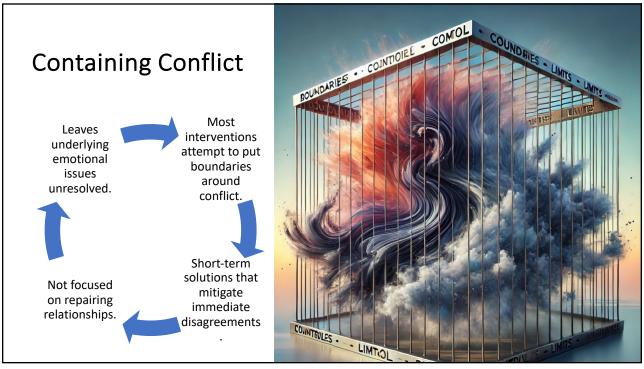






Family Law is saturated with conflict narratives

3



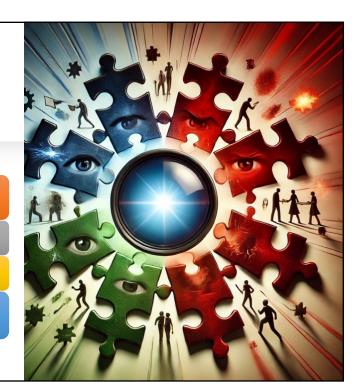
# Getting Stuck in Conflict Lens

Perpetuates negative dynamics between individuals.

Overlooks the crucial work of healing and rebuilding trust.

It can delay emotional recovery and growth.

It gives clients the impression that conflict resolution involves winning or losing.



5



If you focus on too much bad, you forget to see the good. But if you focus on too much good, you don't recognize the bad anymore.

-Lotus Becker

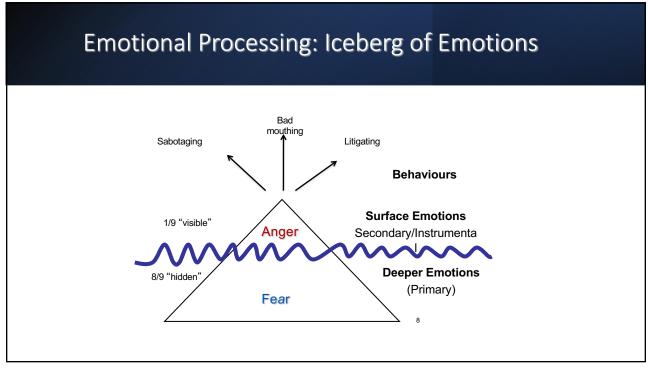
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6

What if we saw 'high conflict' not as a permanent label but as a temporary challenge?



7









When there is trust, conflict becomes nothing but the pursuit of truth, an attempt to find the best possible answer.

- Conflict viewed through a trusted lens.
- Importance of trust in coparenting relationships.
- Address conflict as trust violations.
- Rebuilding trust after conflict.



# The Benefits Of Considering Trust In Conflict Resolution

Trust can address resistance to participation.

Trust-building can lay the foundation for future relationships.

Building trust ensures that information flows freely.

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# Trust as the Fundamental Ingredient

 "Scholars tend to mention [trust] in passing, to allude to it as a fundamental ingredient or lubricant, an unavoidable dimension of social interaction, only to move on to deal with less intractable matters." (Gambetta (1988)



# Trust and Conflict Resolution

- Trust has been identified as a key element of successful conflict resolution (Avivar-Cáceres et al., 2021)
- Trust is associated with enhanced cooperation, information sharing, and problem-solving (Guo, et al., 2021).

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#### **Trust in Conflict** Conflict Conflict Reduction Resolution Conflict Distrust propels Lack of trust is an Trust Building is a parties to conflict impeding factor in crucial factor for (e.g. Eidelson & peace processes in lasting conflict Eidelson, 2003) resolution (e.g. Tam, Hew-(e.g. Haugestone, Ken-Storholt, 2001) worthy & Cairns, 2009)

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# Word Association of "Trust

- Take a moment to think about what trust means to you.
- If you had to describe trust in just one word, what would that word be?



