California Family Court Services Snapshot Study

Report 3

California Family Court Services Mediation 1991

Client Evaluations of Mediation Services:

The Impact of Case Characteristics and Mediation Service Models

January 1994

Malcolm M. Lucas
Chief Justice

William C. Vickery
Director

ADMINISTRATIVE OFFICE OF THE COURTS

California Statewide Office of Family Court Services

1991

California Family Court Services Snapshot Study

1991 Snapshot Study Advisory Panel

Lynn Bundy
Madera County

Jil Chipman
Trinity County

Dennis Hamlet
Alameda County

David Kuroda
Los Angeles County

Lee Yoder
Sacramento County

Administrative Office of the Court

William C. Vickery
Director

Dennis B. Jones
Chief Deputy Director

Kiri S. Torre
Assistant Director
Court Services Division

Isolina Ricci
Statewide Coordinator
Family Court Services

Report Authors

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

Karen Cannata
Research Analyst

Isolina Ricci
Statewide Coordinator

For further information about the
California Family Court Services Snapshot Study, call (415) 396-9153

Report 3
Client Evaluations of Mediation Services:
The Impact of Case Characteristics and Mediation Service Models

Since 1981, California law has required parents who cannot agree on terms for child custody and visitation to use court-based mediation before proceeding to a court hearing. In 1991 alone, court based mediators worked with an estimated 65,500 families (Ricci et al., 1992). Mediation services vary across 58 superior courts, according to local rule[1]. How do parents asses the mandatory mediation step? Do client circumstances affect reactions to mediation? Does public response vary with the type of service model offered?

To address these and other questions commonly asked about mediation by policymakers, judges, lawyers, mediators, researchers, special interest groups, and parents who use the family court, California's Statewide Office of Family Court Services conducted the 1991 California Family Court Services Snapshot Study (hereafter called the Snapshot Study)[2]. Expert opinion and anecdotal reports have been the primary sources of information about the court mediation process. The Snapshot Study adds rigorous statistics that can be used to evaluate claims about the usefulness of mandatory mediation and the prevailing experience of clients across the state.

The study included 82 percent of all families seen in mediation during the study period[3]. Statistics are based on 1,388 families seen for mediation in 75 courts across 51 California counties[4]. Following their mediation sessions parents were asked to record their impressions of the service on a confidential "Parent Viewpoint" questionnaire. Seventy-two percent of all eligible parents (979 mothers and 969 fathers) completed this form.

The Snapshot Study produced the first comprehensive statewide statistics about client perspectives on court-based mediation. the high rate of participation ensured that the data presented in this report represent a true cross section of the California parents who use court-based mediation and yield reliable findings that can be generalized to the state as a whole.

Client Perspectives on Mediation

Statewide prevalence data reveal widespread client satisfaction with court-based mediation services in California. Parents' feedback coalesced into three dominant themes: (1) Mediation provided information that was helpful in coming up with workable agreements for child custody

---

[1]For a county-by-county description of service models, the reader is referred to Profile: Child Custody Mediation & Evaluation Services in California Superior Courts (Fall 1990). Statewide Office of Family Court Services, Administrative Office of the Courts, San Francisco, California.

[2]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.

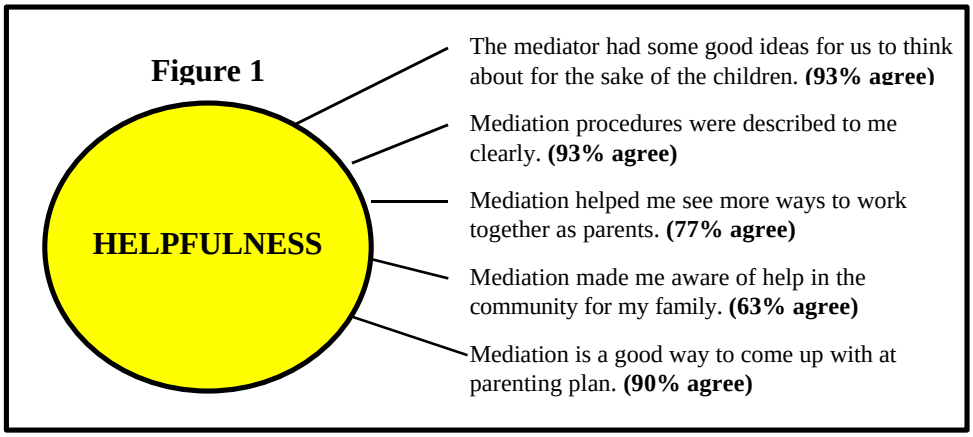
[3]A description of the research methodology is attached in Appendix A.

[4]This report is based exclusively on one service: mediation of child custody and visitation issues. Mediation constitutes 79 percent of all family court services sessions. The Snapshot Study comprehensively covered all family court services, including child custody evaluations, premarital counseling, guardianships, and stepparent adoptions.

and visitation; (2) mediation provided the opportunity for joint consideration of issues that parents deemed important; and (3) parents were satisfied with the outcomes of their mediation sessions.[5]

1. Helpfulness

The general theme labeled "Helpfulness" was measured using five different indicators, shown in the figure below.[6] On each, a high proportion of clients (63 percent to 93 percent) reported that mediation provided information that facilitated working out a plan for custody and visitation for their children.



2. Opportunity to discuss the issues

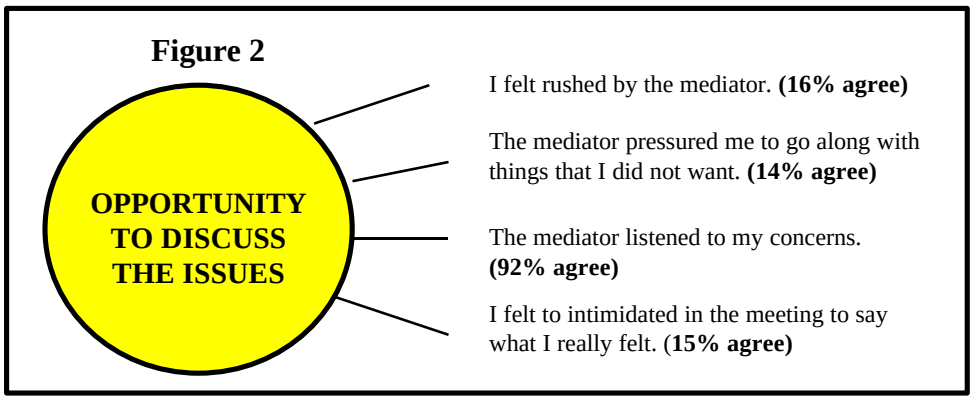
Four questions assessed whether parents felt that there was sufficient opportunity to have their concerns considered in the mediation process. Widespread favorable responses to these items indicate that mothers and fathers saw mediation as a forum in which their issues could be raised and factored into the mediation outcome.

