



## Snapshot Study 2008: Agreement Rates

This research update discusses participant agreement rates as they relate to case characteristics and client satisfaction, using data from the 2008 Statewide Uniform Statistical Reporting System—also known as the Snapshot Study—conducted by the Administrative Office of the Courts, Center for Families, Children & the Courts. The 2008 study was the sixth since 1991 and included surveys of clients and mediators involved in court-based child custody mediation sessions statewide during a one-week period in June 2008.

### Key Findings

- Overall, clients reached at least partial agreement in half of cases. No agreement was reached in 42 percent of cases.
- Full or partial agreement was more likely for initial orders or a combination of initial and modified orders. Sessions concerned solely with modifications were much less likely to result in any agreement.
- Participants were less likely to come to agreement if there had ever been violence or a protective order.
- Cases with at least one self-represented litigant were more likely to reach agreement.
- Parents with more concerns to discuss during mediation were less likely to reach any agreement than those with fewer concerns.
- Although overall satisfaction rates were fairly high, parents who did not reach an agreement tended to be less satisfied with mediation than those who did. These differences were particularly striking on measures of general satisfaction, perceptions of procedural fairness, and attitudes toward the courts.

## About the Data

The data presented in this report were gathered from three surveys, as outlined below.

### **Mediator Survey**

This survey was completed by mediators after the mediation session. Mediator surveys were completed for 1,834 sessions. When a table or graph reads “Total Sessions,” it indicates that the data come from the Mediator Survey.

### **Parent Survey**

This survey was completed by parents before their mediation session. The parent data used here is family-level data, based on linking both parents’ responses to certain items on the Parent Survey, representing 1,739 families. When a table or graph reads “Total Families,” it indicates that the data come from the Parent Survey and are analyzed at the family level.

### **Parent Exit Survey**

This survey was completed by parents immediately after the mediation session. Exit Surveys were completed by 2,187 clients. This data is used to analyze client satisfaction with the mediation process.

### **Terminology Used in This Report**

*Agreement/Agreement Rates:* Throughout this update, the terms “agreement” and “agreement rate” refer to agreement regarding the general terms of legal custody, physical custody, and time sharing and visitation, as reported by the mediator. “Agreement on all issues” for example, would mean that parents reached agreement regarding both physical and legal custody. “Agreement on some issues” indicates, for example, that they reached agreement on physical custody but NOT on legal custody.

*Concerns:* “Concerns” refer to specific topics that each parent wished to discuss during the mediation session—for example, child’s behavior problems, one parent moving, drug abuse—in response to the question “What are you here to discuss today?” This is not to be confused with the *purpose* of the session (that is, to make or modify orders for legal custody, physical custody, and/or visitation). Cases are coded domestic violence (DV) if either parent has listed domestic violence as a concern. Not all concerns listed by parents were necessarily raised or discussed in the mediation session.

*Initial and Modified Orders:* For legal custody, physical custody, and time share/visitation, the mediator reported whether the parents were there to make an initial order or to modify an existing order, or whether the order was not at issue. Some parents were working on initial orders only, some were working on modified orders only, and some were working on a combination of the two (e.g., an initial order for physical custody and a modified order for legal custody).

*Physical Violence/Restraining Order:* Each of these is coded if at least one parent has reported *any* history of physical violence or *any* current or previous restraining order (including applications in progress).

Overall Agreement Rates (*Mediator Survey*)

- Statewide, mediation participants reached complete agreement in 43 percent of sessions and at least partial agreement in 50 percent of cases. No agreement was reached in 42 percent of cases. (See Table 1.)

**Table 1: Participants reach agreement in about half of all cases.**

	N	%
Agreement on all issues	787	43%
Agreement on some issues	127	7%
No agreement	777	42%
No orders at issue	39	2%
Missing	104	6%
<b>Total Sessions</b>	<b>1,834</b>	<b>100%</b>

Agreement and Type of Order Sought (*Mediator Survey*)

- Clients were much more likely to reach agreement when initial orders were under discussion and less likely to agree when seeking modifications alone (see Table 2).
- When mediation was concerned with initial orders alone, participants reached at least some agreement in the majority of cases (63 percent).
- The proportion of cases in which there was full or partial agreement increased to 71 percent when a combination of initial and modified orders was discussed.
- Clients reached agreement in fewer than half (38 percent) of cases related to modified orders alone.

