California Family Court Services Snapshot Study

Report 4

California Family Court Services Mediation 1991

Mediated Agreements on Child Custody and Visitation

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Malcolm M. Lucas
Chief Justice

Willian 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 Avisory Panel

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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 and Administrator

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

Report 4:
Mediated Agreements on Child Custody and Visitation

California law accords parents wide latitude to tailor child custody and visitation arrangements to the best interests of their particular children. Most parents establish parenting plans[1] on their own or with the assistance of third parties, such as attorneys or private mediators. It is estimated that only a relatively small proportion of families in California use the courts to facilitate terms for custody and/or Visitation.[2] In the state's courts, mediation is the initial dispute resolution step. If parents do not come to terms in mediation, subsequent measures vary according to local rules of the court.[3] An estimated 65,500 mediation sessions were held in court-annexed mediation in 1991.

Surprisingly few rigorous statistics are available about the terms of mediated agreements or the factors that influence them. Some stereotypes are widely accepted as fact. For example, critics of mediation claim that the mediation process produces disproportionately higher rates of agreements termed "joint physical custody" with equal division of parental time with children. Under this scenario, mediated agreements are portrayed as unappealing shared parenting compromises between mothers and fathers stalemated in a battle for sole access to their children. These characterizations are, however, based on conjecture rather than empirical evidence.

The purpose of this report is to test the validity of some common assumptions about mediation with a representative cross section of all families who used court-annexed mediation in California. It begins with a description of the families who used mediation. Then it provides a breakdown of the terms of mediated agreements that were completed by the end of the study period. Finally, it assesses the impact of factors thought to influence the terms of mediated agreements.

The data are taken from the California Family Court Services Statewide Snapshot Study, conducted by the Statewide Office of Family Court Services in June 1991.[4] The study covered 51 of California's 58 counties, including 75 branch courts. Ninety-one percent of all families seen in these 75 courts took part in the study. By enumerating families excluded from the study because they were seen in the 7 counties that did not participate, we could establish that the research covered 82 percent of all families who used mediation in the state of California during the study period. Participants in the study included 1,388 families (1,268 mothers and 1,236 fathers).[5]

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[1]The term "parenting plan" is used throughout this report to refer to all arrangements that parents may delineate for the physical care of their children, including legal terms for custody and allocation of parental time with the child (commonly termed "visitation"). Mediated agreements are typically spelled out in greater detail than those formed by other means (see Kelly, 1993; Pearson, 1993). Court-annexed mediation in California does not cover financial matters. Therefore, for the purpose of this report, the term "parenting plan" does not extend to financial arrangements, such as child support transfers. For a more detailed discussion of the concept of parenting plans, see Ricci (1989).

[2]A study based on two California counties found that 80 percent of all families arrived at custody and visitation terms without court intervention (Maccoby & Mnookin, 1992).

[3]For county-by county descriptions of services, see *Profile: Child Custody Mediation and Evaluation Services in California Superior Courts* (Fall 1990). Statewide Office of Family Court Services. Administrative Office of the Courts, San Francisco, California.

[4]For a description of the study, see *Report I: Families, Cases, and Client Feedback* (January 1992). Statewide Office of Family Court Services, Administrative Office of the Courts, San Francisco, California.

[5]Complete details about the research methodology are attached in the Appendix.

