

Report 1 - Overview

California Family court Services Mediation 1991

Families, Cases, and Client Feedback¹

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Table Of Contents

INTRODUCTION	1
METHODS	2
RESULTS AND DISCUSSION	3
Services Provided	3
Mediation Client Profile	4
Age of Children	5
Age of Parents	6
Employment and Income	6
Education	6
Ethnic Identity	7
Multiple Problems and Confronting Families	8
Constructing a Measure of Issues Raised in Mediation	9
Mediator Descriptions of Sessions	10
Topics Addressed in Mediation	10
Mediator Ratings of Sessions	11
Next Steps	13
Parent Viewpoints of Mediation	14
Ratings of Mediation Sessions	15
Ratings of Mediation Agreements	16
Overall Ratings of Mediation	17
Feedback From Women and Men	18
CONCLUSIONS AND DIRECTIONS FOR SERVICE DEVELOPMENT	19
Conclusions	19
Future Directions	19
Future Reports	20
REFERENCES	21

INTRODUCTION

Skyrocketing rates of divorce and births to unmarried parents have produced unprecedented numbers of mothers and fathers who face the challenge of parenting apart. Legal responses to this upheaval in family demographics have included new options for custody and parenting plans as well as innovative forums for resolving disputes about them. Research is only beginning to offer a glimpse of the consequences of such rapid and pervasive changes. This paper reports statistics drawn from a representative statewide sample about mandatory court-connected mediation a method used by many parents in California to devise parenting plans for their children.

California is currently experiencing an increased demand for court-based mediations that cannot be explained by growth in population alone. The number of court-based mediations increased from an estimated 49,500 in 1988 to an estimated 65,500 in 1991 (Ricci et al., 1992).

Although mandatory mediation of custody and visitation disputes is now entering its second decade in California, there is a paucity of rigorous research on questions commonly asked by policy makers, judges, lawyers, mediators, researchers, special interest groups, and parents who use the family court system. With few exceptions, expert opinion and anecdotal reports have been the predominant sources of information about the court mediation process. Early research efforts identified important issues and concerns. However, because these samples were either small or limited in scope,⁵ previous studies could not take the next step—establishing the prevalence of such issues across the state as a whole. In other words, statewide statistics about mediation clients, processes, and outcomes require formal sampling methods designed to ensure that no particular type of program or client is excluded from the investigation. The snapshot study's sampling methods met these criteria and, as a result, the study offers what are to date the most representative and comprehensive data about court-based mediation in California. This study provides profiles of clients, their disputes, allegations, the counselors' impressions, the case outcomes, and client's satisfaction with the service they receive.

⁵Valid statewide statistics about mediation clients, processes, and outcomes require a representative statewide sample in order to insure that no particular types of clients or programs are systematically excluded or under counted (thereby giving others undue weight). Among the basic requirements of any statewide representative sample are two fundamental criteria: (1) All eligible subjects across the state must have equal opportunity to be included in the research. Studies confined to a particular mediation program or practice do not meet this requirement because they exclude other mediation programs across the state. (2) A sizable proportion of all eligible subjects must be included. (The higher the proportion of eligible subjects included, the more confidence can be placed in findings. For example, because the snapshot study covered an unusually high proportion of eligible families, the results can be generalized statewide with confidence.)

Research that does not meet the two criteria listed above cannot claim to be representative. Some research claims representativeness if the sample demographics are similar to those of the population being studied. However, this approach cannot guarantee sound statistics. If the two key conditions noted above are violated, there is always a strong possibility that, although the subjects may look the same on demographic indicators, they are vastly different on social and behavioral characteristics (e.g., their level or style of conflict). These differences have profound impact on the issues being studied. Pioneering research in mediation studies was often based on specific programs or regions and response rates were frequently low (rarely exceeding 40 percent).

METHODS

The snapshot study was conducted by the Statewide Office of Family Court Services.⁶ The study design called for a collaborative research model (Weaver & Ammar, 1991) that involved consultation with those who provided court-connected mediation across the state. Primary responsibility for the scientific merit, administration, and analysis of the study rested with the Statewide Office, a statewide coordinating agency. Individual court mediation programs, which provide mediation services, participated in the identification of information needs and development of data collection methods that would ensure thorough sample coverage while protecting client confidentiality. This collaborative model contributed not only to high rates of participation and sample coverage but also to the ultimate utility of the research findings.

The snapshot study compiled information from 75 branch courts in 51 counties during a fixed period in June 1991. It covered 91 percent of all sessions conducted in the 51 participating counties. Factoring in sessions conducted in the 7 counties that did not participate, the study covered 83 percent of the total number of sessions conducted in the state as a whole. This level of coverage is high enough to ensure that the data represent a true cross section of the California parents in court-based mediation and can provide reliable statistics about all of California.

Information was gathered about 1,699 separate sessions conducted by court-based counselors during that period. Most courts participated in the study for two weeks. Ten superior courts had case volumes sufficiently high to yield sound statistics within a one-week period. Data for the one-week courts were weighted to permit extrapolation to the full two-week study period. The number of weighted sessions used in this analysis was 2,669.

Over 400 data elements were gathered from multiple sources at different stages of each court-based mediation session. Prior to the session, parents provided demographic backgrounds and recounted disputed issues by filling out a "Family Profile" survey. Following each session, the mediator completed a "Counselor Form," which provided information about session content and outcome. Also, at the conclusion of the session, mediation clients used a confidential "Parent Viewpoint" questionnaire to report impressions of their mediators, the mediation process, and its outcome.⁷ All forms were available in Spanish as well as English.

Despite the wealth of information provided by the study, there are limitations to the data. Disputes about custody and visitation extend over time and each case proceeds at a different rate. This project was dubbed the "snapshot study" because it focused on a brief time interval, depicting a cross section of families in all phases of mediation--those beginning the process, in the midst of

⁶Under California Civil Code sections 5180-5183, the California Statewide Office of Family Court Services is mandated to: (1) Provide statewide coordination to assist counties in implementing mandatory mediation and child custody laws; (2) administer a program of training of court personnel involved in family law proceedings; (3) administer a program of grants for research, study, and demonstration projects in the area of family law; (4) establish and implement a uniform statistical reporting system on custody disposition and other family law matters; and (5) conduct research on the effectiveness of current law for the purpose of shaping future public policy.

⁷Different proportions of eligible parties completed each form. The Family Profile completed by 92 percent of all eligible parents. The completion rate for Counselor Forms was 99 percent. Parent Viewpoint forms had the lowest rate of completion, at 72 percent. Equal proportions of mothers and fathers completed forms designed for parents. The Parent Viewpoint completion rate is well within acceptable levels for survey research and exceeds that obtained for comparable research in the general field of mediation. The Parent Viewpoint's lower completion rate could be attributed to a combination of factors., including administrative error, questions about whether the form was to be filled out if further mediation was planned, the press of time for clients who needed to return to court immediately after mediation, or simply a reluctance to fill out one last form. Elaborate measures were taken to ensure that responses to the Parent Viewpoint were confidential.

negotiating, and concluding with an agreement or impasse. A complete understanding of the mediation process and its outcomes will require following events for particular families over time.

