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Administrative Office of the Courts

William C. Vickrey
Administrative Director of the Courts

Michael Bergeisen
General Counsel

Diane Nunn
CFCC Division Director

Production of this sheet

Alexa M. Hirst
*Senior Research Analyst
Report Author*

Charlene Depner, Ph.D.
CFCC Division Manager

Don Will
Supervising Research Analyst

Ligeia Heagy
Administrative Coordinator

For more information on this study, please contact us at

455 Golden Gate Avenue
San Francisco, CA 94102
(415) 865-7739
Email: CFCC@jud.ca.gov

The full report is available on the Center for Families, Children & the Courts Web site at www.courtinfo.ca.gov/programs/cfcc/resources/publications/articles

STAT SHEET

April 2003

Difficult Cases in California Court-Based Child Custody Mediation

Study Overview

A recent report from the California Administrative Office of the Courts, *Difficult Cases in California Court-Based Child Custody Mediation*, illustrates the high level of difficulty of many of the cases in court-based child custody mediation and describes issues involved in those cases. This *Stat Sheet* presents key findings from the report.

Data on these cases come from surveys administered to parents and to mediators by the California Administrative Office of the Courts (AOC) as part of the Statewide Uniform Statistical Reporting System. These data were collected in 1999. At that time, parents from 2,500 cases and 2,812 mediators from a representative sample of cases were surveyed in 51 of California's 58 county court systems.

Key Findings

- Mediators in court-based custody mediation often work with cases that involve difficult issues. On a "case issue difficulty" rating scale of 1 (not difficult at all) to 10 (extremely difficult), mediators rated 23 percent of cases as 9 or higher and 39 percent of cases as 8 or higher. This analysis considers "difficult cases" to be those with case issue difficulty ratings of 8 or higher.
- At least half of difficult cases do not reach agreement in one mediation session.
- Serious issues such as domestic violence, substance abuse, or child abuse were often raised before or during the session. (See page 2 for a full list of issues). In more than half of all cases (55 percent), at least one such issue was raised by the parents. The most common issues raised with mediators were domestic violence (29 percent of all cases) and substance abuse (25 percent of all cases).
- On average, the more issues that were raised in a case, the higher the mediator's rating of that case's issue difficulty.
- In more than half of all cases (66 percent), parents reported at least one indicator of lack of parental cooperation. (See page 2 for list of indicators of lack of parental cooperation). The most common indicator reported was "not working together as parents" (35 percent of all cases). On average, cases reporting more indicators of lack of parental cooperation received higher case issue difficulty ratings.
- A high proportion of cases in court-based mediation would benefit from additional resources. The data in this report demonstrate the need to develop and refine protocols for intake, screening, and provision of appropriate services.

Methodology

The data presented in this report come from the Statewide Uniform Statistical Reporting System (SUSRS), a series of studies conducted by the AOC's Center for Families, Children & the Courts. The SUSRS consists of a network of discrete but interlocking studies containing representative and longitudinal data from over 18,000 child custody cases. Data were collected in 1991, 1993, 1996, and 1999. The 1999 Client Baseline Study collected information about 3,038 Family Court Services sessions (79 percent of all covered types of sessions conducted during the two-week study period). The four client baseline studies all used the same basic methodology: during a designated two-week study period, information was collected about every child custody and visitation mediation session offered in the state. For each mediation session conducted during the study period, both the parents and the mediator completed surveys.

- In most cases, both the mother and father in a family filled out surveys. Surveys were completed by parents in 2,500 cases. In 2,018 of those cases (81 percent), both the mother and father completed surveys; in 299 (12 percent), only the mother completed a survey; in 183 (7 percent), only the father completed a survey.
- In 1999, 2,812 mediators completed SUSRS surveys. In 312 cases, mediators completed surveys but neither parent completed a survey.

Levels of Analysis

Data for this report are taken from the 1999 Client Profile survey and the 1999 Counselor Report survey. Each parent filled out the Client Profile before the mediation session, and each mediator filled out the Counselor Report just after the session. Data are aggregated to two levels of reporting:

- **Parent level.** Parent-level reports treat mother and father survey responses separately. In 1999, 2,317 mothers and 2,201 fathers filled out Client Profiles.
- **Case level.** Case-level reports combine the responses of the mother and father in a case. Mothers and fathers from 2,500 cases filled out Client Profiles in 1999.

Description of Selected Variables

- **Issue difficulty rating.** The mediator, just after the mediation session, provides a rating in response to the following question: "We worked on issues that were: [rating scale is from 1 to 10, with 1 = not difficult at all and 10 = extremely difficult]."
- **Issues raised in mediation.** The mediator reports that before or during the session, at least one parent raised any of a set of issues that include domestic violence, substance abuse, maligning, harassing, emotional abuse of child, physical abuse of child, sexual abuse of child, child neglect, psychological disorder, stalking, and child abduction.
- **Lack of parental cooperation.** Parents indicate in the Client Profile whether they strongly disagree, disagree, agree, or strongly agree with the following statements:
 - "We basically disagree about our child(ren)'s needs."*
 - "These days, I feel angry toward the other parent."
 - "The other parent tries to turn our child(ren) against me."
 - "Our children are caught in the middle of disagreements."
 - "We usually do not manage to work together as parents."*
 - "I cannot talk to the other parent about our child(ren)."
 - "I feel that my children are not safe in the other parent's home."

If either parent strongly agrees with a statement, the case is counted as reporting that indicator of lack of parental cooperation. Starred questions were coded with the opposite meaning for the analysis.

- **Agreement.** If the mediator reports in the Counselor Report that the parents reach agreement on all issues discussed in the session, the case is considered to have reached agreement.

A full analysis of 1999 SUSRS data on difficult court-based child custody mediation cases, *Research Update: Difficult Cases in California Court-Based Child Custody Mediation*, is available on the CFCC Web site: www.courtinfo.ca.gov/programs/cfcc/resources/publications/articles.htm

For more information on the 1999 SUSRS studies, see *Data Collection Methods*. Center for Families, Children & the Courts, (March 2001). www.courtinfo.ca.gov/programs/cfcc/pdffiles/dcm99ss.pdf.

This publication was prepared by Alexa Hirst, Senior Research Analyst at the AOC's Center for Families, Children & the Courts. The views expressed in this document are those of the author and do not necessarily represent the official positions or policies of the Judicial Council of California or the AOC.