Bridging the Divide When Best-Interest Perspectives Collide

Jessica Duesler, LCSW–BCD
Danny Jackson, Esq.

Court Improvement Program Summit
August 20, 2026

How this breakout works

Flow of session

1. Survey themes and why they matter
2. Communication and conflict tools
3. Barrier reduction and role-clarity tools
4. Permanency trade-off tools
5. Open application to attendee cases

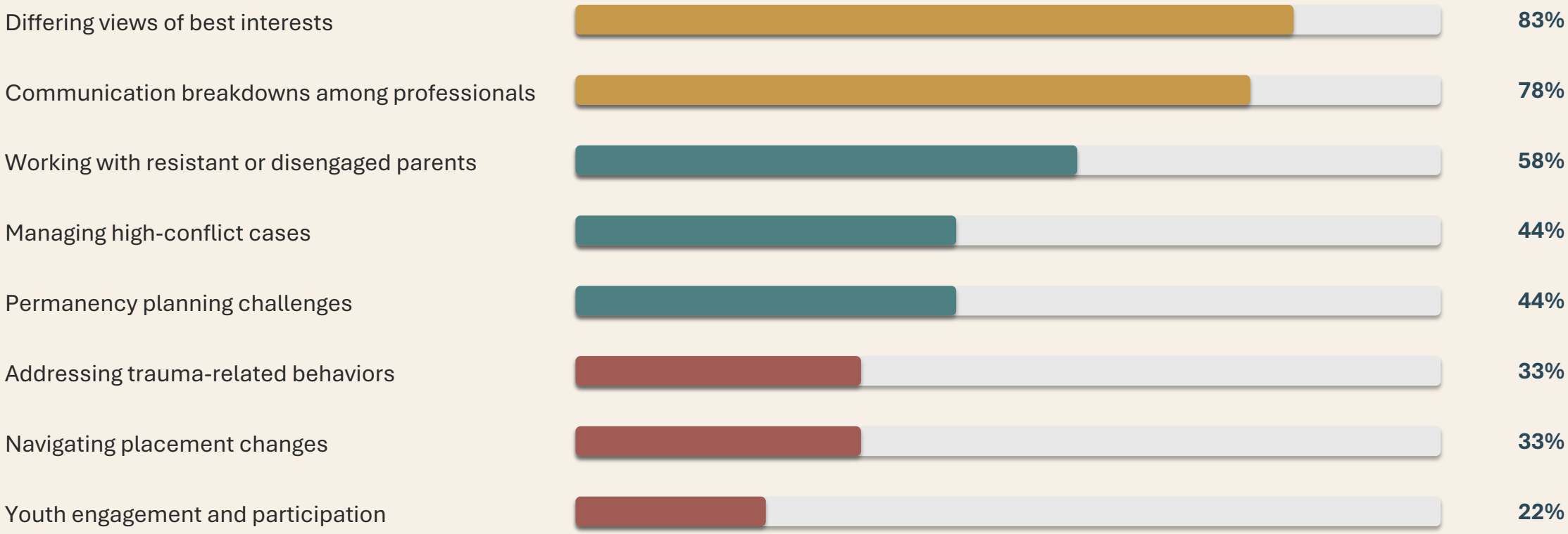
How to participate

- Ask questions at each built-in pause
- Offer a scenario without identifying details
- Use the tools as prompts rather than scripts
- Disagree if needed… we want discussion!

What the tools are for

- Clarifying / understanding disagreements
- Reducing positional conflict
- Narrowing issues before court
- Making trade-offs visible
- Supporting accountable collaboration
- Understanding the roles of others and how they each function within the process

SURVEY INFORMATION



***Key Takeaway**:*

We need concrete ways to communicate, manage disagreement, engage resistant parents, and think through permanency trade-offs.

TOOLS TO SUPPORT THE CAUSE

Problem	Primary tool	How it helps
Communication breakdown	C.L.E.A.R. framework	Structure difficult conversations before positions harden
High conflict / entrenched positions	Accusation-to-Action Reframe	Turn broad complaints into answerable requests
Resistant or disengaged parents	Barrier Mapping Grid	Differentiate willful noncompliance from access, trauma, or system barriers
Unclear ownership / stalled cases	Role-and-Responsibility Map	Clarify who can decide, who can recommend, and who must implement
Litigation before issue narrowing	Pre-Court Bridge Protocol	Identify what can be resolved before a contested hearing
Permanency dilemma	Permanency Trade-Off Matrix	Make gains, costs, and unknowns visible across options Recognize and respond to others based on mutual understanding of respective roles

Tool 1: C.L.E.A.R. Communication Framework

Use this when communication is strained, reactive, or incomplete.

