

Limits, boundaries, roles, and routines:

**Focus on structure in forensic relationship intervention,
evaluation, and adjudication.**

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Abstract

Family law is the hybrid field concerned with evaluating, intervening, and adjudicating conflicted and court-involved intimate relationships in the best interests of children (BIC). Unfortunately, not only is the BIC operationalized very differently across jurisdictions, the diverse professionals committed to this worthy enterprise seldom agree which variables to assess and/or manipulate in support of this outcome. This paper posits that four distinct but interwoven elements of relationship structure are among the necessary -albeit never sufficient- relevant measures. These are (1) limits and associated consequences that define behavior, (2) boundaries that define space, (3) roles that define relationships, and (4) rituals or routines that define time. The presence and expression of these four structural variables are associated with both short-term and developmental positive outcomes. These relationship structures are discussed as in the context of forensic relationship interventions, forensic evaluations, and professional practice including the exercise of judicial authority. Specific recommendations are offered in each of these functional domains.

Keywords: Structure, forensic therapy, parenting plan evaluation, limits, boundaries, roles, routines, rituals.

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Science is the exercise of measuring and manipulating observable phenomena. Replication of the resulting observations -that is, establishing that a specific relationship can be reproduced across time and contexts- is critical to both the scientific method in general (Popper, 1959) and to legal admissibility of such observations (*Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993)). Replication, however, requires careful definition of the variables manipulated, methods applied, and the relationships between the two.

Physics is a scientifically rigorous field of study in that it has carefully established universal and well-replicated measures, methods, and relationships. Determining, for example, which of two ramp heights is associated with the greater speed of a rolling ball is a simple matter. The time it takes the ball to descend each of two ramps of identical length set at different heights yields easily replicated and very reliable observations: If you want the ball to achieve greater velocity, use the higher ramp.

By contrast, family law aspires to scientific rigor (e.g., American Psychological Association, 2022¹) but generally falls far short of that goal (Garber, 2023). Not only is the field unable to reliably determine how each of two parents' behaviors are likely to affect their child's well-being, there is little consensus about how these variables should be

¹ See Guideline 2 for example: "... the most valuable contributions by psychologists reflect a clinically astute and scientifically sound approach"

defined or measured. Thus, where physicists know to compare the ramps' respective heights and lengths and the time it takes the ball to roll from the top to the bottom of each, family law professionals have yet to adequately define and have seldom replicated measures of parenting quality or associated child outcomes.²

The present paper asserts that four distinct and interwoven relationship structures must be considered when working to intervene, assess, or adjudicate family law matters.³ Together, these four variables define the functional parameters of a relationship system. Specifically:

1. **Limits and associated consequences define behavior.** At issue is whether and how the person(s) exercising authority within the relationship system have clarified which (physical or spoken) behaviors are acceptable, which are not, the consequences associated with these acts, and the consistency of follow through linking the two. Limits and their consequences are generally recognized as "if ... then" contingencies.

A rich vein of research in behavioral psychology demonstrates that the frequency and magnitude of a behavior are likely to increase when that behavior is predictably associated with a subjectively desirable outcome (i.e., reward) and diminish when that behavior is predictably associated with a subjectively

² Of course, the problem is far more complex than this simple analogy suggests. In physics, a ten-inch board leaning at a forty-five degree angle will still be that length and height next year and ten years hence, all other things being equal. In family law, the variables grow, affect one another, and are affected by extra-systemic variables over time.

³ Relationship structure is "... the invisible set of functional demands that organize the ways in which [family] members interact" (Minuchin, 1974, p. 51).

aversive outcome (i.e., punishment; e.g., Skinner 1966; Staddon and Cerutti, 2003). These principles are foundational in many contemporary interventions including, for example, Applied Behavioral Analysis (ABA; Altman and Linton, 1971) and various psychotherapies (e.g., Brewer et al., 2018).

2. **Boundaries define space.** At issue is whether and how the person(s) exercising authority within the relationship system parses the physical environment and defines interpersonal space. Some such boundaries are tangible (e.g., the walls that define a room). Others are intangible but visible (e.g., the painted lines on the highway). However, even intangible and invisible boundaries (e.g., the physical distance between two speakers) are measurable.

The concept of boundaries within and between relationships is derived at the micro level from the family therapy literature (e.g., Minuchin, 1982) and at the macro level from cultural anthropology (e.g., Bashkow, 2004). Boundaries work to define who is in and who is out of a particular relationship system.⁴ “The function of boundaries is to protect the differentiation of the subsystem” (Vetere, 2001, p. 134).

As applied to family law, boundaries distinguish a particular family group from adjacent family groups, the family group within the encompassing community, subsystems within the family group, and individuals within systems.