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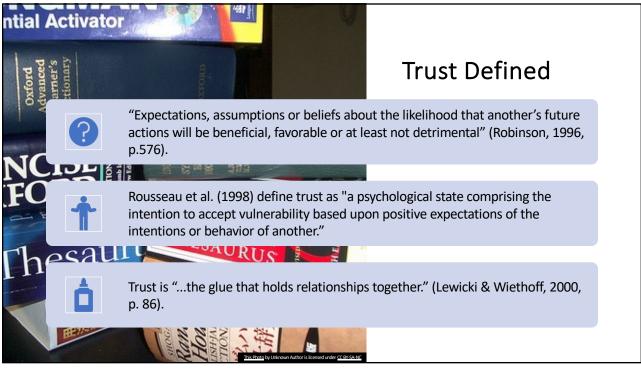
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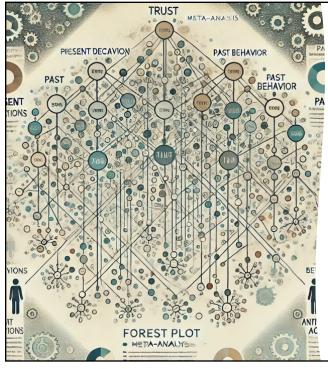
# Moving Forward to Address Gaps

- Define Trust Clearly:
  - Develop a nuanced, context-specific definition of trust.
- Explore Trust Mechanisms:
  - Investigate how trust is built, maintained, eroded, and rebuilt in different settings.
- Examine Trust as a Dynamic Process:
  - Treat trust as something that evolves, influenced by past experiences, current conditions, and future expectations.



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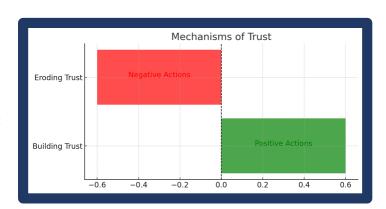
## Past Conduct Predicts Future Trust

- A meta-analysis (Castaldo, 2008) gathered 72 published definitions of trust from various academic disciplines.
  - Found that trust involves present decisions, often based on another person's past behavior, that require anticipating some action that has yet to happen.

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## Mechanisms of Trust

- Mechanisms that Build Trust:
  - Transparency
  - Consistency
  - · Positive reinforcement
- Mechanisms that Erode Trust:
  - Broken promises
  - Miscommunication
  - Negative assumptions



# Traditional View of Trust Formation

- "Trust neutrality "
- Also called the "zero baseline" assumption (Blau, 1964; Rempel, Holmes, & Zanna, 1985).
- "Simply suspend(s) belief that the other is not trustworthy and behave(s) as if the other has similar values and can be trusted" (Jones & George,1998, p. 535).



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# Default Skepticism of Trust Formation

- Suggests that individuals begin with an inherent caution or suspicion.
- People require evidence or behaviors demonstrating trustworthiness before granting trust.
- Different positive or negative starting points affect the time it takes to develop, maintain, or rupture trust.



# Checking the Baseline of Trust

- People begin trust not at zero baseline but at a higher (positive trust) or lower (negative trust) level.
- The starting point is due to several psychological and cultural variables.
- Any individualized starting point is affected by various factors (McKnight et al., 1998).



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## What is Your Starting Point of Trust?

- When meeting new people, do you generally start with a positive level of trust, a neutral baseline, or a more cautious, negative level?
- Reflection Questions
  - What factors influence your initial level of trust (e.g., past experiences, cultural background, personality traits)?
  - How does your starting point of trust affect your interactions with others?
  - Can you think of a specific situation where your starting point of trust significantly affected the outcome?



# What is the Starting Point of Trust for Families involved in the Courts?

• Do family members generally start with a positive level of trust, a neutral baseline, or a more cautious, negative level?

#### · Reflection Questions

- What factors influence their initial level of trust (e.g., past experiences, cultural background, personality traits)?
- How does their starting point of trust affect their interactions?
- Can you recall a specific situation where a parent's starting point of trust significantly affected the outcome?



