

**CLIENT SATISFACTION SURVEY:
A CONSUMER EVALUATION OF
MEDIATION AND INVESTIGATIVE SERVICES**

EXECUTIVE SUMMARY

Prepared for:

Statewide Office of Family Court Services
Administrative Office of the Courts
State of California
303 Second Street, South Tower
San Francisco, California 94107

Prepared by:

Superior Court of the County of Orange
Mediation and Investigative Services
Santa Ana, California 92702-1994

Alan Slater, M.P.A., M.B.A., Executive Officer
Jan A. Shaw, M.P.A., Project Director
Joseph Duquesnel, M.S.W., Principal Investigator

March 1991

The preparation of these materials was financially assisted through a grant from the Judicial Council of California and matching funds from the Superior Court of the County of Orange. The opinions, findings, and conclusions in this publication are those of the authors and not necessarily those of the Judicial Council or the Superior Court of the County of Orange. The Judicial Council reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, and use these materials, and to authorize others to do so.

INTRODUCTION

Our study was motivated by a desire to develop, and be informed by, structured follow-up procedures with clientele who have participated in court-connected mediation and investigative services.

Each year an estimated 48,000 cases are handled by court-connected mediation programs in the State of California.¹ A major goal of the Statewide Office of

¹Judicial Council of California, Statewide Office of Family Court Services, "Profile: Mediation and Evaluation Services in California Superior Courts," San Francisco, 1990.

Family court Services is the evaluation of mandatory mediation programs and the impact of custody and mediation on children and families. Within the overall design of court-connected mediation service delivery, it is important to complete the feedback loop between mediators/investigators, the court and the client.² Without this closure, the design and implementation of services loses its responsiveness and sensitivity to the consumer.

To this end, we surveyed 557 clients who received the services of the Mediation and Investigative Services Department of the Superior Court of the County of Orange in 1987 and 1988. The study focused on three areas of investigation: 1. Patterns of custody and visitation; 2. Client evaluation of services; and 3. Parents' perception of child adjustment.

Measures

A comprehensive Survey questionnaire was developed to obtain client feedback about themselves, their parenting plan, satisfaction with mediation and investigative serves, and parent ratings of positive and problem behaviors perceived in their children. In order to further evaluate services, a review of Mediation and Investigative Services case records and court files was conducted on the 557 clients who returned surveys to determine how parenting arrangements were developed. The review indicated that 41.3% were developed through mediation, 38% were settled after mediation, 9.5% were court-ordered after a short hearing (less than two hours), and 11.2% were court-ordered after an extended hearing (over two hours)

Types of Services

Clients participate in one of three services offered by Mediation and Investigative Services: brief mediation (one session), extended mediation (two or more sessions), or a child custody investigation. The type of service received depends on the degree of intervention required to resolve parents' disputes over custody and visitation. If parents are unable to resolve their disputes in brief mediation, they may agree or the mediator may recommend to the court that they return for extended mediation. In cases in which concerns about child welfare are present, the mediator may recommend a child custody investigation. The sample for this study was stratified on the basis of these three service types. The size of each stratum was determined by the percentage of clients who actually received each service type (i.e., 53% brief mediation, 37% extended mediation, and 10% child custody investigations).

²Section 26(j), California Standards of Judicial Administration.

Characteristics and Limitations of the Sample

Of the original 2,000 parents sampled, approximately 30% had addresses that were no longer valid. For those with addresses that were apparently valid, 557 responded for an overall response rate of 40 percent.

Respondents who received brief mediation were somewhat underrepresented and those who received extended mediation and child custody investigations were somewhat overrepresented. Consequently, the results of the study may tend to represent characteristics of more difficult court-connected mediation cases.

Three hundred and six mothers (55.3%), and two hundred forty-seven fathers (44.7%), responded to the survey. One hundred and six parent responses were from matched mother and father pairs. The majority of parents were in three age groups: roughly the twenties (23%), thirties (53%), or forties (22%). Respondents were primarily White (84%) with some Hispanic (11%), Black (2%), Asian (1.5%), and other minority (2%) participation. Respondents were generally well educated, with over 80% of respondents having some college education. The gross annual income ranged from under \$9,999 to over \$60,000 per year. Parents generally were either currently divorced (51%) or remarried (38.5%) with an average of three to four people in their present household. These data suggest that males, minorities, and lower socioeconomic groups were underrepresented in this sample.

The proportion of respondents with primary physical custody (41.7%) of their children was not balanced by the proportion of parents with visitation arrangements (24.3%). We took this to mean that parents with visitation may also be underrepresented in the sample. A joint custody plan was reported by 12.6% of respondents. Unfortunately, a large percentage of respondents (21.4%) failed to specify their current parenting plan on the questionnaire.

