



Gallatin County Conciliation Court : a review
by Loraine Evelyn Barker

A thesis submitted to the Graduate Faculty in partial fulfillment of the requirements for the degree of
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Abstract:

As the Gallatin County Conciliation Court has never been reviewed since its inception ten years ago, an objective of this study was to see if the Court's stated purpose was operationally understandable within the context of current philosophy. The study disclosed that the Court's purpose of preserving, promoting, and protecting the institutions of marriage and family cannot be achieved only or necessarily by keeping together a troubled marriage or family.

A second objective was to determine according to the views gathered from surveys of the Court's clients and counselors, whether the purpose of the Court was being fulfilled. The interpretation of data regarding the Court's success depends on the criteria established.

It must be realized by the Court that genuine marital reconciliation can be achieved in a small portion of the clientele with the limited counseling now provided. Also evident is the fact that divorce counseling needs to be recognized and accepted as part of the Court's services if the well-being of the public is to be provided for. Finally, it depends on the personnel of the Court, using this study as a resource, to either affirm present policy or to implement changes enhancing the effectiveness of the Court, aligning it with current precepts and the realities of the clients they serve and the resources the Court has to meet them.

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July 13, 1973

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by

LORAIN EVELYN BARKER

A thesis submitted to the Graduate Faculty in partial
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of

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Approved:

May Rie Keiser
Head, Major Department

Robert W. Lind
Chairman, Examining Committee

Henry L. Parsons
Graduate Dean

MONTANA STATE UNIVERSITY
Bozeman, Montana

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ABSTRACT

As the Gallatin County Conciliation Court has never been reviewed since its inception ten years ago, an objective of this study was to see if the Court's stated purpose was operationally understandable within the context of current philosophy. The study disclosed that the Court's purpose of preserving, promoting, and protecting the institutions of marriage and family cannot be achieved only or necessarily by keeping together a troubled marriage or family.

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Chapter 1

INTRODUCTION

Conciliation Courts are established by state legislatures and administered by state judiciaries to offer counseling assistance to couples having marital difficulties. Until recently, divorce was the only legal recourse couples had to end marital conflict. An alternative, therefore, to unnecessary divorce is the conciliation court.

Incorporating the concepts of therapeutic and preventative law embodied in the family courts and juvenile courts, courts of conciliation provide a non-punitive, humanistic atmosphere in which a couple can resolve some of their marital problems. Through counseling they may discover ways to improve their marriage. If it is their decision to divorce they are helped in that process.

The Gallatin County Conciliation Court was established July 1, 1963 as a result of Judge W. W. Lessley exercising his legal option as presiding judge of the 18th Judicial District to formulate such a court. It is presently located in the Gallatin County Courthouse, Bozeman, Montana. Its staff includes an office supervisor and five counselors.

The Conciliation Court was specifically established to combat the rising divorce rate in Gallatin County. "The Conciliation Court is based on the theory that proper counseling by trained counselors

may avert the final step in a divorce court (Conciliation Court Report, 1972)." Undergirding this goal of helping people avoid needless divorce is the Court's stated purpose:

. . . to protect the rights of children and promote the public welfare by preserving, promoting, and protecting family life and the institution of matrimony, and to provide means for the reconciliation of spouses and the amicable settlement of domestic and family controversies (Conciliation Court Report, 1972).

In 1972, 25 couples used the services of the Court and prior to 1972 the number of couples referred was 261. To receive the confidential marriage counseling, couples complete a petition for conciliation counseling. The first session is paid for by the Court's funds--subsequent sessions necessitate other financial arrangements being made by the couples. Any couple wishing counseling may petition and they need not have filed for divorce. Each couple filing for divorce in Gallatin County also is sent a letter of invitation explaining the Conciliation Court's services.

The July 1973 date marks the end of a decade of the Court's operation. Since the initiation of counseling services no study has been made concerning persons referred to the Court. Just as scientists and operations personnel never cease monitoring and redirecting the paths of rockets and space capsules, especially those carrying astronauts, neither can a conciliation court which affects the lives of persons function safely without continual observation.

The justification for this study lies in this need for evaluation.

This study also has the approval of Judge W. W. Lessley.

The objective of the study is to examine the theory and purpose of the Gallatin County Conciliation Court and to provide a description of what actually is happening within the Court as experienced and reported by its clients and counselors. Within this background, the questions that need to be answered are: 1) Is the Court's stated purpose operationally understandable and congruent with contemporary attitudes toward marriage, family, and conciliation court counseling; 2) Is the service established by the Court fulfilling its purpose?

If it appears that modifications in the Court's philosophy or procedure would enhance the effectiveness of the Court, suggestions for change from the Conciliation Court's clients and counselors will be presented. In addition, pertinent revision considerations will be offered as a starting point for those wishing to make alterations in the Court's present policy.

Chapter 2

THE CONCILIATION COURT WITHIN THE CONTEXT OF CURRENT LITERATURE

The Court's Purpose

Upon first reading of the Conciliation Court's purpose the meaning may appear to be perfectly clear: protect the rights of children, promote the public welfare by preserving, promoting, and protecting family life and matrimony, reconcile spouses, and reach an amicable settlement of their differences. Perhaps the Colonial writers of the Declaration of Independence thought such precepts as "all men are created equal" and "the inalienable rights of life, liberty, and the pursuit of happiness" were incontrovertible. Yet, the Supreme Court is continually called upon to interpret their meaning and Congress has added amendments for further clarification. It is imperative that the purpose of Gallatin County's Conciliation Court and its intent be explicit, relevant, and operationally definable.

Rights of Children

Cadwallader (1966) believed that children need to have the enduring emotional support of loving, healthy, and friendly adults. For the development of a child to emotional maturity, an environment of love, approval, security and reasonable control, given normal

physical health and intelligence, is essential (Herbert & Jarvis, 1970).

This healthy environment may or may not exist within each family. "We conclude that children from happy marriages are better adjusted than children from divorced marriages, but those from divorced parents are better adjusted than those from parents whose marriages are intact but unhappy (Udry, 1971, p. 458)." It is not legal divorce per se that harms children so much as the hostile atmosphere in a home generated by marital conflict. "But it is before the divorce, and often for a long time before, that the children have been hurt (Despert, 1953, p. viii)."

It is evident then that emotionally healthy children may come from broken homes. Yet, Margaret Mead (1968) described Americans as still holding to the belief that the biological tie of a child to his parents is unbreakable regardless of the state of the marriage or the competency of the parents.

Presently there is a shift in family law toward equalization of spouses' rights, men to women, but parents still have legal dominance over their children (Kay, 1965). "There are indications however, that the future path of legal development will be directed toward the emergence of the child as a person in his own right (Kay, 1969, p. 266)." This means that the court would award the custody of

a child to the adult best able to fulfill the best interests of the child, regardless of the biological parental tie.

Promotion of Public Welfare

The Court's purpose stated that this is carried out by the preservation, promotion, and protection of family life and matrimony. To understand the intent here, one needs to know what marriage, a family, and the public are.

"Public" has been defined as the people as a whole (Webster's, 1964). It is apparent that the Court believes its function is to insure the perpetuation of family life and marriage as that is inseparable from the well-being of the populace. The public is comprised of individuals as a forest is comprised of single trees. The American public is an abstract like the number three is a concept when it is the average of two and four. The purpose must then refer to the well-being of each individual.

The Family Institution Described

The word "Family" is used when referring to a particular group of persons commonly consisting of a man, woman, and children legally related by blood or adoption. When an American family is visualized, the picture arises of a family of four living in a white, two-story house with green shutters and a two-car garage surrounded by a well-manicured lawn. The dominant ideal of the American family

is more representative of dreams, wishes, and strivings than of the prevailing pattern of family life in the United States as it actually exists (Feldman & Schertz, 1967).

The ideal family comprised of a dependable and employed father and husband; a capable and attractive mother and housewife; and two healthy, happy, affectionate children, is not to be found in all American homes. Divorces, desertions, juvenile delinquency, poverty, unemployment, ghettos, and illness are grim realities for many families in the United States.

Unrealized by many is the fact that one out of ten families is headed by a mother with no husband present and that in nearly half of these one-parent families there is at least one child under 18 (Feldman & Schertz, 1967). Also little known is the fact that one of every nine children is a step-child (Feldman & Schertz, 1967). Although the potential within families to develop healthy personalities is great, the potential for maladjustment is also great (Leslie, 1964).

The Conciliation Court's purpose of the perpetuation of family life refers to the positive, socially acceptable and desirable aspects of families. As Kohut stated, "The family, pure and simple, is not the basic unit of society. The stable family is the basic unit (1968, p. 40)." The purpose does not imply saving families so that child abuse, assault, and other negative family patterns may continue.

In economically poor societies, strong family units are necessary for the survival of individuals as the State is unable to directly provide for its members. In affluent societies though, the State is able to contribute considerably to the well-being of family members medically, educationally, recreationally, and physically (Nye, 1967). When the State is strong it shares with the family the functions of rearing children and performing other psycho-socio-economic functions associated with family living (Nimkoff, 1965).

The purpose for which the family unit is strengthened needs to be determined. Is the family to be saved for the sake of the institution or for what the particular family unit is able to do for its members and society? As differentiated by Nye (1967), the family could be preserved for its instrumental value, what it can do for individuals and society, or for its intrinsic worth, that which accrues from the family group itself.

"Strengthening the family must be evaluated not only in terms of what it provides, but in what it may take from family members (Nye, 1967, p. 317)." The stronger the family the more members may lose their freedoms. For example, the familial value gained from insisting that all meals be eaten together is counterbalanced by the child's loss of freedom and peer companionship experienced by eating at a friend's house.

Understanding Marriage

The institution of marriage, like the family institution encompasses a myriad of surprising aspects and contrasting actualities. There are legal and sacred concepts of marriage. A demographer looks at marriage statistically; a sociologist concerns himself with roles, norms, and expectations; an anthropologist is aware of the universality, variety, and adaptability of the institution of marriage and its attendant values, attitudes, and beliefs.

Also interested in matrimony is the businessman. Each marriage may mean to him money as houses and household appliances are sold. Marriage involves the mass media as radio, magazines, newspapers, and television have a topic of interest for the public be it news, true life, or a soap opera.

American men and women may see marriage as being the answer to their needs and wants: economic, affectional, sexual, child-rearing, status, security, etc. Marriage and parenthood represent maturity and adulthood in American society. It is within the institution of marriage that individuals are permitted to fully experience intimate and interpersonal growth and satisfaction free from social censure (Goodwin & Mudd, 1961).

