

Since 1981, California law has required parents to attempt to reach agreements about child custody and visitation through mediation before proceeding to a court hearing. In 1991 alone, court-based mediators worked with an estimated 65,500 families. California's Statewide Office of Family Court Services conducted the 1991 California Family Court Services Snapshot Study (hereafter referred to as the Statewide Snapshot Study) to provide rigorous statistics that could be used to evaluate claims about the usefulness of mandatory mediation and the prevailing experience of mediation clients across the state as a whole.{*}

Based on 1,388 families in 75 courts across 51 California counties, the study included 82 percent of all families seen in mediation during the study period. Following their mediation sessions, 72 percent of all clients (979 mothers and 969 fathers) evaluated the service using a confidential "Parent Viewpoint" form.

The high completion rate ensures that the data presented in this report represent a true cross section of the California parents using court-based mediation and yield reliable statistics that can be generalized to the state as a whole. Key findings from the study are summarized below:

The demand for mediation services is rising.

An estimated 65,500 court-connected mediation sessions were conducted in 1991 - an increase of 24 percent since 1988.

California's family courts serve a diverse population and client characteristics vary dramatically from court to court

Statewide, one client in three is from an ethnic minority; but the proportion ranges from as low as 5 percent in some courts to as high as 65 percent in others.

Many parents in mediation face economic hardship. Thirty-nine percent of all clients report incomes below the poverty level, but this figure varies across courts from 22 percent to 56 percent.

Sixteen percent of all mediation cases involve children born outside marriage, with a low of 4 percent in some courts to a high of 30 percent in others.

Four clients in ten are not represented by attorneys, with a pro. per. rate across courts of 10 to 53 percent.

Courts also differ with respect to the prevailing issues addressed in mediation. for example, a parent's desire to move is an issue in one case in three across the state, reaching 50 percent in some courts.

Mediation cases are complex, often involving multiple serious family issues. In two out of three mediation families, at least one parent raises concerns about child abuse, violence, or substance abuse. the situations vary from unfounded suspicious to substantiated incidents. It is more common for parents to raise two or more issues than to be concerned with one problem in isolation.

Following their mediation sessions, high proportions of parents assign favorable ratings to the service.

Statistical analysis of eleven indicators of client satisfaction underscored three basic concerns:

Helpfulness: Ratings on five measures of helpfulness ranged from a high of 90 percent of all clients reporting that their mediator had some good ideas for them to think about for their children to 63 percent who reported that mediation put them in touch with resources in their communities.

Opportunity to discuss issues: Four measures from this grouping client ratings ranged from 92 percent who said that the mediator listened to their concerns to 16 percent who felt rushed in mediation.

Overall satisfaction: This set consisted of two questions. Seventy-six percent of mothers and fathers felt satisfied with the results of their mediation sessions and 82 percent of all clients said they were satisfied about the next steps that would follow mediation.

The level of client satisfaction is similar for mothers and fathers. The most common scenario is for both parties to be satisfied with the results of mediation. The 1991 Snapshot results corroborate findings from other empirical research, which shows that most women are satisfied with court-based mediation and that the proportion of dissatisfied women is, in fact, usually similar to or slightly smaller than the proportion of dissatisfied men.

Parents who reach agreements in mediation rate the service more favorably than those who remain at impasse. At the end of the data collection period, 77 percent of the families in the study had completed the mediation phase (42 percent had reached agreements, 12 percent returned to court with a recommendation from the mediator, 8 percent returned to court with no recommendation, and 15 percent were scheduled for further procedures, such as custody evaluation). Although the majority of clients at impasse rate mediation favorably, clients who reach agreements are significantly more positive on all client satisfaction indicators.

The use of mediator recommendations to the bench does not result in widespread client dissatisfaction. Impasse clients who received recommendations are more likely to feel that they lacked sufficient opportunity to work through the issues themselves; at the same time, however, they are more satisfied with the results of the session than clients who return to court without a recommendation.

A broad range of custody agreements are reached in mediation. At the end of the study, 61 percent of the families had a custody agreement. Half of these families (31 percent) agreed to join legal custody with sole physical custody to one parent. The next most common arrangement was for joint physical and legal custody (16 percent). Other combinations were elected by 14 percent of the families.

A high proportion of parents are satisfied with agreements reached in mediation. Eighty six percent feel that their mediated agreements will be good for their children. Three-fourths of all parents who use mediation also report that the service helped them see ways to work together as parents.

Parents who took part in the 1991 Statewide Snapshot Study are currently being re-interviewed to determine how things are working out for their families now. The first release of these data is anticipated for Summer 1994.

Footnote:

*For complete details about the study, see Report 1: Families, Cases, and Client Feedback (January 1992), Statewide Office of Family Court Services, Administrative Office of the Courts, San Francisco, California

For further information about the Statewide Snapshot Study, contact Charlene E. Depner, Ph.D., at the Statewide Office of Family Court Services, Administrative Office of the Courts, 303 Second Street, South Tower, San Francisco, CA 94107, (415)396-5153