⁴ “... social groups achieve an identity by defining themselves as different from other such groups and by erecting boundaries between them... “ however, “... boundaries between separate cultures cannot be demarcated and areas are always interconnected; place is never coterminous with identity, geo-physical regions are never homogeneous, and any cultural groupings are only ever provisional” (Rapport, 2002, pp. 62 and 21, respectively).

As such, understanding whether and how boundaries are formed and change over time is critical to family law practice, particularly when boundaries become rigid and distorted as in the case of resist/refuse dynamics (e.g., Garber, 2024) or permeable and inadequate as occurs in the case of parent-child enmeshment (e.g., Garber, 2011, 2021).

3. **Roles define access to power, control, and resources.** At issue is how functional authority is distributed within the relationship system, how such differential privileges are achieved or assigned, and how stable or fluid these relative differences are across time and context.

In some contexts, roles must be earned and can change as is often observed in both human and non-human primate groups when members vie for leadership (e.g., Sapolsky, 2005) or when authority is associated with seniority. In other contexts, roles are automatic and immutable as when royal titles are inherited or when power, control, and access to resources are tied to gender or birth order.

Differentiating roles within a family so as to create a hierarchy of power, control, and access to resources is adaptive: “In some families, structure is well organized in a hierarchical pattern, and members easily relate to one another. In others, there is little structure, and few arrangements are provided by which family members can easily and meaningfully interact” (Gladding, 2007, p. 203).

Further, “... although children exert power, parents often have an abundance of resources and abilities to leverage power in the parent-child relationship” (Ogolsky et al., 2019 p. 146). These distinctions are important to systemic

evaluation as when for example, an evaluator assesses whether resources were equitably divided within a family prior to separation and how those same resources are allocated within and between the reorganized post-separation family groups (American Psychological Association, 2022).⁵ They are similarly important to therapeutic change as when a parentified child who has exercised inordinate power and control is “demoted” within the family’s hierarchy in the interest of that child’s health and well-being (Minuchin, 1974).

4. **Routines and rituals define time.** At issue is whether and how the person(s) exercising authority within the relationship system creates and maintains non-contingent sequences or rhythms of events (e.g., dinner then bath then bedtime), thereby making experience predictable across time (Blehr, 2009).

Studies in sociology have been instrumental in defining and explaining the importance of routines and rituals within relationship systems,⁶ particularly in the context of religious practice and belief (e.g., Durkheim, 1955; Whitehouse and Lanman, 2014). Recent publications recognize the importance of secular rituals and routines for creating group identity, e.g., among sports fans within a crowd (Stieler and Germelmann, 2016) and within families (Muñiz et al., 2014⁷)

⁵ Unfortunately, evaluation of the distribution of power, control, and resources within family systems is often relegated only to extremes as when intimate partner violence is alleged.

⁶ “Routines involve a momentary time commitment and once the act is completed, there is little, if any, afterthought. Routines are repeated over time and recognized by continuity in behavior. Rituals, on the other hand, involve symbolic communication and convey “this is who we are” as a group” (Fiese et al., 2002, p. 382) This paper adopts a more general use of the terms as synonymous.

⁷ For example, Muñiz et al. (2014) assessed the relationship between families’ inclusion of daily storytelling, reading, singing, and play routines in a national sample of families with preschool children. They observed that number and frequency of routine within the home is associated with the children’s overall socio-emotional health.

particularly when a family member is differently abled (Crespo et al., 2013).

Across contexts, rituals and routines are generally acknowledged as serving to bind relationships: “The enactment of (at least some) routines may reflect engagement in a larger cultural script” (Heintzelman and King, 2019).

Structure diminishes anxiety. Anxiety is a necessary and natural mechanism of self-regulation. When we perceive threat, escalating anxiety causes our brains to divert finite energies to primitive physical fight/flight/flock/freeze responses in the interest of survival (McCarty, 2016), thereby compromising other higher order (e.g., social, emotional, cognitive, spiritual, artistic) adaptive activities (Eysenck et al., 2007).⁸

Novelty and change induce anxiety. We arrive in a new place or meet a stranger more or less on edge, alert to potential threats. Perceiving none, anxiety diminishes, renewing cognitive, prosocial, and creative resources. Thus, a child walking into his new classroom on the first day of school is understandably quite anxious until the structures inherent in the new experience become familiar. How will I relate to the teacher? What are the rules? Where’s my seat? When’s recess?

