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Demographic Trends of Clients in Court-Based Child Custody Mediation

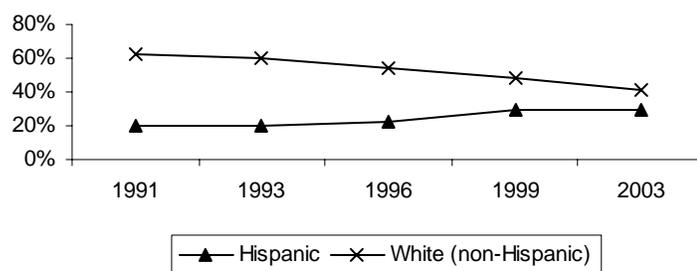
Since 1991, California’s Administrative Office of the Courts (AOC) has been collecting detailed information on court-based child custody mediation through the Statewide Uniform Statistical Reporting System (SUSRS).¹ Parents in custody mediation were surveyed in five separate waves between 1991 and 2003, which provides the opportunity to observe whether there are any changes in their demographics and to compare them to the demographics of the state. It is important to track the degree and direction of changes in the population over time to gain greater insight into the diverse needs of the parents in mediation and to assist the courts in planning and preparing programs and services.

In most ways, parents in court-based child custody mediation are very similar to people in the general population of California, and in particular similar to Californians between the ages of 18 and 49 (over 90 percent of the parents in custody mediation are 18 to 49 years old). The race and ethnicity, educational attainment, income, and employment status of parents in custody mediation essentially mirror that of all adults between the ages of 18 and 49. The major shifts in the state’s proportion of persons in racial and ethnic categories between the 1990 and 2000 censuses² have also taken place among the clients of custody mediation. Income, employment, and educational attainment did not change greatly for either the clients of custody mediation or the general population over the same period. The proportion of parents in custody mediation who were never married to one another was lower than the proportion of never-married parents in the general population at the beginning of the 1990s but increased steadily over the decade until it was essentially the same as in the general population by 2003. Lastly, the proportion of parents without an attorney has grown rapidly over the past 12 years.

Race and Ethnicity

The racial and ethnic distribution of parents in custody mediation changed dramatically between 1991 and 2003. In 1991, 62 percent of the parents identified themselves as white non-Hispanic—three times as many persons as were in the next largest group, the 20 percent who identified

Figure 1. White Non-Hispanics and Hispanics in Child Custody Mediation



¹For background information on the SUSRS, see box on page. 2.

² U.S.Census Bureau, Census 2000.

themselves as Hispanic. However, by 2003, only 41 percent of all parents identified themselves as white non-Hispanic, while the proportion of Hispanic parents rose to 30 percent (see Figure 1 on page1). This trend followed that of the state as a whole. Between the 1990 and 2000 censuses,³ among 18- to 49-year-olds, the proportion of white non-Hispanics dropped from 56 percent to 44 percent and the proportion of Hispanics rose from 26 percent to 34 percent.

The proportions of African Americans, Asian and Pacific Islanders, and Native Americans remained fairly stable in the custody mediation population over the 12-year period. Asian and Pacific Islanders have remained consistently under-represented in the custody mediation population, and Native Americans possibly overrepresented. (Twelve percent of the state's population aged 18 to 49 is Asian or Pacific Islander, compared to 4 percent of the custody mediation population in both 1999 and 2003. Less than 1 percent of the state's population aged 18 to 49 is Native American, compared to 2 percent of the custody mediation population in 1999 and 3 percent in 2003.)

For more information, see Appendix A.

Language

The proportion of Californians who speak a language other than English, or may not speak English proficiently, also changed between the 1990 and 2000 censuses.⁴ In 1990, in the general population of adults aged 18 to 49, 33 percent spoke a language other than English at home and 10 percent spoke no English or did not speak English well. In 2000, 43 percent of the adults spoke a language other than English at home, and 12 percent spoke no English or did not speak English well.

Questions on language usage were asked for the first time in the 2003 survey of parents involved in custody mediation. The proportion of adults without English language proficiency is lower in the custody mediation population than in the general population.