[5]Statistical procedures used to identify the fundamental dimensions of parents' responses were Principal Components analysis with a Varimax rotating, using listwise deletion of missing data. The solution was robust across other factor extraction methods and is comparable for mothers and fathers.

[6]The figures present the items verbatim and indicate the proportion of clients who agreed with them. Subsequent charts are recalibrated to uniformly indicate the proportion of clients who reacted positively to the service.

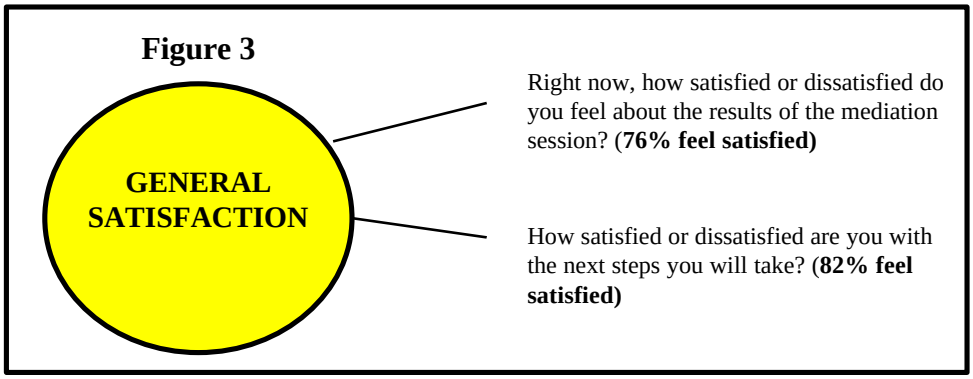
To be specific, the verbatim questions in three items queried about whether the client had experienced certain problems in mediation. For these items the proportion of clients who had favorable reactions is indicated by the percentage of people who disagreed with the item. Conversely, for items that inquired about satisfaction and potential benefits, a positive response is gauged by the percentage of clients who agreed with the item.

To facilitate comparison across items, all proportions is subsequent charts consistently indicate the percentage of positive responses, regardless of whether that is measured by disagreement or agreement on any particular question. This means that, for these three questions, we report the proportion of clients who disagree with the item. For all other items, we show the proportion who agree.



3. General satisfaction

Mediation outcomes vary with the case and the court. Parents may come to agreement in the mediation session or remain at impasse. In the latter situation, the next step varies in accordance with local court policies and procedures. Regardless of outcome, the research found most mediation clients satisfied with the results of the session and with the next steps in their cases.



Are these favorable evaluations consistent across diverse clients and mediation service throughout the state? The next sections of this report search for variations in this general pattern of findings by characteristics of the client as well as by mediation service.[7]

Variations Based on Client Characteristics

Parents who use mediation services reflect California's diverse population.[8] Are mediation services more appealing to some clients than others? To address this question, we compared the

[7]Studies such as the snapshot, which include large numbers of individuals, are capable of detecting differences that are systematic (i.e., statistically significant) but small in magnitude. For each of the comparisons that follow, we assess both the statistical significance and the magnitude of group differences.

Measures of statistical significance are used to determine the probability that the differences observed in the study are not simply attributable to chance. When findings are statistically significant, there is a high probability that they are reliable for the population at large. When they are not significant, it is possible that apparent differences are simply a matter of chance circumstances in a particular study.

Statistically significant results may vary dramatically in magnitude. In a study of this size, a difference of five percentage points could be statistically significant. Depending on the question at hand, a difference of such little magnitude, albeit a systematic one, may be of limited practical significance.

[8]Descriptive statistics are provided in Report 1.

pattern of responses by clients' gender, education, income, and ethnicity.[9] The general pattern of positive evaluations was quite stable across different groups, but the statistical analysis detected some differences, of varying magnitude. The most pronounced differences were found in the "Helpfulness" dimension.[10]

There was a statistically significant tendency for mediation to be rated as more helpful by parents with less education and lower income, and by ethnic minorities. Higher proportions of these clients reported satisfaction on two items. Seventy-seven percent of parents agreed that "Mediation helped me see more ways to work together as parents." Those with less education were more likely to agree by a 5 percent margin and ethnic minorities by 10 percent. Sixty-three percent of parents agreed that "Mediation made me aware of help in the community for my family." Those with less education were more likely to agree by a 13 percent margin, and those with lower income by 9 percentage points. More favorable ratings came from ethnic minorities than from nonminorities, by a 17 percent margin.

Client characteristics were also linked to responses to the dimension labeled "Opportunity to Discuss the Issues." Differences on one item reached statistical significance: "I felt too intimidated in the meeting to say what I really felt." While more than eight clients in ten disagreed with this item (85 percent), the tendency to feel intimidated was statistically higher among women (7 percentage points), among those with less formal education (7 percentage points), and among those with relatively low income (10 percentage points). On the other hand, mothers were more likely than fathers, by a statistically significant margin of 2 percent, to say that the mediator listened to their concerns.[11]

Variations Based on Service Models

With the enactment of Civil Code section 4607, California superior courts were mandated to provide mediation services to parents for child custody and visitation issues. Specifications of the service models were left to the discretion of local courts. Consequently, there are court-to-court variations in mediation policies and procedures. One fundamental difference in service models has to do with steps that a court follows in the event that parents remain at impasse at the conclusion of mediation. This section examines the impact of reaching impasse in mediation as well as variations in client reactions by service model.

Impact of authorizing Recommendations from Mediators to the Court

Thirty-two of California's 58 superior courts authorize the mediator to make a recommendation to the court for custody and visitation when the parents are at impasse

---

[9]To have sufficient cases for valid tests, the analysis treated each of the variables as the following dichotomies: gender (mothers/fathers), education (up to high school degree or trade school/advance degree), income (less than $1,200 per month/$1,200 or more), and ethnicity (self identified as minority/not).

