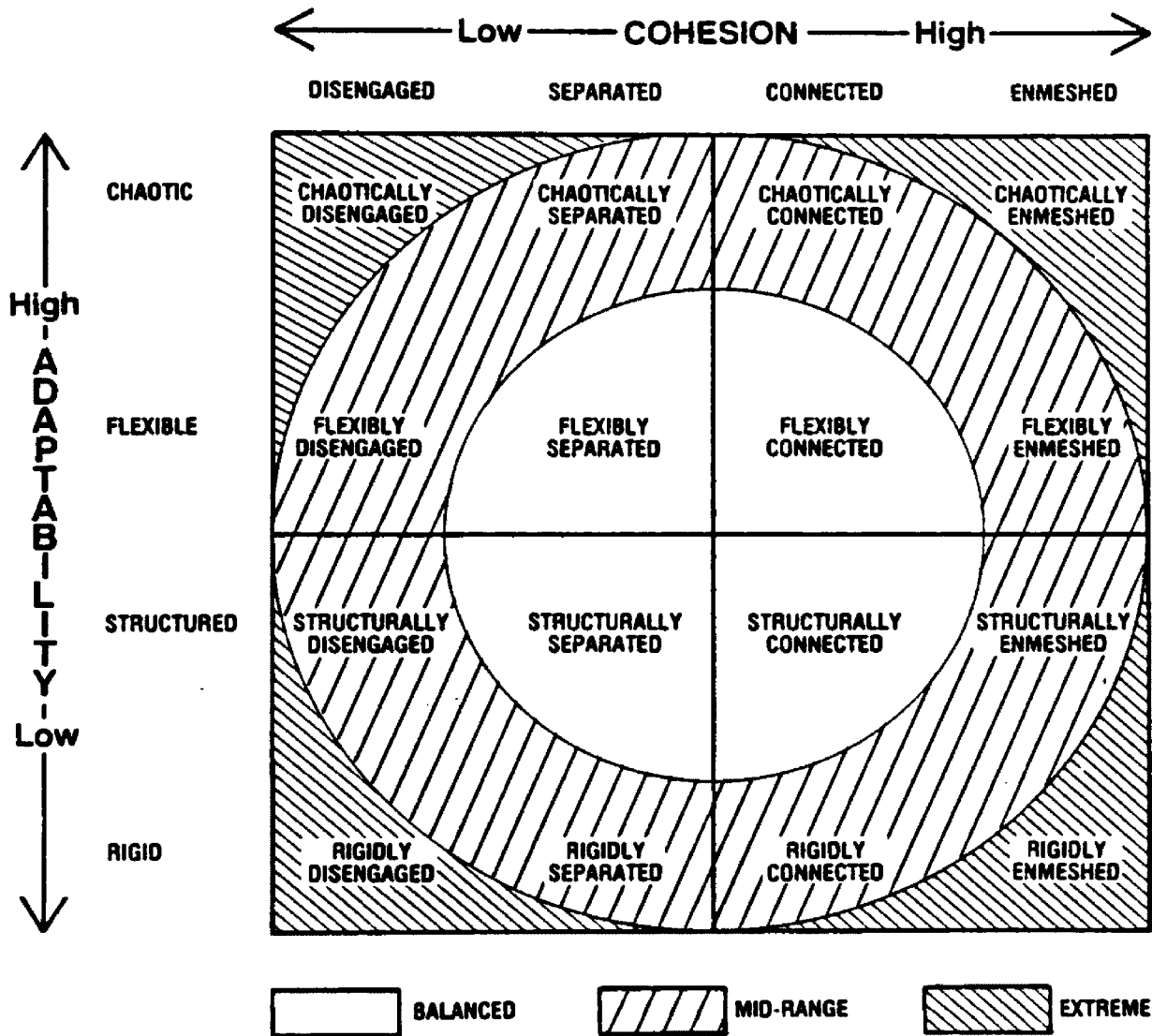
FAMILY PROFILE: FACES II

CHILDREN

COHESION



CIRCUMPLEX MODEL: SIXTEEN TYPES OF MARITAL AND FAMILY SYSTEMS



a significant positive relationship between the two variables ($r=.78$; $p=.000$). That is, the higher the scores in adaptability, the higher the scores in cohesion. This was true for parents ($r=.74$; $p=.000$) and especially for the children ($r=.81$; $p=.000$) (See Figure 1). It is also interesting to note that, similar to Olson's data the children's scores along both dimensions tended to be a few points lower than their parent's.

Standard deviations varied as well. The findings here are as follows:

	Parents	Childrens
Cohesion	9.2 (8.4)*	9.2 (9.2)
Adaptability	10.2 (6.6)	11.2 (7.9)

Intervention Strategy

Throughout this chapter a number of dependent measures are examined. Sometimes they are "repeated" and sometimes "independent" depending on the analysis. The three intervention strategies were Informal Probation, Mediation, and Family Counseling (Appendices II-IV). Each was presented to the subjects in six randomized orders (m,ip,fc; m,fc,ip; fc,ip,m; fc,m,ip; ip,m,fc; ip,fc,m) and each was followed by an answer sheet (Appendix IV). This allowed every subject to respond to all three of the intervention strategies using the same scales. In other words, subjects examined the three

*Olson's data are in parentheses

scenarios in light of their family situation and responded to their appropriateness, effectiveness, and their willingness to participate in it. The dependent variables were:

I.P.-EFF	MED.-EFF	F.C.-EFF
I.P.-WILL	MED.-WILL	F.C.-WILL
I.P.-APP	MED. APP	F.C.-APP

It was concluded that no significant differences were noted based on order of presentation. The subject's responses to the scenarios were not affected by the order in which they were presented (see Table 2).