The snapshot study is also confined to contact time in sessions that took place in the court-based mediation office (or the office of a contract mediator). It does not extend to the full range of the court-based mediation workload (e.g., preparation, contracts, home visits, report writing, testimony). The research is based on a court mediation sample. Therefore, the results should not be generalized to private mediation.

RESULTS AND DISCUSSION

This section presents the first descriptive results on the key issues addressed in the study. Using this basic information as a foundation, future reports will describe the results of analyses using more advanced applications of data reduction and statistical testing.

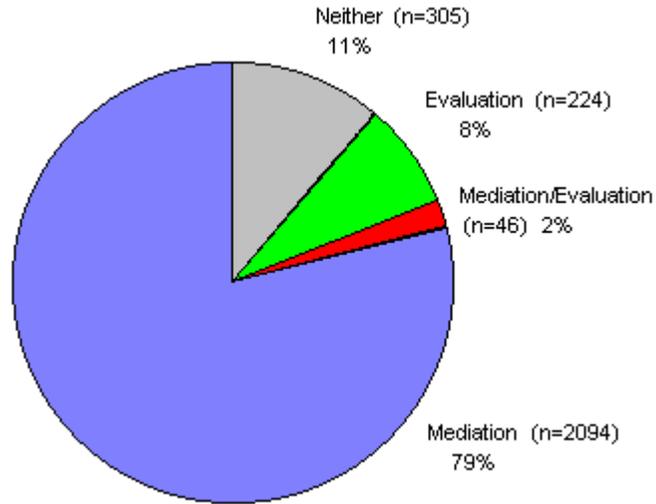
SERVICES PROVIDED

Although court-based mediation performs a variety of functions for California family courts (Ricci et al., 1992), mediation is the predominant service.⁸ As shown in figure 1, the vast majority of sessions (79 percent) were mediations. Another 2 percent were sessions in which mediation reached impasse and a custody evaluation was initiated. Evaluations made up 8 percent of the sessions. Eleven percent were neither mediations nor evaluations; these sessions were cases of guardianship, premarital counseling, step-parent adoption, paternity action, or counseling for other family matters. The remainder of this paper describes the 81 percent of sessions in which mediation services were provided.⁹

⁸Court-based mediation functions vary across superior courts in California. Services other than the mediation of custody and visitation issues are offered in some courts but not others. Child custody evaluations are conducted by court-based mediation agencies in some superior courts; but in others, evaluations are done by other public or private agencies. The numbers reported for evaluations include only those done by court-based mediation agencies.

⁹All percentages presented here are based only on actual responses to each question. Item non-response rates were low--on Family Profile and Counselor Form items, 4 percent or less, except Income (12 percent). The Parent Viewpoint item non-response rate was somewhat higher--7 items were 4 percent or less while 7 items ranged from 5 to 8 percent.

Figure 1
Services Provided in California Family Courts
Percent of all FCS Sessions



Data Source: 1991 Snapshot Study (weighted data) conducted by Statewide Office of Family Court Services, Administrative Office of the Courts, Judicial Council of California. Counties not reporting: Del Norte, Glenn, Nevada, Placer, San Benito, Sonoma, and Stanislaus.

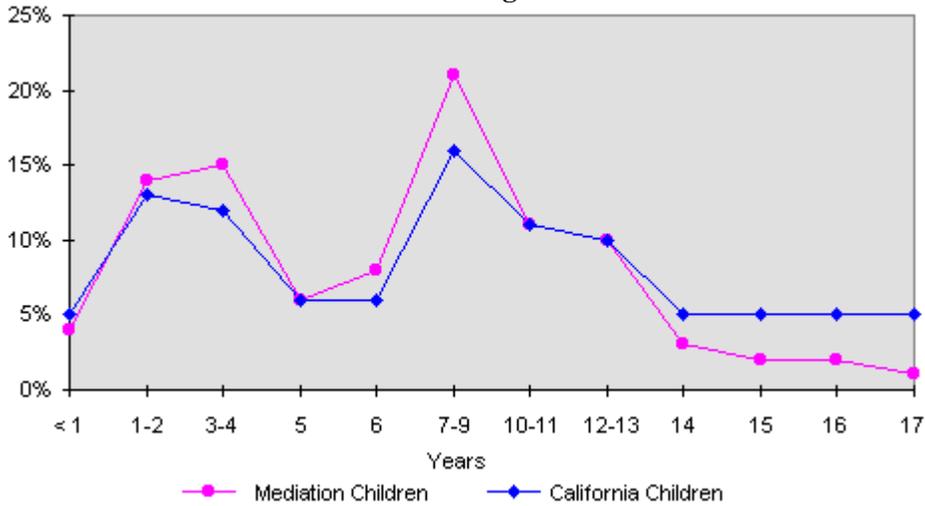
MEDIATION CLIENT PROFILE

Who are the families who come to court-based mediation? What are their circumstances? In what ways are mediation clients distinct from the general population of Californians?

Age of Children

There is a higher percentage of children ages one to nine in mediation families than in the general population. Figure 2 shows the proportions of children in each age group in the California population (the light curve, labeled “California Children”) and in court-based mediation families (the dark curve, labeled “Mediation Children”).

**Figure 2
Mediation Client Profile
Age of Children**



Data Source: 1991 Snapshot Study (weighted data) conducted by Statewide Office of Family Court Services, Administrative Office of the Courts, Judicial Council of California; 1990 Census. Counties not reporting: Del Norte, Glenn, Nevada, Placer, San Benito, Sonoma, and Stanislaus.

The concentration of younger children in the mediation group is a helpful clue in evaluating their long-term functioning. Nationally-representative statistics (Zill & Schoenborn, 1990), indicated, regardless of the marital status of parents, children are more likely to exhibit emotional and behavioral problems at the very age groups most commonly found in mediating families. By age nine, 63 percent of all emotional and behavioral problems were detected. The national median for emergence of emotional and behavioral problems was seven years of age--also the median age of children in California court mediation families.

These results alert mediators to the fact that adjustment problems are particularly common for all children in age ranges most characteristic of children in mediation families. Research has linked children's emotional and behavioral problems to marital disruption. But how different are their outcomes from those of other children during these peak years of problem incidence? No one can be sure; but our findings illustrate the crucial significance of comparing outcomes for children in mediation families with those for children in general in order to get an accurate picture of the aftermath of family reorganization.¹⁰

Age of Parents

The parents in mediating families were concentrated in younger age groups. Thirty-two percent of all parents in California court mediation were under the age of 30. Over half of all clients (53 percent) were under the age of 35. Only 6 percent were 45 years of age or older. In comparison, 28 percent of the California adult population was under the age of 30, 38 percent was under 35 years old, and 38 percent was over 45 years old.

¹⁰Another component of the snapshot study will be the addition of a matched sample of children whose parents do not use court-based mediation.

Employment and Income

Client reports of employment and income revealed that many had very limited financial resources. Twenty-seven percent of all clients (36 percent of the mothers and 17 percent of the fathers) reported that they were not currently employed. Employed mediation clients reported an average net monthly income of \$1,680. (The average net monthly income was \$1,330 for employed mothers and \$1,960 for employed fathers.) Thirteen percent of all employed mediation parents (20 percent of the mothers and 8 percent of the fathers) reported monthly incomes below 700 per month. A monthly income of \$740 is the poverty line for a family of two people (as defined for the continental United States, Federal Register, 1991).

