



Research Update

November 1999

Pre-Mediation Parent Education: The San Diego Experience

The last decade witnessed an increase in the number of parent education programs offered by California Family Courts. In 1990, the Judicial Council adopted the *Uniform Standards of Practice for Court-Connected Mediation*, which recommend that each court develop a pre-mediation education program based on current research and established court practice.

In response to the increased interest in court-based parent education programs, the Statewide Office of Family Court Services (SOFCs) supported research into characteristics of effective programs. With a grant from the SOFCs, San Diego County Family Court Services studied a brief, mandatory program designed to help parents prepare for mediation.

The Research Study

The researchers adapted San Diego Family Court Services' comprehensive educational program to create a brief, two-session pre-mediation program specifically for the study. The three educational goals of this short program were to increase parents' knowledge of:

- the possible effects on children of divorce and parents' actions during a divorce;
- effective methods for communicating about shared parenting responsibilities; and
- the child custody mediation process.

The research examined how well the program met the educational goals and, further, whether increased knowledge on the part of parents would influence mediation or court outcomes.

The study included 294 couples who were dealing with child custody matters scheduled for action in the Court. Some couples were entering mediation for the first time

and others were returning for modifications to previous arrangements. Approximately half of the couples were randomly assigned to participate in the pre-mediation program while the others, who did not participate in the training, served as a comparison group.

MEET THE RESEARCHERS



The San Diego Study brought together a diverse team from within and outside of the court.

Project Director *Ruth Hatcher, M.S.*, began her work as a counselor at San Diego Family Court Services in 1987 and soon had the parent education program underway. Previously, she led an education program for single parents sponsored by the Urban League.

Project Research Coordinator *Don Millikan, Ph.D.*, teaches psychology at San Diego Mesa College.

Yoshito Kawahara, Ph.D., also on the psychology faculty at Mesa College, contributed to the study's design, statistical analysis, and research report.

Sharkoh Parvini, M.S., a statistician with the court, coordinated data management and analysis.

Tracey Elion and *Carol Leung*, research assistants, managed the project office and the data entry.

Joan Kelly, Ph.D., consulted on the research and generously shared her research instruments.

San Diego FCS counselors taught the parent classes.

The education program and research have had the support of San Diego FCS director *Patty Chavez-Fallon* and the previous director, *Murray Bloom*.

The researchers gathered a variety of data. Parents who participated in the training answered questions about their experience. Parents in both groups completed questionnaires about their communication skills and their experiences in mediation. Mediators rated parents' cooperation and communication and recorded mediation outcomes. Court records, obtained for all court visits during the year following the mediation session, documented the court outcomes.

Were the Educational Goals Met?

Parents' knowledge of ways divorce affects children.

Parents appreciated learning about children's needs. Nearly all parents (95%) agreed that the class taught them how to keep children from getting tangled in parents' conflicts as well as practical ideas on how to plan for the custody and sharing of their children (90%). After the class, parents (92%) felt more confident that they could help their children adjust to their divorce.

Parents' knowledge and use of communication skills. Parents reported that as a result of the class they were more willing to work cooperatively for the good of the children (88%). Relative to the comparison group, trained parents were more likely after their mediation to report having had helpful conversations with the other parent in getting ready for the mediation. (Thirty percent of the parents who received training and 22% of the comparison group reported having had helpful conversations.) However, a questionnaire about the nature of communications between parents did not detect differences between parents who had been trained and those who had not. Trained parents did not differ from the comparison group in their reports of the frequency with which they discussed specific topics concerning their children (e.g., school activities, finances), the degree of conflict they had with the other parent about these topics, or ways in which they communicated with the other parent (e.g., avoiding discussion of problems regarding children, coming to decisions by mutual agreement).¹

Parents' knowledge of the mediation process. Most parents who completed the program (87%) reported they had learned helpful information about the work of family court services and the court regarding child custody. Immediately following mediation, all parents were asked if attendance at a parent education class should be required of parents before their mediation conference. While only about half (54%) of the parents who had not been trained said yes, 81% of the parents who had attended the mandatory training recommended that training be required of all parents prior to mediation.

Did Training Influence Mediations?

Mediators' reports of the mediation sessions did not differ according to the couple's class participation.

Mediators spent slightly less than 3 hours, on average, per case whether or not the couple had received training. There were no differences between groups in mediators' ratings of the session in terms of the effectiveness of parents' communication regarding the children, the cooperation between parents regarding the children, the intensity and duration of conflict between parents, or the productivity of the mediation.