California Statistics on Court-Based Child Custody Mediation

Since 1991, California's Administrative Office of the Courts has been collecting detailed information from both parents and mediators involved in court-based child custody mediation through the Statewide Uniform Statistical Reporting System. The SUSRS has reported on the demographics, parenting concerns, domestic violence histories, attorney representation, and other characteristics of parents in court-based child-custody mediation. It has also reported on the court's mediation process, including orders sought, issues raised during mediation sessions, and agreements reached. The SUSRS consists of a network of discrete but interlocking studies containing representative data from over 19,500 child custody cases. Data were collected in 1991, 1993, 1996, 1999, and 2003. This report describes the trends in demographics of child custody mediation clients since the studies' inception. For more information on the SUSRS, see www.courtinfo.ca.gov/programs/cfcc/programs/description/susrs.htm

³ *Id.*

⁴ *Id.*

Seventeen percent of the parents reported being comfortable in a language other than English, and about 1 in 10 parents were comfortable in only a language other than English. Of parents speaking a language other than English, 85 percent spoke Spanish. The most common languages that the parents reported speaking, other than English and Spanish, were Tagalog, Vietnamese, American Sign Language, Cantonese, and Mandarin. Combined, these languages accounted for less than 2 percent of the total responses.

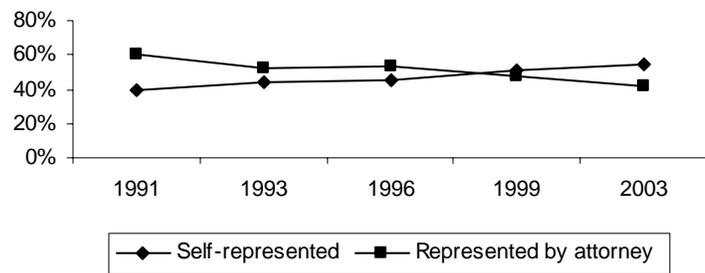
The 1997 final report of the Judicial Council’s Advisory Committee on Racial and Ethnic Bias in the Courts reports several reasons why parents who speak another language may be underrepresented in the population of court users in general, including the lack of available instructional materials and forms in multiple languages, limited signage in foreign languages in the courthouses, and an insufficient number of court staff who have multiple language skills that would enable them to assist non-English speakers in coping with the judicial system. Moreover, the 2003 survey of parents in mediation was offered in English and Spanish only, which prohibited parents who speak other languages from reporting their English language proficiency and other language needs.

For more information see Appendix B.

Legal Representation

After changes in the race and ethnicity of parents in custody mediation, the largest change was in those parents who did not have an attorney. In 1991, 40 percent of the parents were self-represented, so that in 52 percent of all families at least one parent was self-represented. The proportion of self-represented parents increased steadily over the decade to 2003, when 54 percent of the parents were self-represented and 69 percent of the families had at least one parent without legal representation (see Figure 2). Parents without legal representation rose across all income levels.

Figure 2. Self Represented Parents in Child Custody Mediation



The most dramatic growth in the proportion of self-represented parents in mediation occurred after 1996. The implementation of Assembly Bill 1058, signed by the Governor in September 1996, may have been a contributing factor. AB 1058 established the child support commissioner and family law facilitator systems in California. These systems provide an expedited process in the courts that is accessible and cost-effective to unrepresented families involved in child support cases.⁵

For more information, see Appendix C.

⁵ See Judicial Council of California, Administrative Office of the Courts, *California’s Child Support Commissioner System: An Evaluation of the First Two Years of the Program* (May 2000).

Marital Status

The proportion of mediation clients who were never married to one another has more than doubled since 1991. In 2003, one-third of the parents participating in child custody mediation had never been married to one another. This appears to be consistent with data on California from the National Vital Statistics Reports, which reports that 33 percent of all births in California in 2002 were to unmarried mothers.⁶ The statewide proportion of births to unmarried mothers changed hardly at all between 1990 and 2002, unlike the proportion found in the custody mediation data. It is likely that couples who had never been married were underrepresented in custody mediation in the earlier part of the decade. The implementation of AB 1058, which increased the number of unmarried parents paying child support, may have increased the proportion of never-married parents in mediation between 1996 and 2003.