Due to the nature of the study design, findings may have reflected qualities of the parents as well as effects of the court experience. Parents' ratings of children's adjustment, satisfaction with custody, and satisfaction with mediation are all measures of "satisfaction" and may reflect qualities (mood, personality, view of life) in the parents themselves. For example, hostile parents who are less able to cooperate in mediation (and therefore more likely to have a custody and visitation arrangement imposed on them) may also lack effective parenting skills, and may be more prone to view family adaptation to the divorce in a negative light. This was viewed as an important issue for future research.

The consequences of the above sampling outcomes and recommendation for correcting these difficulties in future replication efforts are presented in detail in the final research report. The preceding limitations should be kept in mind when interpreting the findings and conclusions of this study. Any generalization of

findings may need to be limited to the population of clientele whose characteristics match those of the sample.

MAJOR FINDINGS AND IMPLICATIONS

Evaluation of Services

Survey respondents were asked to rate the overall quality of the type of service they received (brief mediation, extended mediation, or child custody investigation) and the helpfulness of the service received in resolving issues. Clients in brief mediation tended to be more satisfied with the quality and helpfulness of the mediation they received than those in extended mediation, who, in turn, tended to be more satisfied than those in child custody investigations. The results indicate that clients are most satisfied with the quality and helpfulness of mediation when they reach an agreement about parenting arrangements in mediation. When parents do not reach an agreement in mediation, they are still generally satisfied with the quality of services. However, clients become increasingly more dissatisfied with the helpfulness of service as their case becomes more involved in the adversarial court process.

The results suggest that mediated agreements are more likely to be achieved when cases can be resolved fairly quickly. Cases that cannot be resolved in a single session have a greater tendency to be resolved after mediation or in court.

There was no significant difference in the frequency and the types of parenting arrangements developed as a result of a mediated agreement, settlement after mediation, court order after a short hearing (two hours or less), or court order after an extended hearing (more than two hours). Joint custody was not a significantly more frequent outcome of mediation than settlements after mediation. Although not statistically significant, joint custody was less frequently imposed by the court.

Parent Perceptions of Child Adjustment

The survey included two measures of child adjustment. The first, developed by Peterson and Zill, was a measure of problem behaviors.³ The second, compiled by Greenberger, measured positive behaviors.⁴

³Peterson, J.L., and Zill, N., "Marital Disruption, Parent-Child Relationships and Behavior Problems in Children," *Journal of Marriage and the Family*, 1986, 48, pp. 295-307.

It was hypothesized in this study that client satisfaction with parenting arrangements would be related to parent perceptions of child adjustment. Significant differences in child adjustment ratings, in both problem and positive behavior areas, were found among parents experiencing different custody arrangements. Respondents who were satisfied with their custody and visitation arrangement thought their children had fewer problem behaviors and more positive behaviors, whereas those who were dissatisfied with their arrangement thought their children had more problem behaviors and fewer positive behaviors. Those parents reporting they were very satisfied with the amount of time they spent with their children thought that the children had fewer problems and more positive behaviors, whereas those wishing their child spent less time with the other parent thought the children had more problems and fewer positive behaviors. Overall satisfaction ratings were generally found to be inversely related to problem behavior ratings and directly related to positive behavior ratings.

The level of conflict experienced by parents during the survey period was also expected by the investigators to be related to parental ratings of child adjustment. Respondents were asked to rate, on a scale of one to ten, the level of conflict they experienced at the time of mediation and at the time the survey was completed. On average, the level of conflict was higher at the time of mediation than at the time of the survey, but remained in the moderate to high range for most respondents. Conflict was observed to have a significant, but low, correlation to problem behaviors and a negative correlation to positive behaviors.

The Importance of Self-Determined Solutions

The survey results indicate that clients are generally more satisfied with parenting arrangements they determine on their own in mediation, and that they are generally more dissatisfied with court-imposed parenting plans. This observation appears to support one of the key assumptions of the California legislation passed in 1980, requiring disputing parents to attempt to mediate parenting issues amicably prior to initiating litigation. Inherent in the assumption is the point of view that parents will be more satisfied with the results of mediation than litigation; that parents will determine better parenting plans on their own because of their knowledge and commitment to their children; and that reducing acrimony between parents through mediation is in the best interest of children.