**Table 2: Agreement is less likely when mediating modified orders alone.**

	Initial Only		Modified Only		Initial and Modified		No Orders at Issue	
	N	%	N	%	N	%	N	%
Agreement on all issues	304	53%	394	38%	89	60%	0	0%
Agreement on some issues	55	10%	56	5%	16	11%	0	0%
No agreement	186	33%	546	53%	43	29%	0	0%
No orders at issue	0	0%	0	0%	0	0%	39	100%
Missing	25	4%	40	4%	1	1%	0	0%
<b>Total Sessions</b>	<b>570</b>	<b>100%</b>	<b>1,036</b>	<b>100%</b>	<b>149</b>	<b>100%</b>	<b>39</b>	<b>100%</b>

Note: Percentages may not total exactly 100 because of rounding. Observations with missing data for type of order (n=40) were not included.

### Agreement and Violence Between Parents (*Mediator and Parent Surveys*)

- Participants in mediation were more likely to reach agreement on at least some issues when no violence had been reported by either parent (57 percent compared to 44 percent; see Table 3).
- Participants did not come to agreement on any issues in half of the cases where violence had been reported (see Table 3).

**Table 3: Physical violence is associated with lower agreement rates.**

	No Violence		Violence	
	N	%	N	%
Agreement on all issues	397	50%	331	37%
Agreement on some issues	56	7%	61	7%
No agreement	271	34%	446	50%
No orders at issue	21	3%	13	1%
Missing	53	7%	49	5%
<i>Total Families</i>	<i>798</i>	<i>100%</i>	<i>900</i>	<i>100%</i>

Note: Percentages may not total exactly 100 because of rounding. Observations with missing data for physical violence (n=41) were not included.

- If no restraining order had been reported, participants reached at least partial agreement in 55 percent of the cases, as opposed to 45 percent of cases when there had ever been a restraining order (see Table 4). Although similar, these differences are smaller than those in cases with physical violence.

**Table 4: A restraining order (current, past, or application in progress) is associated with lower agreement rates.**

	No Restraining Order		Restraining Order	
	N	%	N	%
Agreement on all issues	464	47%	275	38%
Agreement on some issues	74	8%	47	7%
No agreement	369	37%	347	48%
No orders at issue	23	2%	11	2%
Missing	61	6%	39	5%
<i>Total Families</i>	<i>991</i>	<i>100%</i>	<i>719</i>	<i>100%</i>

Note: Percentages may not total exactly 100 because of rounding. Observations with missing data for restraining order (n=29) were not included.

### Agreement and Representation Status (*Mediator and Parent Surveys*)

- Cases with at least one self-represented litigant (SRL) were more likely to come to agreement on all issues than cases with no SRLs (see Table 5).

**Table 5: Cases involving self-represented parents have higher agreement rates.**

	One or Both SRL		Neither SRL	
	N	%	N	%
Agreement on all issues	607	46%	133	32%
Agreement on some issues	83	6%	38	9%
No agreement	517	40%	210	51%
No orders at issue	31	2%	3	<1%
Missing	69	5%	31	8%
<b>Total Families</b>	<b>1307</b>	<b>100%</b>	<b>415</b>	<b>100%</b>

Note: Percentages may not total exactly 100 because of rounding. Observations with missing data for representation status (n=17) were not included.

- Mediation sessions where both parents are self-represented tend to have higher agreement rates than sessions where one or both parents are represented.<sup>1</sup>

### Agreement and Number of Parental Concerns (*Mediator and Parent Surveys*)

- The number of concerns brought to mediation showed a clear relationship to the likelihood that parties reached an agreement. Generally speaking, the more concerns brought to mediation, the less likely any agreement was reached. (See Table 6.)