[10]The items within the three dimensions shown in the figures are highly related to one another. To correct for this redundancy, the statistical analysis first searches for group level effects, pooling all items in a particular dimension. When these group level effects are statistically significant, the next step is to look within the dimension to identify particular items where the effect was concentrated.

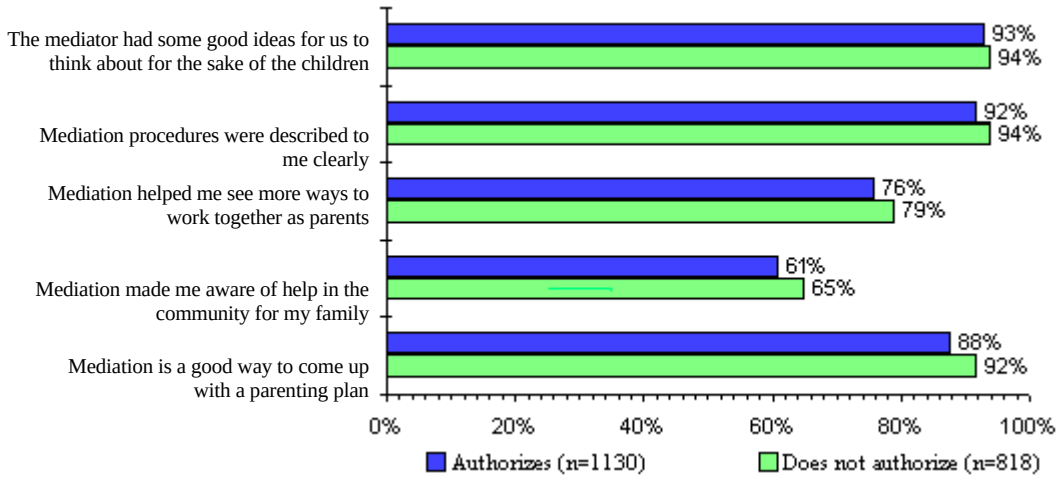
[11]Gender issues in mediation are discussed in greater detail in Report 2: Client Evaluations of Mediation Services: Perspectives of Mothers and Fathers (1993). Statewide Office of Family court Services, Administrative Office of the Courts, San Francisco, California.

(Appendix B indicates the service model used in each county).[12] The 32 counties that authorize recommendations worked with 56 percent of all families in the study. Clients in counties that authorize recommendations mediate with the awareness that, if they do not reach agreement, the mediator will make a recommendation. Does the prospect that a recommendation might be made cast a pall on their experience with mediation?

Charts 1-3 classify the entire pool of mediation clients by the service model used in their courts: those in courts that authorize recommendation and those in courts that do not. The same pattern of favorable ratings was found in each client group; but there was a slight trend for clients to assign higher ratings to mediation in courts that do not authorize recommendations, particularly in the dimension labeled "Opportunity to Discuss the Issues." However, as shown below, these differences were not more than 4 percent.

The ratings of the two groups were not significantly different on items measuring "Helpfulness" (Chart 1). Nine clients in ten felt that procedures were described clearly, that the mediator introduced useful ideas, and that mediation was a good way to come up with a parenting plan. Eight clients in ten said that mediation helped them to see more ways to work together as parents, and six clients in ten reported that mediation services made them aware of community services. These proportions held for clients using either service model, and none of the differences reached statistically significant levels.

Chart 1
Client Satisfaction Comparisons on Helpfulness of Mediation:
Whether County Authorizes Recommendation



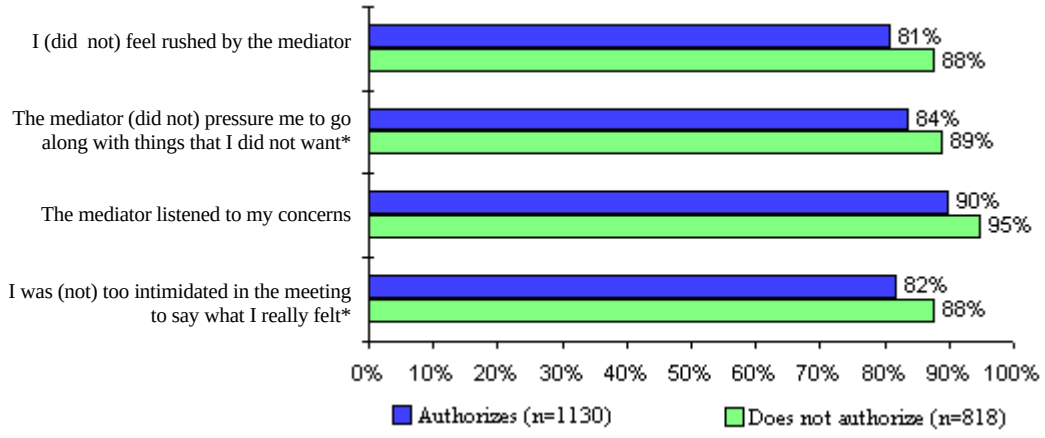
The questions shown in Chart 2 were designed to detect concerns about the coverage of issues in the mediation process. A high proportion of clients using each model reported that they had sufficient time and opportunity to work on issues important to them. Once again, the most favorable ratings came from clients in courts that do not authorize recommendations, with a gap between clients in recommending and nonrecommending courts ranging from five to seven percentage potions. In courts that authorize recommendation, 81 percent of the clients said that they did not feel rushed in mediation; in courts that do not authorize recommendations, the number

[12]The gross categorization of counties into recommending and nonrecommending models obscures complex county-to-county variations in the recommendation process. For a detailed description of services within each county, the reader is referred to*: Profile: Child Custody Mediation & Evaluation Services in California Superior Courts* (Fall 1990). Statewide Office of Family Court Services, Administrative Office of the Courts, San Francisco, California.

increased to 88 percent. In courts that make recommendations, 84 percent of the clients said that they did not feel pressured to go along with things that they did not want; the number rose to 89 percent of the clients in courts that do not authorize recommendations. In courts that authorize recommendations, 90 percent of the clients felt that the mediator listened to their concerns; the number escalated to 95 percent in nonrecommending courts. It was relatively rare that clients agreed that they felt intimidated about saying what they really felt, particularly in a nonrecommending court. In courts authorizing recommendations, 82 percent of the clients said that they did not feel intimidated saying what they felt; in courts were recommendations are not authorized, the number rose to 88 percent.