Although one-third of the parents in custody mediation in 2003 were never married to one another, the majority of the parents lived together at one time. Only 9 percent of the parents said that they had never lived in the same household.

For more information, see Appendix D.

Age

The median age of the parents in custody mediation rose between 1993 and 2003, from 33.3 to 34.0. Almost no parents are 18 and under. About 10 percent of the parents are under the age of 25 and about one-half of the parents are under the age of 35. These proportions remained relatively stable over the 12 years.

Almost one-fourth of the clients in 2003 were between the ages of 40 and 49. While this group showed almost no change during the 1990s, the proportion of 40- to 49-year-olds increased from 19 to 24 percent between 1999 and 2003. The most dramatic increase in the age group 40 years and over was seen among African-American parents. Six percent of African-American parents were between 40 and 49 in 1991, and 34 percent were in that age group in 2003.

For more information, see Appendix E.

Employment, Education, and Income

There are no major changes in employment status, educational attainment, or income level over the five waves of surveys. In 2003, almost one-quarter of the mediation clients were not employed, 13 percent lacked a high-school diploma, and the majority of the parents had monthly incomes of less than \$2,000.

Education

Educational attainment is one of the most stable indicators over time in the study. The only major change between 1991 and 2003 was the downward shift in the proportion of parents with a bachelor's degree from 20 percent to 15 percent and an upward shift in the

⁶ J. A. Martin et al., *National Vital Statistics Reports: Births: Final Data for 2002*. (2003) vol. 52, no. 10 (Hyattsville, Maryland: National Center for Health Statistics).

proportion of parents reporting some college education from 36 percent in 1991 to 43 percent in 2003. The educational attainment of parents in custody mediation was generally comparable to those persons aged 18 to 49 in the general population. However, parents in custody mediation are more likely to have a high-school education and are less likely to have a college degree than in the general population of 18- to 49-year olds.

Income

The individual monthly income of parents in custody mediation was also very stable over time. Thirty-six percent of the parents in 1991 and 29 percent of the parents in 2003 had a personal monthly income of less than \$1,000 per month. It is important to note that the income figures have not been adjusted for rises in inflation and welfare benefits since 1991. While custody mediation data on income does not tie directly to the federal poverty index, the census⁷ shows that the 38 percent of individuals between the ages of 18 and 49 with a personal income of less than \$1,000 per month were in poverty in 2000.

The proportion of parents in the lowest income groups is much higher for mothers than for fathers (see Figure 3). Thirty-seven percent of the mothers compared to 22 percent of the fathers have a personal monthly income of less than \$1,000. Conversely, 37 percent of the fathers are in the \$2,000 or more monthly income range compared to only 25 percent of the mothers.

For more information, see appendixes F, G, and H.

Children

Families in mediation are more likely to have younger children than families within California's 18- to 49-year-old population⁸. As Figure 4 illustrates, there is a higher proportion of children under twelve years old in mediating families than in the general population (82 percent compared to 70 percent). Furthermore, 30 percent of the

Figure 3. Income by Parental Role (2003)

