



RESEARCH UPDATE

Parent Evaluations of Mediation Services

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

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Mediation of child custody and/or visitation plans is an alternative dispute resolution technique that has been used by California courts for over a decade. Since 1981, California law has required parents to use court-based mediation to attempt to reach agreements about custody and visitation before proceeding to a court hearing.

How do parents evaluate the mandatory mediation step? This was one question addressed in the California Statewide Snapshot Study of Family Court Services, a 1991 study that covered 82% of mediation clients across California{1}. Immediately following mediation, there was widespread parent satisfaction with the service. Three themes predominated in parent's reactions:

- 1) Mediation provided information that was helpful in coming up with workable agreements for child custody and visitation;
- 2) it was an opportunity for joint consideration of issues that the parents deemed important; and
- 3) parents were satisfied with the outcomes of their mediation sessions{2}.

1. Helpfulness

Five questions contributed to the general theme of helpfulness. High proportions of clients reported that mediation provided information that was helpful in working out a plan for custody and visitation for their children.

- The mediator had some good ideas for us to think about for the sake of the children. (93% agree)
- Mediation helped me see more ways to work together as parents. (77% agree)
- Mediation is a good way to come up with a parenting plan. (89% agree)
- Mediation procedures were described to me clearly. (93% agree)
- Mediation made me aware of help in the community for my family. (63% agree)

2. Opportunity to Discuss The Issues

Four indicators assessed whether parents felt that there was sufficient opportunity to have their concerns considered in the mediation process. On each of four different questions, a high percentage of parents saw mediation was a forum in which their issues could be raised and factored into the mediation outcome.

- The mediator pressured me to go along with things that I did not want. (14% agree)
- I felt too intimidated in the meeting to say what I really felt. (15% agree)
- I felt rushed by the mediator. (16% agree)
- The mediator listened to my concerns. (92% agree)

3. General Satisfaction

Mediation outcomes vary with the case and the court. Parents may reach an agreement in the mediation session or remain at impasse. When the parents cannot reach agreement, the next step varies in accordance with local court policies and procedures. The research found that parents' feelings about the results of the session and the next steps in their cases were generally quite positive.

- Right now, how satisfied or dissatisfied do you feel about the results of the mediation session? (75% feel satisfied)
- How satisfied or dissatisfied are you with the next steps you will take? (82% feel satisfied)

Summary and Conclusions

These statewide statistics show most parents who use court-annexed mediation services find that they are helpful, provide an opportunity to cover important issues, and render satisfactory results. This overall favorable impression of mediation is robust across a diverse client base. A follow-up study is currently underway to gather more information about long-term outcomes for parents who differ with respect to the methods they used to make arrangements custody and mediation (e.g. private negotiation, use of attorneys, mediation, evaluation, adjudication).

For further information about the Statewide Snapshot Study, contact Charlene E. Depner, Ph.D., at the Statewide Office of Family Court Services, Administrative Office of the Courts, 303 Second Street, South Tower, San Francisco, CA 94107, (415)396-5153

Footnotes

{1} For complete details about the study, see Report 1: Families, Cases, and Client Feedback (January 1992), Statewide Office of Family Court Services, Administrative Office of the Courts, San Francisco, California

{2} 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.

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