Chart 2

Client Satisfaction Comparisons on Opportunity to Discuss Issues: Whether County Authorizes Recommendation

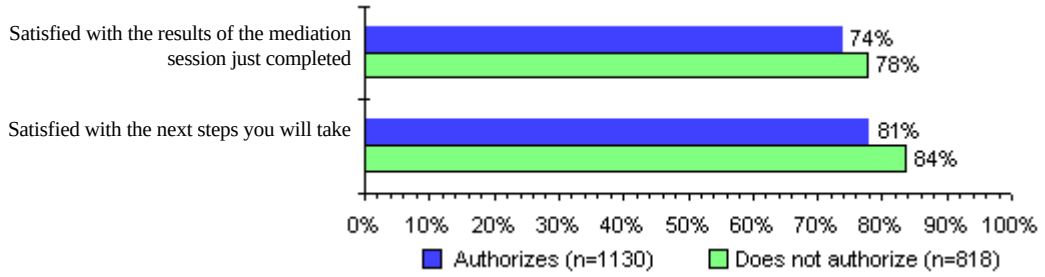


* Actual items read without parenthetical material. Shown is the proportion of clients who reacted favorably to the service

The type of service model had no statistically significant effect on the dimension "General Satisfaction" (Chart 3). Three-quarters of the clients reported that they were satisfied with the results of the session just completed. Eight clients in ten said that they were satisfied with the next steps that they would take.

Chart 3

Comparisons of Client General Satisfaction with Mediation: Whether County Authorizes Recommendation

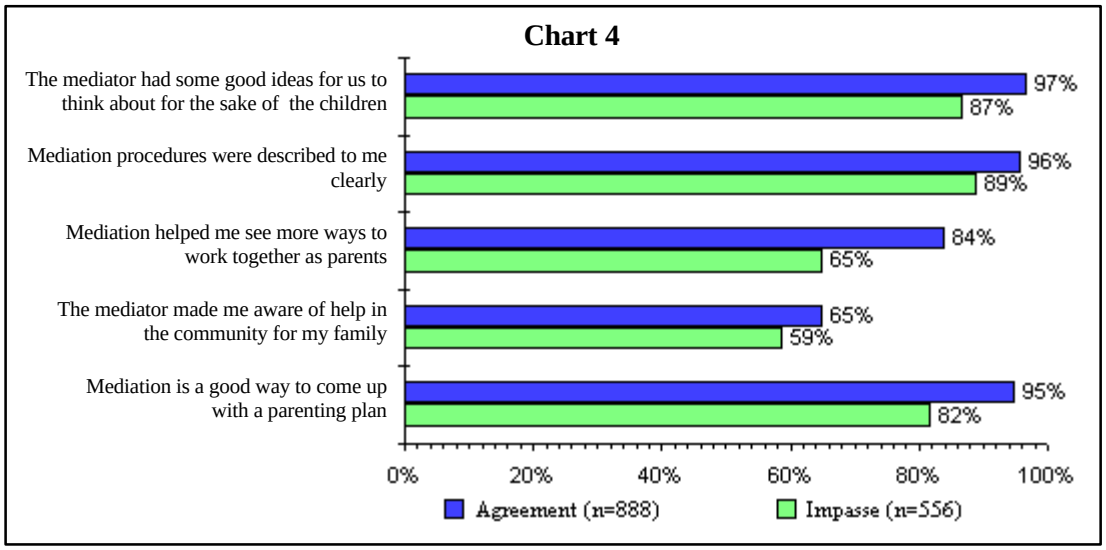


Impact of Reaching Agreement or Impasse

Reaching an agreement in mediation was the strongest determinant of client satisfaction with the service. At the conclusion of the study period, 74 percent of the families in the study had completed the mediation process.[13] More than four in ten of the families (42 percent) reached mediated agreements within this time frame. Approximately a third (32 percent) remained at impasse. Charts 4-6 compare the reactions of the two groups of clients who completed mediation: those who reached mediated agreements and those who remained at impasse.

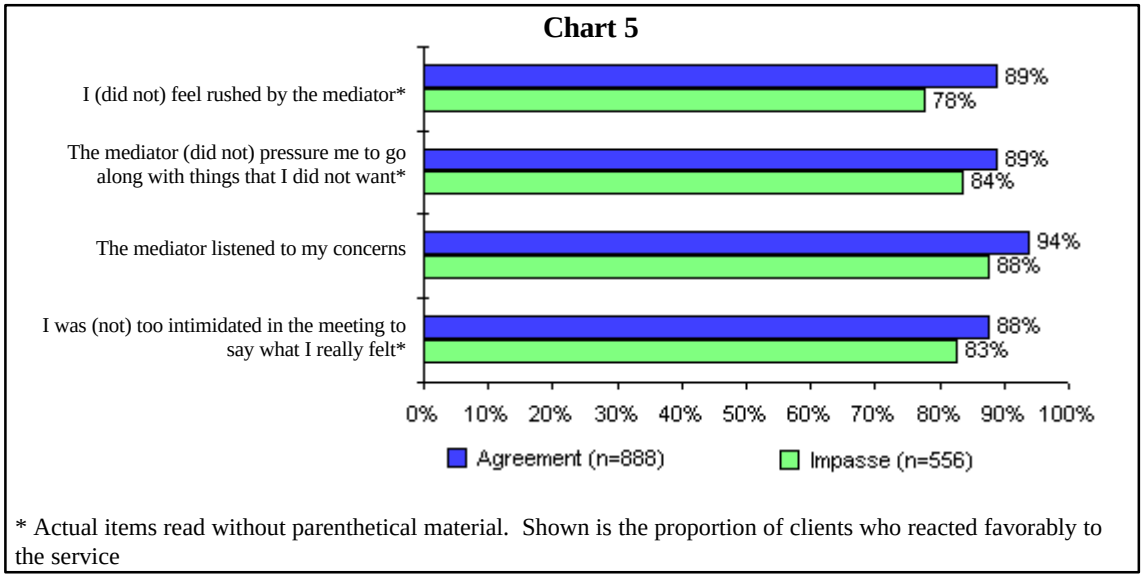
When clients reached agreements in mediation, all facets of the service were given high ratings. Most clients who remained at impasse evaluated the service favorably; but reaching agreement elevated client ratings by an average of 12 percentage points, with a gap between the two groups ranging from a low of 5 percent on one question to a high of 30 percent on another. Items in the dimension labeled "General Satisfaction" were most strongly affected by whether the mediation resulted in an agreement between parties.

