

Uniform Statistical Reporting System

The 1991 Client Baseline Study
The 1993 Client Baseline Study



Executive Summary: Report 6
**Future Directions for
Mandatory Child-Custody
Mediation Services:
Considerations from Two
Studies of Court Users**

Statewide Office of Family Court Services
Administrative Office of the Courts
Judicial Council of California
February 1996

Uniform Statistical Recording System

Acknowledgments

1993 Client Baseline Study Advisory Panel

Wallace Beasley
Fresno County

Ron Iverson
Santa Barbara County

Phil Reedy
Shasta County

Joe Duquesnel
Orange County

Joseph Jimenez
San Diego County

Ernest Sanchez
Los Angeles County

Ruth Eggers
Napa County

Robert Moore
San Bernadino County

John Skucas
San Mateo County

Lilly Grenz
Santa Clara County

Eric Olson
Humboldt County

Mamie Walters
Marin County

Larry Helms
San Luis Obispo County

Susan Radloff
Riverside County

Marsha Wylie
Ventura County

Administrative Office of the Courts

William C. Vickrey
Director

Production of this report:

Dennis B. Jones
Chief Deputy Director

Charlene Depner, Ph.D.
*Coordinator for Research, Evaluation &
Statistics*

Kiri S. Torre
*Director
Trial Court Services
Division*

Mitchell Yee
Statistician

Isolina Ricci, Ph.D.
*Statewide Coordinator
Family Court Services*

Susan Mather
Joyce Magee
Copy Editing

Joyce Magee
Production

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Uniform Statistical Reporting System
call (415) 396-9153

Executive Summary
**Future Directions for Mandatory Child Custody Mediation Services:
Considerations from Two Statewide Representative
Studies of Court Users**

Until quite recently, one dominant stereotype has dictated policy and service development in the Family Court. The typical case was envisioned as a divorcing white middle class couple, flanked by attorneys as they worked through a step-by-step process that established permanent orders for child custody and the division of assets. There is growing consensus that today's reality is a radical departure from this stereotype. Statewide representative data from the Uniform Statistical Reporting System maintained by California's Statewide Office of Family Court Services documents the volume, complexity, and diversity of cases entering today's family court. The need for competencies in several key areas is highlighted in this report.

- **Courts should anticipate steady growth in the volume of family law cases.** In 1987, the estimated number of court-based mediation cases was 49,500, rising to 65,500 by 1991. By 1993 the estimated annual case volume reached 73,250.
- **A substantial proportion of cases will return to court for modifications of previous custody and visitation orders.** In 1993, 28 percent of all cases seen in court-based mediation were seeking a modification of an existing court order concerning legal child custody, physical child custody, or the division of primary residence of the child.
- **Family courts must be prepared to competently serve multicultural clientele.** California's ethnic diversity is mirrored in clients using the family courts. Courts must be equipped to facilitate custody deliberations that reach impasse on cultural issues and/or involve disputes about the cultural traditions in which the child will be raised.
- **Courts will be forging new directions, working with unprecedented numbers of clients who do not fit the stereotype commonly envisioned in child custody research and policy deliberations.** Increasing numbers of custody disputes involved parents who have never been married. Forty-three percent of all mediations concern custody and visitation for a preschool child.
- **Safety is a critical issue in many custody decisions.** Over half of all cases mediating child custody and visitation involve parties who are now or have once been protected by a domestic violence restraining order. Court security must also be adequate to insure the safety of clients and court staff
- **Courts must be geared for the pro per client.** Over half of all cases currently include at least one client who is not represented—and this number is on the rise.
- **Today's family court client has limited personal resources.** Many clients, particularly mothers, lack basic financial resources. In 1993, 47 percent of parents using court-based mediation reported that they were either unemployed or earning an income below the poverty line. The fastest growing sector of clients has no formal education beyond high school.

- **A substantial segment of cases entering family court need referrals or orders to ancillary human services.** Parents in half of all court-based mediations cite concerns about child neglect, abuse, abduction, or a parent's problems with substance abuse. This increases the need for investigation, referrals, and/or monitoring.
- **Court-based child custody mediations affect the fate of nearly 100,000 California children each year. Many of them are already at risk when parents come to court.** Currently, one-third of all mediations address concerns about a child's emotional well-being. Child Protective Services has investigated a report about children in 33 percent of all families seen in mediation. Children in half of all mediating families have witnessed domestic violence. Today's Family Court faces the serious challenge of protecting the best interests of the next generation.