

*Client Feedback:  
Retrospective Results from the  
California Child Custody Project*

California Statewide Office of Family Court Services  
Administrative Office of the Courts  
Judicial Council of California

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# RESEARCH UPDATE

**R**ecognizing the powerful ramifications that current trends will have for family justice in the decades to come, the 1993 report of the Commission on the Future of the California Courts highlighted the increased volume and complexity of family law cases. Mandatory court-connected mediation is one service that has been used extensively by the courts since 1981 to assist parties in the determination of child custody and visitation. California has the largest such program in the nation, serving 73,250 families in 1993 alone. The commission recommended an expansion of current child custody mediation programs to include additional forms of appropriate dispute resolution for a wider spectrum of family and juvenile law matters. California's Statewide Office of Family Court Services is charged by statute to provide statistical reporting about the disposition of child custody and other family law matters. This is one in a series of research reports that describe outcomes for families who used court-connected mediation to develop parenting plans for their children.<sup>1</sup> It summarizes recent followup information from parents who used the service in 1991.

The statistics are drawn from the California Child Custody Project, a program of research conducted to produce uniform statewide statistics about family court services throughout the state. The initial investigation, the California Family Court Services Snapshot Study (hereafter referred to as the Snapshot Study), included parents of 1,388 California families who used court-based mediation in 1991. This group was a cross section of all families using courts throughout the state, constituting 82 percent of all mediation sessions conducted in court-connected mediation programs during the study period. Fifty-seven percent of the parents in these families were re-interviewed in the California Statewide Followup Study (hereafter referred to as the Followup Study), completed in 1993.<sup>2</sup>

The reader should note that, under California law, parents are afforded discretion to construct their own plans for child custody and visitation. If they are unable to do so on their own or with the assistance of attorneys, they are required to attempt to create parenting plans with the assistance of court-based mediators. The parents included in these statistics all used California court-based mediators. The report contrasts 816 parents who formed parenting plans in mediation with 716 parents who used any of a variety of other methods to work out their parenting plans.<sup>3</sup> Sampling weights have been applied for statistical accuracy.

## **Changes in Client Satisfaction**

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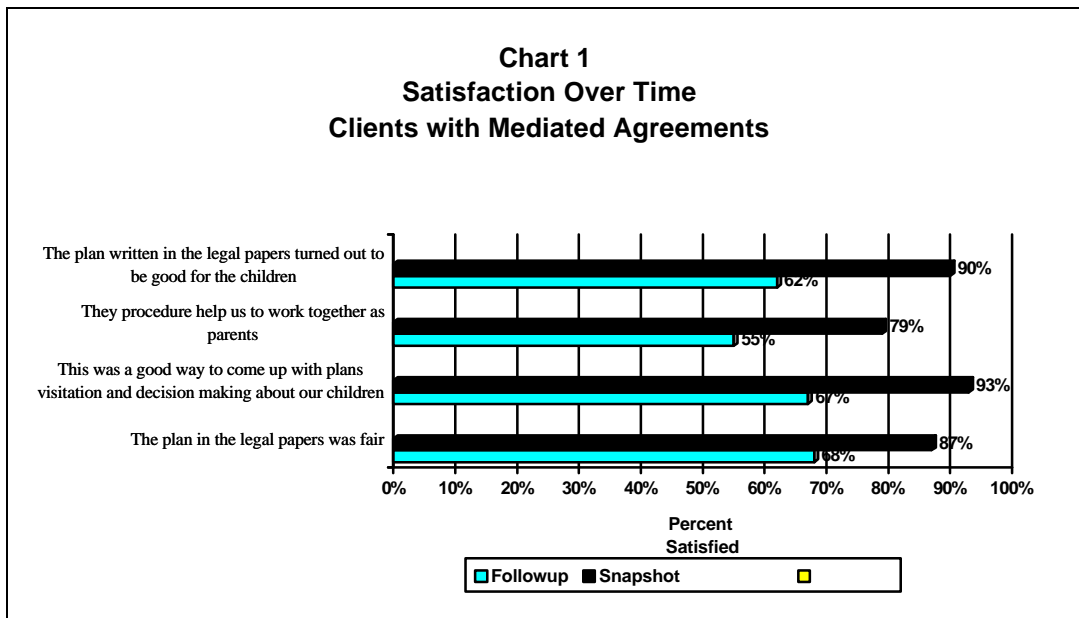
<sup>1</sup>The term "parenting plan" is used throughout this report to refer to a set of agreements that parents make about responsibilities for child rearing, including custody, visitation, and decision making. The term excludes financial arrangements, such as child support transfers, since court-annexed mediation in California does not cover those matters.