What aspect of the institution of marriage is to be preserved, promoted, and protected: the legal, social, economic, religious, romantic, mythical, or actual? The actual conventions of marriage are

not the same as the conventional goals of matrimony. "One does not preserve the values of marriage merely by preserving the form (Mudd, Stone, Karpf, & Nelson, 1958, p. 28)."

The form of marriage and its concomitant values are the reflection of a particular society at a point in time. Permanence and duty were necessary aspects of family life in rural societies. Even in societies becoming industrially strong the family was immediately responsible for the survival of its members (Benson, 1971). The orthodox American marital format became, as described by Toffler (1970), two people finding one another and meeting the other's needs until death. American cultural soil still produces orthodox marital values, beliefs, laws, and attitudes despite layers of twentieth century asphalt and concrete. Though traditional views concerning marriage exist, industrial development, urbanization, the computer age, and affluence are creating a different contemporary marital format.

The format of the modern companionate marriage has personal happiness as its main goal (Benson, 1971). The accent is on individual freedom, pleasure, the here and now, and in being oneself (Nimkoff, 1965a). This contrasts with the earlier utilitarian goal in which the welfare of the family came before that of the individual (Nimkoff, 1965b).

Today's goals of realizing one's own happiness and personal fulfillment are not antagonistic to the institution of matrimony.

Most Americans still believe in marriage above all as a source of their greatest satisfaction in life. They marry earlier, remain unmarried less often, and remarry after divorce more frequently and rapidly than people of other industrial nations (Udry, 1971). "The wide use of divorce today is not a sign of a diminished desire to be married, but of an increased desire to be happily married (Hunt, 1966; p. 233)."

It must be recognized that the institution of marriage is no more than the individual couples who have been or who are now married. Beneath wedding rings and marriage certificates each marriage is different. The institution of marriage may be looked at generally, but a marriage is a unique interaction pattern between two people. Also, a marriage is the dynamic relationship of mates which is more than and different from each individual spouse (Rutledge, 1963).

It is impossible to describe the infinite variety of marital relationships that exist within the institution of marriage. The succeeding classifications of types of marriages are presented to yield an appreciation of the diversity of relationships that counselors of a conciliation court may confront.

Bernard (1968b) saw marriages as either being predominantly parallel in which husbands and wives had clear-cut, segregated roles to perform, or interactional in which spouses experienced more interpersonal, shared activities and feelings. Another way of labeling such marriages is to refer to them as being either strongly

institutional to which traditional roles and mores are adhered, or highly companionate where the emphasis is on affective and expressive personality interactions (Hicks & Platt, 1970).

Within the two basic types of marriage mentioned previously, Cuber and Harroff (1965) saw five marital life styles:

1) conflict-habituated, in which much controlled tension exists; 2) devitalized, characterized by a lessening of close identification; 3) passive-congenial, where there is an absence of conflict and excitement; 4) vital, in which mates are closely bound to each other; 5) total, describing marriages in which every aspect of the mates' lives are tied to the other, neither experiencing his own separate existence.

It is interesting to note that separation and divorce were found in all five types of marriage. Also, in all categories, couples were found who were adjusted, content, and happy (Cuber & Harroff, 1965).

Defining Reconciliation

Providing the means for reconciliation connotes a resolution of marital tension and conflict, and significantly improved relations between the spouses within their marriage. Reconciliation per se can also be understood to mean: to become friendly again; to settle an argument; to become content; to submit or become acquiescent to (Webster's, 1964). Therefore, reconciliation or the resolution of marital conflict could occur via separation or divorce. Additionally, it could be a result of a spouse resigning himself to the status quo.

By definition of the Gallatin County Conciliation Court, a couple remaining together after counseling is reconciled. Future

discussion, therefore, of marital reconciliation will refer to the settlement of conflict within the marriage.

When examined carefully, reconciliation is not easily denoted. Johnson (1953) made the distinction between mere reconciliation where divorce is avoided, and reconstruction of the marriage, where the causative factors of divorce are effectively changed. Pilpel and Zavin (1953) stated that mending a marriage involved a careful examination of the causes of marital conflict and a careful evolution of a new and improved relationship. The degree of reconciliation possible is related to the seriousness of the conflict, the resources spouses have in resolving their difficulties, and the level of satisfaction they expect to reach (Beck, 1966).

The preceding discussion has focused in interpreting the stated purpose of Gallatin County's Conciliation Court according to current literature. In summary, the protection of the rights of children may or may not be guaranteed by their biological parents. Public welfare is no more than the well-being of each citizen. The preservation, promotion, and protection of family life refers to the ideal family situation. The institution of matrimony is comprised of all marriages--the unhappy and happy; the unsatisfying and satisfying; the destructive and productive. Reconciliation of marital and family controversies implies a solving of the problem within the marriage.

Preventing Unnecessary Divorce

Synchronized with the stated purpose of the Gallatin County Conciliation Court is the goal of reducing the divorce rate in its county. The Court is established to provide counseling that may avert unnecessary divorce (Conciliation Court Report, 1972). An unnecessary divorce is a divorce a couple may actually not have wanted or it may be the couple wasn't aware counseling was available that possibly could reconcile their marital trouble. Filing for divorce in such situations, like suicide, may be a urgent plea for help.

The succeeding discussion concerns the institution of divorce. In a discussion of conciliation courts divorce as well as marriage has to be understood in relationship to the individual, the couple, and the socio-cultural context of today.

Divorce--an Institution

"With very few exceptions, any discussion of divorce in this country, whether of a professional or non-professional nature, states or implies that divorce is bad or undesirable (Bell, 1971, pp. 516-517)." Despite the negative connotation of divorce, divorce per se is the legal termination of marriage allowing each spouse to remarry and the provision for disposition of property and care of children.

An attempt to describe the institution of divorce begins with the realization that it exists in all cultures of the world (Bell, 1971). Goode (1956) described divorce as being an outlet existing in

kinship systems to siphon off marital conflict. As noted by Udry (1971), with one or two possible exceptions, no society has held a positive attitude toward divorce. The extent of negative feeling may vary from indifference to complete condemnation.

Despite the fact that divorce is a part of American folkways, mores, and legal system, divorce for many may not be personally and socially an acceptable, legitimate, moral way of resolving marital difficulties (Bell, 1971). People often consider divorce to be abnormal or they ignore its existence. Ironically a hasty, mismatched marriage is a sacred unbreakable bond whereas divorce is regarded as a social disorder indexed on a par with alcoholism, suicide, and drug addiction, etc. (Mead, 1968).

"Divorce is a measure of failure, yet the fact remains that the average marriage lasts longer today than ever before (Landis, 1972, p. 45)." Because people are living longer, couples staying together average longer marriages. Udry stated that with only one out of five first marriages ending in divorce, Americans are either very successful at marriage or are willing to settle for poor marriages (1971).

Factors Associated with Divorce

The attitude toward divorce is a reflection of factors interacting in the United States and the divorce rate is also

associated with these factors. The decision to divorce is not a quick, careless, callous choice but embodies the real strains experienced in a marriage.

One of these strains is that the nuclear family is badly handicapped organizationally (Hill, 1965). Because of its variable composition sexually and age-wise, the number of dependents, and its involuntary membership, it is an awkward decision-making body and a poor working body (Hill, 1965).

The nuclear family is expected to meet all the needs of its members on its own without the aid of close-by relatives or the support of the community (Cadwallader, 1966). The expectations mates have initially concerning marriage may be in conflict and these may continually change and may exacerbate the strain within the structural organization of marriage (Cuber & Harroff, 1965).

The organization and structure of families today are not the only factors associated with present rates of marital instability, breakdown and divorce. Statistically, marriage tends to be more stable for those who are white, well-educated, well-paid, white-collar workers (Hicks & Platt, 1970). Those divorcing are relatively young and have only been married a short time (Bell, 1971). More divorces occur in the third year of marriage compared to any other year (Hicks & Platt, 1970).

"Divorce, like marriage, closely follows the business cycle. It is low in periods of depression and correspondingly high during periods of prosperity (Bell, 1971, p. 495)." Divorce rates are also associated with geographic areas. They are highest in the Mountain Division of the Western states which includes Montana (Fong & Hanson, 1968).

Many other factors such as religion, family background and happiness, and the number of previous marriages can be statistically related to marital instability and divorce. Because of these previously mentioned factors not every married couple has the same probability of experiencing divorce.

In addition to demographic descriptions of divorce, there are theoretical aspects related to marital breakdown.

With ties of economic interdependence weakened, there is greater reliance on ties of psychological interdependence. These sentimental ties are, however, more volatile and less enduring than those of economic and religious interdependence (Nimkoff, 1965a, p. 339).

Cavan (1969) stated that higher divorce rates are related to increased tolerance toward divorce.

Bernard (1968a) referred to the existence of a team factor which explained divorce as being associated not with neurosis or psychosis or lack of positive marital attitudes, but as mismatching, or being married to the wrong mate. Cuber (1965) reported that Americans profess to believe that right mating is the key as the

marital relationship depends on the reaction of the spouses to each other. Any given person may show radically different behavior with various members of the opposite sex (Cuber, 1965).

"One point about divorce in the American middle class which needs to be emphasized is that divorce is causally related to the social framework of mate selection (Bell, 1971, p. 518)." Finding the right mate can be likened to bargain-hunting: the "deal" made one day may not look as good the next morning. Bell also stated that it is socially naive to expect a low divorce rate within the American marriage complex of romantic love, idealization, hopes, and high expectations (1971). "Marriage was not designed as a mechanism for providing friendship, erotic experience, romantic love, personal fulfillment, continuous lay psychotherapy, or recreation (Cadwallader, 1966, p. 62)." More and more is being asked of modern marriage--more than perhaps marriage can yield.

When spouses find that their marriage does not provide these socially established criteria for successful marriage, they believe they have a right to terminate the marriage (Goodwin & Mudd, 1961).

If a culture makes happiness the goal of marriage it must grant the right of divorce to those who fail in its attainment. Only by this means can they be freed to seek fulfillment in another marriage or to return to the single state (Landis, 1972, p. 54).

Benson (1971) and Mudd et al. (1958) discussed the fact that American

marital and family value systems are in a period of transition. This void or vortex of values also affects the stability of married life.

A given couple with any or all of the factors previously discussed may or may not divorce. It is impossible to predict which couple experiencing marital discord will divorce and who will not.

Whether people will select divorce rather than some other way of dealing with marital unhappiness depends on a number of factors, namely: 1) cultural provisions, 2) social milieu, and 3) personality orientation (Bernard, 1961, p. 339).