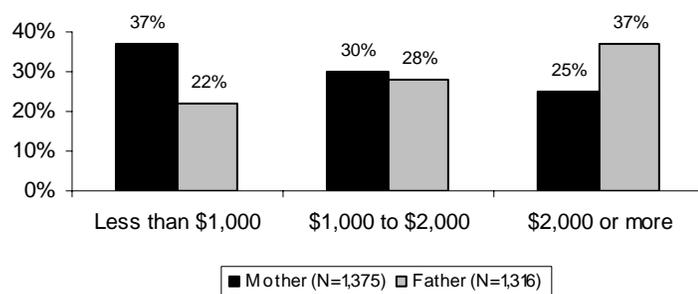
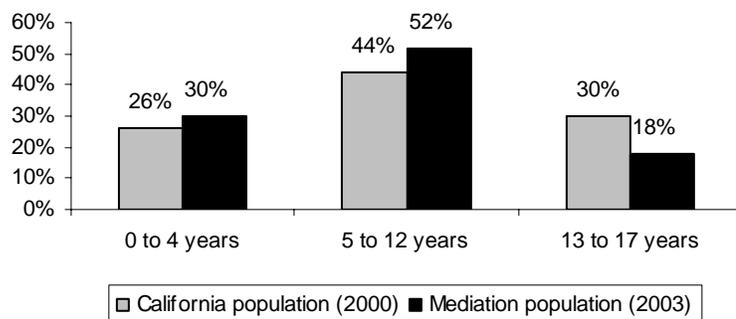


Figure 4. Age of Children



⁷ See *supra* note 2.

⁸ *Id.*

families in mediation have at least one child under the age of five. Most families (83 percent) in mediation have one or two children (54 percent and 29 percent, respectively). Over time, these percentages have been relatively stable.

For more information, see Appendix I.

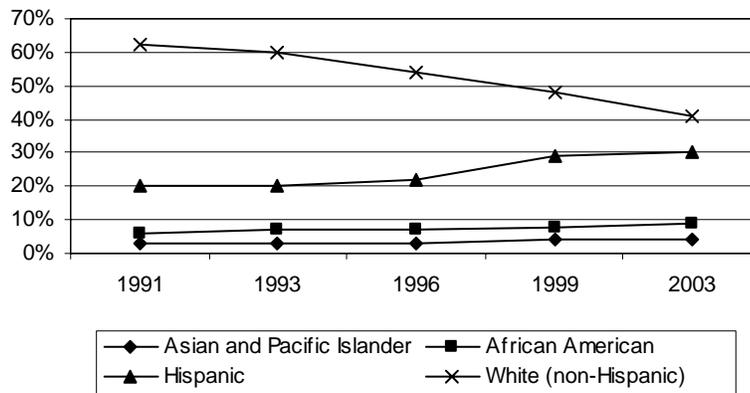
Directions for Future Research

The data shows that, in many ways, the clients in court-based mediation are a rapidly changing population. Mediation programs should be prepared to serve a client population that is more likely to be nonwhite, self-represented, and from various cultural backgrounds. Major shifts in the race and ethnicity of clients over time can be largely attributed to the increasing ethnic diversity in the general population of California. Future research should explore the degree to which new court programs and changes in court protocols and processes have contributed to some of the population changes described in this report. Since the beginning of the study, many new initiatives have increased court access for various groups that previously encountered barriers to entry. It is important to examine the effect this increased access has on mediation programs as they expand and improve their services to address the diverse needs of the families of the future.

Appendix A

Race and Ethnicity of Parents (1991–2003)¹

	<i>Year</i>				
	1991	1993	1996	1999	2003
Native American	3%	2%	2%	2%	3%
Asian and Pacific Islander	3%	3%	3%	4%	4%
African American	6%	7%	7%	8%	9%
Hispanic	20%	20%	22%	29%	30%
White (non-Hispanic)	62%	60%	54%	48%	41%
Other	0%	0%	2%	1%	3%
More than one ethnicity	3%	3%	-	3%	4%
Missing	4%	6%	9%	5%	7%
Total	100%	100%	100%	100%	100%
<i>Total (individuals)</i>	<i>N=3,880</i>	<i>N=4,260</i>	<i>N=4,383</i>	<i>N=4,518</i>	<i>N=2,691</i>



¹ Respondents were asked to check all the race and ethnicity categories that applied to them. Those respondents who checked more than one category were coded to the “more than one ethnicity” category. Those respondents who did not check any category were coded to missing.