<sup>2</sup>Complete details about this research can be found in California Statewide Followup Study: Data Collection Methods (September 1994). Statewide Office of Family Court Services, Administrative Office of the Courts, San Francisco, CA

<sup>3</sup>For those who remain at impasse following mediation, the next step varies by local rule. Judicial determination establishes custody in only a small proportion of families. Most cases that reach impasse in mediation are resolved using some intermediate step, such as mediator recommendations to the bench, child custody evaluations, settlement conferences, or renewed attempts by parents to reach self-determined agreements.

For the clients with mediated agreements, it is possible to use Snapshot Study data to compare ratings of the mediation process and outcome immediately following mediation in 1991 and later, in the Followup Study.<sup>4</sup> Immediately following their mediation sessions in 1991, a very high proportion of clients—eight to nine clients in ten on most indicators—were enthusiastic about the quality of the mediation services they received.<sup>5</sup> Although most clients remained satisfied at Followup, these extreme levels of satisfaction were not sustained over time.

Chart 1 shows how initial rates of satisfaction changed for the parents who were re-interviewed in the Followup Study. For each question, the black bar indicates the proportion of Followup parents who agreed with the item immediately following mediation in 1991, and the striped bar indicates the proportion who were satisfied at Followup. Immediately following mediation (Time 1), nine clients in ten predicted that their parenting plan would be good for their children. At Followup (Time 2), six clients in ten gave the plan a positive assessment. At Time 1, eight clients in ten reported that mediation had helped them to see ways to work together as parents. Over time, the proportion was over five cases in ten. After mediation, nine clients in ten found mediation to be a good method for coming up with a parenting plan. In hindsight, nearly seven clients in ten held that view. At Time 1, almost nine clients in ten felt that the agreement they formed in mediation was a fair one. At Followup, nearly seven clients in ten maintained that their agreement was fair.



Data Sources:

1991 California Family Court Services Snapshot Study (weighted data).

1993 California Statewide Followup Study (weighted data) conducted by the Statewide Office of Family Court Services, Administrative Office of the Courts, Judicial Council of California.

This chart is based on 816 parents from families who reported that they formed agreements in mediation.

Despite a considerable decline in the extremely high rates of initial satisfaction, most mediation clients maintained positive assessments of the service. In fact, their Time 2 feedback is more favorable than from other clients who did not reach agreement in mediation. The next series of charts contrasts outcomes by the method used to form the parenting plan.

<sup>4</sup>For those who formed agreements in mediation, we have satisfaction data at two time points—at the completion of mediation (Snapshot Study) and when they were recontacted several months later (Followup Study). No initial satisfaction data are available for those who formed parenting plans using other methods, since those services had not been implemented at the time of the 1991 Snapshot. It may have been several months, or even years, before nonmediated agreements were formed. Therefore, for those who did not form mediated agreements, we have satisfaction data at only one time point, the Followup Study.

<sup>5</sup>For a complete description of these results, see Report 1: Families, Cases and Client Feedback (January 1992). Statewide Office of Family Court Services, Administrative Office of the Courts, San Francisco, CA

## Effects on Parent-Child Relationships

Chart 2 uses a series of measures of effects on parent-child relationships to compare Followup responses for two groups of parents: those who formed mediated agreements (black bars) and those who reached agreements using some other method (striped bars). Mediated agreements were associated with better parent-child relationships. Parents with mediated agreements were more likely to say that the plan in the legal papers turned out to be good for their children (62 percent, as compared with 50 percent), they were somewhat more likely to be satisfied with the amount of time they spent with their children (58 percent, as compared with 54 percent), and they were more likely to be satisfied with the amount of input they had into major decisions about their children (63 percent, as compared with 56 percent). Parents who formed parenting plans using other methods were somewhat more likely to say that their relationships with their children had suffered (40 percent, as compared with 37 percent). All of these differences are statistically significant.

[chart 2]

### PARENT-CHILD RELATIONSHIP AT FOLLOWUP

By Method Used to Form Agreement

	Percent Satisfied	
	Mediation	Other
The plan written in the legal papers turned out to be good for the children	62%	50%
I am satisfied with the amount of time that my children spend with me	58%	54%
I have enough say in major decisions about our children	63%	56%
My relationship with our children has suffered in the past year	37%	40%

Data Sources:

1993 California Statewide Followup Study (weighted data) conducted by the Statewide Office of Family Court Services, Administrative Office of the Courts, Judicial Council of California.

This chart is based on 1,532 parents in the Followup Study.