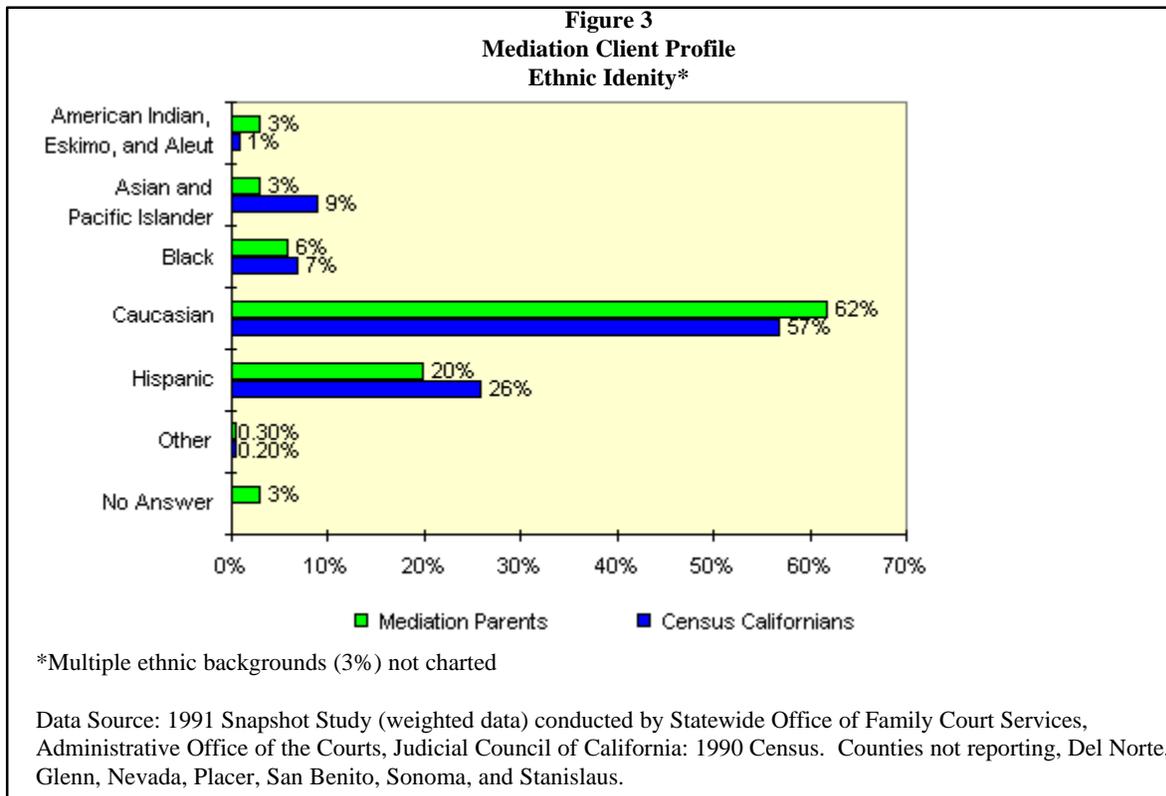
Combined the employment and income statistics for California court mediation clients, we found that more than half of the mothers were not employed or were employed workers earning wages blow the poverty line. This was true of one in four of all fathers seen in mediation.

Education

Most parents in mediation did not have a high level of formal education. Thirteen percent lacked a high school degree or its equivalent; another quarter had no degree higher than a high school degree. Although comparative statistics from the 1990 census are not available at this writing, the proportion of 1991 mediation clients with college degrees or postgraduate training (20 percent) was approximately half of that reported for Californians in the 1980 census (U.S. Department of Commerce).

Ethnic Identity

Parents seen in mediation were predominantly Caucasian (62 percent). Three percent identified themselves as American Indian, Eskimo, or Aleut; 3 percent as Asian or Pacific Islander; 6 percent of Black; and 20 percent as Hispanic. Three percent of the clients reported multiple ethnic backgrounds.



Patterns of utilization were not dramatically different across ethnic groups (figure 3). If we assume that each ethnic group's representation in mediation should correspond with its proportion in the population, we found slightly more use of mediation among American Indians, Eskimos, Aleuts and Caucasians. Mediation was used somewhat less by Asians, Pacific Islanders, Blacks, and Hispanics. Further statistical refinement is required to fully understand the meaning of these findings. Age distribution differs across ethnic groups, causing variations in the pool of potential clients. Birth rates and divorce rates affect the likelihood that mediation services will be required. For example, to the extent that any ethnic group has a lower probability of divorcing or a higher probability of having children, commensurate differences would be expected in rates of the use of mediation services. Forthcoming 1990 census data will permit these considerations to be incorporated into a refined analysis of ethnic variations in utilization.

Multiple Problems Confronting Families

In addition to disputes over child custody or visitation, parents in mediation often are concerned about serious family issues, such as child stealing, sexual or physical abuse of the child, child neglect, substance abuse, domestic violence, or criminal activities. Such concerns range from the possibility that a minor problem may arise to documented cases of severe abuse. The proportions of families concerned about these issues vary dramatically with the way the problems are defined and measured. However, regardless of the measurement approach, it is clear that these family issues come up frequently in mediation and that more families are concerned about multiple problems rather than just one.

Estimates of the number of families with serious issues vary widely, depending on the type of measure and the source of the information. Although policy researchers have given extensive and thoughtful attention to the matter, there is no consensus on the definition and measurement of such issues as child stealing, sexual or physical abuse of the child, child neglect, substance abuse, domestic violence, or criminal activities.

Even when a representative sample is used, very different statistics emerge, depending on the way the topic is defined and measured. For example, inclusive measurement approaches (e.g., involving intensive inquiry on a battery of questions, multiple sources, confidential reports) yield more affirmative responses. This means fewer false negatives (e.g., more victims are willing to come forward) but also more false positives (e.g., unfounded claims can be counted). At the other extreme, fewer affirmative responses are likely with exclusive measurement approaches (e.g., use of fewer measures, fewer sources, or requirements of consensus or corroborative evidence). An exclusive measurement approach would yield fewer false positives, but more false negatives. At this stage of measurement and research development, there is no definitive approach; so widely varying statistics are inevitable. This variability underscores the fact that there are no easy answers.¹¹

Rigorous research is now under way to identify the types of questions, sources of information, and interview situations that inflate or deflate the number of affirmative answers (Emery, 1989). *However, it is clear that no statistic taken alone is a good indicator of the prevalence of these family problems in our society.* A more accurate picture of the complexities of these issues is offered by comparing the perspectives of different parties on different issues.

¹¹The snapshot study asked a number of questions from different sources (i.e., mother, father, mediator) about the nature and severity of concerns about child abuse, family violence, and substance abuse. As previous research would predict, very different statistics can be generated, depending upon the question and source selected. Future analysis of the snapshot data will generate multiple statistics that permit comparisons of the perspectives of different sources and each person's pattern of answers across a series of different measures. Putting this information together will offer a better picture of the complexities of the issues that families bring to mediation.

