
**California Family Court Services Snapshot Study
Report 4**

California Family Court Services Mediation 1991

**Mediated Agreements on
Child Custody and Visitation**

EXECUTIVE SUMMARY

May 1994



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1991

**California Family Court Services
Snapshot Study**

1991 Snapshot Study
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California Family Court Services Snapshot Study

Report 4 Executive Summary: Mediated Agreements on Child Custody and Visitation

The purpose of this report is to describe child custody and visitation arrangements developed by parents using court-annexed mediation in California. It also assesses the impact of factors thought to influence the terms of mediated agreements. Data are taken from the California Family Court Services Snapshot Study conducted in June 1991.

The research is based on a representative cross section of all court-based mediation clients (82 percent of all mediations statewide) and offers the first statewide statistics about the service.

Parents who use court-annexed mediation in California reflect the state's diverse population, but have somewhat less education and lower earnings.

About one mediating parent in five holds a college degree.

Only three-quarters of the parents are employed.

The average monthly income for employed parents is \$1,680; about four parents in ten take home \$1,200 or more per month.

Slightly more than one mediation client in three is from an ethnic minority.

Approximately six parents in ten are represented by attorneys.

Fifty percent of the families in the study have just one child.

The median age of children in mediation families is seven.

Prior to mediation, the division of parental time with children varies dramatically across families. Most children spend some time with each parent.

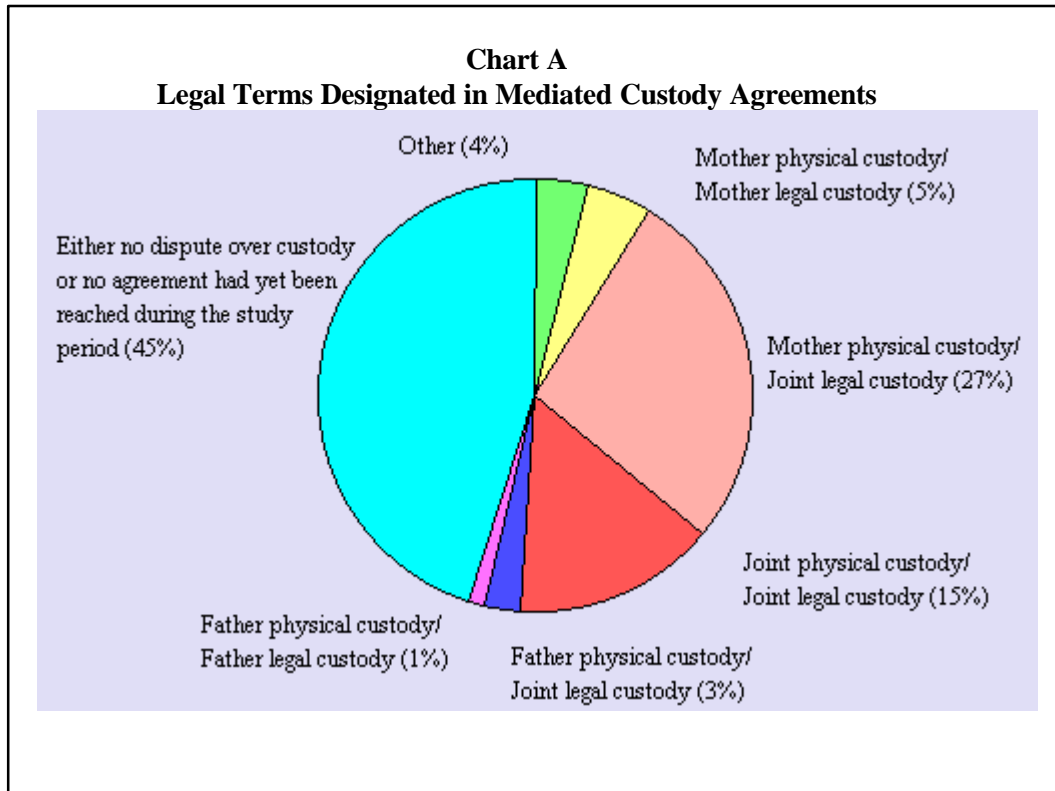
Nearly half of the mediation clients report that the level of tension and disagreements between parents is moderate or low. Forty-eight percent of mediation clients characterize their interparental conflict as high.

Fifty-five percent of the families reached agreement during the two-week study period.

Of the 45 percent who had not reached agreement, over a quarter of them were scheduled for further mediation.

Chart A shows the legal terms designated in mediated custody agreements that were completed by the end of the study period.