The study surveyed families with a very specific problem and asked them to share perceptions of their family types. They were also asked, as potential clients, how they would choose to be helped. The intent was to get a clearer understanding of how best to assist them through their crisis. In order to accomplish this a number of research questions were posed. Do parents and children differ in their preference of intervention strategies? An independent t-test was used to examine these differences (Table 3).

No significant differences were noted. There were no systematic differences between parents and children in their preferences for the intervention strategies (Table 3).

The original plan was to run repeated measures MANOVA, on effects of family type on the repeated scores. The research question involved assessing the effects of family type on the

Table 2

ANOVA Table: Order of Presentation

Strategy	Order	d.f.	F-Ratio	F-Probability
Informal Probation				
	Effectiveness	5,72	.541	.75 n.s.
	Willingness	5,73	.464	.80 n.s.
	Appropriateness	5,72	.921	.47 n.s.
Mediation				
	Effectiveness	5,74	.438	.82 n.s.
	Willingness	5,74	.580	.72 n.s.
	Appropriateness	5,74	.542	.74 n.s.
Family Counseling				
	Effectiveness	5,74	1.312	.27 n.s.
	Willingness	5,74	.542	.74 n.s.
	Appropriateness	5,74	1.077	.38 n.s.

Note: The orders were, 1=M,IP,FC; 2=M,FC,IP; 3=FC,IP,M; 4=FC,M,IP; 5=IP,M,FC; and 6=IP,FC,M.

preference of intervention strategies. However, after extensive consultation with the computer center staff, the MANOVA could not be successfully computed. Correlated t-tests and ANOVAs were then substituted to analyze all the results.

Table 3

Mean Differences in Preference, Between Parents and Children, for a Given Intervention Strategy

Dependent Variable	Parents Mean scores	Childs Mean scores	T-Value	2-Tail Prob.	
I.P.* Effectiveness	3.24	3.21	.11	.91	n.s.
Med.* Effectiveness	3.06	2.94	.43	.67	n.s.
F.C.* Effectiveness	3.19	3.18	.05	.96	n.s.
I.P. Willingness	3.33	3.10	.83	.41	n.s.
Med. Willingness	3.14	3.01	.51	.61	n.s.
F.C. Willingness	3.04	2.86	.69	.49	n.s.
I.P. Appropriateness	3.21	3.00	.76	.45	n.s.
Med. Appropriateness	2.79	2.70	.37	.72	n.s.
F.C. Appropriateness	2.93	2.85	.28	.79	n.s.

* I.P. is Informal Probation, Med. is Mediation, and F.C. is Family Counseling

The parents were separated into the following groups, based on their scores: Rigid (18.00-43.90; N=19), Structured (44.00-50.00; N=9), and Flexible (50.10-56.00; N=11), while the children were separated into four groups: Rigid (18.00-37.90; N=16), Structured

(38.00-44.00; N=7), Flexible (46.00-52.00; N=13), and Chaotic (52.10-60.00; N=4). Tables 4-12 display the results from the correlated t-tests, within each family type on all the dependent measures. For example, Table 4 shows the scores of "Rigid" parents on each dependent variable, compared two at a time.

Table 4

Mean Differences In The Intervention Strategies Preferred By Parents Based on Family Type

Dependent Variable	# of cases	"Rigid" Parents			
		Mean	T-Value	Degrees of Freedom	2-Tail Prob.
I.P. Will.	19	3.32	.41	18	.69 n.s.
Med. Will.		3.21			
I.P. Will.	19	3.32	1.42	18	.17 n.s.
F.C. Will.		2.87			
Med. Will.	19	3.21	1.24	18	.23 n.s.
F.C. Will.		2.87			
I.P. Eff.	19	3.12	.30	18	.77 n.s.
Med. Eff.		3.03			
I.P. Eff.	19	3.12	-.18	18	.86 n.s.
F.C. Eff.		3.16			
Med. Eff.	19	3.03	-.46	18	.67 n.s.
F.C. Eff.		3.16			
I.P. App.	19	3.26	1.38	18	.19 n.s.
Med. App.		2.90			
I.P. App.	19	3.26	1.49	18	.15 n.s.
F.C. App.		2.92			
Med. App.	19	2.90	-.10	18	.92 n.s.
F.C. App.		2.92			

No significant differences were noted in the way parents from "Rigid" family systems viewed the three intervention strategies (see Table 4).

Table 5

Mean Differences In The Intervention Strategies Preferred By Parents Based on Family Type

"Structured" Parents						
Dependent Variable	# of cases	Mean	T-Value	Degrees of Freedom	2-Tail Prob.	
I.P. Will.	9	3.56	.90	8	.40	n.s.
Med. Will.		3.11				
I.P. Will.	9	3.56	.69	8	.51	n.s.
F.C. Will.		3.28				
Med. Will.	9	3.11	-.29	8	.78	n.s.
F.C. Will.		3.28				
I.P. Eff.	9	3.89	1.13	8	.29	n.s.
Med. Eff.		3.28				
I.P. Eff.	9	3.89	1.53	8	.17	n.s.
F.C. Eff.		3.17				
Med. Eff.	9	3.28	.18	8	.86	n.s.
F.C. Eff.		3.17				
I.P. App.	9	3.56	1.76	8	.12	n.s.
Med. App.		2.78				
I.P. App.	9	3.56	1.06	8	.32	n.s.
F.C. App.		3.00				
Med. App.	9	2.78	-.37	8	.72	n.s.
F.C. App.		3.00				

No significant differences were noted in the way parents from

"Structured" family systems viewed the three different intervention strategies (see Table 5).