**Table 6: Cases in which no agreement is reached tend to have a higher number of concerns.**

	Average # of Concerns	N
Agreement on all issues	2.35	751
Agreement on some issues	2.96	121
No agreement	4.08	730
No orders at issue	1.65	34
Missing	3.01	103
<b>Total Families</b>	<b>3.14</b>	<b>1,739</b>

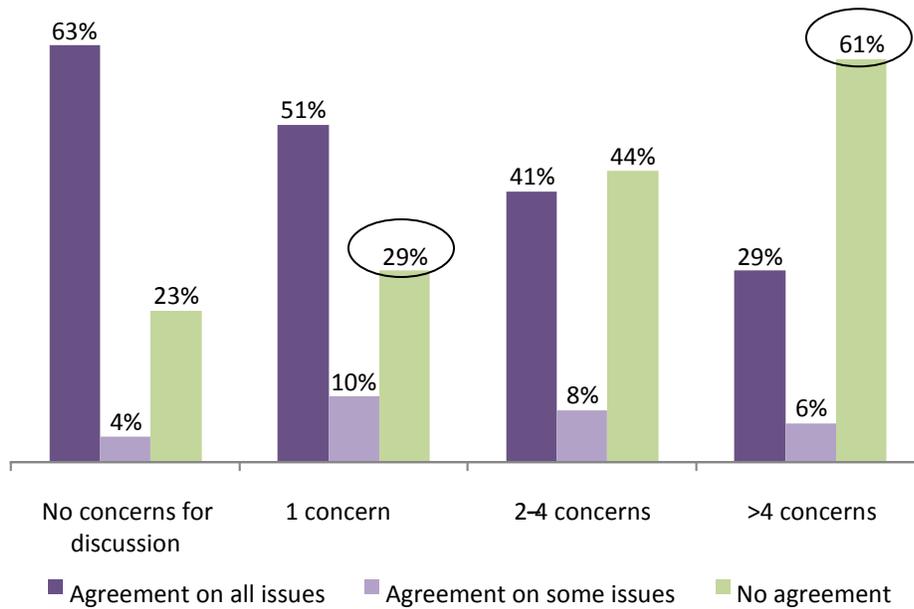
- It is important to point out that there are relationships between the number and types of concerns raised and other case characteristics associated with the likelihood of agreement. For example, concerns such as the other parent not following the order would only apply to families seeking

<sup>1</sup> Cases in which both parents were self-represented could not be consistently identified because in many cases only one parent completed the survey, but these are the trends seen in the available data.

modified orders, and cases involving violence have a higher number of concerns overall. However, controlling for other factors, the number of concerns remains an important independent predictor of agreement, as they suggest a measure of case complexity that cannot be captured in a single issue.

- Parents with no concerns or a single concern were much more likely to come to at least partial agreement than to reach no agreement. When the number of concerns increased beyond four (27 percent of all cases; *not shown*), the proportion of sessions that ended without any agreement more than doubled (see Figure 1).

**Figure 1: Agreement decreases as the number of concerns increases.**



- The most frequently raised concerns tended to be the same regardless of whether an agreement was reached. Cases in which there was no agreement shared four of the five most frequently raised concerns with cases where there was agreement on all issues. (See Table 7.) This fact may indicate that the *number* of concerns brought to mediation may be a more important correlate of agreement than the *types* of concerns.

**Table 7: Parents tend to raise the same types of concerns.**

Agreement on All Issues		No Agreement	
Visitation arrangements not working	37%	Visitation arrangements not working	48%
Other parent not following order	25%	Other parent not following order	48%
Emotional adjustment	24%	Emotional adjustment	36%
School problems	15%	Behavior problems	27%
Behavior problems	15%	Domestic violence	26%

Note: Percentages total more than 100 because respondents could raise more than one concern.

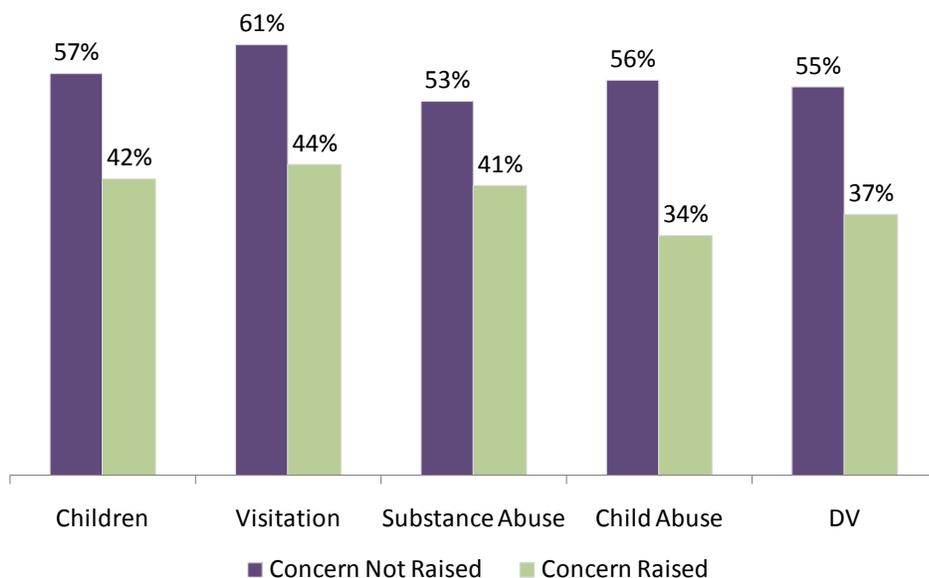
- It is important to note that many concerns (for example, domestic violence) will interact with other issues to increase the complexity of a case and influence the likelihood of reaching agreement (see Table 8).