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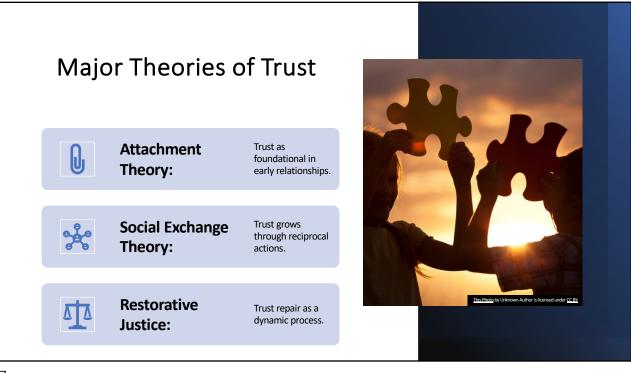


## Developing Propensity to Trust (Rotter, 1980)

Some people are more likely to trust than others (Thomas, 2005).

Trust, viewed as a stable trait over time, is a reliable and generalized expectancy on which individuals can depend (Lewicki et a., 2005).

Childhood is the foundation for trusting or distrusting future relationships (Erikson, 1963).



# How Might Culture Affect Trust?

- The cultural dichotomy between individualistic and collectivist orientations plays a crucial role in shaping interpersonal trust (Mesquita and Karasawa, 2002).
- People tend to extend more trusting behaviors to ingroup members than outgroup members (Buchan, Croson, & Dawes, 2002).



# Propensity to Trust Scale (Frazier, et al., 2013)

Item	I (SD) to 5 (SA)
1. It is easy for me to trust others	
2. Even if I am uncertain, I will generally give others the benefit of the doubt.	
3. I generally believe that others can be counted on to do what they say they will do	
4. I usually trust people until they give me a reason not to trust them	
5. I tend to trust others even if I have little knowledge of them	
6. I generally give people the benefit of the doubt when I first meet them	
7. Trusting another person is not difficult for me.	
8. My typical approach is to trust new acquaintances until they prove I should not trust them.	
9. I am seldom wary of others.	
10. I don't mind giving up control to others over matters which are essential to my future plans.	
11. I believe that people usually keep their promises.	
12. My tendency to trust others is high.	

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# Dimensions of Working Trust (Lewicki and Bunker, 1995)

# Calculus-based trust

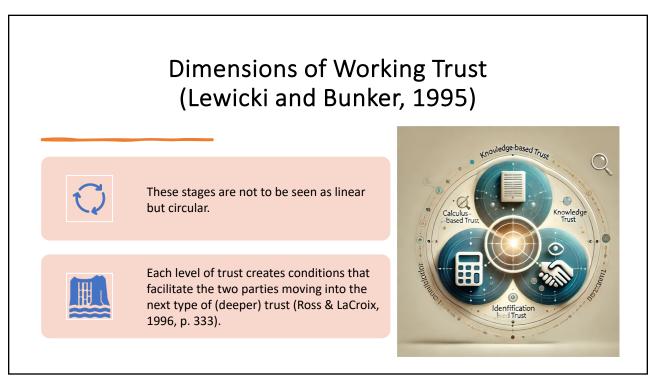
- Refers to a rational calculation of the trustee's expected behavior
- "I trust because I believe I have a good reason."