As pointed out by Udry, "The problems of divorcing couples are not different from those of couples who do not divorce, they are only more intolerable to the persons concerned (1971, p. 466)."

Benson (1971) saw divorce or life-long marriage as being a result of the balance between a couple's resources and the demands or problems they have to face--if their resources are sufficient to cope with their conflicts no divorce will result. Levinger (1970a) and Udry (1971) referred to marital stability as a function of rewards, attractions, and barriers holding a marriage together from within. It is also a function of the attractions and barriers attached to outside relationships. An example of this concept is the wife who finds the rewards of motherhood and the barrier of social disapproval not strong enough to prevent her from abandoning her husband and family. The outside attractions of a career and a life of her own were stronger.

Emotional Divorce

In the preceding discussion of divorce, the comments referred to actual, legal divorce. That divorce is, however, a reflection of an earlier, psychic breakdown of the emotional bond of the marriage.

It cannot be said too often that the filing of a divorce petition is only a symptom of an underlying family problem which must be understood and treated if we are ever to have prevention and cure of the evils now involved in so many marriage failures (Chute, 1953, p. 49).

As Despert (1953) believed, divorce is not the problem as it is a symptom of the illness within the marital pair.

Divorce is much more than its legal concept. Harper and Harper (1961) pointed out that legal grounds for divorce may exist in a marriage but the couple may choose not to divorce. On the other hand, no legal grounds may exist but a dissatisfied couple chooses divorce as that may seem to be the best solution for their empty and unfulfilling marriage. Legal divorce may have little to do with the actual relationship between spouses (Bernard, 1961).

"The legal start, and eventual finish, of marriage coincides with the social view of start and finish (Bell, 1971, p. 486)." This socio-legal aspect of divorce, however, does not necessarily coincide with the mental-emotional aspect of the relationship between two spouses. "Some couples know soon after marriage that the relationship cannot endure, others come to this realization only slowly after years of effort and desperation (Bernard, 1961, p. 341)."

In referring to the process of psychological divorce, Cox (1972) used the term "dissolution" and Hunt (1966), used the word "disengagement." Dissolution or disengagement may be a gradual, steady process or it may be characterized by halting separations and returns. Even though statistics deal with the number of legal divorces at any given time, it is important to realize that the number of unrecorded separations and desertions represent the personal-emotional aspect of divorce and yield an overall greater number of non-legal, but nevertheless, divorces (Alissi, 1969; Baber, 1953).

In spite of their frequent identification not only in popular opinion but also in learned writing, marriage breakup and divorce are two different phenomena. The former belongs to the world of fact, the latter to that of law (Rheinstein, 1965, p. 645).

Kohut discriminated between legal breakdown of marriage and therapeutic breakdown, that which is within the couple's ability to repair (1968). Legal divorce is publicly indexed but it is impossible for an outside observer, or even a mate within a marriage, to state when the psychic bond of marriage began or ended.

Divorce per se is not necessarily good or bad. "We have seen that marital dissolution can of itself have results ranging anywhere from profoundly beneficial to the profoundly harmful (Hunt, 1966, p. 227)." Cuber and Harroff delineated between the successfully divorced and the defeated divorced (1965). Those remarrying successfully or finding single life after marriage to be satisfying

have benefitted from divorce. Those who regret their decision to divorce, remarried unsuccessfully or remained single and bitter can be classified as defeated divorced.

"Divorce is not automatically a destructive experience. It may also be a cleansing and healing one, for the child as well as you (Despert, 1953, p. 2)." Divorce is not easy or painless because it involves breaking up marriages and families. In the long run, however, it may be better for the persons involved and for society.

The real problem is unresolved strife, not divorce and not conflict (Sprey, 1969). Conflict itself can be healthy and growthful. "Health is to be found not in escapes from conflict, but rather in making certain that the conflicts which do engage our attention and energies move onward to higher planes (Lindeman, 1952)." Americans tend to believe that family conflict is undesirable, abnormal, and a serious problem. Conflict is not the problem that caused divorce, but the couple's inability to resolve that conflict (Beck, 1966).

Conflict cannot be avoided on any level of human experience: intrapersonal, interpersonal, or international but costly and ineffective means of resolving conflict can be prevented. The real concern for troubled marriage is the resolution of visible and invisible conflict, not necessarily trying to avoid conflict, or trying to avoid divorce.

The Conciliation Court Movement

Contemporary conciliation courts are part of a relatively new movement. They are an indirect outgrowth of efforts of church leaders, lawyers, and sociologists who publicly began to acknowledge the realities of the divorce dilemma and to demand reform (Freed & Foster, Jr., 1969). They are the direct result of the efforts of legislators and the judiciary. Three factors characterized the movement: increased public acceptance and demand for marital and family counseling; emergence of professional marriage and family counselors; and laws which included the establishment of conciliation courts and supplantation of the adversary-trial aspect of divorce proceedings with no-fault grounds. No-fault grounds are established by separation or by the existence of irreconcilable differences leading to irremediable breakdown.

Prior to the fifties, marriage counseling services had existed virtually unobserved. In 1914 the first family court was established in Cincinnati, Ohio which dealt with the problems of family members within the framework of the family as a whole (Kephart, 1966). In 1929 the first official marriage counseling agency was established by Drs. Abraham and Hannah Stone. The American Association of Marriage Counselors was founded in 1946, and in 1970 its title was changed to the American Association of Marriage and Family Counselors.

Olson (1970) reported that most of the extant material on marriage and family therapy has been published since 1960.

Despite the increase in public acceptance, the demand for marriage counseling, and the increasing number of professionals in the field, Udry (1971) reported that only one or two adults in one hundred have ever consulted any professional other than a clergyman or physician concerning a marital problem. Only the states of California, Michigan, and New Jersey license or certify marriage counselors (Nichols, Jr., 1973).

As discussed by Despert (1953), the 1947 Smith Report of the American Bar Association gave impetus to the reform of divorce laws. The report described the then present (and in most cases still present) divorce laws that purport to strengthen the institution of marriage by making divorce difficult. States still treat divorce within the legal philosophy in which two adversaries (husband and wife) have to prove their innocence and the other's guilt on grounds that are just short of criminal (Sherwin, 1969).

The emerging attitude toward divorce seeks to lessen the trauma experienced by couples having marital conflict.

Conciliation courts have translated the age-old principle of the States' interest in family life into a dynamic program of providing counseling help in a setting where such help usually is not available--the court itself (Elkin, 1973, p. 71).

As explained by Seidelson, conciliation courts are a result of legislative compromise (1967). Liberal divorce laws imply a higher

divorce rate which is undesirable in the eyes of many. The solution is to provide counseling aimed at saving threatened marriages. The following descriptions present a picture of some conciliation courts.

The Los Angeles Conciliation Court has been compared to a hospital for receiving sick marriages, in that treatment is offered for immediate relief of pressure and pain (Elkin, 1973).

The authority of the court enables the counselor to surround a collapsing marriage with some external structure--much like a splint on a broken arm--which permits healing to take place (Elkin, 1973, p. 66).

The counseling offered is directive and short-contact. The average number of sessions is three per family. It is also crisis oriented and comprised of individual and conjoint sessions with the counselor. The clientele are for the most part normal people with problems and have come voluntarily (Elkin, 1973).

Counselors focus on the marital relationship rather than the individual. The goal is not to save all marriages but to avoid unnecessary divorce, and if that is not possible, to constructively help a family through the divorce (Elkin, 1973).

In Toledo, Ohio, the Family Service Department of the Family Court is authorized to require divorcing couples with children under 14 to meet with the Court's counselors (Bridgman, 1961). This Court also accepts for counseling those referred from other sources or those who apply voluntarily.

It is the philosophy of the conciliation court in Great Falls, Montana to offer more than preliminary counseling. If couples commit themselves to counseling, they participate in a series of sessions averaging ten in number and lasting more than an hour each (Annual Report, 1969).

Considerations Concerning Conciliation Courts

As conciliation courts are part of a relatively new movement, there is a dearth of research data regarding clients and the court procedures best able to help them. A review of the Gallatin County Conciliation Court needs to be placed in the perspective gained from a discussion of current concepts and unresolved questions associated with conciliation courts today.

Clientele

The first consideration concerns the clientele of the conciliation courts. The typical clients may have deeply rooted psychological problems or their marital conflict may be merely a misunderstanding that can be resolved smoothly and simply.

Some believe that most clients coming to marriage counseling can be considered to be normal--not psychotic or severely neurotic (Leslie, 1964). Klermer (1964) felt because of the popularization of marriage counseling within the mass media that normal people sought help concerning normal marriage difficulties (normal statistically).

Other writers have stated unequivocally that most clients are not normal, well-adjusted, emotionally healthy people. "It has been estimated that two-thirds of those requiring counseling need long-term assistance (Foster, Jr., 1966, p. 378)." Bodenheimer reported that 20 per cent of the clients in the Utah Conciliation Court experiment were considered to have had normal problems but two-thirds of them needed long-term psychotherapy (1961).

It would appear, on the basis of recently published cases of marital counseling, as well as on the basis of the writer's own counseling experience, that a great many of the individuals who come for counseling are more or less emotionally disturbed individuals, that their problems cannot be adequately handled in merely two or three sessions (Ellis, 1969, p. 25).

The seriousness of an individual's emotional problems and the seriousness of marital conflict are limits to marriage counseling success.

Not all persons or marriages experiencing difficulty and discord can be assisted by marriage counseling anymore than all individuals experiencing difficulty can be helped by personal psychotherapy (Nichols, Jr., 1973, p. 5).

"Marriage Counseling," stated Hunt (1966, p. 222) "though it can often heal a sick marriage has little chance of saving a dying one and almost no chance of bringing a dead one back to life." Both Hunt (1966) and Bernard (1961) believed that for couples who have already seriously considered divorce, few will be able to reconcile their troubled marriages.

Short-term Counseling

It is unnecessary to discuss aspects of long-range counseling as the Gallatin County Conciliation Court only offers its clients one or two sessions. That service actually is more similar to a screening interview than even short-term counseling. Such limited counseling may be able to help particular clients at particular times with particular problems (Udry, 1971). David Mace stated that for one-interview marriage counseling sessions to be successful the clients must not be psychotic, must be able to gain insight quickly, and must be autonomous and motivated enough to carry on their own recovery program (1970).