It might be predicted that clients find mediation helpful when it produces an agreement. Perhaps more surprising is that substantial proportion of clients found the service helpful even when they did not reach an agreement. Among parents who did not reach an agreement, nearly nine out of ten said that procedures were clear and that the mediator offered good ideas; eight out of ten said that mediation was a good way to come up with a parenting plan; and six out of ten reported that mediation helped them to see new ways to work together as parents and connected them with community resources (Chart 4). These findings illustrate the very tangible benefits that clients receive even when an agreement cannot be made.

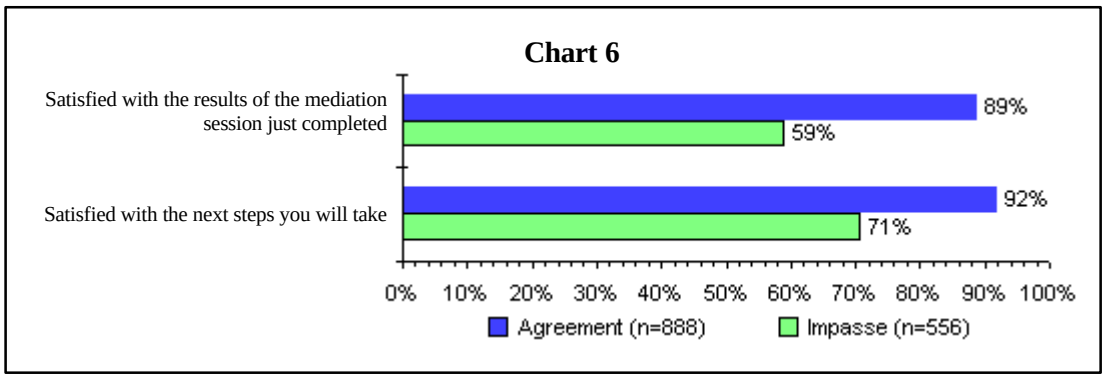


In the dimension "Opportunity to Discuss the Issues," the ratings of those who reached an agreement exceeded the generally high ratings given by the sample as a whole. Ratings by those at impasse were positive, but not so extreme. Roughly nine clients in ten who reached agreement reported that they had sufficient time and opportunity to work on the issues. Among impasse clients, the proportion was more than eight clients in ten (Chart 5).

[13]Eighteen percent of the families were scheduled for further mediation. The next steps for 8 percent of all cases were not determined. In order to focus this comparison on clients who had completed mediation, these 26 percent of the total number of families were excluded from the charts in this section.



Reaching an agreement had the greatest impact on "General Satisfaction" (Chart 6). Nearly nine clients in ten who reached an agreement were satisfied with the results of the session. This proportion dropped to six clients in ten for clients at impasse. Nine in ten of those reaching agreement were satisfied with the next steps to follow; this was true of seven in ten of those at impasse.



The extremely favorable evaluations from parents who are able to come to terms in mediation point out the public value of this service. Despite the fact that those who reach an agreement have statistically higher ratings, they are not alone in their favorable reactions to mediation.

Why would parents be satisfied with mediation even when it did not produce an agreement on all issues? It appears that, even when clients are at impasse, most feel that mediation gave them an opportunity to address the issues and to receive helpful information and services. Specifically, parents may receive information about children's needs, the basic elements of a parenting plan, new approaches to problem solving, referrals to other services, and individual attention to concerns.

Impact of the Use of Recommendations from Mediators

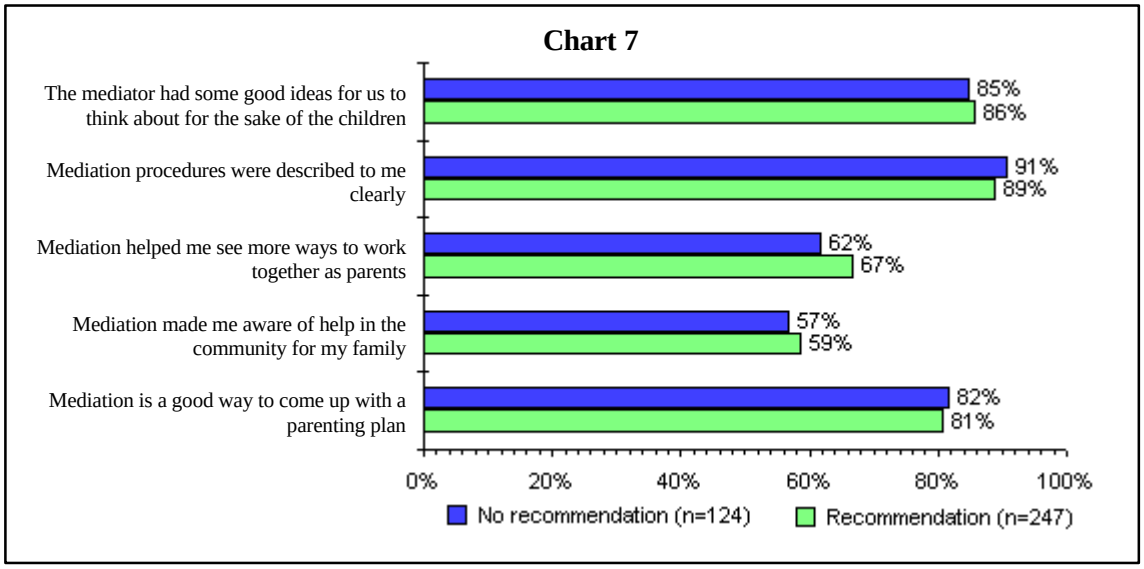
As noted earlier, families who reached impasse in mediation went on to different steps depending on the court's local rules and procedures. Mediators made recommendations to the

court on at least one custody or visitation issue for 12 percent of the families in the study.[14] Eight percent remained at impasse but returned to court without a recommendation.