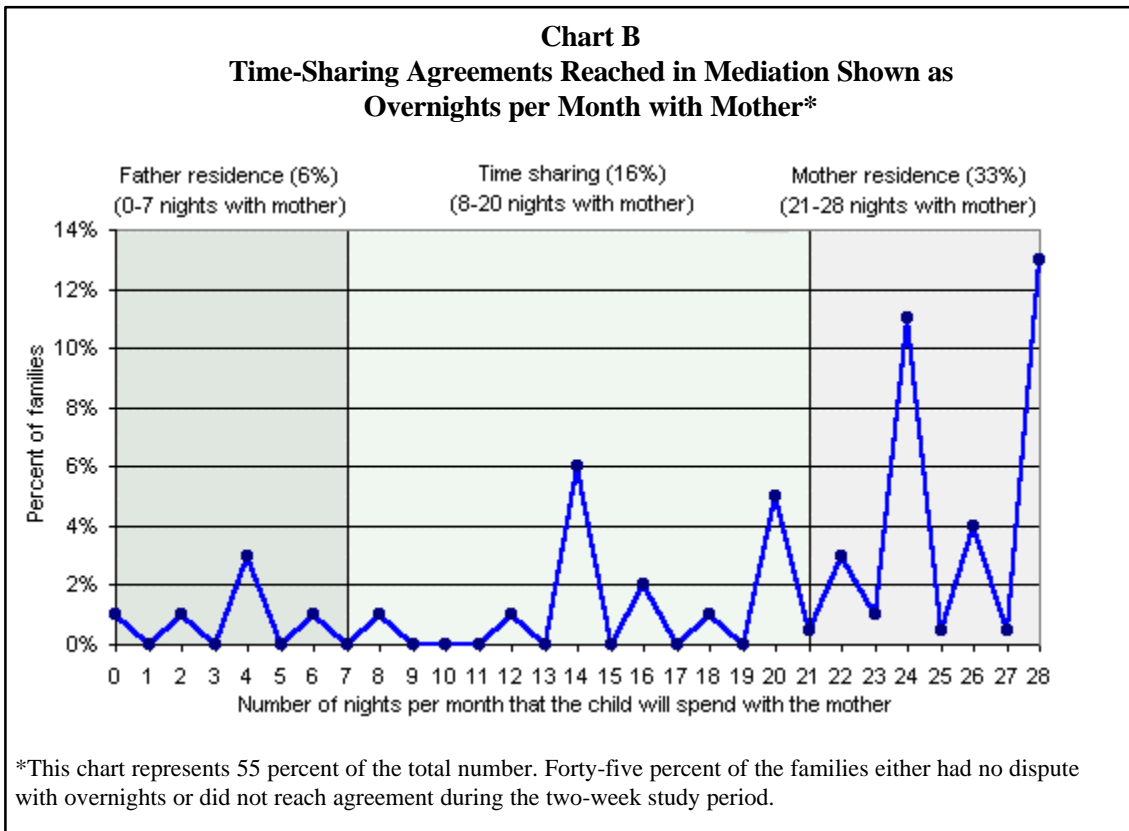
The most common mediated agreement matched the type of agreement most prevalent in the general population. One mediation family in four chose legal terms specifying "physical custody" to the mother and "joint legal custody."



Fifteen percent of the families who used mediation agreed to the legal terms "joint physical and legal custody." This proportion is also comparable to that found in the general population.

Mediated agreements that designated the legal terms "sole physical and legal custody" to either a mother or a father were rare.

Chart B shows mediated agreements completed during the study period that concerned actual time allocations for the child with each parent.



The chart illustrates the wide variety of time schedules chosen.

One family in three who used mediation agreed on Mother residence, defined as 21-28 overnights with the mother in a four-week period.

Sixteen percent chose a time-sharing arrangement, defined as 8-20 overnights with the mother in a four-week period.

The probability that mediated agreements will include the term "join physical custody" or significant time-sharing is affected by previous experience and family characteristics.

Of all factors tested, experience with time-sharing prior to mediation was the strongest determinant of mediated agreements specifying the legal term "join physical custody" and/or calling for actual time-sharing. Among those families who reported a pre-mediation de facto arrangement that assigned a substantial number of overnight visits to the father, higher proportions agreed to joint physical custody (32 percent) and significant time-sharing (42 percent).

Family demographics are linked to the terms of mediated agreements. Nonetheless, these factors elevate the likelihood of joint physical custody and time-sharing by only one or two percentage points.

Characteristics of fathers tend to have a greater bearing on the mediated outcome than attributes of other family members a finding consistent with other research that is drawing attention to the role of fathers in the division of parental responsibilities.

Conclusion

Findings demonstrate considerable variety in the child custody and visitation plans that parents form in court-connected mediation. Parents who use court-annexed mediation come from all walks of life. Their background characteristics, especially attributes of fathers, have some bearing on the feasibility and desirability of different custody and visitation options, but the impact of these background characteristics on the terms of the agreement is relatively modest. The strongest determinant of mediated outcomes appears to be whether the family had some experience dividing parental time and responsibilities prior to mediation.

Although critics of mediation sometimes characterize it as a process in which parents struggling for sole access to their children are forced to compromise on shared parenting, the results of this investigation challenge such stereotype. The data show that nearly half of parents using mediation do not characterize their level of conflict as severe and, prior to mediation, most children spend some time with each parent. Further, statistics from the study show that "joint physical custody" and a significant amount of time-sharing are not the most common outcomes in mediated agreements. Rather, the range of agreements emanating from court mediation is comparable to that found in the general divorcing population. Custody and visitation agreements typically assign a greater share of parental responsibilities to mothers; but more fathers today are taking on a greater level of involvement than their historical predecessors.