Table 6

Mean Differences In The Intervention Strategies Preferred By Parents Based on Family Type

"Flexible" Parents					
Dependent Variable	# of cases	Mean	T-Value	Degrees of Freedom	2-Tail Prob.
I.P. Will.	11	3.18	.63	10	.54 n.s.
Med. Will.		2.86			
I.P. Will.	11	3.18	.09	10	.93 n.s.
F.C. Will.		3.14			
Med. Will.	11	2.86	-.94	10	.37 n.s.
F.C. Will.		3.14			
I.P. Eff.	11	2.95	.43	10	.68 n.s.
Med. Eff.		2.77			
I.P. Eff.	11	2.96	-1.17	10	.27 n.s.
F.C. Eff.		3.46			
Med. Eff.	11	2.77	-2.30	10	.04 *
F.C. Eff.		3.46			
I.P. App.	11	2.86	1.03	10	.33 n.s.
Med. App.		2.41			
I.P. App.	11	2.86	-.31	10	.76 n.s.
F.C. App.		3.05			
Med. App.	11	2.41	-1.64	10	.13 n.s.
F.C. App.		3.05			

The only significant difference noted in the way parents from "Flexible family systems viewed the three different intervention strategies, namely Mediation's Effectiveness vs. Family Counseling's

Effectiveness. Since it was the only one that emerged, given the large number of t-tests, random chance is assumed to have been a factor (see Table 6).

Table 7

Mean Differences In The Intervention Strategies Preferred By Children Based on Family Type

"Rigid" Children						
Dependent Variable	# of cases	Mean	T-Value	Degrees of Freedom	2-Tail Prob.	
I.P. Will.	16	2.88	.49	15	.63	n.s.
Med. Will.		2.69				
I.P. Will.	16	2.88	.53	15	.60	n.s.
F.C. Will.		2.69				
Med. Will.	16	2.69	.00	15	1.00	n.s.
F.C. Will.		2.69				
I.P. Eff.	15	2.83	.69	14	.50	n.s.
Med. Eff.		2.57				
I.P. Eff.	15	2.83	-.41	14	.69	n.s.
F.C. Eff.		3.00				
Med. Eff.	16	2.53	-1.19	15	.25	n.s.
F.C. Eff.		2.91				
I.P. App.	15	2.87	.86	14	.40	n.s.
Med. App.		2.53				
I.P. App.	15	2.87	.33	14	.75	n.s.
F.C. App.		2.73				
Med. App.	16	2.50	-.60	15	.56	n.s.
F.C. App.		2.66				

Their were no significant differences noted in the way children

from "Rigid" family systems viewed the three different intervention strategies (see Table 7).

Table 8

Mean Differences In The Intervention Strategies Preferred By Children Based on Family Type

"Structured" Children						
Dependent Variable	# of cases	Mean	T-Value	Degrees of Freedom	2-Tail Prob.	
I.P. Will.	6	3.33	1.33	5	.24	n.s.
Med. Will.		2.42				
I.P. Will.	6	3.33	2.09	5	.09	n.s.
F.C. Will.		2.58				
Med. Will.	7	2.50	0.00	6	1.00	n.s.
F.C. Will.		2.50				
I.P. Eff.	6	3.50	2.10	5	.09	n.s.
Med. Eff.		2.08				
I.P. Eff.	6	3.50	1.58	5	.18	n.s.
F.C. Eff.		2.83				
Med. Eff.	7	2.29	-.74	6	.48	n.s.
F.C. Eff.		2.86				
I.P. App.	6	2.67	.13	5	.91	n.s.
Med. App.		2.58				
I.P. App.	6	2.67	-.27	5	.80	n.s.
F.C. App.		2.83				
Med. App.	7	2.64	-.11	6	.92	n.s.
F.C. App.		2.71				

There were no significant differences noted in the way children

from "Structured" families viewed the three different intervention strategies (see Table 8).

Table 9

Mean Differences In The Intervention Strategies Preferred By Children Based on Family Type

"Flexible" Children					
Dependent Variable	# of cases	Mean	T-Value	Degrees of Freedom	2-Tail Prob.
I.P. Will.	13	3.35	-.26	12	.80 n.s.
Med. Will.		3.42			
I.P. Will.	13	3.35	.50	12	.63 n.s.
F.C. Will.		3.15			
Med. Will.	13	3.42	.82	12	.43 n.s.
F.C. Will.		3.15			
I.P. Eff.	13	3.50	.10	12	.92 n.s.
Med. Eff.		3.46			
I.P. Eff.	13	3.50	-.21	12	.84 n.s.
F.C. Eff.		3.58			
Med. Eff.	13	3.46	-.27	12	.79 n.s.
F.C. Eff.		3.58			
I.P. App.	13	3.34	1.85	12	.09 n.s.
Med. App.		2.88			
I.P. App.	13	3.35	.70	12	.50 n.s.
F.C. App.		3.15			
Med. App.	13	2.89	-1.00	12	.34 n.s.
F.C. App.		3.15			

There were no significant differences noted in the way children from "Flexible" families viewed the three different intervention strategies (see Table 9).

Table 10

Mean Differences In The Intervention Strategies Preferred By
Children Based on Family Type

"Chaotic" Children						
Dependent Variable	# of cases	Mean	T-Value	Degrees of Freedom	2-Tail Prob.	
I.P. Will.	4	2.88	-1.73	3	.18	n.s.
Med. Will.		3.88				
I.P. Will.	4	2.88	-.68	3	.55	n.s.
F.C. Will.		3.25				
Med. Will.	4	3.88	.66	3	.56	n.s.
F.C. Will.		3.25				
I.P. Eff.	4	3.25	-1.19	3	.32	n.s.
Med. Eff.		4.00				
I.P. Eff.	4	3.25	-.58	3	.60	n.s.
F.C. Eff.		3.50				
Med. Eff.	4	4.00	.68	3	.55	n.s.
F.C. Eff.		3.50				
I.P. App.	4	2.88	-.40	3	.72	n.s.
Med. App.		3.00				
I.P. App.	4	2.88	.00	3	1.00	n.s.
F.C. App.		2.88				
Med. App.	4	3.00	.29	3	.79	n.s.
F.C. App.		2.88				

There were no significant differences noted in the way children from "Chaotic" families viewed the three different intervention strategies (see Table 10).