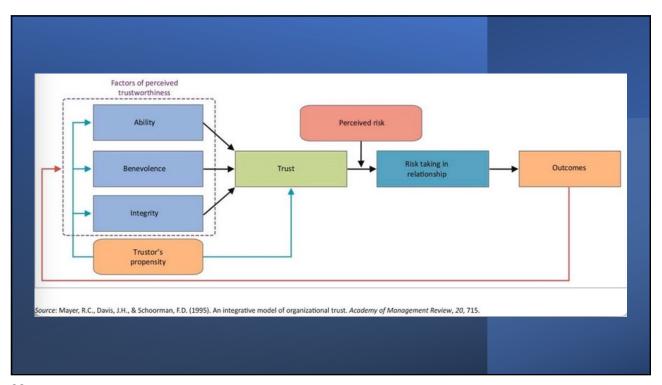
## Knowledgebased trust

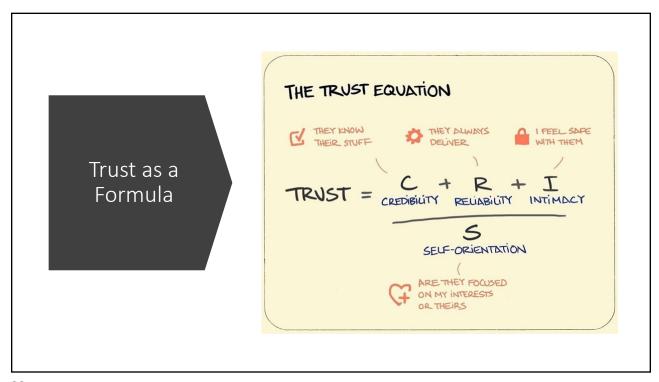
- Grounded in a deeper knowledge about the other, about the other's values, and the other's predictability.
- "I trust because I know they won't hurt me."

## Identificationbased trust

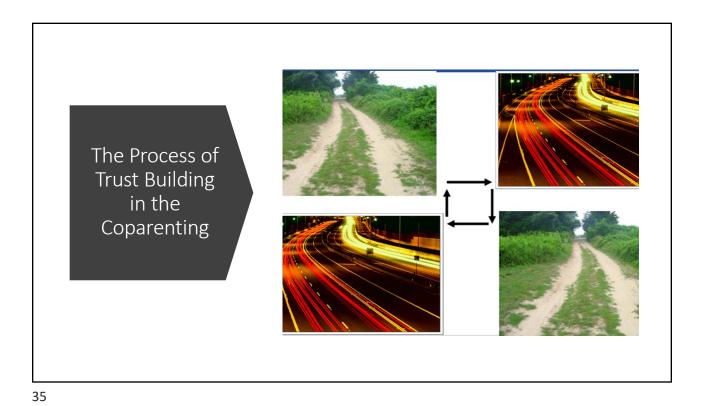
- Refers to a close emotional attachment to the trustee driven by the perception of shared goals and values
- "I trust because we have a strong relationship."











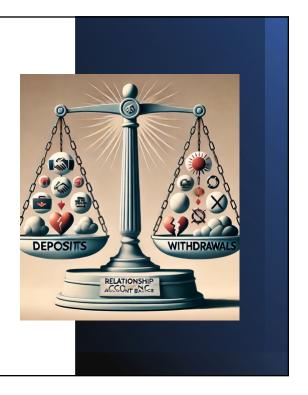
Relationship
"Account Balance"

#### High trust (High Savings)

- The parties rely on trust to resolve the conflict.
- Negative situations or incidents are given the benefit of the doubt.

#### Low trust (Low Savings)

- Same negative situations are viewed through suspicion and doubt.
- Ascribe negative motivations to the other parties.



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# Trust Violation Index

- The magnitude of the transgression.
- The number of prior violations.
- The specific dimension of trust that was violated.

# Trust Violations in Coparenting Breaking Agreements Undermining the Other Parent Withholding Information Inconsistent Communication Disrespecting Boundaries

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## **Rebuilding Trust**

One of the biggest challenges in dispute resolution is rebuilding trust once it's been ruptured.



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## Incremental Trust-Building Model

- The systematic and gradual process of building trust step by step.
- Rather than expecting immediate trust from the involved parties, focus on establishing trust incrementally over time.
- This approach recognizes that trust is dynamic, often fragile, and takes time to develop, especially in conflict or tension.



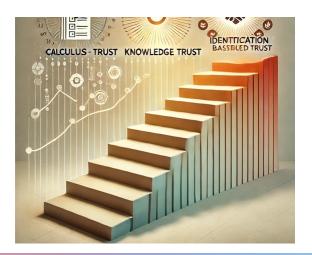
# Incremental Trust-Building According to Dimensions of Trust

#### **Calculus-Based Trust:**

Rebuilding trust through reliable and predictable behavior.

Knowledge-Based Trust: Rebuilding trust by fostering understanding and transparency.

**Identification-Based Trust**: Rebuilding trust through shared goals.



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# Incremental Trust-Building Model Key Features

#### • Small, Consistent Actions:

• Trust is rebuilt through repeated, reliable behaviors demonstrating commitment.

#### • Mutual Effort:

 Both parties contribute to rebuilding trust by fulfilling agreements and addressing concerns.

#### Focus on Progress:

Emphasis on gradual improvement rather than instant resolution.

#### Flexibility and Adaptability:

• The approach allows for adjustments based on feedback and changing dynamics.