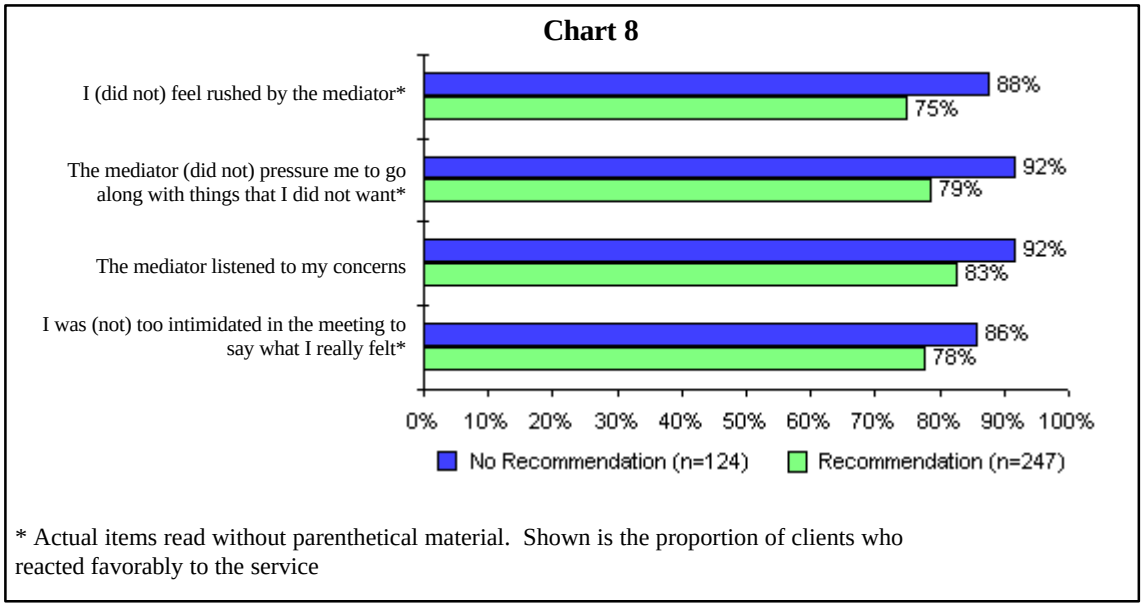
The previous section found evaluations from impasse clients positive, although not as high as those from clients who reached agreement in mediation. Charts 7-9 compare two impasse groups, those who received a recommendation from mediators and those who did not. The results are mixed. Both groups reported that mediation was helpful. When they returned to court without recommendations, clients gave higher ratings to the mediation process. Conversely, those who received recommendations were more satisfied with the results of mediation and with the next steps in their cases.

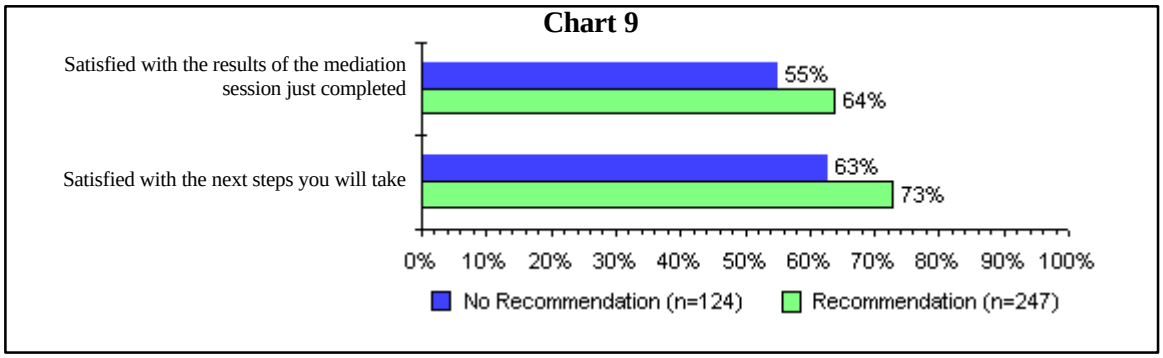
Although clients in both impasse groups were not statistically different in their ratings of mediation helpfulness (Chart 7), they did differ in their views about the mediation process (Chart 8). Roughly nine out of ten of those who did not receive recommendations said that they had ample opportunity to discuss the issues. Parents in families that did not receive recommendations were less likely to feel rushed, pressured, or that their concerns were not heard. These differences were statistically significant. The average gap between the two groups was about 11 percentage points.

On questions about satisfaction with results, however, the results were statistically different in the opposite direction (Chart 9). On these indicators, parents who received recommendations were more positive, by about 10 percent margin. Clients who received recommendations were more satisfied with the results of the session (64 percent) and the next steps they would take (73 percent). Satisfaction on these measures was 55 percent and 63 percent, respectively, among those who returned to court without recommendation.



[14]An additional 2 percent of all families reached a mediated agreement on some issues, and the mediator made recommendations on the issues that remained unresolved. Charts 7-9 include only those clients who were in the group of 288 families at impasse on all issues. Most families fell in neither impasse group and are excluded from Charts 7-9.





Conclusions

These statewide prevalence data confirm that the prevailing experience with court-based mediation is salutary. On most measures, eight to nine clients in ten rated the service beneficial. This favorable public response to mediation was sustained across diverse client circumstances and models of mediation service.

Even when parents did not effect a full agreement in mediation, most had good things to say about the service. Clients who remained at impasse after mediation reported that the service was helpful in ways other than facilitating an agreement (e.g., providing information and referrals).

An important direction for further research is extending this work to include comparison of mediation with the full spectrum of other methods available to parents for resolution of child custody and visitation matters. If families using each method could be contrasted on a standardized set of outcomes, there could be substantial progress in the identification of the relative pros and cons of mediation vis-à-vis its alternatives.

This research did not reveal strong relationships between client characteristics and client reactions to mediation. Most notable is that information and community referrals offered by mediators may be particularly helpful to clients who have less formal education and fewer financial

resources. Clients who are ethnic minorities are particularly likely to find that mediation was a source of community referrals.