It is for such situations involving marriages with no fundamental problem that courts of reconciliation, marriage counselors, 'cooling off periods,' and interlocutory decrees may serve some function in salvaging the relationships (Udry, 1966, p. 466).

A factor discussed by Elkin (1973) and Bridgman (1961) allowing for success in short-term counseling is the crisis-like nature of marital conflict. After divorce has been discussed, appropriate action needs to be accomplished quickly if clients are to be helped. In some cases clients are highly motivated to learn new ways of interaction with their mates in order to resolve the serious problems that have developed between them. "We have seen couples who have materially benefitted from as few as three to ten sessions although by and large substantially more are required (Lederer & Jackson, 1968, p. 447)."

Divorce Counseling

A conciliation court cannot delude itself by believing that it just offers a marriage counseling service. Fisher (1973) said that after the possibility of divorce is discussed, or actions are taken toward divorce by one or both mates, one must think in terms of divorce counseling as well as marriage counseling.

If divorce is decided upon by clients, counseling serves two functions. The first need is to help the clients in adjusting psychologically, socially and culturally to divorce.

Husbands and wives tend to divorce from each other using the same negative patterns of interaction that existed in the marriage. The goal of divorce counseling is to reduce these negative patterns and minimize the feelings of guilt and revenge (Fisher, 1973, p. 58).

As Bohannan (1968b) stated, divorce breaks the legal tie of marriage, but it cannot sever the feelings and thoughts of a family--ex-familial ties have to be satisfactorily worked out. Lindsley (1968) and Rutledge (1963) have mentioned the need for divorce counseling as it can help the divorcing couple to work out cooperatively a comfortable interaction pattern for themselves in the future and a plan for the welfare of their children.

Many writers have commented on the existence of lack of norms, prescribed behavior patterns, to guide couples, their children, and friends and relatives in reacting to each other before, during, and after divorce. "Neither the participants nor their close friends

and relatives have been taught to react in culturally approved fashion with respect to divorce (Goode, 1956, p. 11)." Bohannon (1968a) has pointed out that with death there are prescribed ways of releasing feelings. When one loses a mate through divorce there is no socially approved way to respond. As Goode (1956) realized, there are no ethical socio-cultural imperatives for friends and relatives to furnish any sort of support for the ones divorcing. This hands-off policy still embodies the moral censure and punishment accorded those divorcing by society.

The second service performed by divorce counseling, actually an outcome, is that society in general is benefitted by therapeutic divorce. Kay (1968) remarked that the insight a divorcing couple can gain during counseling can enable them to avoid the same disastrous marriage pattern in the future. "The effects of a satisfactory marriage are self-perpetuating. From it develop the individuals who are likely in their turn to marry happily and create successful families (Herbert & Jarvis, 1970, p. xii)." This comment could apply equally well to a successful second or third marriage.

Other Counseling Services

A conciliation court has value in areas other than the reconciliation of spouses or helping them adjust to divorce. Foster, Jr. (1966) noted that despite the fact that conciliation courts in

Ohio, Maine, and New Jersey failed to reconcile all couples, they expressed satisfaction and a sense of accomplishment in the fact that they were able to change contested divorce cases to uncontested, that plans for visitation and companionship were arranged, and that child custody and support arrangements were amicably settled. Regardless if a couple were reconciled or not, Furman, Strickland, Surdock, Jr., and Toppenberg (1971) reported that 46 per cent of the clients of the Maricopa County Conciliation Court, Phoenix, Arizona had less conflict with their spouse after counseling.

When it is realized each couple coming for counseling is unique and has different needs, goals may be set for them realistically and individually in terms of what help can be offered and utilized. Socio-economic factors, as well as occupational, educational, racial, cultural, and religious needs have to be considered.

In general, the evidence indicates that spouses in the middle class marriages were more concerned with psychological and emotional interaction, while the lower class partners saw as most salient in their lives financial problems and the unsubtle physical actions of their partner (Levinger, 1970b, p. 129).

When counseling, consideration also has to be given and expectations adjusted accordingly, concerning the duration, complexity, and depth of marital trouble. Some families seem to be plagued generation after generation with marital and familial problems. Treatment of their situation may be different than that accorded a couple experiencing their first difficulties.

As can be seen, no one standard of success can be applied to every couple coming for conciliation court counseling.

In a real and changing world, families who are troubled--or who trouble the community--can truly be helped only if the goals for improvement of their social, economic, and psychological competence are realistically rather than idealistically conceived as acceptable both to the family and to the wider community (Feldman & Schertz, 1967, p. 8).

This is in reference to both short-and long-term goals. As Birdwhistell (1970) stated, if goals are set too high and inappropriately for a couple or family, they can only continue to experience failure.

Perhaps goals more modest than reconciliation of marital discord, goals that can be reached, are more sensible. "While change may be the goal, it should be made clear that it is not the purpose of marriage counseling to bring to each and every couple ecstatic marital bliss (Staniec, 1963, p. 16)."

The Legal Context

For maximum effectiveness conciliation courts need the acceptance, agreement, and support of local citizenry, judiciary, lawyers, and counselors. This consensus must also be congruent with the dictates of marriage and divorce laws. Alexander (1958) stated that the purpose of family courts must be undergirded with power to implement its goals. His comment also applies to conciliation courts.

Though conciliation courts are therapeutically and humanistically oriented to help people with their psycho-social problems, laws in most states still require couples in marital discord, contemplating or seeking divorce, to become legal adversaries. Legal controls still are more stringent concerning divorce than marriage as divorce is considered more harmful than a poor marriage (Hunt, 1966).

Did it ever strike you as at least mildly absurd that the law should proclaim its interest in the preservation of the family unit and express its desire to see the disunited united, and then when the parties go to law for relief the law, instead of helping them reunite, forces them to fight each other (Alexander, 1953, p. 101)?

Conciliation courts are small, though perhaps significant, services established to mitigate the destructiveness occasioned by legal divorce proceedings. It must be realized, however, that the therapeutic efforts and attitude of conciliation courts are not yet part of the mainstream of the American legal system.

The law, though, is only a reflection of the people who legislate it--it embodies the ambivalence society has toward divorce. As Gough (1972) stated, the people (as individuals) want the right to dissolve their unhappy marriages, but the people (as the State) want the right to refuse divorce as the State becomes responsible for the welfare of the individual family member. To those concerned with the positive effect of conciliation court's, they have to be aware that the service functions in an ambivalent society with anachronistic laws.

The mixed feelings people have toward divorce and the fact that marriage and divorce are state concerns, not national, in part explain the family hands-off policy of the federal government. In the United States there is no family law (Lindsley, 1968). As Leslie remarked, "We lag behind most other modern nations in the services and the aid offered directly to families (1968, p. 16)."

Even if model marriage and family laws were part of the legal structure in America, the effect of such laws might be slight for families whose standard of living is low. Landis noted that the material standard or environmental circumstance of a marriage is important to its success (Cox, 1972). Marital and family conflict cannot help but be exacerbated by ill-health, unemployment, poverty, and sub-standard living conditions.

The future survival of the institutions of marriage and the family as we know them today will not be just a result of legislative action and conciliation courts. Emily Mudd (1953) warned people not to expect that the helping professions can solve the problems of divorce just by working with the couples experiencing conflict. The problem is more complex and pervasive.

Lindsley (1968) stated that satisfying married and family life will be a result of the coordinated efforts of the judiciary, legislatures, local citizenry, education, social welfare and private agencies, research, business, and every aspect of a community affecting

the welfare of people and the families of which they are a part. This coordination will be a cause and effect in attitude change on the part of people concerning counseling in personal and marital problems.

Clinging to the profession of counseling is the connotation that only mentally ill people need counseling. In the future perhaps people will come to realize that counseling can also benefit those who are emotionally healthy by enriching their personal and interpersonal lives.

Three Future Decisions

Three legal issues are now being discussed by professionals in the field of family law and its associated services. Each conciliation court will have to make its own decision regarding these items.

The first concern is whether conciliation court counseling ought to be mandatory. Foster, Jr. (1966) has reported that mandatory counseling has been found to be desirable. Some professionals believe that because people in personal and marital trouble are unaware of, or do not understand conciliation court counseling, it should be required.

Benson (1971) said in a more moderate opinion that ". . . it should be noted that few people argue that counseling ought to be required. Most proponents feel that couples should have to make a conscious decision not to use it if that is what they want (p. 296)."

Apropos of this, Angela Reed commented, "Many of us are very reluctant to seek help from anyone at all. We put off going to the doctor until the very last minute. . . (1970, p. 35)."

In pointing out some adverse effects of mandatory counseling, Rheinstein (1956) warned against counseling becoming just a useless formality; that clients were under coercion; that attempts to reform or change personalities were evident; that privacy was invaded; and that at present, counseling staffs are not able to predict which marriages can or ought to be reconciled.

The second issue revolves around the establishment of family courts rather than conciliation courts (conciliation counseling would be a part of the family court). Such concerns as adoption, abuse, juvenile delinquency, desertion, divorce, property settlement, and other problems experienced by family members are considered by the court within the context of the whole family.

The third issue to be determined is whether courts of the law can best handle the socio-emotional aspects of an individual's, a couple's, or a family's problems. Perhaps the legal aspects of a problem are best handled by the judiciary and lawyers and the psycho-social therapeutic aspects of a problem are best handled by a non-partisan counseling service.

Chapter 3

DESCRIPTION OF SURVEYS

The reason for the surveys was to discover if the stated purpose and goals of the Gallatin County Conciliation Court were being met. Just as education, the learning process, is more than a school building, the Conciliation Court is more than a place--it is the counseling relationship and process. To know if the Court's objectives were being met the counseling interaction had to be examined.

Samples

The only possible population able to report on what actually takes place in court counseling is clients and counselors. Self-evident was the necessity of surveying all staff counselors. Because of the small number of counselors (six) of the Gallatin Court it was essential that all responded to give a total view of the Court.

Subject to question and decision was the nature of the sample of clients. From July, 1963 to March, 1973, 582 clients or 291 couples were referred to the Court.

A 100 per cent return was expected from the counselors' sample, but a much smaller return percentage from the clients. It was realized that some clients might refuse to answer the questionnaire as it recalled a painful experience wished to be forgotten. They might also resent being asked for such confidential information from an outsider. Another factor to seriously consider was the sample's

time span. In ten years a large number of persons move without leaving current addresses. Also, over time, the accuracy of feelings and behaviors recalled may become distorted or forgotten. Balancing these considerations it was decided to send the survey to clients who had used the Court from 1966 to March of 1973. The sample then consisted of 394 clients or 197 couples. It was believed from this sample an adequate number of responses would be returned yet they would not be too far back in time to jeopardize accurate recall.