The teacher who invites incoming students to an open house, explains the classroom, previews the syllabus, and allows students to meet one another before the start of the new year is proactively defusing students’ (and perhaps his or her own) anxiety in the interest of comfort and jump-starting learning (Akos et al., 2015; Kauffman and

⁸ Heintzelman, S. J., & King, L. A. (2019). “... enacting routines serves to conserve energy and increase perceptual effectiveness by preserving personal resources for allocation to more pressing aspects of human cognitive, emotional, and behavioral performance ...”

Kavinsky, 1980; Merritt, 2021). This type of advance orientation to the new classroom's structures - limits and consequences, boundaries, roles, and routines- diminishes anxiety, facilitates achievement and -not incidentally- is associated with greater parent involvement throughout the academic year (Borgen, 1978).

Rigorous research spanning fifty years in diverse fields including medicine, nursing, dentistry, public health, and psychotherapy have repeatedly demonstrated that orienting the consumer of a service to the rules, boundaries, roles, and routines of that service in advance is associated with statistically significant and subjectively important diminished anxiety, improved satisfaction, increased service efficiency and efficacy (Garber, 2024B; Garber and Deck, 2025). Early efforts to provide divorcing and custody litigating parents with advance orientation is similarly promising.⁹

Indeed, across contexts and demographics, the presence of relationship structures is generally associated with better health and well-being. Establishing day-to-day routines generally (and sleep-wake rhythms in particular; e.g., Lyall et al., 2018) is inversely related to many measures of physical illness (Brody and Flor 1997) and mental illness: "Routines play a crucial role in mental health by providing a framework for the day, which reduces the number of decisions you need to make. This predictability can alleviate stress ... because predictability in our daily lives helps reduce uncertainty, which neuroscience identifies as a major source of stress and anxiety" (Hope, 2024). Foreknowledge of limits and consequences, boundaries, roles, and routines buffers psychological resilience (Hou et al.,

⁹ See www.DEFUSEdivorce.com.

2020) and is associated with subjective feelings of safety, confidence, and well-being (Avni-Babad, 2011).¹⁰

Anxiety, structure, and family relationships. The broad benefits of clearly articulated rules and consequences, boundaries, roles, and rituals and routines documented in diverse contexts have been repeatedly and consistently observed in family systems. Recognizing the strength and ubiquity of these findings lays the conceptual foundation for their value in forensic relationship intervention, evaluation, and adjudication.

The establishment and maintenance of parenting limits and consequences, boundaries, roles, and routines is associated with greater satisfaction within the family group and parents' greater sense of agency and ability: "... competent parents are more effective in creating family routines ... satisfying routines provide a sense of competence" (Fiese et al 2002 p. 385). These outcomes appear to be at least in part due to family members' experience of structure as "... creat[ing] rituals and ceremonials that can provide coherence to relationships, integrate family members as a group, and situate the family in time and place" (Fiese et al., 2002 p. 382). Conversely, studies observe that one of the first signs of family stress is often the disruption of rules and consequences, boundaries, roles, and routines (Steinglass et al., 1987).

¹⁰ Individuals differ, of course, in how much structure is subjectively beneficial (Neuberg and Newsome 1993), acknowledging that rules, boundaries, roles, and routines or rituals can become too rigid and intrusive for some (Zisberg et al., , 2015).

If and how family boundaries are defined has direct bearing on family functioning and thereby children's well-being (Thompson et al., 2024). Family boundary ambiguity or "the fuzziness of family membership" (Juteau et al., 2024, p. 1339) is related to family dysfunction and distress (Carroll et al., 2007). By contrast, "[b]oundary maintenance refers to family actions that promote clear boundaries developed through language, rituals, and rules" (Coleman et al., 2022, p. 158).

Family routines and rituals are associated with emotional well-being and healthy development (Bossard et al., 1950; Denham, 2003). In the larger context of warm, responsive care and as a model to be internalized, family structure is at the root of a child's emerging capacity for self-regulation: "Consistent, predictable routines and expectations likewise promote a sense of security by providing clear goals for behavior regulation" (Rosanbalm and Murray, 2017).

In families with young children, the presence of routines is associated with greater marital satisfaction (Fiese, Hooker, Kotary, & Schwagler, 1993) and improved developmental outcomes: "Family routines and meaningful rituals provide both a predictable structure that guides behavior and an emotional climate that supports early development" (Spagnola and Fiese, 2007).

The same structures are also associated with important cognitive/developmental milestones and lifelong achievement across demographics including socio-economic status (Serpell, et al., 2002). In general, "the regularity of family routines may indicate an overall level of family organization that is more conducive to linking children with schools"

(Spagnola and Fiese, 2007, p. 287). For example, the presence of routines at mealtimes facilitates young children's language development (Aukrust, 2002). Parent-child shared reading routines (e.g., at bedtime) is associated with early literacy proficiency (Rosenkoetter and Barton, 2002).