Constructing a Measure of Issues Raised in Mediation

The measurement approach used to generate the data shown in figure 4 was designed to estimate the number of sessions in which mothers and/or fathers raised concerns about child stealing, sexual or physical abuse of the child, child neglect, substance abuse, domestic violence, or criminal activities. These concerns could range from anticipated problems to documented incidents. The measure used in figure 4 drew on reports from three different sources to determine whether each problem came up in session. A concern about a family problem was coded as “present” if the mother, father or counselor reported that it was an issue for discussion in the session that day. It is important to emphasize that this is a measure of either parent’s concerns, and does not require that the parties agree that a problem exists, or that allegations can be substantiated. In addition, the measure captures all concerns, whether they be very serious or relatively minor.

This inclusive measure was deemed a good starting point, since any account or allegation of this nature demands serious attention in family courts. Attention is required whether the concern is about potential or threatened abuse or whether the concern is shared by both parents; not just in situations in which there is established evidence of the problem. Mediation sessions may involve one or both parents raising allegations (and counter allegations) that may or may not be substantiated.

Figure 4 presents the roster of family issues and, for each, shows the proportion of sessions in which at least one parent raised each concern. The bar representing each issue is subdivided to indicate the proportion of families in which this was the sole issue and the proportion in which it was linked to other problems. (Because different combinations of multiple responses are possible, the total across all bars exceeds 100 percent.)

Concerns about serious issues of child abuse, family violence and substance abuse are frequently raised by mothers and/or fathers in mediation sessions; it is more common for two or more issues to be raised by parents (42 percent of all families) than for one issue to come up alone (24 percent of all families).

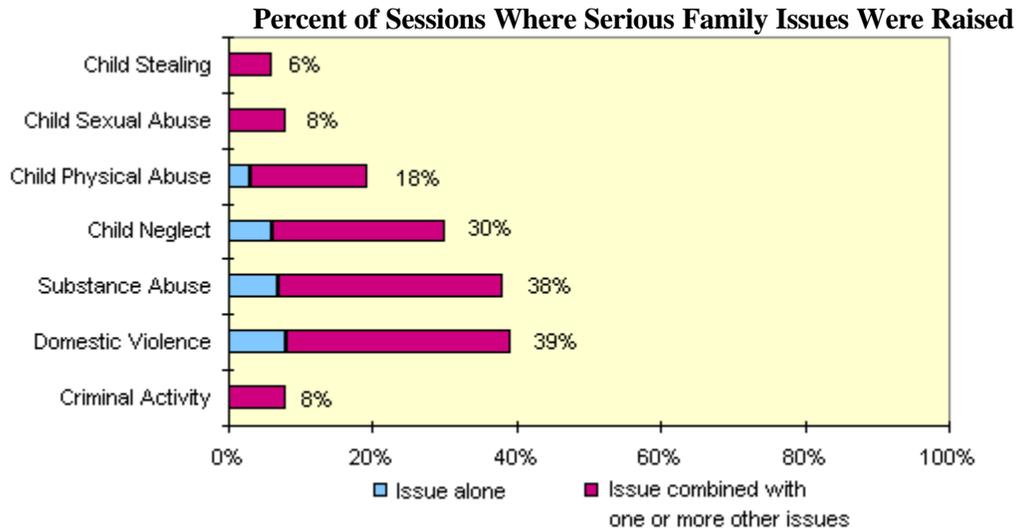
Child stealing was a concern in 6 percent of the sessions. Child sexual abuse was an issue in 8 percent, and concerns about child physical abuse were raised by at least one party in 18 percent of the sessions. Child neglect was an issue in nearly a third of all the sessions. These issues directly involving children were almost always linked to additional family problems.

Problem with substance abuse came up in over one-third of the sessions. It was the sole problem in 7 percent of the sessions, but combined with other issues in another 31 percent of the sessions.

Domestic violence was an issue raised in over one-third of all sessions studied. In 8 percent of all sessions, it was the sole problem raised, and in another 31 percent was associated with other problems.

Concerns about other criminal activities were raised in 8 percent of the sessions, almost always in connection with other issues listed.

**Figure 4
Mediation Client Profile**



Data Source: 1991 Snapshot Study (weighted data) conducted by Statewide Office of Family Court Services, Administrative Office of the Courts, Judicial Council of California: Counties not reporting, Del Norte, Glenn, Nevada, Placer, San Benito, Sonoma, and Stanislaus.

Later reports will provide a more detailed analysis of these concerns, their interconnections, and the characteristics of families reporting them. The implications of multiple problems for service delivery are addressed in the final section of this report.

MEDIATOR DESCRIPTIONS OF SESSIONS

Topics Addressed in Mediation

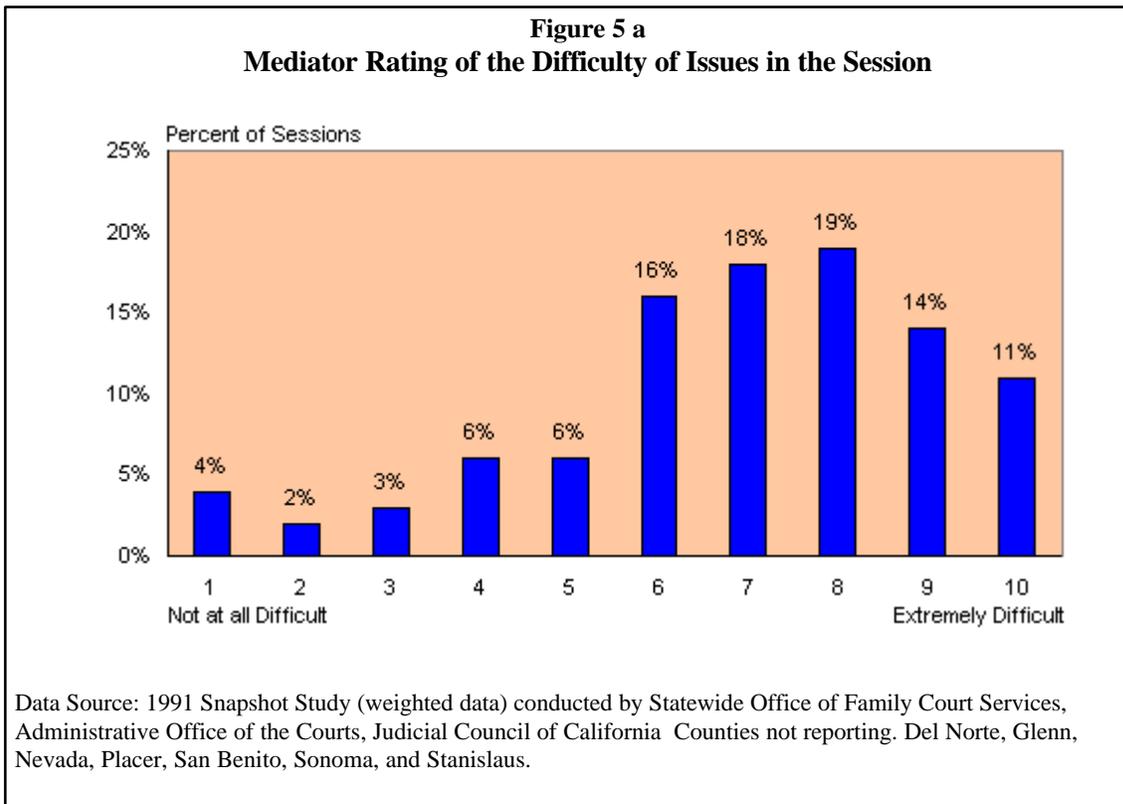
The mediator related the main topics discussed in each mediation session. Common themes included needs of the child (e.g., the child’s adjustment, developmental needs, or special needs), parents’ ability to meet children’s needs, other concerns about parents’ care or treatment of children, supervision, discipline, building a working relationship between parents (e.g., communication, abiding by the parenting agreement), and mutual parenting responsibilities (e.g., decision-making and authority, child care, and transportation). The majority of sessions also explicitly addressed the issue of hostility or arguments between parents.

