



## California Family Court Services Snapshot Study

California Family Court Services Mediation 1991

# Report 3

EXECUTIVE SUMMARY

## The Impact of Case Characteristics and Mediation Service Models

January 1994

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### Client Perspectives on Mediation

Statewide representative data reveal widespread client satisfaction with court-based mediation services in California. Parents' feedback coalesced into three dominant themes: (1) Mediation provided information that was helpful in coming up with workable agreements for child custody and visitation; (2) mediation provided the opportunity for mutual consideration of issues that parents deemed important; and (3) parents were satisfied with the outcomes of their mediation sessions [{1}](#).

Are these favorable evaluations consistent across diverse clients and mediation services throughout the state? This report describes variations in this general pattern of findings by characteristics of the client as well as by mediation service [{2}](#).

### Variations Based on Client Characteristics

Parents who use mediation services reflect California's diverse population [{3}](#). Nonetheless, the general pattern of positive evaluations was quite stable across different groups, but the statistical analysis detected some differences of varying magnitude. The most pronounced differences were found in the "Helpfulness" dimension [{4}](#).

There was a statistically significant tendency for mediation to be rated as more helpful by parents with less education and lower income, and by ethnic minorities. Higher proportions of these clients reported satisfaction on two items. Seventy-seven percent of parents agreed that "Mediation helped me see more ways to work together as parents." Those with less education were more likely to agree by a 5 percent margin and ethnic minorities by 10 percent. Sixty-three percent of parents agreed that "Mediation made me aware of help in the community for my family." Those with less education were more likely to agree by a 13 percent margin, and those with lower income by 9 percentage points. More favorable ratings came from ethnic minorities than from nonminorities, by a 17 percent margin.

Differences on one item reached statistical significance: "I felt too intimidated in the meeting to say what I really felt." While more than eight clients in ten disagreed with this item (85 percent), the

tendency to feel intimidated was statistically higher among women (7 percentage points), among those with less formal education (7 percentage points), and among those with relatively low income (10 percentage points). On the other hand, mothers were more likely than fathers, by a statistically significant margin of 2 percent, to say that the mediator listened to their concerns [5].

### Variations Based on Service Models

With the enactment of Civil Code section 4607, California superior courts were mandated to provide mediation services to parents for child custody and visitation issues. Specifications of the service models were left to the discretion of local courts. Consequently, there are court-to-court variations in mediation policies and procedures. One fundamental difference in service models has to do with steps that a court follows in the event that parents remain at impasse at the conclusion of mediation.

### Authorizing Recommendations from Mediators to the Court

Thirty-two of California's 58 superior courts authorize the mediator to make recommendation to the court for custody and visitation when the parents are at impasse. The same pattern of favorable ratings was found in each client group; but there was a slight trend for clients to assign higher ratings to mediation in courts that do not authorize recommendations, particularly in the dimension labeled "Opportunity to Discuss the Issues." However, these differences were no more than 4 percent.

The ratings of the two groups were not significantly different on items measuring "Helpfulness" (Chart 1).

**Chart 1**  
**Client Satisfaction Comparisons on Helpfulness of Mediation:**  
**Whether County Authorizes Recommendation**

	Authorizes (n=1130)	Does not authorize (n=818)
The mediator had some good ideas for us to think about for the sake of the children	93%	94%
Mediation procedures were described to me clearly	92%	94%
Mediation helped me see more ways to work together as parents	75%	79%
Mediation made me aware of help in the community for my family	61%	65%
Mediation is a good way to come up with a parenting plan	88%	92%

A high proportion of clients using each model reported that they had sufficient time and opportunity to work on issues important to them. Once again the most favorable ratings came from clients in courts that do not authorize recommendations, with a gap between clients in recommending and nonrecommending courts ranging from five to seven percentage points across all questions.

The type of service model had no statistically significant effects on the dimension "General Satisfaction" (Chart 2).