It was anticipated that different strategies might appeal to different types of families or that parents and children might prefer one over another. Subjects were asked about each strategy's relative effectiveness, its suitability to their situation, and whether or not they would be willing to participate in it. The children were separated into the four groups mentioned above (Rigid,

Table 11

ANOVA Table for Children

Dependent Variables	d.f.	F-Ratio	Probability	
I.P. Effectiveness	(3,34)	1.111	.358	n.s.
Med. Effectiveness	(3,36)	2.722	.059	n.s.
F.C. Effectiveness	(3,36)	.933	.435	n.s.
I.P. Willingness	(3,35)	.534	.662	n.s.
Med. Willingness	(3,36)	2.855	.051	n.s.
F.C. Willingness	(3,36)	.675	.573	n.s.
I.P. Appropriate	(3,34)	.536	.661	n.s.
Med. Appropriate	(3,36)	.435	.729	n.s.
F.C. Appropriate	(3,36)	.424	.737	n.s.

Structured, Flexible, and Chaotic), and a one-way ANOVA was computed comparing differences between groups. Table 11 displays the ANOVA computed based on the four groupings of children on each dependent measure.

Parents were categorized into three groups Rigid, Structured, and Flexible. Similarly, ANOVA's were computed across family type for each dependent measure (see Table 12).

Table 12

Anova Table for Parents

<u>Dependent Variables</u>	<u>d.f.</u>	<u>F-Ratio</u>	<u>Probability</u>	
I.P. Effectiveness	(2,36)	2.062	.142	n.s.
Med. Effectiveness	(2,36)	.453	.640	n.s.
F.C. Effectiveness	(2,36)	.252	.779	n.s.
I.P. Willingness	(2,36)	.215	.808	n.s.
Med. Willingness	(2,36)	.333	.719	n.s.
F.C. Willingness	(2,36)	.520	.599	n.s.
I.P. Appropriate	(2,36)	.773	.469	n.s.
Med. Appropriate	(2,36)	.746	.481	n.s.
F.C. Appropriate	(2,36)	.042	.959	n.s.

No significant differences were noted among the intervention strategies based on family type, on whether the respondents were parents or children, or on its perceived effectiveness, appropriateness, or the subject's willingness to participate.

CHAPTER V

DISCUSSION AND IMPLICATIONS

Families with adolescents are in one of the most stressful times in the family life cycle. As Olson (1983) puts it, "this stage...seems to require major shifts in the family system to accommodate the needs of adolescent members" (p.226). The study Olson conducted to obtain his baseline data used intact families who he describes as, "normal," "typical," "nonclinical," or "ordinary" (p.35). He suggests that even under "normal" circumstances, "the individuation process of adolescents triggers many other processes within the family. It may increase the amount of family discrepancy or the amount of difference in how members see their families" (p.226). It is not surprising that he found

Extreme family types showed a greater discrepancy between member's perceptions of the level of stress in their family, the ability to reframe the situation positively, their level of family satisfaction, and the quality of life they experience than Balanced families did. The notion of circular causality from systems theory aids in explaining the relationship between stress and discrepant family perceptions...Increased stress consumes the system's resources, decreasing the amount of time available for individual members to negotiate their realities. Thus, during times of stress, discrepancies in perceptions are more evident. To complete this circular process, discrepant perceptions increase the stress level (p.226).

The families surveyed in this study were by definition all in crisis. Thus, it is not surprising to note that all those tested scored within the mid-range to extreme categories. It is fascinating to see, however, the relationship their scores had to one another. All the parents, and all but five of the children viewed their families as Disengaged. The patterns of the scores were similar as well. High Adaptability scores correlated positively with high Cohesion scores, for both groups ($r=.78$; $p=.000$).

Olson (1983), in his clinical ratings scale, also provides us with a clinical picture of the Disengaged family. They are extremely separate emotionally, lacking affective responsiveness, family loyalty, or parent-child coalitions. This emotional separateness is evident in the marital relationship as well. There is very little involvement or interaction between members and discrepant individual definitions of reality are predominant. Within the family, rigid personal boundaries are the rule. Time away from the family is maximized and separate space is needed and preferred by all. Decisions are made independent of the family. Significant friends, interests, and recreation are usually outside the family structure.

The Adaptability scores of those surveyed covered a much broader range. The clinical extremes, according to Olson, range from Rigid to Chaotic. From controlling, authoritarian parenting, where negotiations are limited, roles are strictly defined and the rules are strictly enforced to laissez-faire, erratic parenting,

where negotiations are endless, roles shift frequently and the rules are inconsistently enforced.

After working with these families for the past ten years, I find that the results of this study, as they relate to family type, are very consistent with my experience. Sometimes it is the child's action of physically disengaging, or running away from the family, that initiates the intervention. Another common scenario involves a request from the parents to place the child outside the home. Whether the contact is initiated by the child or the parent, the clinical picture painted above is alarmingly accurate.

Fortunately family types are not written in stone. Extreme or dysfunctional patterns of behavior can be replaced by healthier more balanced ones. According to the Circumplex Model this is done by improving Family Communication, the facilitating dimension of the model. Families become more balanced or more extreme as their ability to communicate improves or deteriorates. There are, obviously, many ways of improving family communication. Education, through books, classes, or television programs, has a great deal of value. Family counseling, as we have mentioned, is an important vehicle, too. And mediation, even though this study did not demonstrate a clear preference among potential clients, deserves a closer look, as well.