## Coparenting

Chart 3 compares the same two groups on indicators of coparenting. Over time, many parents report difficulty sticking to the visitation schedules they have established. The method used to create the parenting plan had little bearing on the issue. Forty-six percent of the parents with mediated agreements reported scheduling problems, as did 44 percent of those who used other methods. The difference is not statistically significant. Statistically significant differences were found, however, on other indicators of coparenting. Parents who used mediation were more likely to say that the parenting plan had sufficient detail (64 percent, as compared with 53 percent) and that the method they used helped them to work together as parents (55 percent, as compared with 34 percent). Parents who did not form mediated agreements were more likely to say that the way they worked out custody had a negative effect on their relationship with the other parent (51 percent, as compared with 42 percent).

[chart 3]

### COPARENTAL RELATIONSHIP AT FOLLOWUP

#### By Method Used to Form Agreement

	Percent Satisfied	
	Mediation	Other
We have had problems sticking to the visitation schedule	46%	44%
The plan had enough detail	64%	53%
The procedure helped us to work together as parents	55%	34%
In the long run, the way that we worked out custody had a negative effect on my relationship with the other parent	42%	51%

Data Source:

1993 California Statewide Followup Study (weighted data) conducted by the Statewide Office of Family Court Services, Administrative Office of the Courts, Judicial Council of California

This chart is based on 1,532 parents in the Followup Study

### General Satisfaction

Consistently, those who made mediated agreements were more positive than other parents about the process and outcome of their family court experiences (Chart 4). Sixty-seven percent of clients who made mediated agreements concluded that the process was a good way to come up with a parenting plan for their children. Among clients who used other methods, only 50 percent agreed with that statement. Sixty-eight percent of clients who made mediated agreements said that they felt that the plan in the legal papers was fair. For those who used other methods, the proportion was 55 percent.

[chart 4]

#### GENERAL SATISFACTION AT FOLLOWUP

##### By Method Used to Form Agreement

	Percent Satisfied	
	Mediation	Other
We have had problems sticking to the visitation schedule	67%	50%
The plan in the legal papers was fair	68%	55%
I am satisfied with the legal system for deciding custody and parenting plans	45%	33%

Data Source:

1993 California Statewide Followup Study (weighted data) conducted by the Statewide Office of Family Court Services, Administrative Office of the Courts, Judicial Council of California

This chart is based on 1,532 parents in the Followup Study

Working out terms for custody, visitation, and decision-making responsibilities is a difficult process for many parents. Most parents in the Followup Study expressed some dissatisfaction with the legal system, pointing out ways in which augmented services would have been helpful to them. Satisfaction

with the legal system for working out parenting plans was substantially higher among those who made mediated agreements (45 percent, as compared with 33 percent).

## **Summary and Conclusions**

Initial client feedback about the mediation process and its outcomes, gathered in the 1991 Snapshot Study, revealed widespread enthusiasm. Over time, sources of dissatisfaction surfaced. Indicators repeated in the original Snapshot questionnaire and in the Followup questionnaire show that the majority of those who formed agreements in mediation remained satisfied over time, although the absolute level of satisfaction was no longer extremely positive.

Comparisons with parents who did not form parenting plans in mediation show that positive ratings are most robust among those who made mediated agreements. This might be attributed, at least in part, to differences in family circumstances or disputes. For example, families who are unable to mediate agreements may find a brief court intervention inadequate to meet their needs. This explanation is challenged, however, by comparison of those factors of parents who formed agreements in mediation and parents who made parenting plans using other methods. These data show no statistically significant differences in rates of severe family problems, such as violence or abuse. An alternative explanation for differences in Followup outcomes suggests that the nature of the mediated agreement itself may be responsible for sustained client satisfaction. For example, mediation advocates hold that the consensual and detailed nature of mediated agreements facilitates implementation and compliance.

Most mediation clients took the time to describe sources of dissatisfaction. In the face of the severe difficulties facing many parents, the practical limitations of any service are sobering. Parents reported concerns about false allegations, legal costs, and ongoing disputes about finances. The compelling need for family services is also clear from parents' comments. Many clients are bringing more problems than a custody dispute to the bargaining table. Clients complain that they lack sufficient help for difficulties ranging from legal issues to housing. In addition, parents expressed the needs for followup services to iron out difficulties as they arise and to educate them about good ways to meet the needs of their children.

These concerns raised by parents echo conclusions drawn in the report of the Commission on the Future of the California Courts. Considering the volume and complexity of contemporary family law cases, it is heartening that a significant proportion of clients report positive outcomes associated with their experiences in family court. The more sustained satisfaction of those who form mediated agreements also reinforces the commission's recommendation for more extensive appropriate dispute resolution services. In addition, there appears to be a growing need for ongoing services to support families through each phase of the process and to bolster parenting plans over the child's minority.