Appendix B

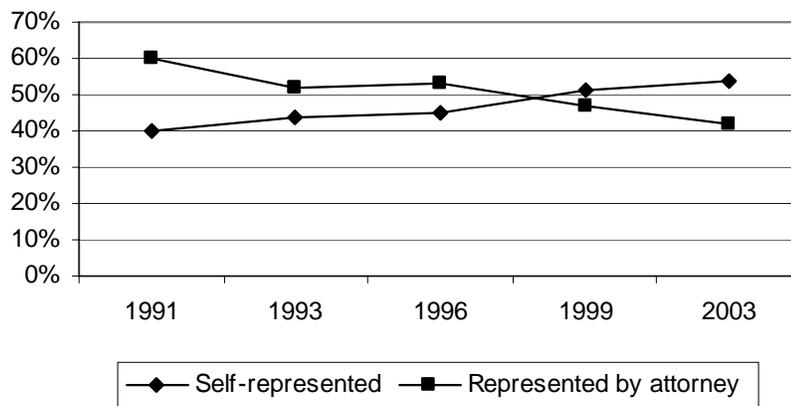
Comfortable in Language or Languages (2003)

	2003
English only	83%
Spanish only	8%
English and Spanish	6%
English and other non-Spanish language	2%
Other non-Spanish language only	1%
Missing	0%
Total	100%
<i>Total (individuals)</i>	<i>N=2,691</i>

Appendix C

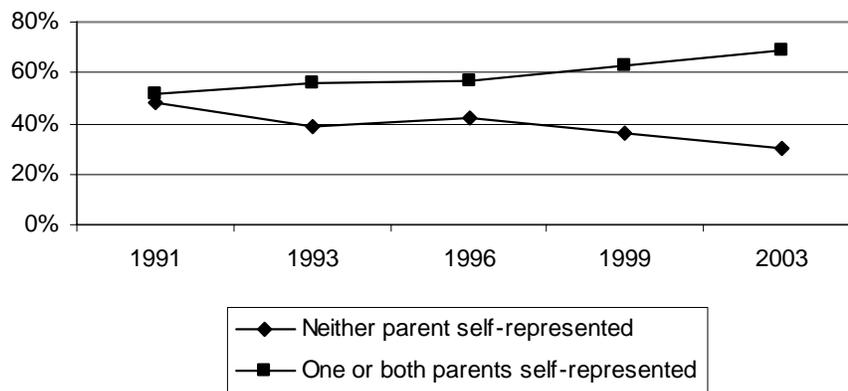
Legal Representation by Individual (1991–2003)

	<i>Year</i>				
	1991	1993	1996	1999	2003
Self-represented	40%	44%	45%	51%	54%
Represented by attorney	60%	52%	53%	47%	42%
Missing	1%	5%	2%	2%	4%
Total	100%	100%	100%	100%	100%
<i>Total (individuals)</i>	<i>N=3,880</i>	<i>N=4,260</i>	<i>N=4,383</i>	<i>N=4,518</i>	<i>N=2,691</i>



Legal Representation by Family (1991–2003)

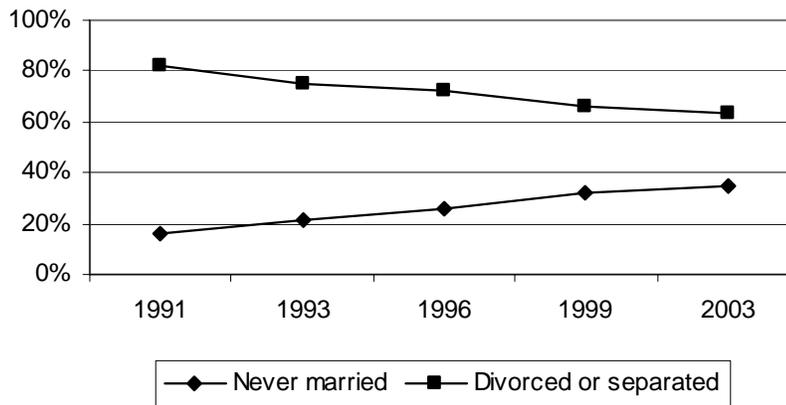
	Year				
	1991	1993	1996	1999	2003
Neither parent self-represented	48%	39%	42%	36%	30%
One or both parents self-represented	52%	56%	57%	63%	69%
Missing	1%	4%	1%	1%	1%
Total	100%	100%	100%	100%	100%
<i>Total (families)</i>	<i>N=2,046</i>	<i>N=2,259</i>	<i>N=2,405</i>	<i>N=2,500</i>	<i>N=1,509</i>