C	**Center**	Begin with the child/family impact rather than the professional grievance.
L	**Locate**	Identify the precise point of disagreement and the facts already agreed upon.
E	**Explain**	State the role, evidence, or rationale informing your position.
A	**Ask**	Ask what information, perspective, or barrier may still be missing.
R	**Record**	Confirm the next step, responsible person, and timeline in writing.

Question pause: *Where in your system do conversations most often fail? Before, during, or after the exchange of information?*

How to complete the C.L.E.A.R. tool

Use this as a worksheet before a meeting, staffing, mediation, or difficult email.

Step-by-step instructions

1. Write one sentence naming the child/family impact.
2. List the exact disagreement in behavioral or legal terms.
3. Note the facts everyone agrees on.
4. State your role-based rationale in 1–2 sentences.
5. Write two questions that could change or refine your view.
6. End with one requested action, one owner, and one deadline.

Mini template

Center: The current barrier is affecting _____.

Locate: We disagree about _____.

Agreed facts: _____.

Explain: From my specific role, I am concerned because _____.

Ask: What are we missing about _____?

Record: By _____, _____ will _____.

Implementation tip: complete the worksheet privately first, then use it to shape the actual conversation.

Tool 2: Accusation-to-Action Reframe

Use this when the conversation is dominated by broad complaints or loaded conclusions.

"The agency is obstructing visitation."	→	"The schedule has not expanded despite the identified progress. What barrier remains, what safeguard is needed, and who can resolve it by when?"
"The parent refuses to engage."	→	"The parent has missed three contacts. What do we know about transportation, comprehension, fear, trauma, or access?"
"This placement is unstable."	→	"What specific indicators show instability, what level of urgency exists, and what support or change is being proposed?"
"Counsel is just being argumentative."	→	Counsel is saying I didn't do my job. Is it personal or is it an overarching concern for their client? What truth can be gleaned from the argument without assuming it's a personal attack?"

Question pause: *What accusation or conclusion do you hear most often in your cases that would benefit from reframing?*

How to complete the Accusation-to-Action tool

This can be done live in a meeting, on a whiteboard, or on a notepad.

Steps

1. Capture the accusation verbatim.
2. Ask: What is the underlying concern?
3. Replace labels with observable facts.
4. Specify the decision, barrier, or safety question.
5. End with a concrete request or next action.

Blank grid

Accusation:

Underlying concern:

Known facts:

Missing facts:

Actionable request:

Success check

Could the other person answer this?

Does the statement distinguish fact from interpretation?

Does it identify who must act?

Would a neutral listener understand the next step?

Tool 3: Barrier Mapping Grid

Use this when a parent, youth, or professional is described as resistant, avoidant, disengaged, or noncompliant.

Barrier domain	Examples	Possible response
Access	Transportation, scheduling, childcare, cost, technology	Concrete resource support; reschedule; remove logistical friction
Capacity	Mental health, substance use, cognition, executive functioning	Clinical support, accommodation, clearer pacing, repeated instruction
Comprehension	Language, literacy, complex expectations, lack of role clarity	Interpretation, simplified tasks, plain-language explanation
Trauma / distrust	Fear, shame, prior system harm, escalation, avoidance	Relationship-based outreach, slower engagement, trusted intermediary
System friction	Waitlists, provider gaps, conflicting directives, agency barriers	Escalation, leadership involvement, documented problem-solving

***Core principle**: barriers are DATA, not excuses!*
Identifying a barrier does not eliminate accountability; it helps you choose an intervention that can realistically work.

***Question pause:** In your system, which type of barrier is most often mislabeled as simple refusal?*

How to complete and score the Barrier Mapping Grid

Rate barrier intensity to decide where intervention should begin.

0	No meaningful barrier identified
1	Mild barrier; monitor and support
2	Moderate barrier; targeted intervention needed
3	Severe barrier; primary driver of non-engagement or delay

Blank scoring list:

Access __
Capacity __
Comprehension __
Trauma/distrust __
System friction __

Instructions

1. Rate each barrier domain from 0–3.
2. Circle the highest-rated domain or domains.
3. Ask which barrier is most changeable in the short term.
4. Assign one intervention to each barrier rated 2 or 3.
5. Re-rate after the intervention period rather than simply repeating the same criticism.