Procedures

It was believed that a written questionnaire would adequately gather data from the Court's counselors regarding their views of the Court's services. The nature of the questions was to be somewhat specific eliciting brief answers rather than an in-depth approach.

The questionnaire was devised by the investigator with the assistance of one of the Court's therapists. In this study the word "therapist" is used interchangeably with the word "counselor." The instrument was further revised by the instructors and graduate students in the School of Home Economics at Montana State University.

Before the survey, with its cover letter, instrument, and self-addressed return envelop, was sent, personal contact was made with the counselors to ascertain their willingness to cooperate. A copy of the cover letter and questionnaire are in Appendix A.

A questionnaire instrument was also decided upon as the means for getting data from the Court's clients as a more feasible method of getting more responses. It was also believed that clients might be more apt to answer an anonymous questionnaire than they would be willing to talk to a stranger about past marital difficulties. It was determined to send out the questionnaire only once, uncoded, to assure respondents no violation of confidentiality could occur.

The clients' instrument was devised by the investigator with the assistance of instructors and graduate students in the School of Home Economics, Montana State University. Copies of the cover letter and questionnaire are located in Appendix B. A self-addressed stamped envelope was included in the material sent to the clients.

The data of both instruments was handscored and rechecked for accuracy. The focus of the data was descriptive rather than statistical.

Chapter 4

RESULTS OF CLIENTS' SURVEY

The clients' questionnaire was designed to elicit their description of and feelings and ideas about the Gallatin County Conciliation Court. From this data Court personnel will be better able to determine if the Court is fulfilling its objectives. Survey data not discussed in this chapter can be found in Appendix C.

Of the sample of 395 questionnaires, 140 were returned unopened because of changed and unknown addresses. It is assumed that the other 254 instruments reached their destination. Of those, 82 were returned providing a 32.3 per cent return. It can be seen that 68 returns, though, provided the information for this study (Table 1).

Table 1
Clients' Returns

Returns	N
<u>Questionnaires returned</u>	
unanswered	3
by addressees not counseled	11
answered	68
total	82

The 32.3 per cent response was not a high return as expected due to the extremely personal nature of the survey and the long time

span of the sample. It was considered sufficient, however, to provide initial information concerning the present Court's impact on its clients and to provide groundwork for further, more sophisticated follow-up study.

The 68 respondents (those answering the questionnaire) were comprised of 29 men and 39 women. The largest percentage of respondents came from those using the Court's services in 1972.

The clients were asked what their marital status was now in regard to the spouse with whom they were counseled. This was done to see what percentage of clients were still reconciled after counseling and how this compared with Court recorded reconciliations. Please note in subsequent considerations, data from respondents who were separated or divorced have been combined. This was done because the Court by its definition puts together as non-reconciled those who proceed to separate or divorce.

Fewer reconciled persons, approximately 15 per cent less, were discovered by this survey compared to those reconciled immediately after Court counseling. The report of the Conciliation Court (1972) stated that from 1963 through 1972, 156 couples (54.5%) were reconciled and that 130 couples (45.5%) were not. The survey showed that 36.8 per cent are still married whereas 63.2 per cent are now separated or divorced. Not all of those reconciliations achieved by the Court, therefore, lasted (Table 2).

The study showed that of those who separated or divorced, 69.8 per cent did so within six months of counseling. This might indicate that the counseling success evidenced by the number of reconciliations immediately after counseling was not long-lasting or that the clients definitely had wanted a divorce.

Table 2

Marital Status after Counseling and at Present

Marital status	N	%
<u>Immediately following counseling</u>		
stayed together	28	41.2
separated or divorced	38	55.9
no response	2	2.9
<u>At time of survey</u>		
still together	25	36.8
separated or divorced	43	63.2
widowed	--	----

Different procedures, personnel, purposes, and definitions of reconciliation make it unwise to legitimately compare one conciliation court's rate of reconciliations to another's. It is interesting to note, however, that rates of reconciliation vary from as low as 2.7 per cent to as high as 58.9 per cent (Foster, Jr., 1966). Observed superficially, the Conciliation Court in Bozeman compared favorably with other courts regarding reconciliations.

It needs to be noted that according to Boienheimer (1961) and Alexander (1958), divorce courts across the country regularly reported that 20 to 30 per cent of their divorce cases were dropped. This would imply that not all reconciliations are a result of counseling but would have occurred without counseling in many instances.

Three questions on the survey were designed to discover what clients wanted before they came for counseling. Results show that approximately three-fourths (77.9%) of the clients wanted help. A greater percentage (88%) of those whose marriages were reconciled had originally desired help compared to those not reconciled and wanting help (72%) (Table 3).

About half (54.4%) of the clients wanted their marriages saved as they entered counseling. Again, more of those who stayed together (64%) had wanted their marriages saved than those who did not stay together and had wanted the marriage reconciled (48.9%) (Table 3).

Maricopa County's Conciliation Court showed that 78 per cent of their respondents had not wanted a divorce (Furman et al., 1971). Paul Alexander stated that ". . . not everybody who appears to be demanding a divorce really wants one (1958, p. 608)." Alice Ralls, who presided over the Family Court in King County, Washington believed that at least half of the people starting divorce suits hoped that something would stop them before the divorce was finalized.

It is difficult to determine how many clients really want a divorce regardless of the statistics.

Table 3

Clients' Attitudes Before Counseling

Expressed attitude	reconciled clients		non-reconciled		total	
	N	%	N	%	N	%
<u>I did</u>						
want help	22	88.0	31	72.0	53	77.9
not care or want counseling	3	12	9	21	11	16.2
no response	--	--	3	7	4	5.9
<u>I wanted</u>						
the marriage saved	16	64.0	21	48.9	37	54.4
separation or divorce	2	8	10	23.2	12	17.6
didn't know what I wanted	5	20	8	18.6	12	17.6
no response	2	8	4	9.3	7	10.3
<u>I thought the Court was set up</u>						
only to save marriages	--	----	--	----	20	29.4
to help you decide what to do and how to best do it	--	----	--	----	38	55.9
no response	--	----	--	----	10	14.7

One would expect that of those who separated or divorced, compared to those who remained married, a larger percentage would have originally wanted separation or divorce. Almost one-fourth (23.2%) of those who were non-reconciled had wanted separation or divorce whereas eight per cent of those still together had wanted separation or divorce (Table 3).

The clients recognized that the Conciliation Court was not established just to save marriages. They seemed to feel that it was designed to help them decide what to do and how best to go about it (Table 3).

Another aspect of the survey was developed to ascertain attitudes and feelings of the clients after their counseling experience. A larger percentage of those reconciled (64%) thought their decision to stay together was best. A smaller percentage (39.5%) of those separated or divorced were satisfied with their decision (Table 4).

Overall, 47.1 per cent found counseling helpful to very helpful and 39.7 per cent found it to be of no help (Table 4). In comparison, 53 per cent of the clients of Maricopa County's Court said that counseling had helped them to make a satisfactory decision (Furman et al., 1971). More found counseling helpful who were reconciled (64%) than those who were not reconciled yet satisfied with counseling (41.9%)(Table 4).

Of those having experienced Gallatin County's conciliation counseling services, 70.6 per cent stated that they would recommend the Court to friends having marital discord (Table 4). This figure is not quite as high as that reported by the clients of Maricopa County. Seventy-nine per cent of their clients were found by Furman and associates (1971) to be willing to recommend their service to others. Bodenheimer (1961) reported that of the clients questioned who had

used the Utah Marriage Counseling Service, 94 per cent would recommend that service to others.

Table 4
Clients' Feelings After Counseling

Feelings after counseling	reconciled clients		non- reconciled		total	
	N	%	N	%	N	%
<u>My decision after counseling</u> <u>was best</u>						
yes	16	64.0	17	39.5	--	---
no	2	8	6	14	--	---
not sure	7	28	7	16.3	--	---
no response	--	---	13	30.2	--	---
<u>Counseling sessions were</u>						
helpful	16	64.0	18	41.9	32	47.1
not helpful	7	28	20	46.5	27	39.7
no response	2	8	5	11.6	9	13.2
<u>I would recommend Court</u> <u>counseling</u>						
yes	20	80.0	27	62.8	48	70.6
no	4	16	10	23.2	14	20.6
no response	1	4	6	14	6	8.8

Two questions were included in the survey to be answered by those who stayed together after counseling. They were designed to determine if the marriage improved and if so, was it due to counseling. About half of the clients (56%) reported their marriages improved after counseling whereas a third (36%) reported having experienced no

improvement or deterioration in their marriage. Most of those reporting an improvement (11 of 18) could not say if it was due to counseling (Table 5).

Table 5

The Effect of Counseling on Reconciled Marriages

Counseling and the quality of the marriage	N	%
<u>The marriage relationship after counseling</u>		
improved	14	56.0
stayed the same	3	12
deteriorated	6	24
no response	2	8
<u>The improvement was due to counseling</u>		
yes	4	----
no	3	----
can't say	11	----

The questionnaire was also written to elicit from clients a description of the kinds of help they perceived to have experienced. Expression of feelings was experienced more frequently than any other type of help. Seeing what alternatives and choices existed was the second most frequent kind of help reported.

Survey respondents were invited to mention other help they received not listed in the questionnaire. One stated, "I think the main thing we got was, our being able to remain on friendlier terms

since divorcing." Another said, "It did not help save the marriage, but it helped us part as friends, and that is very important, because we have two small children." A third commented, "Perhaps the most helpful aspect of counseling in an extraordinary and painful situation was to have a counselor who recognized that a divorce was the only possible solution."

It was also important to determine what aspects of the counseling service were not helpful if that was the case. From this data Court personnel might be able to find ways of enhancing the effectiveness of the Court. The reasons most frequently mentioned were that it was too late (16 clients) and that there weren't enough sessions (16 clients).

In write-in responses, eight clients mentioned uncooperative spouses as the reason counseling was not helpful. The following statements were representative: "You can not save a marriage if your partner doesn't want it saved," and "The counseling proved to me more than ever that it takes both parties to solve problems and for a marriage to work."

Chapter 5

COUNSELORS' SURVEY

Since the counselors are as much a part of the Conciliation Court as the clients, it was believed that a more complete, balanced picture of the Court could be obtained by sending a questionnaire to them. Conciliation court counseling is a two-party process: the counselor(s) and the client(s). The counselors' responses could be compared to data of the clients either to verify it or to offer another interpretation.