Appendix D

Legal Relationship of Parents (1991–2003)

	Year				
	1991	1993	1996	1999	2003
Never married	16%	21%	26%	32%	35%
Divorced or separated	82%	75%	72%	66%	63%
Missing	3%	4%	2%	2%	2%
Total	100%	100%	100%	100%	100%
<i>Total (families)</i>	<i>N=2,046</i>	<i>N=2,259</i>	<i>N=2,405</i>	<i>N=2,500</i>	<i>N=1,509</i>



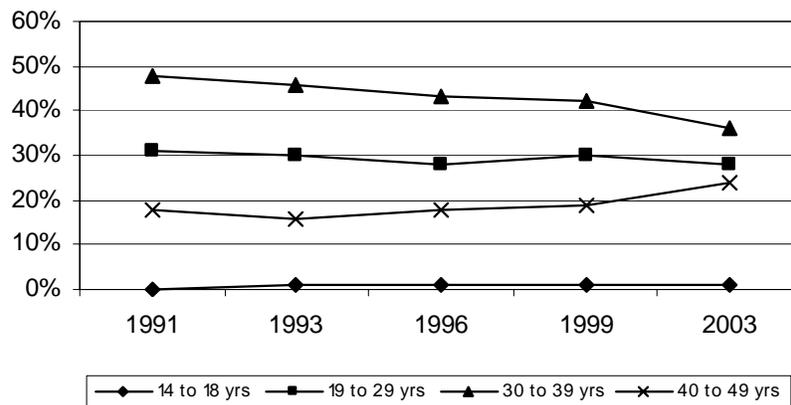
Cohabiting Relationship of Parents (2003)

	2003
No longer live together	86%
Never lived together	9%
Still living together	3%
Missing	2%
<i>Total (families)</i>	<i>N=1,509</i>

Appendix E

Age of Parents (1991–2003)¹

	<i>Year</i>				
	1991 ¹	1993	1996	1999	2003
14 to 18 years	0%	1%	1%	1%	1%
19 to 24 years	10%	11%	10%	12%	11%
25 to 29 years	21%	19%	18%	18%	17%
30 to 34 years	20%	25%	21%	21%	20%
35 to 39 years	28%	21%	22%	21%	16%
40 to 44 years	13%	11%	13%	13%	16%
45 to 49 years	5%	5%	5%	6%	8%
50 years and older	1%	1%	1%	2%	3%
Missing	2%	6%	8%	6%	6%
Total	100%	100%	100%	100%	100%
Median age	-	33.3	34.1	34.2	34.0
Total (individuals)	<i>N</i> =3,880	<i>N</i> =4,260	<i>N</i> =4,383	<i>N</i> =4,518	<i>N</i> =2,691



¹ Median age cannot be calculated for 1991 because respondents were asked their age by a range of years.

Appendix F

Employment Status of Parents (1991–2003)