# When Incremental Trust-Building May Not Be Appropriate



#### Ongoing Coercive Control:

• If one party continues to exercise coercive control, trust-building may reinforce harmful dynamics rather than resolve them.

#### Lack of Accountability:

• Trust-building efforts may be ineffective or unsafe without acknowledging past harm or commitment to change.

#### Severe Trauma:

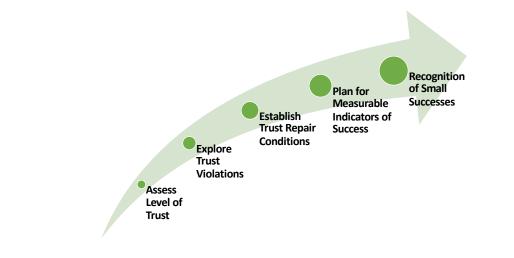
 If the victim or children have experienced significant trauma, focusing on trust-building prematurely may re-traumatize them. Trauma-informed therapy should precede any attempts at trust-building.

#### · Imbalance of Power:

 Situations with a significant power imbalance may require specialized approaches rather than traditional trust-building frameworks.

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## Steps for Incremental Trust Building Model



### 1. Assess Level of Trust

- **Purpose**: To evaluate the current state of trust among each co-parent as a baseline.
- Actions:
  - Use structured tools like questionnaires or scales to gauge trust levels (e.g., assessing communication, reliability, and emotional safety).
  - Identify strengths (areas of residual trust) and challenges (specific breaches or unmet expectations).
- Outcome: A clear understanding of the trust landscape



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## **Step 1: Questions to Consider**



How would you describe the current level of trust between you and the other party?



Can you provide examples of interactions where you felt trust was either supported or undermined?



On a scale of 1 to 10, how much do you currently trust the other party to make decisions in your shared best interest?

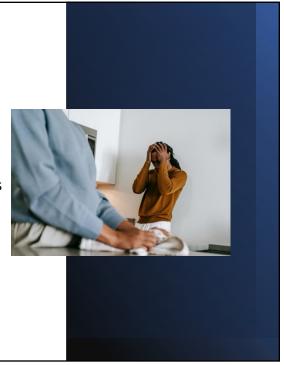


What do you believe are the main issues affecting trust between you and the other party?

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## 2. Explore Trust Violations

- Purpose: To help co-parents articulate and understand the breaches that caused trust breakdowns.
- Actions:
  - Create a safe space for each parent to discuss perceived trust violations (e.g., broken agreements, poor communication).
  - Guide clients to focus on behaviors rather than personal attacks, reframing accusations as opportunities for trust-building.
- Outcome: A shared understanding of the causes of distrust, helping both parties gain clarity on what needs repair.



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## **Step 2: Questions to Consider**

•1 L Have there been specific instances that significantly damaged your trust in the other party?



How did you react to these incidents of trust violation?



How were these situations addressed by both you and the other party?



What could have been handled differently to mitigate the impact on trust?

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# 3. Establish Trust Repair Conditions

• **Purpose**: To help co-parents define actionable steps to rebuild trust collaboratively.

- Actions:
  - Facilitate a discussion to set clear, mutual agreements (e.g., communication protocols, adherence to schedules).
  - Establish ground rules for co-parenting interactions, emphasizing respect and consistency.
  - Draft a co-parenting agreement or plan that outlines specific expectations and responsibilities for both parents.
- Outcome: A structured and agreed-upon framework for rebuilding trust, providing a roadmap for future interactions.



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## **Step 3: Questions to Consider**



What steps do you think are necessary for rebuilding trust with the other party?



Are there specific apologies or acknowledgments that you feel are needed from the other party?



What changes in behaviour or communication do you need to see from the other party?



How can a neutral third party, like a mediator or counsellor, help establish a more trusting relationship?

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# 4. Plan for Measurable Indicators of Success

- **Purpose**: To track progress and ensure accountability in trust-building efforts.
- Actions:
  - Work with clients to identify concrete indicators of success (e.g., timely exchanges and collaborative decision-making).
  - Schedule regular follow-ups to review progress and address setbacks.
  - Encourage keeping a log of positive behaviors and fulfilled commitments to track improvement.
- **Outcome**: Clear, measurable goals that provide accountability and reinforce positive change.