The subjects surveyed showed no significant preference for any of the intervention strategies presented. This also indicates, of course, that they did not significantly reject any of them either. Dismissing for a moment the possibility of a methodological problem,

we might conclude that these families are not inclined to voluntarily seek out or willingly cooperate with any form of intervention. Caught in a cycle of more stress and more distance, they are unwilling or unable to invest in any type of assistance. If this is the case, help for status offending families may only be forthcoming if some outside force, such as the court, requires it. Otherwise, as Martin and Snyder (1976) were quoted earlier in this study, "we are putting the burden of change on those who have shown that they can bear it least well" (p.9).

Our early discussions included some tough questions about who should be involved with these families and what types of intervention should be used. It seems appropriate for the court to become involved with families, as it does with individuals, who have repeatedly come before it and have demonstrated an unwillingness to address crucial issues. As for what the court can reasonably expect families to do, it is unfortunate that our study did not provide any guidelines. However, we can examine the possibilities conceptually.

It seems unlikely that simply ordering families into therapy would be very productive. The focus of family therapy, as we have seen, is change. And for families that are ready to make some substantial changes, it is an excellent option. However, for those who continue to blame outside influences or each other for their difficulties, the court may wish to consider less threatening programs like communication classes or mediation. What is the advantage to using these low-risk, short-term strategies first? Wynne (1984) has suggested in the Epigenetic model, that a

foundation can be laid upon which major changes in 'mutuality' can be made later.

Family mediation provides those who participate with a unique experience. It not only instructs, it also actively engages family members in a process that empowers them to take control of their own issues. They identify the issues, they negotiate the solutions, with the mediator simply provides them with a safe place to do it. Unlike intervention strategies that rely on the traditional medical model with the helper as expert, mediation empowers participants to take responsibility for themselves and ultimately provides them with written proof of their abilities in the form of a signed agreement. Julian Rappaport (1985) in an article titled The Power of Empowerment Language, suggests that there are many "iatrogenic, that is, unintended negative side effects," present when the medical model is applied to other helping disciplines. Mediation is a way of engaging these disengaged families. It addresses the immediate needs of those in crisis and as the old adage suggests, "feeds" them. It also goes a step further and, at least, begins the process of teaching them to "fish" so they can eventually feed themselves.

Proof of mediation's validity in family situations comes from a program in New York that actually does it, The Children's Aid Society's PINS (Persons In Need of Supervision) Mediation Project. An independent study was conducted to determine how successful, or unsuccessful the program was (Morris 1983). Five factors from the parent's view, were considered in assessing results: 1) perception of whether mediation was helpful; 2) perception of whether their

child was more manageable at follow-up; and 3) whether or not their problems were resolved. "Two additional factors were considered when assessing if the Project's goals had been met: whether the family completed or prematurely terminated the mediation process, and whether the child returned to the family court on a PINS charge" (p.51). One hundred nineteen families participated in the study. The follow-up data indicated that, "the vast majority (77.3%) of the families who participated in mediation were found to have been moderately (55.5%) or highly (21.8%) successful" (p.53).

While it is obvious that there are distinct differences between mediating a divorce and a parent/child dispute, it is also interesting to note that Kressel, et al (1980) in, "A Typology of Divorcing Couples: Implications for Mediation and the Divorce Process", discovered that couples exhibiting an "enmeshed and autistic" style of dealing with one another had more difficulty in mediation than did those who employed a more "direct and disengaging" conflict pattern. To the degree that our typology can be compared to theirs, we can afford to be that much more optimistic about the fate of our Disengaged status offending families.

Suggestions for Future Research

Given the consistent pattern of the results, it would be interesting to administer the FACES Scale to an even larger population of status offending families. Because so many of the

probation officers that helped with the survey commented on the fact that the FACES Scale was an extremely helpful counseling tool, there is no reason to believe that extending the study in this way would be very difficult. It would also be interesting to review the follow-up research of other programs that are actually doing mediation with this population to be able to assess its usefulness in a much more concrete way than this study was able to. Once a program has been implemented, perceptions of mediation can be examined using subjects who have actually experienced the process, as well as examining them in the abstract as this study has done. It may also be valuable to compare the follow-up data of different existing programs to determine whether court programs are more or less successful than those that are run by agencies outside the court system.

Limitations of the Study

The subject population chosen for this study is an extremely difficult one to work with. This is important for two reasons. First, it was a factor in limiting the final number of subjects the study surveyed. This may have decreased the possibility of finding any differences in some of the tests involving "family type". Secondly, while the family pairs that did participate are to be highly commended for their cooperation, it must also be mentioned that these family pairs, because they were willing to participate, may only represent a limited segment of the entire population of

status offending families. Probation officers consistently reported how difficult it was to motivate potential subjects to come in. So it can be concluded that the limited sample size and the inability to randomly select members of the subject population may have had an impact on the external validity of the study

With regard to the internal validity of the study, the scenario method of comparing intervention strategies has its limitations as well. It can be argued that simply reading about a given situation and actually experiencing it are two completely different things. Obviously the study would have been more salient to the subjects if they could have responded from personal experience. There are some other inherent problems with the scenario method. An obvious one is that the results are only as valid as the scenarios are accurate. In our case, neutrality was a key issue as well. While our pre-testing was designed to address these two dimensions, it became clear during the testing process that it was not possible to achieve perfection in either of these two areas. The compromise that was made regarding neutrality, was that when it became clear that mediation was not being presented in an overly positive way the scenarios were deemed adequate. As was mentioned, significant differences were noted between the scenarios. Because these differences remained unknown they represented variables that were uncontrollable. Since these extraneous variables could neither be described or controlled they may have ultimately had some impact on the study's results.