How structures are communicated. Baumrind (1967, 1989, 1991) classified parenting types on the basis of adults' relative responsiveness to and demandingness of their children. In this context, "responsiveness refers to parents' emotional warmth and supportive actions that are attuned to children's vulnerabilities, cognitions, and inputs and are supportive of children's individual needs and plans" (Baumrind, 2013, p. 26). "Demandingness" is characterized by a high degree of structure (Baumrind, 2013).¹¹ By juxtaposing the extremes of these two variables, Baumrind defined four parenting types: (1) authoritarian parents tend to be high on demandingness and low on responsiveness; (2) authoritative parents tend to be high on demandingness and high on responsiveness; (3) permissive parents tend to be low on demandingness and high on responsiveness, and (4) disengaged or neglectful parents tend to be low on both.

Across cultures, demographics, eras, and regardless of marital status (Deater-Deckard and Dunn, 1999) multiple studies confirm that highly structured and responsive (i.e., authoritative) parenting is consistently associated with children's healthier prosocial development (Wong et al, 2021), self-esteem and self-advocacy capacities, academic

¹¹ "Responsiveness refers to parents' emotional warmth and supportive actions that are attuned to children's vulnerabilities, cognitions, and inputs and are supportive of children's individual needs and plans" (Baumrind, 2013, p. 26).

achievement, and global social-emotional well-being (Baumrind et al., 2010):

“authoritative parenting encourages the prosocial behavior of children, while authoritarian parenting hinders the advancement of children's prosocial behavior” (LUO et al., 2024, p. 186). In addition, “authoritative parents, both mothers and fathers, have children who report experiencing lower amounts of depression, lower aggression, and higher self-esteem than children of all other parenting types” (Campana, 2008, p. 7). Replications of these observations prompt the broad assertion that all other things being equal, “... adolescents fare better when their parents are authoritative...” (Steinberg as quoted in Baumrind, 2013, p. 11) across cultures, languages, and continents.

Managing structure in forensic relationship interventions: Court-involved families are often ordered to enroll in or otherwise participate in various forensic relationship interventions. The umbrella term “forensic relationship intervention” is adopted here to encompass child-centered, systemically informed professional services intended to achieve cognitive, behavioral, emotional, and/or relationship changes. These include conventional court-involved and court-ordered psychotherapies (Association of Family and Conciliation Courts, 2011; Greenberg, 2003), court-ordered systemic interventions (e.g., “reunification” therapy; Garber, 2021), parent coaching (Tustin, 2024), therapeutic supervision services (Scharff, 2006), abstinence interventions (López et al., 2021), co-parent counseling (Rotter, 2017), and parenting coordination (Association of Family and Conciliation Courts, 2005). In each of these and many related contexts, providers are wise to consider whether and how structure has been established and communicated in the child’s environment(s).

This mandate calls for service providers to understand the value of limits and associated consequences, boundaries, roles, routines and rituals in the child's life and thereby work with consumers (a.k.a., clients, patients, litigants, parents, caregivers, courts) to create, refine, and engage in the establishment, maintenance, and enforcement of these structures via authoritative means. A court-involved child therapist, for example, may have a primary objective of helping a child cope with the stresses of family change. Given evidence that structure reduces anxiety, the therapist's plan should include collateral work with the parents and/or referral to collaborators (e.g., parent coaches, co-parenting counselor, family therapy) so as to (1) define behavioral limits (e.g., bedtime, chores) and associated consequences (e.g., weekly allowance) in each home, (2) establish appropriate boundaries (e.g., distinguishing "mom's house" from "dad's house;" assuring age-appropriate spaces for each child in each home), (3) define roles (e.g., reassuring that the child does not need to fill in for the absent parent; clarifying a step-parent's authority), (4) optimize rituals and routines so as make the child's experience more predictable (e.g., wake-up, toilet, dress, breakfast, school bus; when transition to the other home occurs), and (5) overcome the guilt, exhaustion, anger and/or sadness that often corrupt relationships structures under stress (Kalmijn, 2020) so as to adopt an authoritative approach to enforcing these structures.

Structure and forensic relationship assessments. The family law professional tasked with evaluating a relationship system (e.g., parenting plan evaluation; Garber, 2016), subsystem (e.g., co-parenting; Mollà Cusí et al., 2020), or individual (e.g., parenting

capacity evaluation; Polgar, 2001) is similarly advised to assess structure as it bears on advising the court how best to serve a particular child's best interests.