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## **Step 4: Questions to Consider**



What are the clear indicators that would show improvements in trust between you and the other party?



How can these indicators be objectively measured?



Who will monitor these improvements, and how often?



How will improvements in trust be communicated and discussed between both parties?

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# 5. Recognition of Small Successes

- Purpose: To encourage continued progress by acknowledging and celebrating milestones.
- Actions:
  - Highlight and validate positive behaviors during follow-up sessions (e.g., improved communication or a greement adherence).
  - Encourage clients to express appreciation to each other for small acts that demonstrate trustworthiness.
  - Use positive reinforcement to motivate continued trust-building efforts.
- Outcome: A sense of accomplishment and motivation for both parties, fostering a foundation for deeper trust and collaboration.



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## Step 5: Questions to Consider



What small improvements in trust have you noticed?



How should these positive developments be acknowledged or rewarded?



What actions or behaviours have contributed to these small successes?



How can you and the other party continue encouraging and reinforcing these positive behaviours?

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## Tools for Measuring Trust



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## CoPAFS

- The Coparenting Across Family Structures (CoPAFS: Saini, Pruett, Alschech & Sushchyk, 2022)
- Based on a comprehensive review of the literature and current measures for coparenting.
- Items are gender neutral (e.g. "the other parent" instead of "mother" or "father").
- Items initially addressed all nine domains found in the literature.

#### Co-Parenting Across Family Structures (CoPAFS-27) Saini, Pruett Alschech & Sushchyk

Rate the degree to which you agree/disagree with the following statements. Please write in the number that corresponds with your answer in the box next to the statement.

Strongly Agree	Agree	Neutral	Disagree	Strongly Dis	sagree
1	2	3	4	5	
1 It is important that m	v child laves both n	arente			V
It is important that my child loves both parents     I value the other parent's parenting skills			R		
I value the other parent's parenting skills     I feel awkward when I am with the other parent			A*		
Treet awkward when I am with the other parent     With the other parent when decisions need to be made about our child			r child	C	
5. I am hostile or biting				i ciniu	A*
6. I can talk easily with				th our child	C
I disagree with the ch				ii our ciiid	A*
I don't think it is help				eed to be made	V*
about our child	nui to talk with the	outer parent ao	out decisions that i	iced to oc made	
I feel comfortable in	sharing my thoughts	s about parentin	g with the other pa	rent	С
10. I feel out of control w					A*
11. I find it difficult to su					T*
12. The other parent asks			p man our carro		С
13. My child would be better off seeing less of the other parent			V*		
14. Although we don't always agree, we respect each other's differences as parents			R		
15. I get little support from the other parent to help out with the work of parenting			T*		
16. We parent better when we make decisions together			V		
17. I have trouble controlling my anger when around the other parent			A*		
18. I need to 'go behind' the other parent to fix the mess left behind			T*		
19. When we meet face t	o face, the other par	ent and I are fr	endly or polite to e	ach other	C
<ol><li>I pretend to support to our child</li></ol>	he other parent's de	cisions but in th	ne end, I do what I	think is best for	T*
21. I trust the other parent with our child			T		
22. I try to be more involved, but the other parent won't let me have an opinion			1	R*	
23. The other parent respects what I bring to parenting our child			R		
24. I worry about my child while in the other parent's care			T*		
25. It is better to be away from, or uninvolved with, the other parent to make sure we don't argue			A*		
26. It's important that the other parent is involved in our child's life				V	
27. The other parent tries the kind of parent our		but does not k	now enough about	parenting to be	T*

## Trust Questionnaire

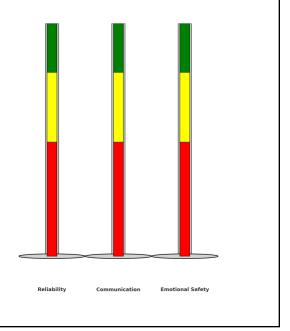
- Purpose: Assess trust levels across key dimensions.
- Instructions: Rate each statement from 1 (Strongly Disagree) to 5 (Strongly Agree).

