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Executive Summary

Preparing Court-Based Child Custody Mediation Services for the Future



Statewide Uniform Statistical Reporting System The 1996 Client Baseline Study

Center for Families, Children & the Courts
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California's population and the family courts serving that population are experiencing profound change. The demographic trends and social and economic changes throughout the state have resulted in contested child custody cases more problematic, complex, and varied than could be imagined in past years. Courts have had to expand the kinds and numbers of services offered to meet the needs of today's family law client.

Reliable information about clients with child custody disputes using family courts across California, their circumstances, problems, and needs, allows the courts to plan for and better serve court users. This report presents information from the only authoritative source of such data, the Statewide Uniform Statistical Reporting System (SUSRS) of the Center for Families, Children & the Courts.

CONSIDERATIONS FOR FUTURE PLANNING

SUSRS statistics document the volume, complexity, and diversity of cases entering today's family courts. What are the implications for future planning? SUSRS data underscore the need for several key competencies in the contemporary family court.

- Courts should continue to anticipate steady growth in the volume of family law cases. SUSRS data document rapid growth in the yearly number of cases entering family court mediation to establish orders for child custody and visitation from an estimated 49,500 in 1987 to 65,500 in 1991, to 73,250 in 1993, and 84,550 in 1996.
- A substantial proportion of cases will return to court for modifications of previous custody and visitation orders, or partial orders. In 1996, 26 percent of cases seen in court-based mediation were seeking a modification. Larger proportions were mediating on only some issues: for 42 percent, legal custody was not at issue, for 30 percent physical custody was not at issue, and for 34 percent, primary residence was not at issue.
- Courts must be geared for the pro per client. Over half of all cases (53 percent) currently include at least one client who is not represented.
- Court-based mediation programs must develop new competencies:
 - Cultural competency to serve a multicultural clientele. The ethnic diversity of mediation clients mirrors that of the state. They must be equipped to deal with custody deliberations that reach impasse on cultural issues and/or involve disputes about the cultural traditions in which the child will be raised.
 - The competency to work with fragile families. Parents who have never been married to each other (26 percent of those in court-based mediation) or never even lived together (23 percent of the never married) need help in developing long term parenting commitments.

- Family courts must be equipped to serve clients who have limited personal resources. Many clients, particularly mothers, lack basic financial resources. Almost a quarter (23 percent) of all parents is unemployed and almost a third (30 percent) have incomes below the poverty line. For mothers, those statistics are 30 percent and 38 percent, respectively. A large sector of clients (39 percent) has no formal education beyond high school.
- A substantial segment of cases entering family court require referrals or orders to ancillary human services. A high proportion of families (51 percent) cites issues involving child neglect, abuse and abduction as well as parental problems with substance abuse. This increases the need for investigation, referrals, and/or monitoring.
- Safety is a critical issue in many custody decisions. More than half of all clients entering mediation (55 percent) are now or have once been protected by a domestic violence restraining order. Court security must be adequate to insure the safety of clients and court staff.
- Custody determination in the courts will continue to involve a high proportion of cases in which there are serious concerns about a child's well being. Currently, nearly one third of all families express concerns about a child's emotional well being. Child Protective Services has investigated a report about children in 25 percent of all mediating families. Children in nearly half of all families have witnessed domestic violence. The courts face the challenge of protecting the health, safety, welfare, and best interests of the next generation.