The survey findings also show that self-determined solutions are associated with other positive outcomes. Namely, parents who were satisfied with their parenting plan thought their children were more well-adjusted (having more positive

⁴Greenberger, E., "New Measures for Research on Work, Parenting, and the Socialization of Children," Program in Social Ecology, University of California, Irvine, CA, 1988.

behaviors and fewer problem behaviors). These parents were also more satisfied with the quality and helpfulness of mediation.

While the benefits of self-determined parenting arrangements may seem to be self-evident, failure to provide a context in which they can develop has a high cost. Two of the most important costs paid when self-determination is not an outcome are described in succeeding sections.

“Winner” versus “Loser” Mentality

When the process that leads to a self-determined parenting arrangement breaks down, one of the costs is that clients appear to develop an adversarial “winner” versus “loser” mentality about themselves that carries into future transactions. The idea of winning or losing originates in the way conflict is resolved, i.e., whether solutions are self-determined or imposed from outside, either directly by the court, or indirectly by pressure exerted by family, attorneys, significant others, or even the desire for a quick resolution instead of a prolonged, extended mediation. Cases whose solutions were imposed from outside represented a large (nearly 60%) proportion of the sample. When satisfaction with the arrangement was examined by how the arrangement was developed, we learned that these categories by and large represented the dissatisfied faction of the clientele served, many of whom may see themselves as the “losers.”

Another way to glimpse the dissatisfied faction is by looking at satisfaction levels by parenting arrangement types. Through these analyses we learned that only primary custody was associated with satisfaction among mothers, while either primary or joint custody was associated with satisfaction among fathers. For both mothers and fathers, visitation was associated with dissatisfaction. In short, dissatisfied clients tend to have their arrangements imposed outside mediation and tend to have arrangements that they perceive to be less desirable.

Court-Imposed Parenting Arrangements

A second cost associated with a breakdown in self-determined outcomes is the court-imposed arrangement. This is a particularly acute problem when the arrangement imposed is joint custody or a “split custody” decision. The 1987 Senate Task Force on Family Equity called for more investigations on the effects of court-imposed versus mediation-influenced joint custody arrangements.⁵ The survey findings speak to this issue. They indicate that satisfaction with joint custody was significantly higher when it was mediation-influenced than when it was court-imposed. From this result we draw the conclusion that court-imposed

⁵Senate Task Force on Family Equity, “Final Report,” *Senate Office of Research*, Sacramento, June 1987.

joint custody tends to stimulate the adversarial “winner” versus “loser” framework and increases the likelihood for parental conflict in the future.

Enhanced Self-Determination Through Education

Clients reported that it was most helpful for the mediator to provide: 1. Information about the children’s developmental needs; 2. Descriptions of various parenting plans for children; and 3. An explanation of legal and physical custody. The emergent picture of the effective mediator became one who adopts the stance of information provider.

At least from the perspective of client satisfaction, mediation would appear to be a time to de-emphasize the power and authority of the legal system, focusing instead on parental self-determination (i.e., the power and responsibility of parents to determine their children’s and their own future life course, based on good information from a non-controlling mediator). However, this picture might not hold in cases involving a high degree of parental irresponsibility or hostility.

Although the survey did not tap them in depth, the experience of mediators has shown that a number of other educational interventions have also been beneficial: educating parents by reframing and normalizing their fears and anxieties; answering their questions about the court process that may involve their children; teaching communication, problem solving, and negotiation skills; and creating an atmosphere in which all parties may learn from others’ experience. Many of these sentiments were apparent in responses to open-ended survey questions or in comments written elsewhere on the survey. In view of parents’ expressed desire for more information, the findings support the current trend to provide additional education through brochures, video presentations, handouts, and parenting groups/seminars.

CONCLUSION

As one of the initial attempts of a court-connected mediation and investigative service program to conduct follow-up research with clients, it is hoped that this study will stimulate interest and insight into the consumer’s perspective, as well as contribute methods and procedures for future replication efforts aimed at completing the feedback loop between the mediator/investigator, the court, and the client. The results of this study indicate that the dynamics of client satisfaction have important implications for our understanding of the impact of custody and mediation on children and families. Consumer perceptions of the process and the outcome of mediation appear to be significantly related to their subsequent perceptions of their parenting arrangements and their children’s adjustment.

The mediator's challenge in offering the opportunity for parents to explore, develop, and integrate their perceptions of their parenting issues is to facilitate a process that results in mutual satisfaction and optimism for the future of the restructuring family.

**Judicial Council of California
Administrative Office of the Courts
Center for Families, Children & the Courts**

The preparation of these materials was financially assisted through a grant from the
Judicial Council of California.

The opinions, findings, and conclusions in the report are those of the author and not necessarily those of the Judicial Council.