Parenting plan evaluation (PPE), for example, typically calls for the evaluator to advise the court whether and how each of two parents are able to serve their child's unique needs (Association of Family and Conciliation Courts, 2025). Given the well-established relationship between authoritative structures and child outcomes, PPE should include a careful assessment of how each parent has historically established and enforced limits and consequences, boundaries, the differential allocation of power, control, and access to resources, and managed routines and rituals.¹² Weaknesses in any of these domains (e.g., inconsistent consequences, ambiguous and age-inappropriate boundaries, chaotic schedules, authoritarian or permissive parenting) constitute data likely relevant to the court's needs and are ripe for recommended remedial interventions in the child's best interests.

Meta-structure and family law. The astute reader is aware that this conceptualization of structure applies to how we do our jobs at least as much as it applies to how the families whom we serve do theirs. We can and must work to diminish consumers' anxiety by instituting structures in an authoritative manner both as a matter of respect and in the interest of providing more satisfying, effective, and efficient services.

¹² An emphasis on historical data helps to minimize the risk of over-valuing parents' iatrogenic parenting practices secondary to the scrutiny of litigation and evaluation. "CCEs presume to draw generalizations about families seen at the worst of times: when they are rubbed raw by the enormous social, emotional, and financial pressures of conflicted custody litigation, and then asked to put on their Sunday best to impress an unfamiliar professional whose opinions are likely to shape the rest of their lives" (Garber, 2023, p. 3).

The families that enter our offices and courtrooms are already under tremendous stress. We add insult to injury when we fail to establish and clearly communicate the limits and associated consequences (e.g., payment details; punctuality expectations; “no-show” consequences), boundaries (e.g., where interactions will occur; boundaries when interacting via digital platforms), roles (e.g., defining who is the client being served; the nature and limits of the professional relationship; whether and how professionals share information), rituals and routines (e.g., how the proposed service will proceed; complaint procedures) associated with our work in an authoritative manner. Our efforts to establish and follow through with these structures firmly and with compassion not only facilitates the process but provides those whom we serve with a model that they might emulate. Requiring consumers to complete advance orientation explaining our services is part of the answer (Garber and Deck, 2025). The larger part of the answer, however, requires that we adopt a careful mix of supportive responsiveness and unyielding structure.

Structure from the bench. In family law, the value of structure administered in an authoritative manner or “outward countenance” (Hochschild, 1983, p. 7¹³) is nowhere greater than it is in the courtroom. “The performance of impartiality through a conventional detached, unemotional judicial demeanor alone is insufficient. Judicial demeanor must

¹³ Hochschild (1983) describes service providers’ need to engage in “emotional labor ... inducing or suppressing feeling in order to sustain the outward countenance that produces the proper state of mind in others.”

express some degree of engagement in order to fully communicate legitimacy” (Mack and Roach Aleu, 2017, p. 113).¹⁴

More than simply being “patient, dignified, respectful, and courteous,” (Judicial Conference of the United States, 2019), a bench officer defuses anxiety and facilitates a more constructive and efficient process by clearly and firmly articulating the rule of law and the rules of the place, reliably and calmly following through to enforce contingent outcomes, modeling and quietly demanding respect of the space and of each participant’s role, and by establishing and maintaining the rituals and routines that make the legal process important and predictable. Thus, understanding the importance of structure will not only assist bench officers when weighing the probative value of data derived from forensic relationship interventions and evaluations, but also provides a lens through which consumers’ and professionals’ experience in the courtroom can be made less anxiety inducing and more productive.

Concluding observations. Given the high stakes inherent in family law and the historical ambiguity of the variables that can be manipulated in the context of forensic family interventions and assessed in the context of forensic family evaluations, the definition of relevant measures is a step in the right direction. This article has discussed four types of relationship structures, their empirical ties to child development and family functioning, their application to family law process, and their relevance to family law practice across

¹⁴ Roach Aleu and Mack (2021; p. 143) elsewhere advise that “multiple ways emotion is a resource to achieve practical, normative and ethical goals and confirms the intertwining of emotion work with judicial work.”

guilds and settings. The value of establishing and communicating these structures in an authoritative manner is emphasized.

This conceptualization yields a broad discussion of applications across diverse populations, services, and circumstances. Questions about exceptions, extensions, and further operationalization inevitably arise. When is structure too much, too rigid, and/or developmentally inappropriate? Are there fifth, sixth, and seventh types of structure not recognized here? When and why might an authoritarian demeanor be more appropriate and more successful in the home, the office, or the courtroom than an authoritative demeanor (Awiszus et al., 2022; Guarderas et al., 2025)? These and related questions deserve careful study as the field of family law continues to improve the scientific basis of its services in the best interests of every child.

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