
California Family Court Services Snapshot Study
Report 1 - Overview
California Family court Services Mediation 1991
Families, Cases,
and Client Feedback
EXECUTIVE SUMMARY

January 1992



Malcolm M. Lucas
Chief Justice

Robert W. Page Jr.
Acting Director

ADMINISTRATIVE OFFICE OF THE COURTS

All court personnel are to be commended for their contributions to the Statewide snapshot Study. Special thanks are extended to the FCS Directors Advisory Group on Uniform Statistics (Lynn Bundy, Jil Chipman, Dennis Hamlett, David Kuroda, and Lee Yodel); to the courts that conducted pilots (Alameda, Los Angeles, Madera, Sacramento, Shasta, Trinity); to the AOC Administrative Support Unit staff, who assembled and shipped all study materials; and to all Statewide FCS Office staff who supported each phase of the operation, particularly Isolina Ricci, Statewide Coordinator, Charlene Depner, Research Coordinator, Marlene Simon, Field Coordinator, Karen Cannata, Research Analyst, Judith Lynch, Editor, Shantara Fields, Staff Analyst, and Ann Chun, Research Assistant.

This report was prepared by Charlene Depner, Ph.D., Coordinator for Research, Evaluation and Statistics and Marlene Simon, M.A., Field Coordinator.

For further information about the Snapshot Study, call 415-396-9153

Report 1 - Overview

California Family court Services Mediation 1991

Families, Cases, and Client Feedback¹

January 1992

EXECUTIVE SUMMARY

Since 1981, California law has required parents in dispute over child custody or visitation to go to mediation before their matter can be set for a court hearing. Each of California's 58 superior courts has been required to make child custody mediation services available to the public. Over the years, these programs have grown to provide a significant service to the community and to the courts with an estimated 65,500 mediation sessions in 1991 alone.

Despite the scope of these programs, the only studies of California's court-connected mediation had been with limited samples or confined to individual superior courts. While such studies provide a valuable exploration of the issues, they are too limited in scope to be used to evaluate claims about the usefulness of mandatory mediation or the prevailing experience of clients across the state as a whole. The study reported below, the California Statewide Snapshot Study of Family Court Services (hereafter called the snapshot study), was designed to answer the latter information needs.² The snapshot study constitutes the first statewide representative data and is thereby capable of providing uniform statewide statistics for court-connected mandatory mediation programs. The study covered 1,388 mediation sessions and constitutes 82 percent of all mediation sessions conducted in court-connected mediation programs across California during the study period.³

The snapshot study compiled comprehensive data about clients and sessions in 75 branch courts during a fixed period in June of 1991 and gathered information from clients about their family composition, income, background, disputes, allegations and their ratings of their mediation experience on several dimensions.

¹The research described in this paper was designed and executed by the Statewide Offices of Family Court Services, Administrative Office of the Courts, in collaboration with the California judiciary and court personnel across the state, the FCS Directors Advisory Committee on Uniform Statistical Reporting, and the Administrative Office of the Courts. The Statewide Office staff wishes to express its gratitude to the parents and FCS counselors who provided the information described in this paper.

²This research was conducted by the Statewide Office of Family Court Services, Administrative Office of the Courts, Judicial Council of California and fulfills part of the ongoing mandate under CA Civil Code, Sec. 5180-5183 which directs the Judicial Council of California to establish and implement a uniform statistical reporting system relating to family law and to evaluate programs for the purpose of shaping public policy.

³These sessions were part of 1,699 Family Court Services sessions (which included mediation, evaluation, guardianship, premarital counseling, step-parent adoption, paternity actions, or counseling for other family matters). The total 1,699 sessions constitute 83% of all Family Court Services sessions conducted during the study period.

It also included counselor reports about the session itself and its outcome.⁴ The diversity of California's population is fully represented in the snapshot study, as is the complete range of family mediation programs, conciliation courts and family court services across the state. The quality of the sample permits a high level of confidence in the statistics it provides about court-connected mediation and the clients it serves.

This document, the first in a series of reports about the 1991 snapshot study findings, provides the initial overview and descriptive results of the study. Because the sample is large, it will be possible to conduct diagnostic analyses for future reports that differentiate more precisely the conditions associated with good and poor outcomes in mediation, including the relationships among client characteristics, issues in dispute, mediation strategies and other circumstances. Differential outcomes for other court services such as custody evaluation, domestic violence counseling, and other services also provided by Family Court Services will also be described in subsequent reports.