It bears repeating that since the interest was in conducting a state-wide survey it simply was not possible to conduct an actual pilot program and then test its results.

Conclusions

This study showed some remarkable similarities and consistencies in how parents and kids in status offending families view their family systems. With few exceptions they all perceived their families as being Disengaged. Their mean scores for Family Cohesion were much lower than those David Olson obtained testing "normal" families. The mean score for parents in Olson's data was 64.9, in the present study 40.6. Similarly, Olson's adolescents averaged 56.3 while those in this study averaged 37.5. According to the Circumplex Model they all represent Mid-Range to Extreme family types.

Three years ago when this study was being conceived, parent/child mediation was considered to be somewhat of a novelty. While it is disappointing that this study does not add to the theoretical foundation of that movement, it is encouraging to note that this type of mediation is enjoying success in the areas of the country that are utilizing it. Some of the reasons for this success can be seen in the basic assumptions of mediation itself. It is a non-violent approach to conflict that empowers all participants by assuming that they are responsible and capable of negotiating an equitable agreement.

Leroy Pelton (1974) states that, "we have reached the moon...but we have not yet discovered how to live with each other" (p.xiii). As we remain engaged in this discovery process in our individual families and collectively in our human family, Dr. Martin Luther King Jr. (1968) challenges us by suggesting that, "one day we must come to see that peace is not merely a distant goal that we seek but a means by which we arrive at that goal. We must provide peaceful ends through peaceful means" (p.213). Mediation is certainly not a panacea, but as we search for saner means of managing our differences it does emerge as an extremely effective tool.

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APPENDIX I

FACES II ITEMS

by

David H. Olson, Joyce Portner, and Richard Bell

1. Family members are supportive of each other during difficult times.
2. In our family, it is easy for everyone to express his/her opinion.
3. It is easier to discuss problems with people outside the family than with other family members.
4. Each family members has input in major family decisions.
5. Our family gathers together in the same room.
6. Children have a say in their discipline.
7. Our family does things together.
8. Family members discuss problems and feel good about the solutions.
9. In our family, everyone goes his/her own way.
10. We shift household responsibilities from person to person.
11. Family members know each other's close friends.
12. It is hard to know what the rules are in our family.
13. Family members consult other family members on their decisions.
14. Family members say what they want.
15. We have difficulty thinking of things to do as a family.
16. In solving problems, the children's suggestions are followed.
17. Family members feel very close to each other.
18. Discipline is fair in our family.
19. Family members feel closer to people outside the family than to other family members.
20. Our family tries new ways of dealing with problems.
21. Family members go along with what the family decides to do.
22. In our family, everyone shares responsibilities.
23. Family members like to spend their free time with each other.
24. It is difficult to get a rule changed in our family.
25. Family membes avoid each other at home.
26. When problems arise, we compromise.
27. We approve of each other's friends.
28. Family members are afraid to say what is on their minds.
29. Family members pair up rather than do things as a total family.
30. Family members share interests and hobbies with each other.

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FACES II ANSWER SHEET



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INSTRUCTIONS: Complete Part I completely, and then complete Part II. Please answer all questions, using the following scale.

1
2
3
4
5
 ALMOST NEVER ONCE IN A WHILE SOMETIMES FREQUENTLY ALMOST ALWAYS

PART I:

How Would You Describe Your Family Now?

- | | |
|-----------|-----------|
| 1. _____ | 2. _____ |
| 3. _____ | 4. _____ |
| 5. _____ | 6. _____ |
| 7. _____ | 8. _____ |
| 9. _____ | 10. _____ |
| 11. _____ | 12. _____ |
| 13. _____ | 14. _____ |
| 15. _____ | 16. _____ |
| 17. _____ | 18. _____ |
| 19. _____ | 20. _____ |
| 21. _____ | 22. _____ |
| 23. _____ | 24. _____ |
| 25. _____ | 26. _____ |
| 27. _____ | 28. _____ |
| 29. _____ | |
| 30. _____ | |

<div style="border: 1px solid black; padding: 2px; width: 30px; margin-bottom: 5px;">36</div> <div style="margin-left: 10px;">+ _____</div> <div style="margin-left: 10px;">- Sum 3, 9, 15 19, 25, 29</div> <div style="margin-left: 10px;">+ Sum all other odd numbers plus item 30</div> <div style="margin-left: 10px;">TOTAL COHESION</div>	<div style="border: 1px solid black; padding: 2px; width: 30px; margin-bottom: 5px;">12</div> <div style="margin-left: 10px;">+ _____</div> <div style="margin-left: 10px;">- Sum 24 & 28</div> <div style="margin-left: 10px;">+ Sum all other even numbers except item 30</div> <div style="margin-left: 10px;">TOTAL ADAPTABILITY</div>
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APPENDIX II

INFORMAL PROBATION

Leslie J. ran away from home. Mrs. J called 9-1-1 when she was certain Leslie was not going to return on her own. She gave the operator a description of her child and the address of a friend Leslie might have gone to see. The City Police responded to the mother's "Attempt-to-Locate", found Leslie and brought the teenager home. Leslie received a citation for the incident and was summoned to appear in the Youth Court the following week. Mr. and Mrs. J brought Leslie down to the Courthouse to meet with a Juvenile Officer at the prescribed time for an informal hearing. Leslie's legal rights were read and explained before a waiver was obtained from all parties. After accepting an admission to the charge the Officer asked to hear Leslie's side of the story. Then the family situation, in general, was discussed from everyone's perspective. In the Dispositional phase of the hearing the Officer summarized and reflected some of the strong negative feelings expressed by all those involved. The officer went on to recommend that Leslie be placed on a six month probation since prior warnings for ungovernable behavior had not proven effective. All parties agreed.