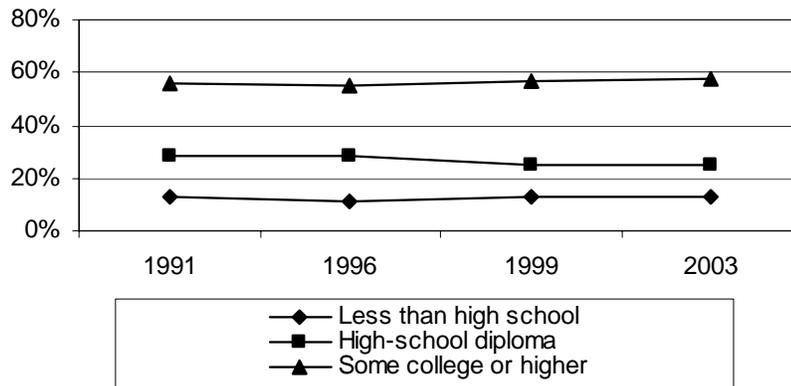
	Year				
	1991	1993	1996	1999	2003
Not currently employed	27%	28%	23%	20%	23%
Currently employed	73%	63%	70%	76%	72%
Missing	1%	8%	6%	4%	5%
Total	100%	100%	100%	100%	100%
<i>Total (individuals)</i>	<i>N=3,880</i>	<i>N=4,260</i>	<i>N=4,383</i>	<i>N=4,518</i>	<i>N=2,691</i>



Appendix G

Level of Education Completed (1991–2003)¹

	Year				
	1991	1993 ¹	1996	1999	2003
Less than high school	13%	-	11%	13%	13%
High-school diploma	28%	-	28%	25%	25%
Some college	36%	-	40%	44%	43%
Bachelor's degree or higher	20%	-	15%	13%	15%
Missing	2%	-	6%	5%	5%
Total	100%	100%	100%	100%	100%
Total (individuals)	N=3,880	N=4,260	N=4,383	N=4,518	N=2,691

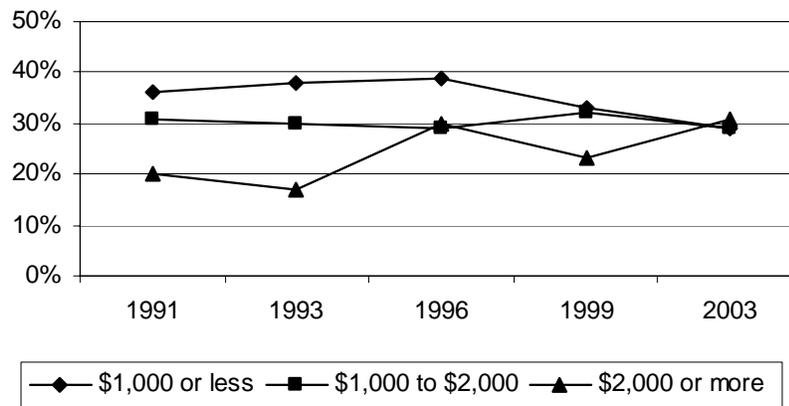


¹ Education data is not available for 1993.

Appendix H

Personal Monthly Income (1991–2003)¹

	Year				
	1991	1993	1996	1999	2003
None	13%	15%	15%	10%	7%
Less than \$500	6%	6%	7%	6%	6%
\$500 to \$1,000	17%	17%	17%	17%	16%
\$1,001 to \$2,000	31%	30%	29%	32%	29%
\$2,001 to \$3,000	13%	11%	11%	13%	14%
\$3,001 or more	7%	6%	9%	10%	17%
Missing	13%	14%	12%	11%	10%
Total	100%	100%	100%	100%	100%
Total (individuals)	<i>N</i> =3,880	<i>N</i> =4,260	<i>N</i> =4,383	<i>N</i> =4,518	<i>N</i> =2,691

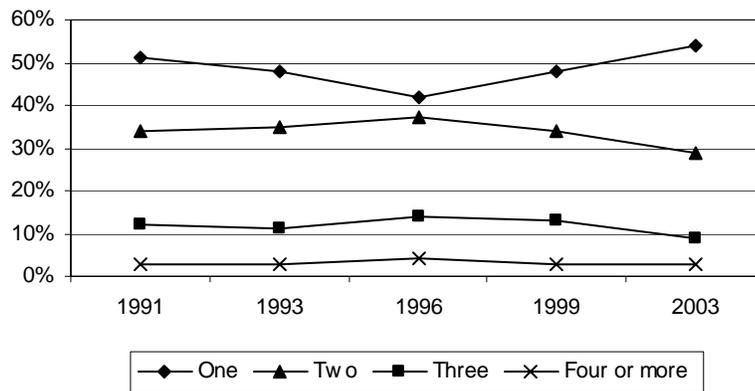


¹In 2003, income reflects personal income after taxes from all sources, including child support and government benefits. It does not reflect household income. In 1991, 1993, 1996, and 1999, income reflects personal monthly income after taxes from all sources except Temporary Assistance for Needy Families (TANF) and child support.