***Implementation tip**: the score does not quantify the person. It quantifies the barrier's current influence on engagement.*

Tool 4: Role-and-Responsibility Map

Use this when cases stall because no one is sure who can decide, who can recommend, or who must implement.

Task / issue	Primary decision-maker	Recommendation role	Implementation role
Visitation expansion	Court / agency (depending on order)	GAL, counsel, providers	Caseworker, placement, provider
Treatment referral	Agency / parent / provider structure	Counsel, evaluator, therapist	Caseworker, parent, provider
Placement change	Agency / court	Counsel, CASA/GAL, providers, tribe/kin	Caseworker, placement team
Permanency recommendation	Court	All parties / GAL / agency / experts	Agency, placement, services system

Use the map to reduce circular conversations such as: "I thought counsel would handle that," "I thought the provider was waiting on the agency," or "I thought the court had already decided that."

Question pause: *What issue in your jurisdiction most often becomes a role-confusion problem?*

How to complete the Role-and-Responsibility Map

Complete the map for one concrete issue rather than for the entire case at once.

Steps

1. Name one issue that is stalled.
2. Identify who has legal authority to decide it.
3. Identify who is expected to make recommendations.
4. Identify who must carry it out in practice.
5. Identify the date by which each task must occur.

Blank fields

Issue:

Decision-maker:

Recommenders:

Implementers:

Deadline:

Success check

Can each person in the room say their role in one sentence?

Would a new caseworker or new attorney understand the task flow?

Is the implementation owner the same as the legal decision-maker?

If not, both must be named.

Tool 5: Pre-Court Bridge Protocol

Use this before mediation, before a contested hearing, or when everyone agrees the issue is serious but nothing moves.

1

Shared facts

What is undisputed?

2

Disputed facts

What actually requires proof or testing?
Why is this going before the Court?

3

Authority

Who can decide or act?

4

Missing information

What information could change the analysis?

5

Available safeguards

What protective conditions could reduce risk?

6

Narrowed question

What question truly needs court intervention?

***Purpose**: the point is not to avoid litigation at all costs. The point is to ensure that litigation addresses the actual dispute rather than a mixture of assumptions, personality conflict, and preventable ambiguity.*

***Question pause:** What usually prevents issue-narrowing in your cases—timing, distrust, lack of authority, or lack of information?*

How to complete the Pre-Court Bridge Protocol

A simple worksheet can make pre-hearing collaboration much more disciplined and constructive.

1. Shared facts

_____

2. Disputed facts

_____

3. Authority

_____

4. Missing information

_____

5. Available safeguards

_____

6. Narrowed question

_____

***Implementation tip**: stop after Step 2 and ask whether the case truly needs court now, or whether a defined information-gathering plan should occur first. Staffings are useful for this!*

Tool 6: Permanency Trade-Off Matrix

Use this when the core conflict is not simply safety versus rights, but how multiple permanency options preserve and sacrifice different things.

What the matrix is for

- Comparing real permanency options side by side
- Making gains, losses, and unknowns visible
- Forcing the team to weigh trade-offs rather than slogans
- Supporting a child-specific (not ideology-specific) analysis

Example columns

Reunification

Guardianship / custody

Kinship permanency

Adoption / TPR

Other available option

Example rows

Immediate safety
Attachment / relational continuity
Stability / permanence
Sibling connection
Cultural identity
Legal finality
Transition burden
Future flexibility

Weighting and scoring rules for the permanency matrix

The matrix should function as a trade-off map, not a winner-take-all scorecard.

1	**Green = Relative strength or preservation**	This option substantially preserves or supports the dimension.
2	**Amber = Meaningful trade-off / uncertainty**	This option partially supports the dimension, or does so only with conditions.
3	**Red = Substantial cost or unresolved concern**	This option significantly compromises the dimension or leaves a serious concern unresolved.
0	**Gray = Unknown / insufficient information**	The team does not yet have enough information to rate the dimension confidently.

Decision rules

Ask: Which harms are temporary versus permanent? Which risks are mitigable? Which losses are relational, legal, cultural, or developmental? What missing information could change a cell?

Critical rule: do not count or add up totals. The numbers identify trade-offs; they do not decide the outcome.

Blank permanency trade-off matrix

Use the blank grid live in staffings, roundtables, or a case consultation.