**Chart 2**  
**Comparisons of Client General Satisfaction with Mediation:**  
**Whether County Authorizes Recommendation**

	Authorizes	Does not authorize
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	(n=1130)	(n=818)
Satisfied with the result of the mediation session just completed	74%	78%
Satisfied with the next steps you will take	81%	84%

## Reaching Agreement or Impasse

Reaching an agreement in mediation was the strongest determinant of client satisfaction with the service. When clients reached agreements in mediation, all facets of the service were given high ratings. Most clients who remained at impasse evaluated the service favorably; but reaching agreement elevated client ratings by an average of 12 percentage points, with a gap between the two groups ranging from a low of 5 percent on one question to a high of 30 percent on another.

In the dimension "Opportunity to Discuss the Issues," the ratings of those who reached an agreement exceeded the generally high ratings given by the sample as a whole. Ratings by those at impasse were positive, but not so extreme.

## Use of Recommendations from Mediators

Mediators made recommendations to the court on at least one custody or visitation issue for 12 percent of the families in the study {6}. Eight percent remained at impasse but returned to court without a recommendation.

Both groups reported that mediation was helpful. When they returned to court without recommendations, clients gave higher ratings to the mediation process. Conversely, those who receive recommendations were more satisfied with the results of mediation and with the next steps in their cases.

## Conclusions

This favorable public response to mediation was sustained across diverse client circumstances and models of mediation service. Clients who remained at impasse after mediation reported that the service was helpful in ways other than facilitating an agreement (e.g., providing information and referral). The prevalence statistics in this report offer no empirical support for the position that broad base of clients is dissatisfied with the service when mediators are authorized to make recommendations to the court. Within a content of favorable evaluations, however, client satisfaction with the mediation process was enhanced a few percentage points by the use of mediation service model that does not authorize recommendations to the court; especially pronounced was parents' sense that they had sufficient opportunity to work on the issues. This feeling was particularly strong among impasse clients in nonrecommending courts. The countervailing consideration, however, is that impasse clients who returned to court without recommendations were also less satisfied with the results of mediation and the next steps that they would take.

## Footnotes

{1}Statistical procedures used to identify the fundamental dimensions of parents' responses were Principal Components analysis with a Varimax rotation, using listwise deletion of missing data. The solution was robust across other factor extraction methods and is comparable for mothers and fathers.

{2} Studies such as the snapshot, which include large numbers of individuals, are capable of detecting differences that are systematic (i.e., statistically significant) but small in magnitude. For each of the comparisons that follow, we assess both the statistical significance and the magnitude of group differences.

Measures of statistical significance are used to determine the probability that the differences observed in the study are not simply attributable to chance. When findings are statistically significant, there is a high probability that they are reliable for the population at large. When they are not significant, it is possible that apparent differences are simply a matter of chance circumstances in a particular study.

Statistically significant results may vary dramatically in magnitude. In a study of this size, a difference of five percentage points could be statistically significant. Depending on the question at hand, a difference of such little magnitude, albeit a systematic one, may be of limited practical significance.

{3} Descriptive statistics are provided in Report 1.

{4} The items within the three dimensions shown in the figures are highly related to one another. To correct for this redundancy, the statistical analysis first searches for group level effects, pooling all items in a particular dimension. When these group level effects are statistically significant, the next step is to look within the dimension to identify particular items where the effect was concentrated.

{5} Gender issues in mediation are discussed in greater detail in *Report 2: Client Evaluations of Mediation Services: Perspectives of Mothers and Fathers* (1993). Statewide Office of Family Court Services, Administrative Office of the Courts, San Francisco, California.

{6} An additional 2 percent of all families reached a mediated agreement on some issues and the mediator made recommendations on the issues that remained unresolved. Charts 7-9 include only those clients who were in the group of 288 families at impasse on all issues. Most families fell in neither impasse group and are excluded from Charts 7-9.