Appendix I

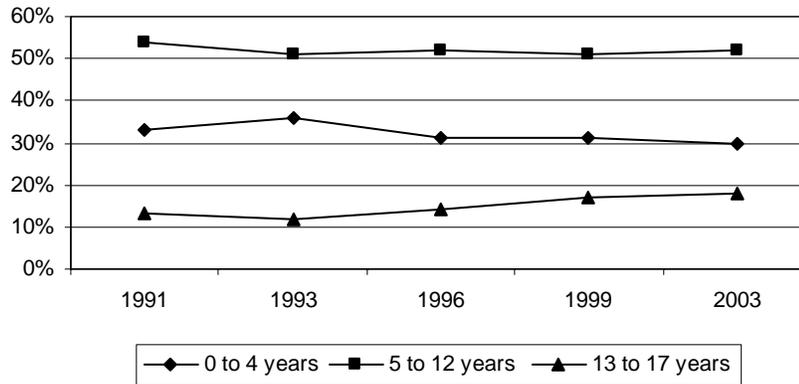
Number of Children With Other Parent (1991–2003)

	Year				
	1991	1993	1996	1999	2003
One	51%	48%	42%	48%	54%
Two	34%	35%	37%	34%	29%
Three	12%	11%	14%	13%	9%
Four or more	3%	3%	4%	3%	3%
Missing	0%	4%	3%	2%	5%
Total	100%	100%	100%	100%	100%
<i>Total (families)</i>	<i>N=2,046</i>	<i>N=2,259</i>	<i>N=2,405</i>	<i>N=2,500</i>	<i>N=1,509</i>



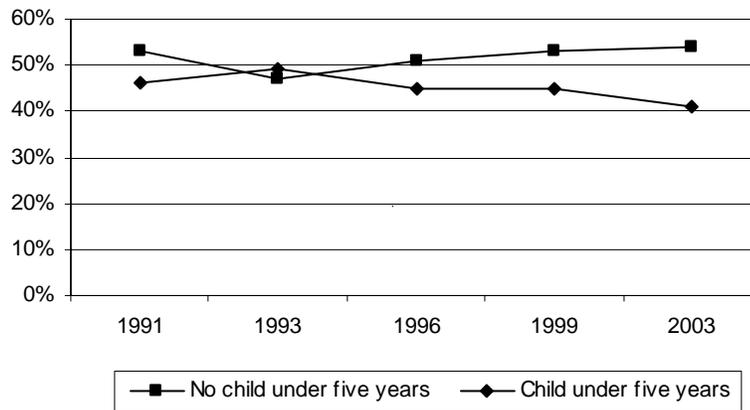
Age of Children in Family (1991–2003)

	Year				
	1991	1993	1996	1999	2003
0 to 4 years	33%	36%	31%	31%	30%
5 to 12 years	54%	51%	52%	51%	52%
13 to 17 years	13%	12%	14%	17%	18%
Total	0%	1%	3%	2%	100%
<i>Total (children)</i>	<i>N=3,416</i>	<i>N=3,636</i>	<i>N=4,176</i>	<i>N=4,192</i>	<i>N=2,294</i>



Family With Child Under Five Years Old (1991–2003)

	Year				
	1991	1993	1996	1999	2003
No child under five years old	53%	47%	51%	53%	54%
Child under five years old	46%	49%	45%	45%	41%
Missing	0%	4%	3%	2%	5%
Total	100%	100%	100%	100%	100%
<i>Total (families)</i>	<i>N=2,046</i>	<i>N=2,259</i>	<i>N=2,405</i>	<i>N=2,500</i>	<i>N=1,509</i>



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