Mediation resulted in high rates of agreement whether or not couples were trained. The outcomes of the mediation sessions did not differ for parents who had received training and those who had not. The percentage of couples who reached agreement on important topics in their mediation session was high in both groups: child custody (80% of trained couples reached agreement and 72% of comparison couples), physical custody (66% vs. 63% for trained and comparison, respectively), vacation plans (70% vs. 62%), birthday and holiday plans (74% vs. 65%), and basic sharing schedules (56% vs. 55%).

Training may have reduced some demands on the court. In San Diego, mediators report child custody and sharing plans to the court and they may make recommendations in the absence of agreements. When these reports were acted on in the court, the child custody and sharing plans were more likely to be entered by stipulation, rather than by the judge's decision, if the couple had participated in the education program. Thirty percent of the parents who attended class agreed to the provisions in the mediators' reports, as compared with 16% of parents in the comparison group.

What Can We Learn from the Study?

From the parents' perspective, the program successfully achieved the three educational goals.

Parents indicated that the training helped them learn about children's needs, led them to be more willing to work with and communicate with their spouses, and taught them about the mediation process.

Although parents viewed training to have benefited their communications about their children, other measures did not detect this benefit. Trained parents did not demonstrate greater communication skill than untrained parents when skill was measured by mediators' assessments or by the parents' own descriptions of their communications.



A CLOSER LOOK AT THE STUDY

The San Diego Study provided a strong test of the short pre-mediation program by controlling for possible biases that could skew the study results.

- ❖ The study not only assessed parents who received education to learn how they might be influenced by the training, but it also compared these parents to parents who had not received training. The comparison guards against incorrectly concluding that trained parents' opinions or knowledge result from their class experience when in fact the training had no influence.
- ❖ The study's experimental design with random assignment of parents to the groups guards against biases that can be created when participants select their group. If parents were permitted to choose whether or not to enroll in training, parents motivated to resolve disputes might choose to enroll while others might choose the comparison group.
- ❖ The researchers went to great lengths to gather complete data on all parents in the study. This guards against inaccurate results that may arise if some participants' opinions and reports are not considered.
- ❖ Key outcomes were measured from different perspectives. Parents' communication skills were evaluated in three ways: by asking parents to assess their skills, by asking parents to describe their communication styles, and by asking mediators to rate parents' skills. When different perspectives produce consistent results conclusions are strengthened. Inconsistent results highlight new directions for future research.

If trained parents learned about communication skills, as they reported they did, why didn't they communicate with greater skill than untrained parents did? One reason is that the program may have successfully increased parents' knowledge of effective communication without improving their communication skills. A brief program designed to inform people about effective communication skills might not be sufficient to change established communication patterns. Those types of changes may require repeated practice and feedback over an extended period of time. A second reason it may have been difficult to observe changes in communication styles is that the researchers observed parents at a

stressful time of their lives in highly stressful situations. It may be that under the pressure of mediation, people operate out of established patterns of interaction.

The San Diego study raises a number of questions about communication skills training. What type and how much instruction is needed to improve parent communications? Are research methods sufficiently sensitive to detect subtle changes in communication patterns? To what extent does the communication setting influence parents' application of newly learned skills? Further investigations of these questions would benefit parent education programs.

Although parents believed that they were better prepared for mediation as a result of training, on most measures of case process, the mediations of trained and untrained parents look very similar. The mediations in this study were very productive, for untrained as well as trained parents. Even in the comparison group, 72% of the couples who were considering child custody reached agreement. This is already a high rate of agreement relative to statewide statistics that estimate only 55% of couples reach agreement on child custody during their mediation session.² With such high rate of agreement, there may have been little room for improvement with training.

On the other hand, where there was room for improvement, trained parents did reach agreements more often than untrained parents did. At their court appearance after mediation, when parents had had time to consider and perhaps discuss the recommendations of the mediators, trained parents were more likely to reach their own agreements without resorting to judicial decision making.

Conclusion

Parents valued the pre-mediation program. It is clear that parents viewed the brief program to have been helpful to them in their preparation for mediation. So helpful, in fact, that they recommended requiring the program of all parents prior to mediation.

The Judicial Council aims to improve the public's access to the judicial branch and to promote the quality of justice by providing services that enhance the public's understanding of the judicial branch. An education program like the one tested in San Diego addresses this goal. It helps parents to understand the court process and it helps them to prepare for mediation of child custody and visitation disputes.

¹ In this report the trained group is identified as being different from the comparison group if a statistical test that contrasts the groups produces a result that is statistically significant at $p \leq .05$.

² Depner, C. E., Cannata, K, & Ricci, I. (1994). *Report 4: Mediated Agreements on Child Custody and Visitation*. California Family Court Services Snapshot Study. San Francisco: Administrative Office of the Courts.



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ADDRESS CORRECTION REQUESTED

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