As families grow and change over time, they sometimes find that their parenting plans are unworkable or require modification in light of emerging family needs (e.g., changes in schools, remarriage, new siblings). Nineteen percent of the sessions addressed the problems of one parent failing to abide by the parenting agreement. Forty-seven percent involved modifications of the terms of a pre-existing parenting plan. Currently, however, the need for ongoing adjustments in parenting plans receives little attention in the custody literature.

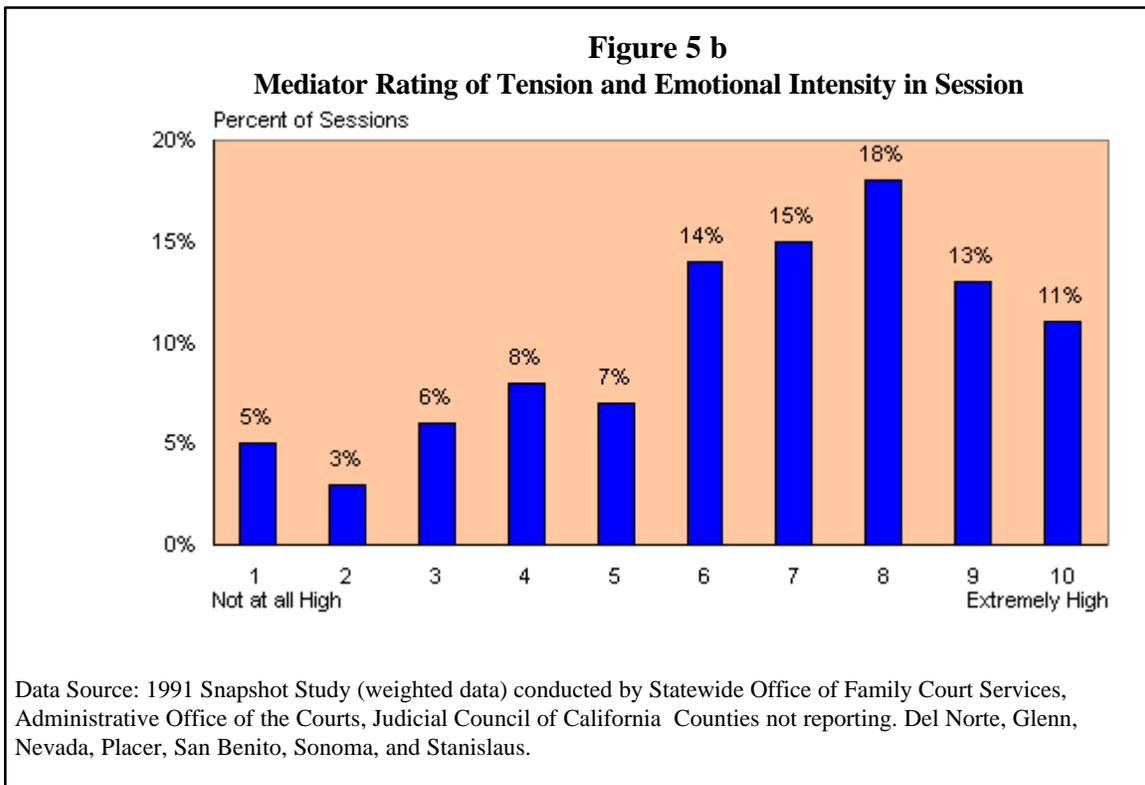
Mediator Ratings of Sessions

Mediators were asked to rate each session along three dimensions--the difficulty of the issues covered, the level of tension or emotional intensity, and the productivity. Each dimension was rated on a scale from 1 to 10, ranging from “not at all” to an “extremely high” level. The results are summarized in figures 5 a-c.

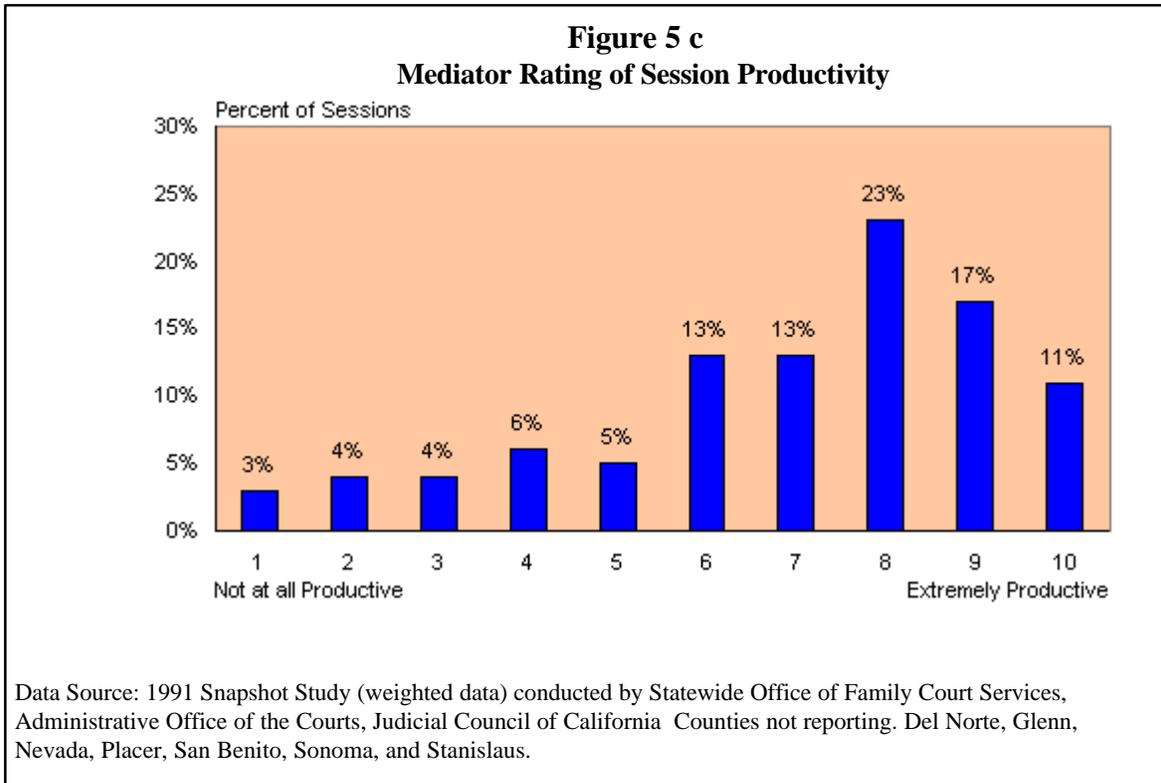
With the high proportion of family problems and limited resources revealed in the Family Profiles, it is not surprising to learn that the issue confronted in most mediation sessions were not easy ones (figure 5 a). Seventy-nine percent of the sessions dealt with issues rated in the “difficult” half of the scale. On a scale where 1 indicated “not at all difficult” and 10 meant “extremely difficult,” mediators rated the difficulty of issues an average of 7.