Dimension	Reunification	Guardianship	Kinship	Adoption / TPR
Immediate safety				
Attachment / continuity				
Stability / permanence				
Sibling connection				
Cultural identity				
Legal finality				
Transition burden				
Future flexibility				

***Suggested use**: place a color and one sentence of rationale in each cell.*
If the team cannot justify the color in one sentence, the rating is probably too vague.

How to complete the permanency matrix

A five-step method keeps the matrix child-specific and analytically grounded.

Step-by-step

1. Define the actual legally and practically available permanency options. What support the actual legal intent in a way that also preserves safety?
2. Select the dimensions that matter for this specific child; add case-specific rows if needed.
3. Rate each cell using the weighted number legend and add one sentence of rationale.
4. Identify red (3's) and gray (0's) cells: which harms are intrinsic, mitigable, or still unknown?
5. Ask what option imposes the least avoidable harm while meeting the child's safety and long-term needs.

Questions to ask after completing it

1. Which option preserves the most without ignoring safety?
2. Which option solves a short-term problem by creating a long-term harm?
3. Which loss is reversible, and which is permanent?
4. What information would change one of these ratings?
5. What safeguard could shift a yellow or red cell?

Optional weighting / scoring grid

If your team needs a more explicit structure, weight the significance of each dimension, but still do not let arithmetic substitute for judgment.

Dimension	Weight (1–3)	Reunification color	Guardianship color	Kinship color	Adoption/TPR color
Immediate safety					
Attachment / continuity					
Stability / permanence					
Sibling connection					
Cultural identity/preservation					

How to use weighting

Assign weight:
1 = lower significance, 2 = substantial significance, 3 = critical significance for this child.
Convert to colors only for comparison if needed **(Green=1, Amber=2, Red=3, Gray=0**), but do not rely on the math alone.
The weighting grid is a conversation aid, not a decision-maker.

Sample application of the permanency matrix

The value of the tool is in the discussion it generates, not in reaching automatic agreement.

Dimension	Reunification	Kinship guardianship	Adoption / TPR
Immediate safety	2	1	1
Attachment / continuity	1	1	3
Stability / permanence	2	1	1
Legal finality	2	2	1
Transition burden	1	2	3
Future flexibility	1	1	3

***Teaching point**: adoption/TPR may score highly on safety and stability while carrying major relational and flexibility costs. Reunification may preserve attachment and flexibility while leaving unresolved safety or predictability concerns. The matrix helps the team say that out loud and move forward in meaningful discussions leading to resolution.*

Choosing the right tool

Different problems call for different structures. Examples...

If the problem is...	Use this tool first
A heated conversation or reactive communication	C.L.E.A.R. framework
Loaded accusations and vague complaints	Accusation-to-Action Reframe
Non-engagement or “resistance”	Barrier Mapping Grid
Confusion about who does what	Role-and-Responsibility Map
A case heading into court without issue-narrowing	Pre-Court Bridge Protocol
Conflict over permanency options	Permanency Trade-Off Matrix

***Question pause**: Which tool do you think would be most useful in your practice tomorrow?*

Facilitated Q&A prompts

Prompts for the room

1. What is the actual problem: communication, authority, barrier, conflict, or permanency?
2. What facts are known versus assumed?
3. What is the next useful step after implementing a given tool?
4. What would meaningful collaboration look like here without requiring capitulation?

Application of Tools

1. Which tool best fits that problem?
2. In what forum will the tool be used? (Independently, in a staffing… etc.)
3. What do we do next after the tool is implemented?
4. If more troubleshooting is needed, is another tool a better fit for the problem?

Closing takeaways

The goal is **NOT** artificial harmony. The goal is disciplined, accountable collaboration in the pursuit of meaningful service to children and families.

Takeaways for Monday Morning:

- We have a clearer way to structure hard conversations and working toward transparency
- We now have more precise tools for analyzing non-engagement and conflict
- We can use a streamlined process for narrowing disputes before going to court
- There is a more nuanced way to talk about permanency trade-offs and decision-making
- Commit to a collaborative problem-solving approach without abandoning principled advocacy within respective roles

"Bridging the divide" is not about pretending perspectives are the same.
It is about building processes strong enough to hold difference without collapsing into dysfunction and conflict.

THANK YOU!

Jessica Duesler, LCSW–BCD

Jessicaduesler@gmail. com

www. coloradoforensicfamilyadvocacy. com

Danny Jackson, Esq.

danny@jacksonlawyer. org