There are five counselors presently on the staff. A sixth questionnaire was sent to a past staff counselor as he had worked with the Court many years. All six instruments were returned yielding a 100 per cent response.

Of the six therapists two are women. Two counselors have their master's degrees in social work; one has an Ed. D; another's training is in elementary education and sociology; two have their doctorates in marriage and family life education and counseling.

The varied backgrounds of the counselors are typical of marriage counselors throughout the country. Olson (1970) reported that of the members of the American Association of Marriage and Family Counselors, 75 per cent identify with another professional group but also do marital therapy.

The first questions asked of counselors were: how many times do you usually see a couple and how long do your sessions generally last. The answers from these questions would indicate just how much counseling takes place through the Court. This data can also be compared to figures found in the literature pertaining to other conciliation courts. They reported seeing couples once or twice with each session lasting one to two hours. Appendix D shows the tally for questions on the counselors' survey.

The investigator wanted to discover what type of counseling took place in the Court: individual psychotherapy, conjoint marital therapy, or a combination of both. Half of the counselors saw the clients together as a couple and half saw them both individually and together. Because marriage is a relationship of two individuals, counseling attention is given to the personal problems of each spouse and also to the problems shared in their marriage.

It is not enough for the counselor to understand each marital partner as an individual only, a psychosocial understanding of a marital problem involves an understanding of the way in which each partner functions in the interacting relationship that is the marriage (Goodwin & Mudd, 1961, p. 689).

The counselors viewed the clients as wanting help, which also is how clients viewed themselves. The counselors believed, however, that the clients were unsure or had mixed feelings regarding their troubled marriages. Whereas half of the clients (54.4%) stated that

they wanted their marriages saved, the counselors seemed to sense less certainty than this in the respondents.

More specifically, only one counselor saw clients generally wanting to save their marriages. Three therapists perceived clients to be unsure of what they wanted--they would want the marriage saved if . . . , or they would file for divorce unless Two counselors sensed the couple having divided feelings: one spouse would want a divorce and the other not, or was not sure.

Because of the general nature of the Court's stated purpose and orientation, and its openness to various interpretations, portions of the counselors' survey were designed to ascertain what specifically occurs during a counseling session. The counselors were asked to describe their role or function as they saw it.

All six of the therapists saw their role as assisting clients in marital difficulty to: express feelings, gain insight, and see alternatives. Three counselors saw their function as advising, suggesting, and recommending a course of action. One saw his role as primarily to save the marriage.

The attitudes held by the Court's counselors seem to parallel those of other counselors quoted in current literature.

The basic goal in marriage counseling is therefore, not to effect any drastic changes in the personality structure of either partner, but to help each to perceive his own reality, the reality of the partner and that of the marriage more clearly (Goodwin & Mudd, 1969, p. 97).

Marriage counseling is the process whereby professional skills and experience, within the context of an understanding and accepting face-to-face relationship, are brought to the assistance of spouses as they explore, evaluate, and clarify feelings and issues; as they seek to communicate verbally and emotionally, and as they learn to choose courses of action which will lead to some resolution of their problems. This can mean acceptance of facts which cannot be altered and/or growth of a more meaningful marriage relationship. It may mean the final dissolution of a marriage already destroyed, a situation which can only continue to damage the personalities involved. Such decisions are made by the counselees, not by the counselor (Rutledge, 1969, p. 5).

The counselors were also asked to describe what they saw happening during a counseling session. Most counselors saw expression of feelings and insight gained as being the most usual occurrences (see Table 6). It appears that expressing feelings, a key goal established by counselors, is in fact that counseling experience found most helpful by clients and an experience seen often by counselors to actually exist in conciliation court counseling.

Table 6

Clients' Experiences during Counseling

Counselors' perceived client experiences	N
Expression of feelings	4
Insight into selves, mate, marriage	3
Motivated to improve marriage	2
Pretensions toward saving the marriage	1

The following responses concerning clients' experiences during counseling were mentioned by individual counselors: destructive communication, defensiveness, accusations, taking the blame, seeing selves honestly, hearing other's point of view, and regret not having come in sooner.

As can be seen from the counselors' responses, they do not expect or experience the saving of marriages in one session. Clients themselves reported wanting help in finding the best action to take, not necessarily in saving the marriage. Counselors seem to perceive counseling as doing the necessary groundwork, in clearing away emotional debris to see what the reality of the situation is.

After having vented his feelings and having closely examined the part he has played in creating the situation, the client begins to recognize the real causes of marital disharmony and to develop some insight into changes that might be put into effect (Staniec, 1963, p. 17).

The counselors have available for their use an agreement form which details many aspects of the marriage relationship. To see if it was helpful to them, counselors were asked what use they made of it. Only one reported having used it and another said it was used minimally. One specifically stated he did not use it. The small utilization of the form parallels the little value attached to the agreement form by the clients of the Maricopa County Conciliation Court. Thirty-one per cent of the respondents had signed the agreement form. Twenty-two persons of those who signed it(29) said

they had reread it. Of those 22, only seven stated that it had been in any way useful to them (Furman et al., 1971).

A goal of the Court is to provide means for the reconciliation of spouses. Questions on the counselors' survey were inserted to discover what they thought reconciliation to be and if it was possible for the maritally troubled to obtain it in one Court counseling session.

All of the counselors saw the reconciliation of marital conflict occurring in a couple remaining together and experiencing an improvement in their relationship. However, three saw separation as possibly leading to conflict resolution and two believed that divorce could be a settlement of marital discord. One believed reconciliation could occur in the couple just remaining together. It can be seen that some of the counselors accept means of reconciliation other than keeping a troubled couple together.

All counselors agreed that an improved marriage demonstrated reconciliation. In their definitions of reconciliation, two counselors focused on the need for efforts to actually change the marriage interaction patterns. One understood reconciliation to be "When the couple understands what has been happening in their marriage, are accepting of their responsibility, and are willing to work on changes--" Another believed it to be when the "couple lives together, with agreement to make efforts to change the basic

relationship--not just the style of conflict, or just to suppress conflict." A third counselor stated, "A marriage is reconciled when the couple experience in their relationship more satisfaction than dissatisfaction, more agreement than disagreement, and when they enjoy each other's company most."

Other understandings of reconciliation incorporated the ideas of untenable, disharmonious marriages becoming tenable and harmonious. Reconciliation was also understood to be the establishment of a mate's ability to be sensitive and appreciative of his spouse and the meeting of the partner's emotional, affectional, and sexual desires.

Did the counselors think reconciliation as they defined it to be possible in one counseling session: three said no; one said yes; and two thought it possible.

Chapter 6

CONCLUSION

Contemporary Concepts: A Summary

It was the intent of this study to examine the Gallatin County Conciliation Court's purpose of preserving, promoting, and protecting marriage and family life in the context of contemporary philosophy regarding marriage and family life. Another purpose was to describe the actual counseling interchange between the clients and counselors of the Court to see if the Court's objectives were being met. The fact that no study on the Gallatin County Conciliation Court had been done since its inception ten years ago established the rationale for the study. Such a study would either affirm current procedures or indicate a need for the Court to redirect its efforts in order to better meet the needs of its clients.

As disclosed in the review of literature, children are not necessarily better-off in unbroken homes compared to broken homes. Presented also was the viewpoint that the family per se is more than a concept as it is comprised of individuals. If a marriage or family is troubled, counseling attention needs to be focused on the individuals and their interpersonal interactions.

Keeping a particular troubled family together does not necessarily best save the institution of the family. The presentation of present perspectives concerning marital discord showed that

in addition to the aim of improving a specific troubled marriage, resolution or settlement of marital conflict could be achieved through therapeutic divorce.

Divorce does not destroy the institution of marriage, it only signifies the end of a particular marriage. Divorce is assumed to be evidence of personal failure, a cause of emotional disturbance in children, and a destroyer of the institutions of marriage and family. Even though many problems are associated with divorce, Goode has challenged others to demonstrate empirically what the effects of divorce are (1970).

The undesirability of divorce in the eyes of many is not enough to prevent its occurrence. Margaret Mead has been credited with saying that ". . . we live in this unreal world where people still assume in spite of the divorce rate that their marriage is going to be different (Cox, 1972, p. 20)." Divorce is a present actuality and it is believed that it will continue to be so in the future.

The institutions of marriage and family, like other aspects of human existence, are characterized, in Toffler's terms by: novelty (appearance of new goals); acceleration (rapid turn-over of goals); and diversity (sub-division and multiplication of goals) (1971). Change is to be expected in the institutions of marriage and family. Perhaps as Toffler (1971) said, the mathematical odds

are minute of achieving a marriage of mutually shared love and growth. Benson (1971) speculated that no stable, unchanging family system may ever emerge, as society will always be in transition.

For a conciliation court to deal effectively with the problems of marital conflict, marriage has to be examined within the context of the actualities of today, not the ideals of yesterday. Lippmann believed that marriage would survive if it was the dominant insight into the reality of love and happiness, or it would not survive at all (Cox, 1972). Lippmann meant that if the institution, the conventions, of marriage today genuinely and adequately meets the needs generated by human existence, matrimony will continue to be part of life styles.

Perhaps the surviving conventions of marriage in the future will be different. The institution may be recognized by its trial marriages, parental marriages, or serial marriages. Dr. Kingsley Davis has been quoted as saying "There is no reason to believe that a highly tolerant attitude toward divorce in the United States will mean the decline and fall of our civilization (Hunt, 1966, p. 232)." Udry (1966) believed that the doubling or trebling of present divorce rates in America could occur without serious consequences.

On the other hand, Herbert and Jarvis (1970) believed it was possible that the form of marriage we know today could continue to

exist in its present form because of the greater opportunities open to each individual to help marriage succeed. A higher standard of living, family life education, and public and private services like mental health clinics and counseling personnel aid those in personal and marital difficulty.

Partly a result of voiced concerns in the fifties regarding the divorce rate and the fact that people in marital difficulty had no legal recourse for ending marital conflict other than divorce, the conciliation movement developed. Established legislatively and operated by local judiciaries, conciliation courts offer marriage counseling as an alternative to unnecessary divorces. Each court is somewhat unique as they vary according to philosophy, procedure, personnel and resources.

The question posed in the Introduction was: Is the Court's stated purpose operationally understandable and congruent with contemporary attitudes toward marriage, family, and conciliation court counseling? As disclosed, there is no prescribed way to best meet the needs of children, spouses, and families in trouble. Each child, spouse, and family is unique and their best interests need to be dealt with accordingly. It is not avoiding divorce per se that deserves a conciliation court's efforts, but the resolving of the underlying strife be it by marital reconciliation or therapeutic divorce.