They all signed a "Consent Agreement Without Petition" which is the document that itemizes the rules of probation. Leslie was the person expected to comply with the terms of the probation and, understandably, the one most reluctant to sign. After being convinced that something needed to change, Leslie agreed.

Under the terms of the six month agreement she was to obey all city, county, state, and federal laws, to obtain permission from her probation officer before leaving the State of Montana or making any moves from her present residence, to abide by a 10:00 weekday and 11:00 weekend curfew, to keep her parents fully informed of your whereabouts and activities at all times, and to report to the Probation Office once per week.

During the weekly check-in sessions with the Probation Officer questions were asked and answered that clarified Leslie's legal situation and provided general information on how the court system works. Notions of how one might better cope with difficult family, social or school situations were also discussed. Basically, the officer provided Leslie with a weekly reality check or some feedback on how her behavior was viewed and interpreted by others.

Leslie's defiant attitude persisted throughout the first month of the probation but began to change slightly during the second month. When praised and asked about the changes at home and at school Leslie said that the old behaviors weren't working very well and it was time for something new. The notions that people have the power to make choices in their lives and that responsibility for one's behavior may also mean being able to take credit for a job well done, seemed to be new ideas to Leslie. The new pattern of positive behavior and positive response was working well enough for Leslie so that all parties agreed to terminate the probation agreement after only four months.

Please go on to the next page

APPENDIX III

FAMILY COUNSELING

Leslie J. ran away from home. Mrs. J called 9-1-1 when she was certain Leslie was not going to return on her own. She gave the operator a description of her child and the address of a friend Leslie might have gone to see. The City Police responded to the mother's "Attempt-to-Locate", found Leslie and brought the teenager home. Leslie received a citation for the incident and was summoned to appear in the Youth Court the following week. Mr. and Mrs. J brought Leslie down to the Courthouse to meet with a Juvenile Officer at the prescribed time for an informal hearing. Leslie's legal rights were read and explained before a waiver was obtained from all parties. After accepting an admission to the charge the Officer asked to hear Leslie's side of the story. Then the family situation, in general, was discussed from everyone's perspective. In the Dispositional phase of the hearing the Officer summarized and reflected some of the strong negative feelings expressed by all those involved. The Officer recommended that the entire family seek counseling. They agreed.

In the first session, the counselor complimented all the family members on their courage and willingness to try something new. A brief explanation of how family counseling works was offered. Confidentiality was also discussed and everyone was assured that the information shared would not leave the session. The counselor also asked that all family members attend the first few sessions.

The counselor directed these sessions toward understanding two basic issues: (1) what each member believed to be the main problem of this family, and (2) how each person had been trying to deal with the problem. The counselor met with family members individually and as a group to discuss their views on these questions. The counselor noted that the whole family saw Leslie as the problem, and that they thought only she should have counseling. The counselor emphasized that the entire family's communication patterns were keeping them stuck in conflict and the patterns could not be altered by counseling Leslie. During the sessions, heated battles developed from small arguments. These patterns of behavior were not judged or interpreted for the family. The counselor believed that intellectual insights do not help people change their behavior, rather they were asked to stand quietly and move, positioning themselves in such a way as to create a 'picture' of their family. The counselor helped them get started. Those who were aligned with one another drew close and those who felt alone drew back. Family members were asked to examine the 'sculpture' they had created, comment on its accuracy and share how they felt about their positions. The counselor asked Leslie how it felt to be so far away from the rest of the family. Leslie angrily said it didn't matter but when saying it directly to her mother began to cry. They hugged each other and both cried. After several sessions the family began to open up, talk, and respond to each other in new and more positive ways.

The counselor wanted small changes in the family, so that members would find new positive patterns of their own. In the course of counseling it was repeated to the family that treatment is only intended to create an initial breakthrough and the responsibility for more permanent change would be up to them. During the last session emphasis was placed on the gains made by the family. However, a realistic prediction of a minor relapse of problems was also shared so the family didn't become too discouraged by less-than-perfect behavior. The counselor then congratulated the family members for their hard work and their commitment to one another and went on to predict a quick and full recovery.

Please go on to the next page

APPENDIX IV

MEDIATION

Leslie J. ran away from home. Mrs. J called 9-1-1 when she was certain Leslie was not going to return on her own. She gave the operator a description of her child and the address of a friend Leslie might have run to. The City Police responded to the mother's "Attempt-to-Locate", found Leslie and brought the teenager home. Leslie received a citation for the incident and was summoned to appear in the Youth Court the following week. Mr. and Mrs. J brought Leslie down to the Courthouse to meet with a Juvenile Officer at the prescribed time for an informal hearing. Leslie's legal rights were read and explained before a waiver was obtained from all parties. After accepting an admission to the charge the Officer asked to hear Leslie's side of the story. Then the family situation, in general, was discussed from everyone's perspective. In the Dispositional phase of the hearing the Officer summarized and reflected some of the strong negative feelings expressed by all those involved. The Officer went on to recommend that the family consider having their difficulties mediated. It was explained that this approach would involve sitting down with a neutral third party and resolving their differences in much the same manner that labor and management do during a strike situation. They agreed.

In the first session, the mediator complimented all the family members on their courage and willingness to try something new. The process of mediation was explained briefly. It was emphasized that mediators are not judges; they can't determine the facts about what has happened. Instead they are present to help family members talk to each other and find their own solutions. Confidentiality was also discussed. Everyone was assured that the information shared would not be repeated outside the session.