**Table 8: Domestic violence is associated with a higher average number of concerns overall, further reducing the likelihood of agreement.**

	DV a Concern	DV Not a Concern
Agreement on all issues	<b>5.37</b>	<b>2.84</b>
Agreement on some issues	5.65	2.81
No agreement	<b>6.44</b>	<b>3.84</b>
<i>Total Families</i>	<b>6.11</b>	<b>3.25</b>

- Concerns that parents wished to discuss in mediation were broadly classified as related to children, visitation, substance abuse, child abuse, and domestic violence. Having a concern in any one of these categories tended to decrease the chances of agreement. (See Figure 2.) Visitation was the most frequently cited area of concern (66 percent; *not shown*).
- Cases with concerns related to child abuse and domestic violence were least likely to result in agreement (see Figure 2), although these concerns were less frequently raised by participants (28 percent and 26 percent of all cases, respectively; *not shown*).

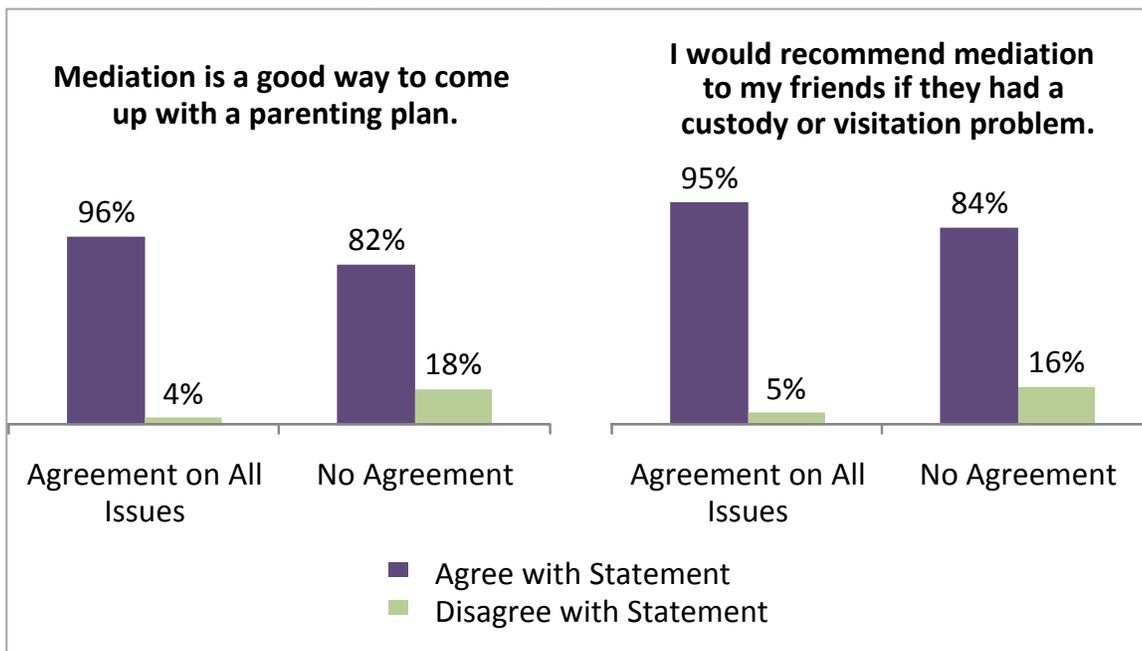
**Figure 2: Agreement is less likely when parents have concerns in multiple areas.**