Summary of Survey Data

The purpose of the surveys sent to the clients and counselors of the Gallatin County Conciliation Court was to see if what they reported to be happening in counseling sessions fulfilled the Court's objectives. The first survey to be reviewed was that sent to the clients of the Court. Of the 254 instruments received by clients, 82 (32.3%) were returned. The returns covered a time period of seven years, 1966 to 1973.

Over one-third (36.8%) of the respondents stated that they were still married to the spouse with whom they were counseled. This is fewer reconciled marriages than reported by the Court. Immediately following Court counseling 54.5 per cent of the couples were considered reconciled.

A greater proportion of those wanting help at the time of counseling and those wanting their marriages saved were in fact those who are still married. Conversely, a larger percentage of those wanting a divorce at the time of counseling are now separated or divorced compared to those wanting their marriage saved. A larger number of reconciled respondents (64%) were satisfied with their decision to stay together compared to the 39.5 per cent of those who were not reconciled yet reported being satisfied with their decision to separate or divorced. Approximately half (47.1%) of the clients found the counseling helpful.

The most helpful aspects of counseling reported by clients were: expression of feelings and seeing alternatives. The most frequent reasons given for not finding counseling helpful were: the sessions were too late and too few in number.

The second data-gathering instrument was sent to the Court's counselors. They reported that counseling sessions usually lasted one or two hours and that each couple was seen once or twice. The counselors saw their role as assisting clients to express feelings, see alternatives, and gain insights into themselves and their marriages.

Though each therapist had his own definition of what a reconciled marriage was, they all agree that it was characterized by an improvement in the marriage. This improvement involved a basic change in the spouses' interactions and that change included a positive awareness of the mate. Half of the counselors did not believe that such reconciliation was possible in a single counseling session; two felt that reconciliation was possible or at least steps could be taken toward it; one believed that in one session it was possible to see a troubled marriage reconciled. Some of the counselors believed that reconciliation, or resolution, of marital conflict could also be achieved by separation or divorce.

The question to be answered posed in Chapter 1 was: Is the counseling service fulfilling its purpose? To answer that question criteria have to be established. The Court is meeting its objectives if the 36.8 per cent reconciliation rate is high enough and the fact that 47.1 per cent of the respondents reported being helped is acceptable. These, however, are only two of many ways to define counseling success. Many other criteria could be established.

Survey Evaluation

At this point it is appropriate to present the evaluation of the surveys' instruments and procedures. An empirically stronger and more sophisticated study could be done on the Court using instruments pre-tested for reliability and validity--instruments incorporating a statistical research design.

If another study is done it is suggested that the researcher concentrate on a high rate of return on clients that have recently been a part of the Conciliation Court's services, perhaps going back in time no further than one or two years. This would allow for a current more complete picture of the Court. Ideally an evaluation should be conducted by the Court six months after a client has been counseled. Perhaps the Court could discover why 69.8 per cent of those who separated or divorced after counseling did so within six months.

Follow-up procedures are best done by those involved with the Court. Some clients felt that this study was none of the business of an outside investigator. Maybe clients could be forewarned concerning possible follow-up procedures.

Future investigators might also want to examine copies of other conciliation court studies, in particular the one by Furman et al. (1971) to become acquainted with other questions and survey foci. A question to be answered in the future might be whether the Court has been able to reduce the divorce rate in Gallatin County appreciably.

It needs to be mentioned that three of the counselors were relatively new to the Court and were hesitant to comment on some of the questions. Personal interviews are suggested as a means of gathering more complete data. The population is small so it is possible to accomplish. In addition, the short answers given on the instrument could be subject to misinterpretation which would be avoided by in-depth personal interviews.

The fact that little study has been done to describe what reconciliation is like when it occurs would not make more meticulous follow-up studies more able to measure empirically the value, success, or quality of reconciliations achieved by the Court (Mueller, 1970). An observer could view the Court as a failure because it does not reconcile all couples; another might say all the expense and effort

are worthwhile if only one family a year is reconciled; a third might believe helping people through divorce is a criterion of success.

Research is of scant help in offering data to compare the the information gained from these surveys. "No experimental studies have been done comparing the satisfaction, happiness, or adjustment of counseled couples with those who have not been counseled (Udry, 1966, p. 484)." Kephart also has stated that no studies have been done comparing the percentage of those reconciled who were without benefit of conciliation court services as opposed to litigants of divorce courts with conciliation services (Christensen, 1964). Udry (1966) explained that marital problems, like individual problems, may appear, disappear, and reappear depending on internal or external circumstances and may have little to do with counseling received. Because of the dearth of research data regarding conciliation courts and their relationship to troubled marriages, this study is offered to provide basic groundwork and an outline for more definitive studies in the future.

Clients' and Counselors' Suggestions for the Court

The following comments were made by clients and counselors in their questionnaires regarding changes which they thought would increase the effectiveness of the Court. These suggestions could be the starting point for discussions held by Court personnel. These

comments deserve careful consideration as they are the result of personal and professional first-hand experience.

Three counselors expressed the need for counseling to be done with couples earlier, especially before one or both have filed for divorce. This could be accomplished, they believed, by encouraging lawyers to refer immediately couples considering divorce to the Court for counseling. Also distributing applications or petitions for conciliation to persons in the community who are in the helping professions (clergy, counselors, public service employees in local agencies, doctors, lawyers, etc.) could help. If these professionals are sensitive to signs of marital conflict in an individual or couple they can encourage them to apply for help at that moment.

Bodenheimer (1961) reported that in Utah reconciliations for cases in litigation ran from 10 to 15 per cent and that reconciliations in non-litigated cases went from 40 to 50 per cent. Beck stated, "The optimum time for application would thus seem to be shortly after the first major clash (1966, p. 215)."

The following three clients had similar views.

I really feel if you want to help marriages that the law should be your lawyer informs the conciliation court you are seeking a divorce and they get you together before you file or at least before a hearing. You have too many hurts to overcome after you've been in a hearing and testified why you want a divorce.

This client also stated, "I'd be very much for a Judge saying don't

bring them into court until they've been through more than one counseling session."

A second respondent said, "I would highly recommend counseling as soon as there is evidence of a problem. Had we been aware of this service 2 yrs before I'd definitely decided on divorce as the only solution to our problem it may have helped." The third comment was, "Think Court should require couple to present counseling report with filing suit--may prevent more from filing."

Two counselors thought that a full-time counselor needed to be available. More specifically one of them said that the Court ought to "require an appointment with a full time court counselor . . ." The second one sharing these views said, "funds needed to be appropriated to 1) have at least one and preferably two full-time marriage and family counselors so that, 2) a couple can have at least four counseling sessions."

It is apparently not enough for the Court to be set up to reconcile marital conflict and then provide its clients with one session. As one client stated, "We had one session paid by the Court and we paid for one session at about \$16 per hour. We felt we needed the money for bills etc."

It is the Court's purpose to protect the rights of children yet they are offered no direct counseling. "Marital discord affects the children as severely as it affects the parents."

The following comments were made by a respondent on the survey concerning child counseling.

In line with more emphasis and concern for children's rights I feel that an innovative effort should be made through this court for children to be heard and to obtain separate counsel. . . . On my own, I asked the counselor to be with my children without my being present so that they, too, could talk about the impending divorce and their feelings.

More complex than individual, couple, or child counseling is family therapy. Olson (1970) and Sporakowski and Mills, Jr. (1969) are two of many writers who have discussed the development of family counseling. Professionals in this field view the family as a unit--a problem experienced by one or more members affects others in his family. Therefore, all must become involved in the counseling process. In the future, Court personnel in Bozeman may want to consider expanding their service to include children in counseling, individually or within the family as a whole.

Recall that almost half (45.5%) of the Court's clients were not reconciled immediately after counseling and that half of the staff counselors do not believe reconciliation to be possible in one session. Perhaps those not reconciled are in need of more assistance than those reconciled. Also recall that half of the respondents (47.1%) did not find counseling helpful.

In their questionnaire they were asked if they would like to see the Court adopt an attitude implying that the institutions of

marriage and family can be preserved, protected, and promoted by divorce counseling that leads to better personal readjustments as well as marital counseling doing the same. All of the therapists responding to that question (five) said yes.

This was their response despite the fact of having said that ostensibly the Court was set up to save the institutions of marriage and family by trying to save each particular marriage in trouble.

As one counselor commented in the survey,

Accept that the goal is not keeping people together--but helping people in marriage conflict understand what is happening so they can find ways to change their behavior and attitudes regardless of whether they remain together!

From the concepts presented some readers may have inferred that some changes could be made in the Court's philosophy and policy to enhance its effectiveness. This study is of value if it stimulates Court personnel themselves to evaluate the Conciliation Court. It seems necessary that after ten years they meet as a group to either affirm satisfaction with present Court procedures or adopt policy changes--changes perhaps better meeting the needs of the people they serve, more attuned to current precepts, and consonant with the realities of the problems of the clients they serve and the reality of the Court's resources.

APPENDIXES

APPENDIX A

Counselors' Cover Letter

School of Home Economics
Montana State University
Bozeman, Montana 59715
March , 1973

Dear ,

Enclosed is a brief questionnaire that is part of a follow-up study on the Gallatin County Conciliation Court. The study will describe what happens during and accrues from the counseling sessions in the viewpoint of the Court's counselors and clients. This is being done for my master's thesis in Family Life.

Please call me at 994-3241 if there are any concerns regarding this questionnaire; if not, the results of the study will be available to you upon request. Thank you for your cooperation and an early reply will be appreciated.

Cordially,

Loraine Barker

Counselors' QuestionnaireGALLATIN COUNTY CONCILIATION COURT AS VIEWED
BY THE COURT'S COUNSELORS

DIRECTIONS: All questions refer to your Conciliation Court counseling cases. Check one space per question unless otherwise indicated. If you find the provided answers inadequate, write in your own specific answer or elaborate.