Although the results suggest that mediation may be unique in providing resources to families facing decisions about custody and visitation, we do not know whether these same clients would feel more or less comfortable in a different dispute resolution process. For example, there is a 6 percent difference between clients in recommending and nonrecommending mediation models regarding feelings of intimidation. This difference may reflect the distinction between these two models, but it may also reflect realistic limits to the proportion of clients who are pleased with any public service.[15]

Data about implications of the practice of authorizing mediators to make recommendations informs an ongoing debate within the evolving profession of court-based mediation.[16] The prevalence statistics in this report offer no empirical support for the position that a broad base of clients is dissatisfied with the service when mediators are authorized to make recommendations to the court. Within a context of favorable evaluations, however, client satisfaction with the mediation process was enhanced a few percentage points by the use of a mediation service model that does not authorize recommendations to the court; especially pronounced was parents' sense that they had sufficient opportunity to work on the issues. This feeling was particularly strong among impasse clients in nonrecommendations courts. The countervailing consideration, however, is that impasse clients who returned to court without recommendations were also less satisfied with the results of mediation and the next steps that they would take.

Survey data offer insufficient details to resolve the paradoxical finding that recommendations are related to reduced satisfaction with the mediation process, but enhanced satisfaction with its results. The relationships might be clarified with additional information about the circumstances of the case and the nature of the impasse. For example, it is possible that parents can wish for an opportunity to continue to work on issues that have proven intractable, yet, at the same time, be grateful for a recommendation that facilitates the courts resolution of the dispute.

Although the relative levels of client reactions vary somewhat, the strongest conclusion of this research is that most clients in both recommending and nonrecommending models had favorable reactions to mediation services. Client reactions to court services are one crucial criterion. Other outcomes should be factored into a comprehensive assessment of the relative merits of different service models, including time and resources allocated to mediation services, the identification of attributes of the couple, their family circumstances, the nature of the dispute, and how these may affect agreement compliance or satisfaction over time.

Toward this end, two subsequent studies should provide further insight. First, a replication of this research is currently under way. This will be the second large-scale representative study of clients using California court child custody mediation and will provide further insight into California court mediation as well as some of the changes that have affected the state's courts over the past three years. Second, a follow-up study on the original sample of clients described in this report was recently completed. This follow-up study will provide important

---

[15]For further elaboration on realistic limits on appraisals of public services see Rosenberg, J.D. (1992). In defense of mediation. *Arizona Law Review,* 3, 467-507.

[16]For further information on this debate, the reader is referred to Duryee, M.A. (1985). Public-sector mediation: A report from the courts. *Mediation Quarterly,* 8, 47-56; McIsaac, H. (1985). Confidentiality: An exploration of issues. *Conciliation Courts Review,* 23(2), 61-67.

longitudinal data on these families and their experience with mediation and court-mediated agreements. The results of these studies will be reported in future publications.[17]

[17]The reader may be interested in some of the ongoing efforts to study and improve the quality of mediation services. These include the implementation of Uniform Standards of Practice for Court-Connected Child Custody Mediation, biannual continuing education and training of mediators, and continuing research designed to pinpoint the causes and consequences of favorable as well as unfavorable mediation outcomes. In 1992, a statewide task force of mediators was convened to provide expert scrutiny of the attributes of effective and satisfactory service models.

Appendix A:
California Family Court Services Snapshot Study
Data Collection Methods

The California Family Court Services Snapshot Study (hereafter referred to as the Snapshot Study) was conducted by California's Statewide Office of Family Court Services,[1a] using a collaborative research model that featured consultation with providers and users of court-connected mediation across the state.[2a] Primary responsibility for the scientific merit, administration, and analysis of the study rested with the Statewide Office, a coordinating agency. The research questions were formulated in consultation with family and court professionals as well as with parents who had used mediation. Individual court mediation service providers participated in the identification of information needs and the development of data collection methods that would ensure thorough sample coverage while protecting the client's right to participate in the study on a confidential basis. This collaborative model contributed not only to high rates of participation and sample coverage but also to the ultimate utility of the research findings.

Mediation of child custody and visitation issues is the most common of a variety of services provided in court-annexed family court services offices across California.[3a] In this report the term "family court services" is used inclusively to label all services offered (e.g., mediation, evaluation, guardianships, premarital counseling). In some instances, separate statistics are reported exclusively for cases involving mediation, which constituted 79 percent of all family court services sessions conducted during the period of the study.

Study Design and Content

Chart A-1 summarizes the study design and content. Over 400 data elements were gathered from parents and counselors at different stages of each family court services meeting. Materials for parents were available in Spanish as well as in English.

[1a] Under California Civil Code sections 5180-5183, the California Statewide Office of Family Court Services, is mandated to: (1) provide statewide coordination to assist counties in implementing mandatory mediation and child custody laws; (2) administer a program of training of court personnel involved in family law proceedings; (3) administer a program of grants for research, study, and demonstration projects in the area of family law; (4) establish and implement a uniform statistical reporting system on custody disposition and other family law matters; and (5) conduct research on the effectiveness of current law for the purpose of shaping future public policy.

[2a] For a discussion of collaborative designs, see Weaver, R. R. & Ammar, N. H. (1991). A collaborative approach to applied survey research. *Sociological Practice Review*, 2(4), 275-280.

[3a] For complete details about services offered in each court, see Profile: *Child Custody Mediation & Evaluation Services in California Courts* (Fall 1990). Statewide Office of Family Court Services, Administrative Office of the Courts, San Francisco, California.

Chart A-1
California Family Court Services Snapshot Study
Study Design and Content

Questionnaire:	**Family Profile**	**Counselor Information**	**Parent Viewpoint**
Completed by:	Each family court services client	Counselor or mediator	Mothers and fathers who used mediation
When completed:	Pre-session	Post session	Post-session
Percent completed:	92%	99%	72%
Contents:	Demographic profile of parents, children De facto parenting arrangements Presenting issues Special circumstances Interparental relationship	Parties present Service provided Special procedures Issues covered Allegations Description of session Agreements made	Services helpfulness Opportunity to discuss the issues Satisfaction with process Satisfaction with agreement Suggestions for improvement

Immediately prior to the session, each client completed the "Family Profile" questionnaire. This questionnaire provided a demographic profile of the family members. Mediation clients also described de facto arrangements for the distribution of parental time and responsibilities. Each party listed issues to be addressed in the session and provided a narrative about family circumstances, which ranged from medical care needs of children to issues of violence or substance abuse. The Family Profile also included measures of the interparental relationship, including contact, conflict, and cooperation.