• Statement	1	2	3	4	5
<ul> <li>The other parent adheres to agreed schedules and commitments.</li> </ul>	[]	[]	[]	[]	[]
The other parent communicates clearly and respectfully.	[]	[]	[]	[]	[]
<ul> <li>I feel confident in the other parent's ability to prioritize our child's needs.</li> </ul>	[]	[]	[]	[]	[]
The other parent provides timely updates about significant matters related to our child.	[]	[]	[]	[]	[]
I feel emotionally safe during interactions with the other parent.	[]	[]	[]	[]	[]

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## **Trust Thermometer**

- **Purpose:** Provide a visual representation of trust levels.
- Instructions:
  - Indicate your level of trust for each category by marking the thermometer.
  - After filling out the thermometer, guide a discussion about why certain areas may be rated lower and explore strategies to improve those dimensions.
  - Revisit periodically to measure progress or identify recurring trust challenges.



# Trust Behavior Checklist

- Purpose: Identify trustbuilding or eroding behaviors.
- **Instructions:** Check the behaviors you observe in the other parent.
- Frequency:
  - Always
  - Sometimes
  - Never

Behavior	Frequency	Comments
Keeps promises and commitments.	[]	
Responds to messages within a reasonable timeframe.	[]	
Shares important updates about the child.	[]	
Shows respect during conversations.	[]	
Avoids negative comments about me in front of our child.	[]	
Attends scheduled meetings or events involving the child.	[]	
Follows the agreed parenting plan.	[]	
Notifies about changes to schedules promptly.	[]	
Listens to my concerns without interrupting.	[]	
Avoids undermining my authority as a parent.	[]	
Supports the child's relationship with me.	[]	
Provides equal input on major parenting decisions.	[]	
Remains calm and composed during disagreements.	[]	

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## Trust Journaling Exercise

- Purpose: Reflect on trust dynamics.
- Instructions: Use the prompts below to guide your journaling.
- Describe a recent instance where trust was demonstrated by the other parent. What happened?
- Reflect on a time when trust was broken. How did it impact your relationship?
- What steps could be taken to rebuild trust?
- Frequency: Weekly journaling is recommended to track changes and insights over time.



## Trust Repair Commitment Plan

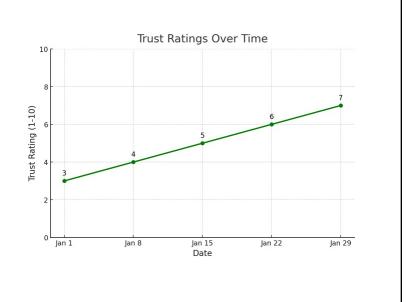
• Purpose: Create actionable steps for trust repair.

Commitment	Action Steps	Timeline
Improve communication	Use shared parenting app	Begin within 1 week
Adhere to visitation schedules	Set reminders for exchanges	Immediate
Support the child's school activities	Attend parent-teacher meetings together	Next scheduled meeting
Reduce conflict during exchanges	Practice neutral and respectful tone	Ongoing
Share medical updates about the child	Provide copies of medical records and appointments	Within 2 weeks
Plan holidays collaboratively	Schedule a meeting to discuss plans	1 month before holidays
Be consistent with parenting routines	Create and follow a shared routine	Begin within 2 weeks
Address financial responsibilities	Review and agree on child- related expenses	Monthly

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## Trust Metrics in Practice

- Track trust levels (1-10 scale) over time.
- Example:
  - Jan 1: Trust Rating 3 (Positive: On-time drop-offs; Negative: Critical tone).
  - Jan 15: Trust Rating 4 (Improvement: Followed parenting plan).



#### Incremental Trust-Building Progress Tracker

- **Purpose:** Track progress in rebuilding trust.
- Instructions: Use this tracker to evaluate progress and adjust goals during follow-up sessions.