1. How many times do you usually see a couple?
____ time(s)

2. How long do your sessions usually last?

3. Do you usually counsel spouses
____ individually
____ together
____ individually and together

Do you feel that most of your clients

4a. ____ want to save the marriage
____ want a separation
____ want a divorce
____ don't know what they want

4b. ____ want help
____ don't want help

5. Check as many as describe your role or function as a Court counselor as you see it
____ provide a therapeutic environment where clients feel free to express feelings and discover what is best for them
____ assist clients in gaining insight into themselves and their marriage
____ clarify alternatives and choices
____ aim primarily to save the marriage
____ advise, suggest and recommend a course of action
____ other (please describe)

6. Check as many as describe what you usually see happen within clients the first session
- ☐ expression of superficial feelings
 - ☐ expression of deeply felt emotions
 - ☐ gain insight into themselves, mate and marriage
 - ☐ gain self-assurance about the choice they have made regarding their marriage
 - ☐ become motivated to improve their marriage
 - ☐ no change
 - ☐ other
7. What use do you and your clients make of the Court's Agreement form?
8. Check as many of the following that could be the reconciliation of marital conflict.
- ☐ remain living together
 - ☐ remain together and experience an improvement in the marriage
 - ☐ separation
 - ☐ divorce
9. What in your opinion is a reconciled marriage?
10. From your point of view is it possible to reconcile a marriage in one session?
- ☐ yes
 - ☐ no
11. If you answered yes to 10., in what percentage of cases is such reconciliation possible?
- ☐ per cent

12. Would you agree that ostensibly the Gallatin County Conciliation Court is set up to save the institutions of marriage and family through preserving the particular marriage in trouble?

☐ yes
☐ no

13. Would you like to see the Court adopt an attitude implying that the institutions of marriage and family can be preserved, protected, and promoted by divorce counseling that leads to better personal readjustments as well as marital counseling?

☐ yes
☐ no

14. What if anything

a. should be done to change the Court?

b. feasibly could be done with present resources to change the Court?

Please check one of the following concerning confidentiality

☐ do not quote any statements herein
☐ you may quote statements herein anonymously
☐ you may quote by name

signed _____

returned anonymously _____

further remarks:

APPENDIX B

Clients' Cover Letter

School of Home Economics
Montana State University
Bozeman, Montana 59715
April, 1973

Dear ,

A study is being done to evaluate the services of the Gallatin County Conciliation Court. Having been through the Conciliation Court you are in a good position to know how helpful it was. The enclosed form does not ask you to give your name, so you may be assured your reply is confidential.

Completing this form will only take you a few minutes. If you feel unable to participate in this survey, please answer items 1, 2, 3, and 4 and return the uncompleted form. If you are no longer living with your spouse, please forward that letter or return it stating address unknown. For your survey information to be tabulated with that of the other Court-counseled couples, return your form within a week. Your cooperation in any and all of the above will be greatly appreciated. Thank you.

This study is being done by an MSU graduate teaching assistant for her master's degree and for the benefit of the Conciliation Court. A copy of the thesis containing the results of the survey will be in the MSU library after its completion, and you are invited to read it.

Sincerely,

Lorraine Barker

pl

Enclosure

P. S. This study is being done with the permission of Judge
W. W. Lessley.

Clients' QuestionnaireGALLATIN COUNTY CONCILIATION COURT AS VIEWED
BY COUPLES USING ITS SERVICES

DIRECTIONS: Unless otherwise indicated, check only one space for each question. Return to: Loraine Barker
School of Home Economics
Montana State University
Bozeman, MT 59715

1. ☐ man
☐ woman
2. What year did you use the Conciliation Court?
19__
3. Immediately following Court counseling you and your spouse
☐ stayed together
☐ separated
☐ divorced
4. You and the spouse you were counseled with are now
☐ still married
☐ separated
☐ divorced
☐ widowed
5. If you separated or divorced following counseling, how long was it after counseling?
____ years and/or ____ months

The following questions refer to your feelings before you saw the counselor.

- 6a. I did
☐ want help
☐ not care if I had counseling
☐ not want counseling
- 6b. I wanted
☐ the marriage saved
☐ a divorce
☐ a separation
☐ I didn't know what I wanted.

7. Do you feel your decision following counseling (see question 3) was the best choice?
☐ yes
☐ no
☐ not sure
8. Did you find the counseling session(s) to be
☐ very helpful
☐ helpful
☐ of no help
9. If your friends were having marital difficulties, would you recommend that they go to the Conciliation Court?
☐ yes
☐ no
10. If you remained together after Court counseling, did your marriage
☐ improve greatly
☐ improve somewhat
☐ stay the same
☐ deteriorate
11. If your marriage improved (see question 10), do you think it would have without counseling?
☐ yes
☐ no
☐ can't say
- 12a. Check as many of the following that describe the help you received through the Court counseling session(s)
☐ expressed my feelings
☐ saw myself, my spouse and my marriage in a new way
☐ saw what alternatives and choices I had
☐ decided what I wanted to do
☐ felt more sure about what I wanted to do
☐ found ways to deal with the problems
☐ other (please explain)

12b. If you did not find the counseling helpful, check as many of the following as apply

- ☐ it was too late
- ☐ it was too short
- ☐ there weren't enough sessions
- ☐ personality conflict with the counselor
- ☐ none of the above as I didn't want help
- ☐ other (please explain)

13. If you have further comments, please use the space below.
Thank you.

APPENDIX C

Clients' Survey Data: Men and Women

1. 29 men
39 women
68 total

2. The year respondents used the Court's services
6 1973 (January through March)
17 1972
8 1971
8 1970
8 1969
1 1968
1 1967
7 1966

3. Immediately following Court counseling you and your spouse

<u>total</u>	<u>men</u>	<u>women</u>	
<u>28</u>	<u>7</u>	<u>21</u>	stayed together
<u>16</u>	<u>4</u>	<u>12</u>	separated
<u>22</u>	<u>15</u>	<u>7</u>	divorced

4. You and the spouse you were counseled with are now

<u>total</u>	<u>men</u>	<u>women</u>	
<u>25</u>	<u>8</u>	<u>17</u>	still married
<u>7</u>	<u>1</u>	<u>6</u>	separated
<u>36</u>	<u>20</u>	<u>16</u>	divorced
<u>--</u>	<u>--</u>	<u>--</u>	widowed

5. The time it took couples to separate or divorce after counseling
1 3 years
2 2
2 1
- 10-12 months
2 7- 9
8 4- 6
15 1- 3
7 less than a month

Concerning feelings before counseling

6a. I did

<u>total</u>	<u>men</u>	<u>women</u>	
53	26	27	want help
3	---	3	not care if I had counseling
8	3	5	not want counseling

6b.	37	22	15	want the marriage saved
	11	4	7	want a divorce
	1	--	1	want a separation
	12	2	10	not know what I wanted

6c.	20	8	12	think the Court was set up only to save marriage
	38	18	20	think the Court was set up to help you in the best way

7. The decision following counseling was best

<u>total</u>	<u>men</u>	<u>women</u>	
37	15	22	yes
9	6	3	no
16	7	9	not sure

8. The counseling sessions were

<u>total</u>	<u>men</u>	<u>women</u>	
6	1	5	very helpful
26	10	16	helpful
27	15	12	of no help

9. If friends were having marital difficulties, would you recommend the Court?

<u>total</u>	<u>men</u>	<u>women</u>	
48	18	30	yes
14	9	5	no

10. If you remained together after counseling, did the marriage

<u>total</u>	
6	improve greatly
8	improve somewhat
3	stay the same
6	deteriorate

11. If your marriage improved, would it have without counseling?

<u>total</u>	
4	yes
3	no
11	can't say

12a. Respondents' listing of help received

<u>total</u>	<u>men</u>	<u>women</u>	
30	10	20	expressed feelings
9	3	6	saw self, spouse and marriage in new way
16	6	10	saw alternatives and choices
10	3	7	decided what I wanted to do
11	3	8	felt more sure about decision
12	5	7	found ways to deal with problems

12b. Reasons counseling was not helpful

<u>total</u>	<u>men</u>	<u>women</u>	
16	6	10	too late
10	6	4	too short
16	7	9	not enough sessions
6	1	5	personality conflict with counselor
1	1	--	none of the above as help wasn't wanted

Clients' Survey Data: Reconciled and
Non-reconciled Respondents

3. Following counseling you and your spouse
(In tabulations, rec. refers to the responses from reconciled clients and n-rec. refers to the responses of non-reconciled clients)

<u>rec.</u>	<u>n-rec.</u>	
19	10	stayed together
5	11	separated
--	22	divorced

4. You and the spouse you were counseled with are now

<u>rec.</u>	<u>n-rec.</u>	
25	--	still married
--	7	separated
--	36	divorced

Concerning feelings before counseling

- 6a. I did

<u>rec.</u>	<u>n-rec.</u>	
22	31	want help
1	2	not care if I had counseling
2	6	not want counseling

- 6b.
- | | | |
|----|----|-------------------------|
| 16 | 21 | want the marriage saved |
| 2 | 9 | want a divorce |
| -- | 1 | want a separation |
| 5 | 8 | not know what I wanted |

7. The decision following counseling was best

<u>rec.</u>	<u>n-rec.</u>	
16	17	yes
2	6	no
7	7	not sure

8. The counseling sessions were

<u>rec.</u>	<u>n-rec.</u>	
5	3	very helpful
11	15	helpful
7	20	of no help

9. If friends were having marital difficulties, would you recommend the Court?

<u>rec.</u>	<u>n-rec.</u>	
20	27	yes
4	10	no

12a. Respondents' listing of help received

<u>rec.</u>	<u>n-rec.</u>	
11	19	expressed feelings
4	5	saw self, spouse and marriage in new way
6	11	saw alternatives and choices
2	9	decided what wanted to do
1	11	felt more sure about decision
9	3	found ways to deal with problems

12b. Reasons counseling was not helpful

<u>rec.</u>	<u>n-rec.</u>	
3	13	too late
2	8	too short
5	11	not enough sessions
5	2	personality conflict with counselor
--	1	none of previous as help wasn't wanted

APPENDIX D

Counselors' Survey Data

1. How many times do you usually see a couple?
3 once
2 twice
2. How long do your sessions usually last?
1 less than an hour
2 one hour
2 two hours
3. Do you usually counsel spouses
-- individually
3 together
3 individually and together
- 4b. Most clients
4 want help
-- don't want help
5. Counselors' listing of their function
6 provide therapeutic environment so clients can express feelings and discover what is best for them
6 assist clients in gaining insight into selves and marriage
6 clarify alternatives and choices
1 aim primarily to save the marriage
3 advise, suggest and recommend a course of action
6. Counselors' listing of what happens in the sessions within clients
4 expression of superficial feelings
4 expression of deeply felt emotions
3 gain insight into themselves, mate and marriage
-- gain self-assurance about choice made
2 become motivated to improve their marriage
1 make pretenses toward saving marriage
-- become resigned to marriage
-- no change

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