Looking at the emotional intensity of the sessions (figure 5 b), 71 percent of the sessions were ranked on the “high tension” half of the scale. The average rating assigned by mediators was 7 on a scale from 1 to 10.



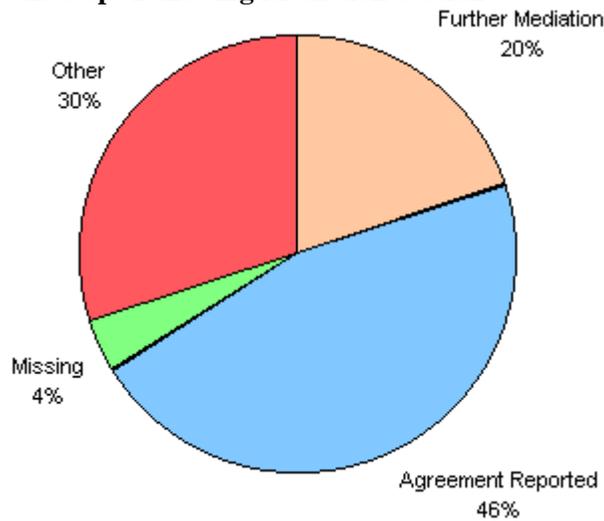
Despite the difficulty and emotional intensity of most mediation sessions, counselors rated 76 percent of the sessions on the productive end of the scale (figure 5 c). The mean rating, again, was 7. Future research can begin to identify the conditions that differentiate productive sessions from those considered not productive.



Next Steps

Because the snapshot study focused on a specific segment of time, it captured cases in every phase of dispute resolution. By the end of the study period, counselors reported that agreements were made in nearly half of all sessions (figure 6). Families in another 20 percent of the sessions were scheduled for further mediation, which might eventually lead to agreements. Mediators reported neither an agreement nor further mediation in 30 percent of the sessions. The next steps for these families vary in accordance with local court policies and procedures. In some courts, families are referred to custody evaluation. In others, mediators make recommendations for temporary or permanent orders. In still others, families return to the bench without recommendations.

Figure 6
Next Steps Following Mediation Session



Data Source: 1991 Snapshot Study (weighted data) conducted by Statewide Office of Family Court Services, Administrative Office of the Courts, Judicial Council of California. Counties not reporting: Del Norte, Glenn, Nevada, Placer, San Benito, Sonoma, and Stanislaus.

PARENT VIEWPOINTS OF MEDIATION

Immediately following their mediation sessions, clients were asked to report their perspectives on the mediation process, their mediators, and any agreements they reached.¹² Parents were given written assurance that their individual responses would be treated confidentially and not be shared with the local court or mediation program. To ensure that their answers would be confidential and candid, no names were requested on any questionnaires. Parents were given the “Parent Viewpoint” form in an envelope addressed to the Statewide Office and had the option to complete it in a private room and leave it in a marked box in its sealed envelope or take it home and mail it directly to the Statewide Office.

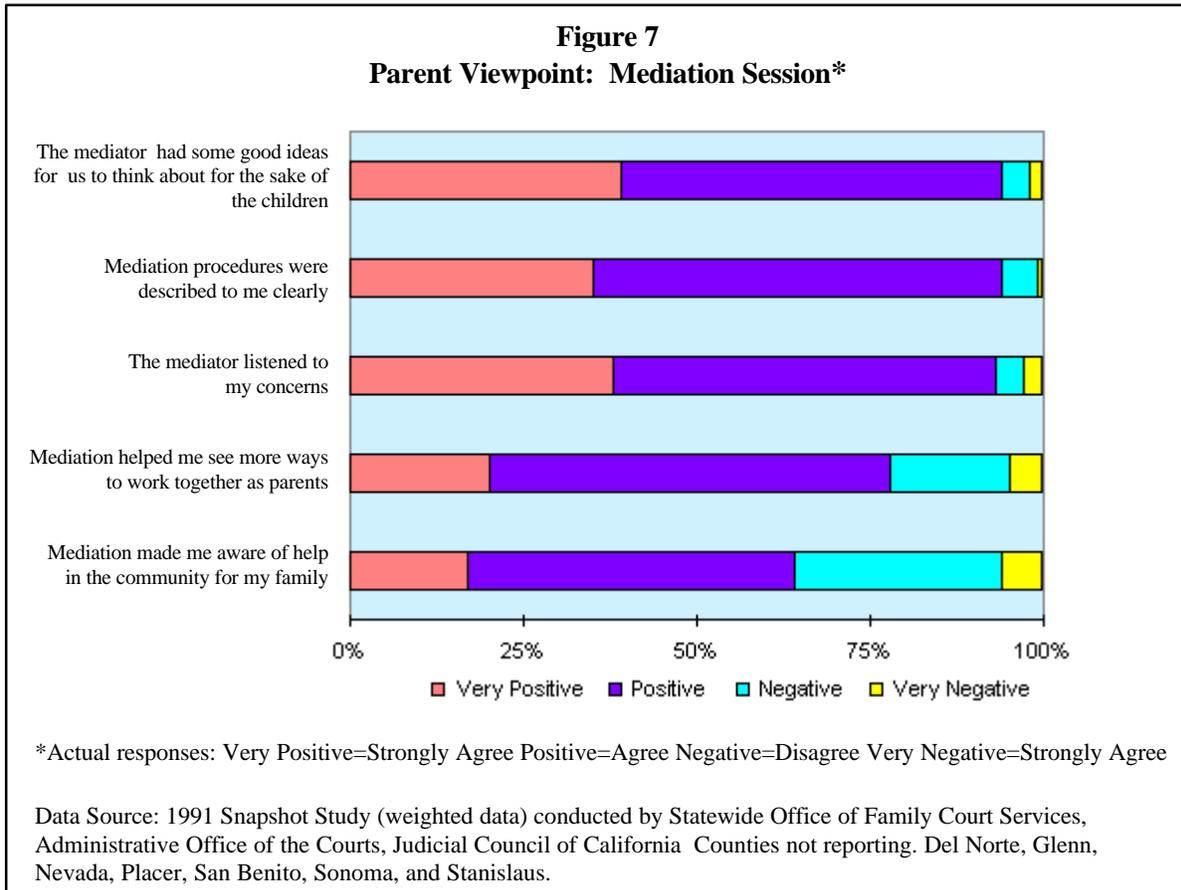
Although specific response options varied somewhat from question to question, figures 7-10 break down the responses to each question into four segments: very positive (black), positive (striped), negative (white), and very negative (reversed stripes). In the narrative, we differentiate primarily the positive and negative ratings.¹³

¹²For initial descriptions, it is useful to examine responses to each item individually. Since it is likely that people make comparable responses to related items, future analysis will cluster similar items and examine the commonalities.