Following the session, the court counselor or mediator completed the "Counselor Information" form, which indicated the parties present in session, the service provided, special procedures used, a summary of the issues covered, any allegations that were made by parents, and a description of the intensity and productivity of the session. For mediation sessions, the mediator noted any agreements made and, if the family remained at impasse, what the next legal steps would be.

Mothers and fathers who used mediation also were asked to fill out a "Parent Viewpoint" questionnaire at the end of the session and to return it to the Statewide Office in a sealed envelope. Using this questionnaire, the parent evaluated the helpfulness of the mediation process, whether the issues were given a fair hearing, and overall satisfaction with the process and outcome of mediation.

Different proportions of eligible parties returned each form. The Family Profile was completed by 92 percent of all eligible parents. The completion rate for Counselor Information forms was 99 percent. Seventy-two percent of all mediation clients completed the Parent

Viewpoint questionnaire.[4a] Equal proportions of mothers and fathers took part in the study. Fifty-five family court services clients (50 mediation clients) completed forms in Spanish.

Despite the wealth of information provided by the study, there are limitations to the data. Disputes about custody and visitation extend over time and each case proceeds at a different rate. This project was dubbed the "Snapshot" Study because it focused on a brief time interval depicting a cross section of families in all phases of mediation-those beginning the process, in the midst of negotiate and concluding with an agreement or impasse. A complete understanding of the mediation process and its outcomes will require following events for families over time.

Coverage and Representativeness

The Snapshot Study was the first study with sufficient sample coverage to provide uniform statewide statistics for family court services, including court-annexed mediation. Pioneering research in mediation was often limited to specific programs or geographical regions or based on convenience samples not meant to represent the diverse population of parents using California's family court system.[5a] Previous research had identified important issues but could not take the next step-establishing the prevalence of those same issues across the state as a whole. In other words, gathering statewide statistics about mediation clients, processes, and outcomes requires the use of formal sampling methods designed to ensure that no particular type of program or client is excluded from the investigation. The Snapshot Study's sampling methods met these criteria and, as a result, the study offers what are to date the most representative and comprehensive data about court-based mediation in California.

[4a] Although lower than that for the Family Profile, the completion rate for the Parent Viewpoint is well within acceptable bounds for survey research and exceeds that obtained for comparable research in the general field of mediation. A combination of factors contributed to the lower response rate for the Parent Viewpoint questionnaire, including administrative oversights the press of time, or simply a reluctance to complete additional paperwork. Elaborate measures were taken to ensure that responses to the Parent Viewpoint were confidential.

[5a] California is diverse with respect to population and regional characteristics as well as court programs. Each superior court has the discretion to design a unique mediation program. Gathering valid statewide stages about mediation clients, processes, and outcomes requires the use of a sample that cross-cuts the population in order to ensure that no particular type of client or program is systematically excluded or undercounted (thereby giving others, undue weight).

Among the basic requirements, of any statewide representative sample are two fundamental criteria: (1) All eligible individuals across the state must have equal opportunity to be included in the research. Studies confined to a particular mediation program or practice do not meet this requirement because they exclude other mediation programs across the State; and (2) A sizable proportion of all eligible subjects must be included. (The level of confidence in the findings increases with the proportion of eligible individuals who actually participate in the research. For example, because the Snapshot Study covered an unusually high proportion of eligible families, it is less likely that any particular type of client was systematically excluded.)

Research that does not meet the two criteria listed above cannot claim to be representative. Some research claims representativeness if the sample demographics are similar to those of the population being studied. However, this approach cannot guarantee sound statistics, since the sample could still vary on consequential social and behavioral characteristics (e.g., the type of conflict, the amount of geographical mobility). Such unmeasured differences could profoundly affect the results.

CHART A-2 California Family Court Services Snapshot Study Completion Rates	
Study period:	June 3-14, 1991
Sample coverage:	51 of 58 California counties 75 of 82 branch courts 1,699 of 2,047 FCS sessions statewide (83%) (91 % of sessions in participating courts) 1,388 of 1,693 mediation sessions statewide (82%)
Mediation sample:	1,388 families 1,268 mothers 1,236 fathers 2,266 children 1,183 families with data from both mothers and fathers

Chart A-2 outlines the completion rates for the Snapshot Study. The objective was to include all families who used family court services in the state of California during the study period, June 3-14, 1991. The study covered 51 of California's 58 counties, including 75 branch courts. Information was gathered from 1,699 families seen by court-based counselors during that period. This constituted 91 percent of all families seen in the courts participating in the study. If families in the 7 nonparticipating counties are included in the statistic, the study covered 83 percent of all families who used family court services in the state of California during the study period (82 percent of the families who used mediation). Within the 1,388 families who used mediation, 1,268 mothers and 1,236 fathers participated in the study. Questionnaires from both mothers and fathers are available for 1,183 families. There were 2,266 children in the pool of mediation families.

Ten superior courts had case volumes sufficiently high to yield sound statistics within a one-week period. Data for the one-week courts were weighted to permit extrapolation to the full two-week study period. Estimates of population parameters are based on a weighted sample of 2,140 families.

The study design calls for future follow-up interviews with the mediation parents. Eighty-four percent (2,276-1,159 mothers and 1,117 fathers) of parents seen in mediation during the study period agreed to be re-contacted at a later date.

Appendix B:
Mediation Service Models: Steps Following Impasse*

Authorize Mediators to Make Recommendations to the Court	Do Not Authorize Mediators to Make Recommendations to the Court
Alameda	Amador
El Dorado	Butte
Fresno	Calaveras
Glenn	Colusa
Imperial	Contra Costa
Inyo	Del Norte
Kings	Humboldt
Lassen	Kern
Madera	Lake
Mariposa	Los Angeles
Merced	Marin
Modoc	Mendocino
Mono	Monterey
Nevada	Napa
Placer	Orange
Plumas	San Benito
Riverside	San Francisco
Sacramento	San Luis Obispo
San Bernardino	Santa Barbara
San Diego	Santa Clara
San Joaquin	Santa Cruz
San Mateo	Sierra
Shasta	Sutter
Siskiyou	Tuolumne
Solano	Yuba
Sonoma	
Stanislaus	
Tehama	
Trinity	
Tulare	
Ventura	
Yolo	

*The categories are based on the March 1992 Service Model Questionnaire completed by family court services directors in each county.