The mediator began by asking all family members to listen to each other without interrupting. Everyone was promised a turn to speak. Each person was then asked to explain their views on: (1) what has been going on, and (2) how it is affecting them. Leslie was asked to go first. At one point Mrs. J interrupted angrily when Leslie was talking. The mediator asked her to write down what she wanted to say so she wouldn't forget it when it was her time to talk. Speakers were encouraged to focus on issues and explanations rather than confronting, threatening or blaming each other. Areas of agreement were stressed and all were praised for their hard work and honesty. When Mr. J. began accusing Leslie of being the source of all the family's problems, however, the mediator asked him to explain the behaviors he was referring to and how they influenced him. On a few occasions tempers interfered and recesses were called. During these times the mediator met with the agitated person privately and helped to clarify hidden complaints and encourage bringing them out. None of the information from these separate sessions was shared in the larger group, unless the individual brought it up. Anyone was allowed to ask for a private session with the mediator any time they wished.

During the mediation issues became clearer. While negative generalizations, feelings, judgements, and opinions were not subject to agreement, specific complaints were negotiated. The family members generated specific solutions to their problems and areas of agreement were reinforced. After a few sessions, the result was a Mediation Contract that all family members invested in, agreed to, and signed.

Please go on to the next page

APPENDIX V

ANSWER SHEET

INSTRUCTIONS: Please check the response that most accurately reflects your feelings about this presentation. If certain passages need to be ammended, indicate that in the space provided.

This scenario is:

1. _____ _____ _____
 very moderately very
 accurate accurate inaccurate

If inaccurate, what portion of the presentation affected your judgement? _____

2. _____ _____ _____
 very moderately very
 clear clear unclear

If unclear, what portion of the presentation affected your judgement? _____

3. _____ _____ _____
 very moderately very
 realistic realistic unrealistic

If unrealistic, what portion of the presentation affected your judgement? _____

APPENDIX VI

ANSWER SHEET

INSTRUCTIONS: Please rank order the three scenarios you have just read. Simply place an I.P., M., or F.C. in the space provided to indicate which presentation was most clear to least clear, most readable to least readable, etc.

EXAMPLE: Most Complex I.P.
 Moderately Complex M.
 Least Complex F.C.

1. Most Clear _____
 Moderately Clear _____
 Least Clear _____

2. Most Readable _____
 Moderately Readable _____
 Least Readable _____

3. Most Complex _____
 Moderately Complex _____
 Least Complex _____

4. Most Favorable Presentation _____
 Moderately Favorable Presentation _____
 Least Favorable Presentation _____

5. Most Favorable Outcome _____
 Moderately Favorable Outcome _____
 Least Favorable Outcome _____

APPENDIX VII

I would like to begin by welcoming you and thanking you for participating in this study.

This is part of a state-wide survey being conducted with the help of Youth Courts throughout Montana. The purpose of this study is to gain more information about the difficulties that brought your family into contact with the Youth Court, and for us to hear from you as to how you would prefer that we respond to those difficulties.

If you would look at the questionnaire that your probation officer has provided for you, you will notice that in the upper right-hand corner, it is marked with a "C" or a "P" followed by a number. That is for child and parent, so you should have the proper questionnaire in front of you. This is the only way this particular questionnaire will be coded, so your responses will remain anonymous; and therefore, confidential--so please feel free to be as honest with us as you can be.

The first part is called the "FACES II Scale", and on the first page are the items or general statements about families. The second page is where the responses to those items are recorded. You will notice at the top of the answer sheet are numbers 1 through 5. Each corresponds to a differing response. If you could simply read the item off the first page and record the number that most accurately reflects how you see your family below. If you will notice, the number 2 is not below number 1, it is adjacent to it. This is done for scoring purposes, so all the odd numbers are on the left and the even numbers are on the right. That helps us code it a lot better.

If you would simply complete those thirty items and let your probation officer know when you finish, we will get prepared to go on to Part Two of the questionnaire.

Please keep in mind, there are no wrong or right answers to any of these questions. What we are looking for is your initial, most honest response.

Please begin Part Two by checking the upper right-hand corner and making sure that the code number corresponds to the code number you saw on Part One, or the first two sheets you filled out.

Part Two consists of six sheets stapled together. The first, third and fifth sheets relate to the stories and problems of the "J" family. The second, fourth and sixth sheets are answer sheets. Please read the stories. They are randomized, so some of you may have mediation on top, some probation, or some the family counseling response.

The problems in the stories are consistent. The first paragraph outlines the problems in much the same way. The rest of it, however, outlines the differing response; one being mediation, family counseling, and probation. Please read the stories and fill out the answer sheet that appears on the next page. The hope is that we can get a handle on which response you feel might be most appropriate to your particular situation. I invite you to take your time with this portion of the survey, and if you have any questions, please do not hesitate to ask.

Once you have completed all three answer sheets, you have completed the entire survey. Again, I would like to thank you for taking part. The results of this survey will be available through your probation officer after the first of the year if you are interested. The hope is by providing us with this additional information, you will be helping us to better help you.

Thank you very much for your time.

APPENDIX VIII

ANSWER SHEET

INSTRUCTIONS: Please check the response that most accurately reflects your feelings about the approach you have just read. There are no right or wrong answers. Simply check your initial, honest response. Please make only one check per question.

1) To what degree would this approach resolve difficulties in your family?

not at all
effective

moderately
effective

very
effective

2) Would you like to see this process used in your situation?

not at all
willing

moderately
willing

very
willing

3) Is this type of assistance appropriate for your family?

not at all
appropriate

moderately
appropriate

very
appropriate

4) Would other members of your family participate in this process?

not at all
willing

moderately
willing

very
willing

5) Would it relieve tension in your family?

not at all
effective

moderately
effective

very
effective

6) Would other family members see this process as suitable to your situation?

not at all
suitable

moderately
suitable

very
suitable

Please go on to the next page