¹³More parents completed Family Profiles than Parent Viewpoint. Because we have Family Profile and Counselor Information forms for virtually all clients, we can search for distinctive client or case characteristics associated with missing Parent Viewpoints. As we review answers to the Parent Viewpoint one concern is whether we are missing clients who disliked the service. This will be the subject of intensive investigation. At this juncture, we can only observe that even if all missing clients had rated the service negatively (the worst case scenario), the average ratings would remain on the favorable end of the scale.

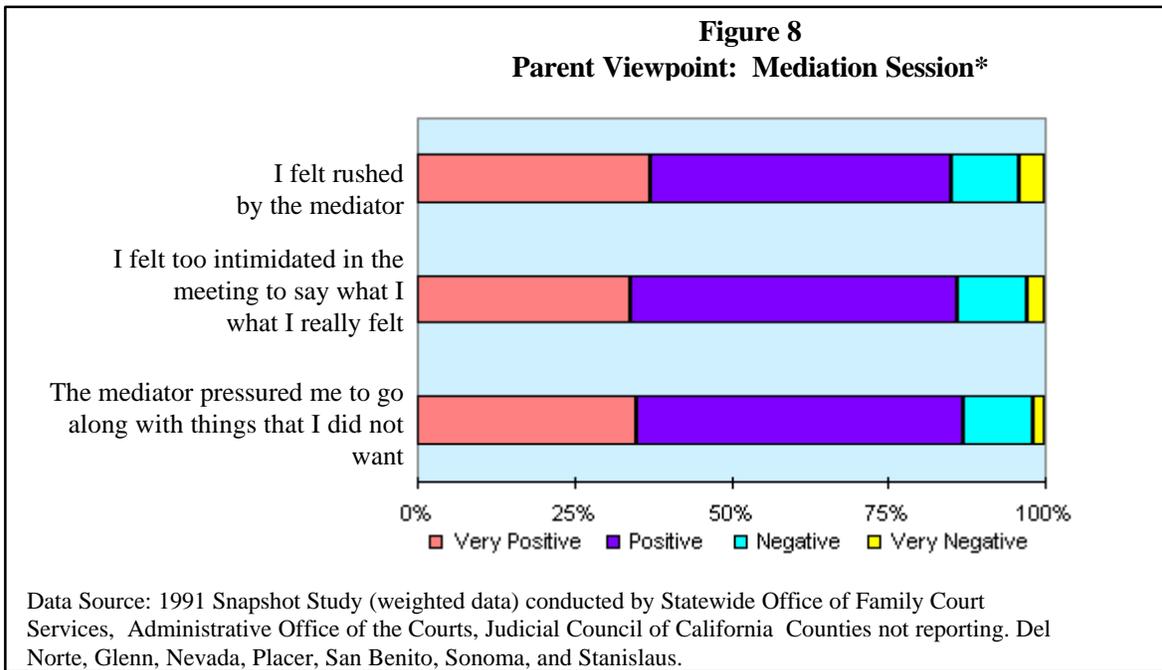
Ratings of Mediation Sessions

Mediation sessions were viewed favorably by a high proportion of parents (figure 7).¹⁴ Over ninety percent agreed that the mediator had some good ideas to think about for the sake of the children, that descriptions of mediation procedures were clear, and that the mediator listened to their concerns. Seventy-seven percent reported that mediation helped them to see more ways of working together as parents. Sixty-three percent of the parents said that mediation made them aware of community resources for their families.



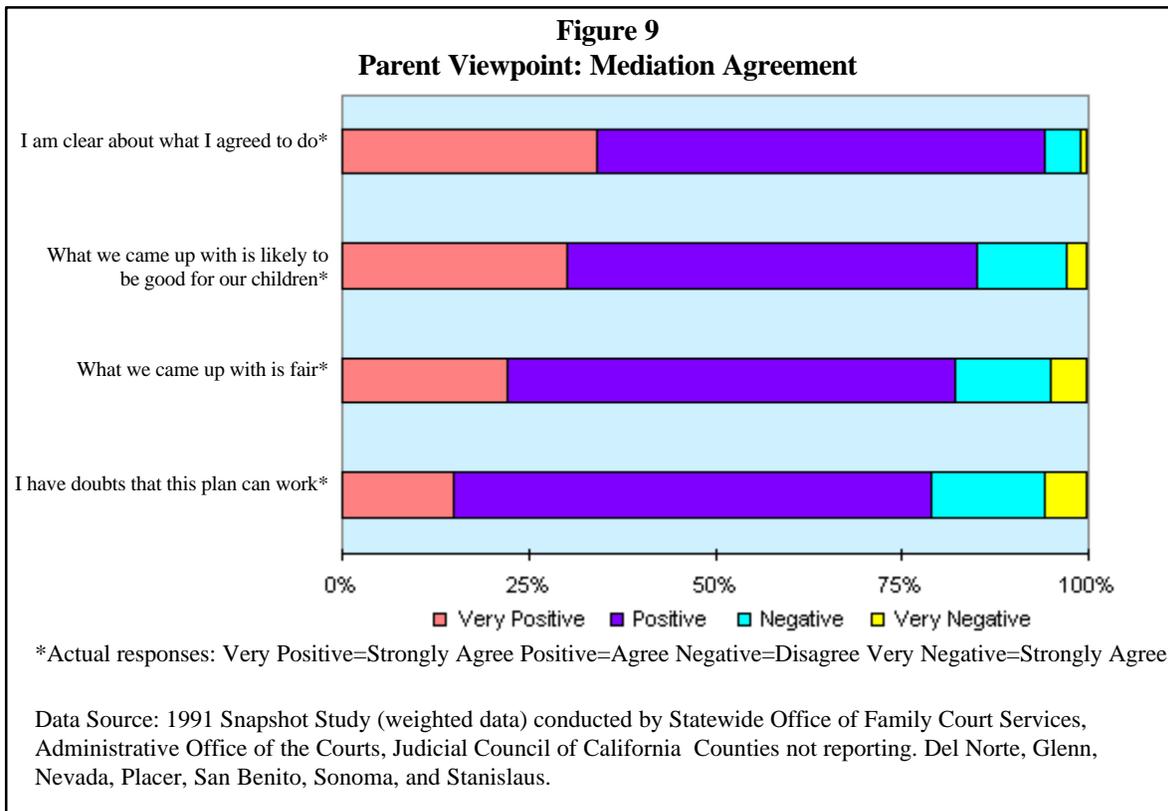
¹⁴Items depicted in figures 7-9 were rated using the scale: strongly agree, agree, disagree, strongly disagree.

Figure 8 shows that few parents endorsed negative statements about mediation. Sixteen percent of parents felt rushed by the mediator. Fifteen percent felt too intimidated to say what they really felt. Fourteen percent felt pressured to go along with things that they did not want. Further analysis of the snapshot data will construct a detailed picture of situations in which these uncommon, but negative, outcomes occurred.