### Agreement and Client Satisfaction (*Mediator and Parent Exit Surveys*)

- It is important to state at the outset that mediation participants tended to rate their experiences favorably overall, with 75 to 96 percent of clients providing positive feedback on all items. However, taking into account whether agreement was reached, the range broadens from 71 to 98 percent (not shown). Clients who reached agreement were more likely to provide positive feedback than those who did not, although it should be noted that ratings were still well in the favorable range among those who did not reach agreement.
- Clients in sessions that did not end with an agreement tended to report proportionately less satisfaction regarding procedural fairness<sup>2</sup> issues.
- In terms of general satisfaction, clients who did not reach agreement were less likely to agree that mediation was a good way to come up with a parenting plan or to recommend mediation (see Figure 3).

**Figure 3: Satisfaction is higher when agreement is reached.**



- Perceptions of procedural fairness were less favorable, sometimes considerably, when no agreement was reached. Clients found less value in the quality of information and were more likely to feel as if they were at a disadvantage. (See Table 9.)

<sup>2</sup> Procedural fairness concerns court users' views of the court process as fair and transparent and involves four key factors: respect, voice, neutrality and trust. (Admin. Off. of Cts., *Procedural Fairness in the California Courts* (2007).)

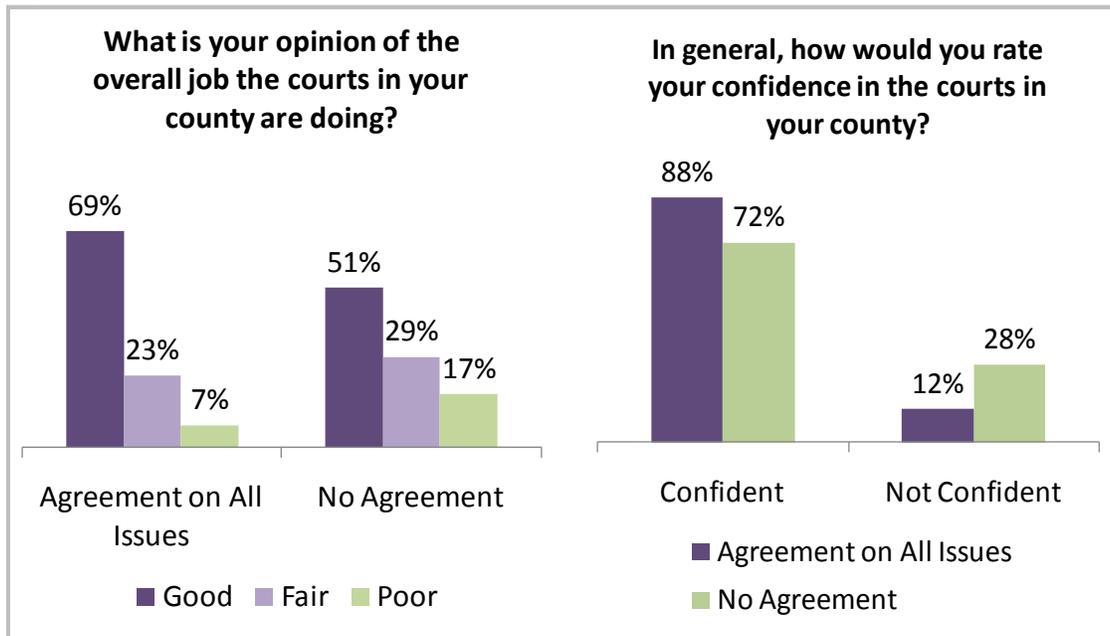
**Table 9: Parties who reach agreement have a more positive view of procedural fairness.**

		Agreement on All			
		Issues		No Agreement	
		%	N	%	N
The information I received today helped me to understand my situation better.	Agree	88%	917	71%	589
	Disagree	9%	98	24%	195
	Missing	3%	27	5%	45
My role as a parent was taken seriously in mediation.	Agree	92%	960	84%	694
	Disagree	5%	55	13%	104
	Missing	3%	27	4%	31
The other parent had an unfair advantage in mediation.	Agree	15%	156	23%	190
	Disagree	81%	849	68%	567
	Missing	4%	37	9%	72

Note: Percentages may not total exactly 100 because of rounding.

- Mediation participants tended to have less confidence in and a lower overall opinion of the courts if an agreement could not be reached (see Figure 4).

**Figure 4: Parties who reach agreement have a more positive view of the courts.**



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