Trust-Building Action	Frequency	Success? (Y/N)	Comments
Arrive on time for exchanges	Weekly	[]	
Share updates about the child	Bi-weekly	[]	
Respond to messages within 24 hrs	Daily	[]	
Use respectful language during exchanges	Weekly	[]	
Notify about schedule changes promptly	As needed	[]	
Discuss major decisions collaboratively	Monthly	[]	
Attend child's events together	Monthly	[]	
Follow through on agreed commitments	Weekly	[]	
Share holiday plans in advance	Annually	[]	
Stick to the parenting schedule	Weekly	[]	
Avoid negative comments about the other parent in front of the child	Daily	[]	

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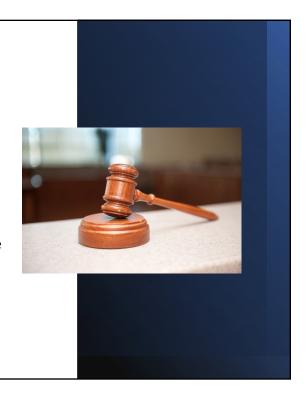
# Emotional Safety Scale

- **Purpose:** Measure emotional safety in interactions.
- Instructions: Rate each statement from 1 (Not at all) to 5 (Completely).

Statement	Rating (1-5)	Comments
I feel comfortable sharing my concerns with the other parent.	[]	
The other parent handles disagreements respectfully.	[]	
I feel the other parent supports our child's emotional well-being.	[]	
I trust the other parent to follow through on commitments.	[]	
Communication with the other parent is clear and effective.	[]	
The other parent prioritizes our child's best interests.	[]	
I feel confident in our ability to co-parent effectively.	[]	
The other parent listens to my perspective without judgment.	[]	
We are able to make joint decisions about our child without conflict.	[]	
The other parent respects my parenting style and boundaries.	[]	
The other parent is willing to compromise when needed.	[]	

# Practical Applications for Judges

- Promote Structured Problem-Solving in Court:
  - Encourage parents to use incremental trustbuilding steps to resolve conflicts.
- Integrate Trust-Building Metrics into Court Orders:
  - Use measurable benchmarks to evaluate progress, such as consistent drop-offs or positive feedback logs.
- Facilitate Trial Periods for Parenting Plans:
  - Encourage temporary, flexible agreements to test the feasibility of co-parenting arrangements.



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# Practical Applications for Family Lawyers

- Use Trust-Building Metrics in Negotiations:
  - Leverage tools like trust ratings logs and progress assessments to provide concrete data on cooperation levels.
- Encourage Trial Agreements to Test Solutions:
  - Suggest temporary arrangements that allow both parties to evaluate the effectiveness of proposed solutions.
- Highlight Shared Goals in Legal Discussions:
  - Focus on aligning legal outcomes with the priorities of both parties, such as the child's stability and well-being.



## Practical Applications for Parenting Plan Evaluators

#### Assess Trust Levels:

- Incorporate trust-related questions into evaluations to gauge the degree of mutual reliability and willingness to collaborate.
- Highlight Co-Parenting Strengths:
  - Identify and document areas where parents have shown cooperation or alignment on parenting values.
- · Recommend Trust-Building Interventions:
  - Suggest targeted strategies to address identified trust deficits.



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# Practical Applications for Mediators

#### · Key Actions:

- Reframe Conflicts to Focus on Shared Goals:
  - Shift the narrative from individual grievances to mutual objectives.
  - Example: "Both parents want their child to succeed in school. Let's explore how you can support this together."
- Highlight Positive Actions to Shift the Narrative:
  - Acknowledge past instances of cooperation to build a foundation for further collaboration.
  - Example: "You've both successfully coordinated drop-offs in the past. How can we build on that?"
- Integrate Trust-Building Exercises into Mediation:
  - Use structured activities to help parents identify strengths and areas of alignment.
  - Example: "Let's create a list of shared values for your parenting plan."





## **Sunrise Solutions**

- Trust-building is incremental and transformative.
- Tools like worksheets, metrics, and communication plans create actionable pathways to progress.
- Shifting focus from conflict containment to collaboration fosters long-term stability for families.

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## Call to Action!

- Pilot one trust-building tool in your practice.
- Share outcomes with peers to refine approaches.



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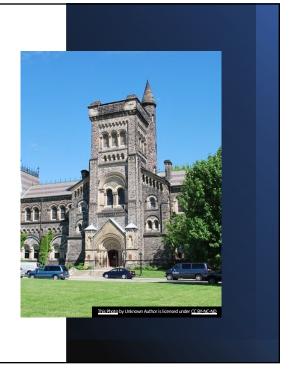
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