Findings detailed in this report include:

Mediation involves families with very young children. When compared with all children in California, more mediation children are found in the younger age groups. The median age of children in mediating families is 7 years.

Parents in mediation are younger than the adult California population. Half are under the age of 35; only 6 percent are 45 years of age or older.

Twenty seven percent of all clients (36 percent of mothers and 17 percent of fathers) reported that they were not employed at the time of the mediation.

Thirteen percent of all employed mediation clients (20 percent of the mothers and 8 percent of the fathers) reported monthly incomes below the poverty level for a family of two people.

The ethnic composition of mediation clients reflects California's ethnic diversity. Sixty-two percent of all mediation clients are Caucasian, 20 percent are Hispanic, 6 percent black, 3 percent Asian or Pacific Islander, and 3 percent are American Indian, Eskimo or Aleut

Estimates of the number of families affected by such problems as child abuse, family violence, or substance abuse vary dramatically depending on the type of question asked and the source of the information. Because of this variability, there are no simple answers. It is not appropriate to use any one of the findings of this study as a general indicator of the prevalence of such problems among mediation clients. Rather, each finding should be interpreted in the context of the source of the information and the specific question asked. Only this level of precision reflects the true complexity of these issues. Further analysis will provide a more detailed picture of these concerns and the characteristics of families reporting them.

Measures of the types of concerns raised by parents within the session studied, suggest that serious family issues may be expected to be raised by parents in as many as two out of three mediation sessions. Mediation sessions are complex, with one or both parents often raising concerns about child abuse, family violence, or substance abuse. The parties may make allegations (and counter allegations) with or without substantiation. Therefore, because concerns, allegations, and substantiated occurrences are counted

⁴A full description of the study methods and copies of the study instruments is available upon request.

together, these particular statistics cannot accurately be used as indicators of the actual existence of such problems. Future reports will describe the results of analyses of the circumstances surrounding these allegations and/or concerns and look at the patterns of corroboration and substantiation.

Families in mediation are more likely to raise concerns about multiple problems than on problem in isolation. When concerns about such problems as child abuse, family violence, or substance abuse come up in mediation sessions, it is more common for multiple issues to be raised and less common for just one issue to be raised.

Mediation sessions cover a wide range of issues pertinent to custody and visitation. Common themes addressed in mediation include meeting needs of the child, concerns about parents' care or treatment of children, supervision, discipline, building a working relationship between parents and mutual parenting responsibilities. The majority of sessions also explicitly address problems of hostility or arguments between parents.

Most mediation sessions deal with difficult issues and are emotionally intense. Using a scale from 1 ("not at all") to 10 ("extremely high"), the average session rating by mediators of issue difficulty and emotional intensity was 7.

Nonetheless, mediators rate most sessions as productive, with an average rating of 7 on the same 1-10 scale.

On each of ten different ratings of mediation, the vast majority of clients rate the experience favorably:

Ninety percent of all clients said that mediation was a good way to come up with a parenting plan.
Ninety-two percent felt that the mediator listened to their concerns.

Ninety-three percent of the clients found that the mediator had good ideas to think about for the sake of the children.

Ninety-three percent of clients reported that mediation procedures had been described to them clearly.

Eighty-four percent did not feel rushed in the mediation session.

Eighty-five percent of parents reported that they did not feel intimidated and freely said what they really felt.

Eighty-six percent said that they felt no pressure to go along with things they did not want.

Seventy-seven percent of clients thought that mediation helped them to see more ways to work together as parents.

Sixty-three percent of clients identified community resources through mediation.

Seventy-six percent were satisfied with the results of the session that they had just completed.

Clients who reach agreements in mediation rate these agreements very favorably on four different indicators:

Eight-five percent of the parents felt that their mediated agreement would be good for their children.

Eighty-two percent of parents characterized their mediated agreements as fair.

Ninety-five percent felt clear about what they had agreed to do.

Sixty-nine percent were confident that their plan could work.

Conclusion

The snapshot study results document the serious circumstances facing families who mediate custody and visitation in California court-connected mediation programs. Nonetheless, the results indicate widespread satisfaction with this alternative dispute resolution process and the resulting agreements. Based on these findings, the report suggest directions for further developments in service delivery.