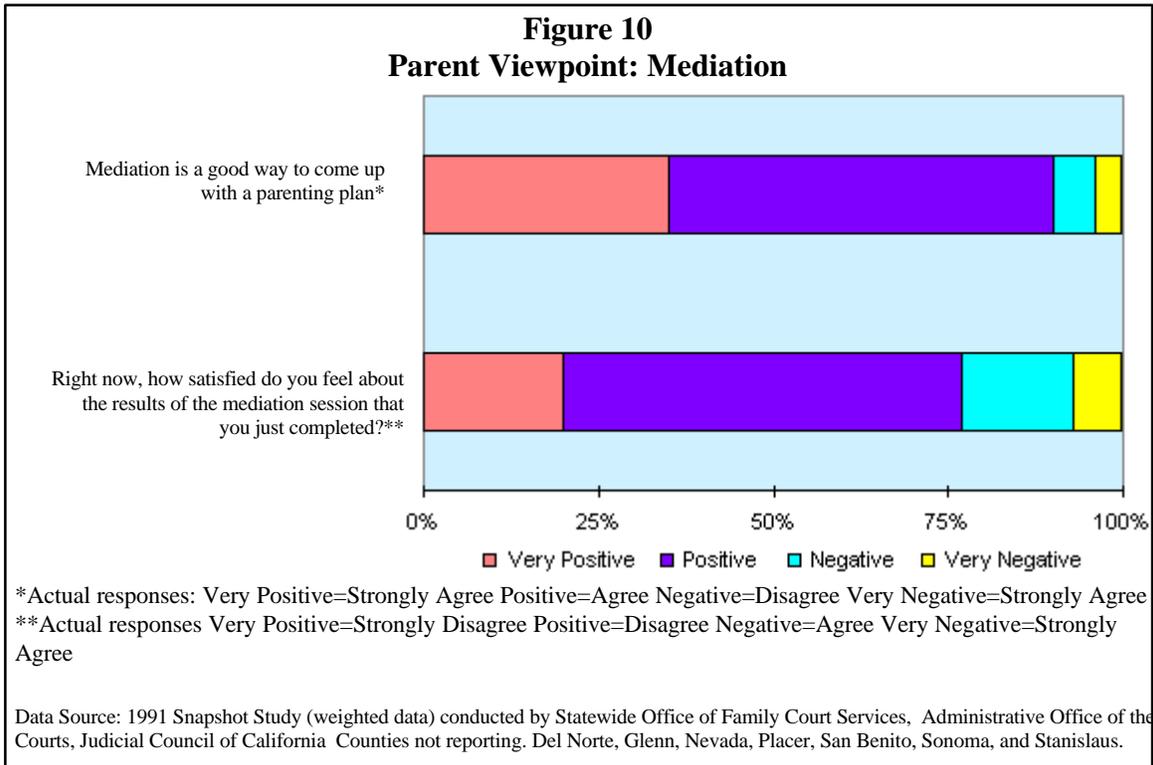
Ratings of the Mediation Agreements

Parents' appraisals of mediated agreements are shown in figure 9. Ninety-five percent of parents who reached agreement on some or all issues, reported that they were clear about what they had agreed to do. Over 80 percent felt that what they came up with would be good for the children, and a similar proportion characterized their agreements as fair. Sixty-nine percent felt that their plan would work. An important goal for longitudinal research is to see how these initial reactions relate to changes over time in satisfaction with the plan and its viability.



Overall Ratings of Mediation

Parents' general reaction to mediation were very favorable (figure 10). Ninety percent of the mediation clients agreed that mediation was a good way to develop a parenting plan. At the conclusion of the session, 76 percent were satisfied with the results. Future research will examine the way in which the session outcomes and parental issues relate to these very positive reports. The next stage of analysis will attempt to identify parental characteristics, issues brought to mediation, and kinds of outcomes that affect the level of satisfaction with the mediation process.



Feedback From Women and Men

The initial examination of gender differences in client feedback revealed remarkable similarities in the responses of men and women. Identical proportions of men and women (72 percent) returned the "Parent Viewpoint" form. There were also no differences in the likelihood that men or women would answer any particular feedback questions. Women and men were equally likely to assign high ratings to mediation. Across the fourteen items shown in figures 7-10, there was only a 1.7 percent average difference in responses of men and women (ranging from a .1 percent difference on one item to a 6.8 percent difference on another). Multivariate analyses are planned to examine the direct and indirect relationship of gender to the full system of variables covered in the snapshot study; but these initial findings do not support claims that women are more likely than men to be dissatisfied with the mediation process or its outcome.¹⁵

¹⁵A recently-published critique of child custody mediation (Grillo, 1991) argues that women may suffer serious disadvantages in the mediation process.

CONCLUSIONS AND DIRECTIONS FOR SERVICE DEVELOPMENT

This report describes the background and context of California's program of mandatory mediation in contested child custody cases and outlines the initial findings of the snapshot study, a statewide study representative of court-based mediation sessions in 1992. This final section presents conclusions and recommendations drawn from this first report.

Conclusion

California's court-connected mediation program serves the full socioeconomic spectrum, including many parents who are young, have limited formal education, and/or are living in poverty. Many parents in mediation speak of serious issues and have limited resources and most mediation sessions address complex family situations. Even so, mandatory court-connected child custody mediation proves to be an important and effective mode of alternative dispute resolution, characterized by widespread client satisfaction. Mediators found the sessions productive, and parents reported that mediation produced agreements that were good for their children.

Future Directions

Court-Based Education: Many courts have established formal programs of mediation orientation and parent education to provide clients information about court and legal systems as well as parental rights and responsibilities. Some courts are now mandating parenting education. The client profiles underscore the need for a battery of educational approaches that are practical and "user friendly" for all client educational levels. Educational materials should not be designed primarily with the highly educated client in mind.

Services Are Needed for Multi-Problem Families: When concerns about problems such as substance abuse, child abuse, or domestic violence come up in mediation, more often multiple interrelated problems, rather than only one problem are of concern.

Training Institutes conducted for mediators by the Statewide Office of Family Court Services have long included education in work with serious problems within the family; but these efforts will not be focused more pointedly to the interrelationship among problems.

A state-wide task force of court-based mediation program directors has been formed to further define the multi-problem issue and its ramifications.

Another step that can be considered is strengthening and/or expanding already existing collaborative relationships between the court and networks of referral sources in the community. By 1990, the majority of California courts either provided leadership to or participated in community networks serving families.

Because multiple government and community agencies often work with a particular family, coordination of services is essential. The need for expanded or targeted efforts is underscored in the snapshot study results.

Future Reports

Future reports will provide more extensive analysis of the interactions among client characteristics (including the cultural backgrounds and patterns of utilization by ethnic minorities, and differences between men and women), disputed issues, mediation processes, negative and positive viewpoints of clients, and mediation outcomes. It may be that certain outcomes, but not others are distinctive to particular client characteristics or service models.

Attention to regional and population variations will also identify innovative programs already in place that may serve as resources for other courts, permitting local mediation programs to respond to particular needs.

Upcoming reports will also examine in more detail allegations and concerns about domestic violence, drug abuse, child abuse, child neglect, client characteristics.

The diversity of mediation clients and the issues they face defy simplistic pronouncements about the state of mandatory mediation. Solid statistics help move the level of discourse about mediation beyond anecdotal reports to reveal the most pressing problems and effective approaches to service delivery. Such information will play a vital role in the ongoing development of court mediation services to families with child custody and visitation disputes.

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