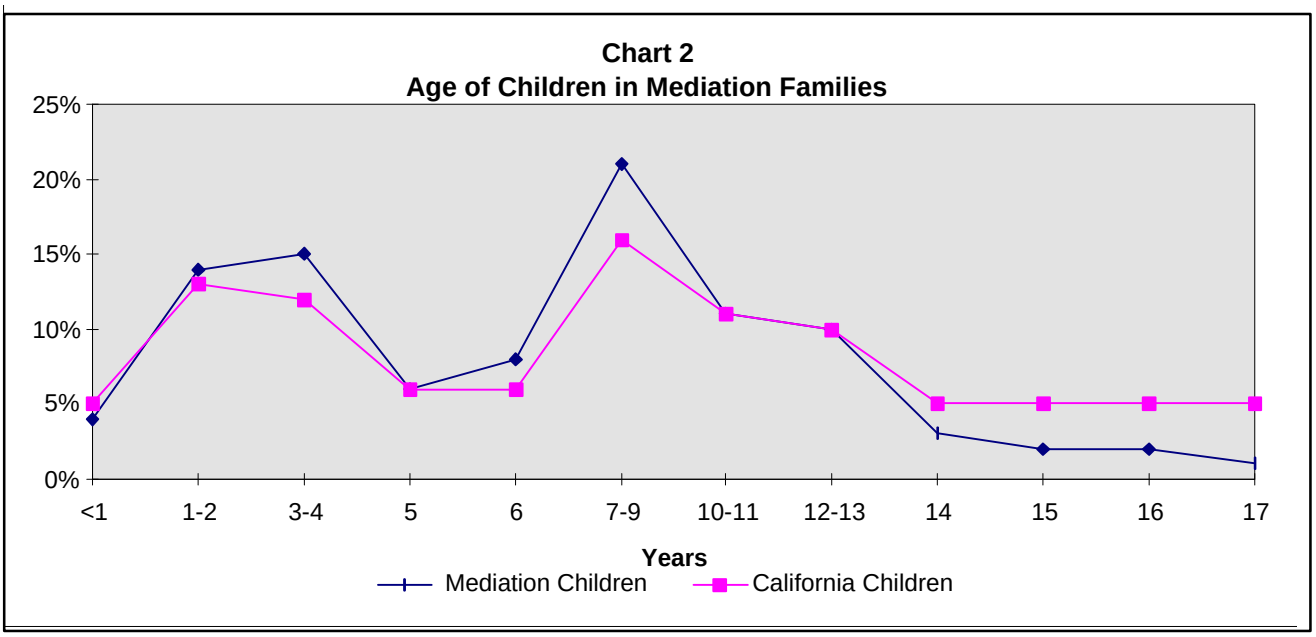
Families Using Court-Annexed Mediation

Basic descriptive statistics, shown in Chart 1, indicate that parents who use court-annexed mediation reflect California's diverse population, but are also somewhat less likely to be among the most affluent and highly educated. About one mediating parent in five holds a college degree. Only three-quarters of the parents are employed. This statistic differs by gender, with 64 percent of the mothers employed and 82 percent of the fathers. The average monthly income for employed parents is $1,680 ($1,330 for mothers and $1,960 for fathers). For the total sample of mediating parents, including those not currently employed, about four parents in ten take home $1,200 or more per month (32 percent of mothers and 53 percent of fathers). Slightly more than one client in three is from an ethnic minority. Approximately six parents in ten are represented by attorneys. The proportions are equivalent for mothers and fathers.

Chart 1
California Family Court Services Snapshot Study
Description of Mediation Clients

Characteristic	Percent of All		
	Parents	Mothers	Fathers
Holds College Degree	20%	18%	22%
Employed	73%	64%	82%
Net Monthly Income $1,200 or More	43%	32%	53%
Nominority Status	62%	62%	63%
Represemted	58%	59%	58%

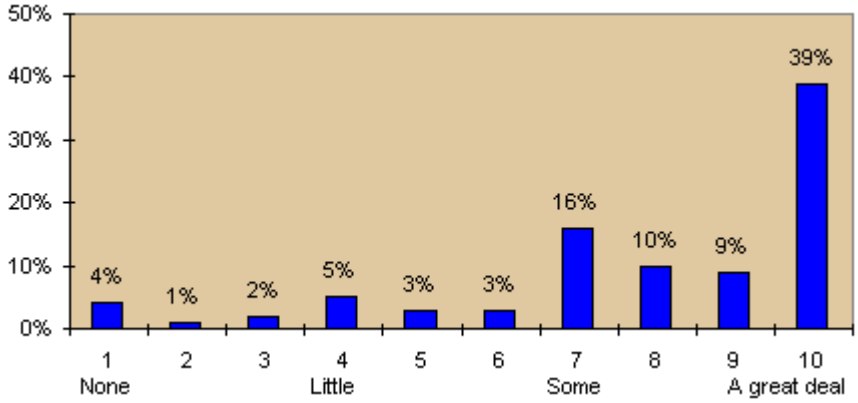
The population of mediating families is evenly divided between those with just one child and those with more than one child. Chart 2 maps the age distribution of children whose parents use mediation against that of all children in California. Younger children (ages one to nine) are more commonly found in court mediation families than in the general population. The median age of children in mediation families is seven.



Although it is sometimes assumed that all families using mediation are locked in a high conflict dispute, parents' own reports show that the amount of conflict differs a great deal from family to family. Chart 3 displays parents' ratings of the level of interparental tension and disagreement that they experienced in the three months preceding the mediation session. The bottom of the chart plots all possible answers, with 1 indicating "none" and 10 "a great deal." The percentage of parents who chose each number is indicated by the bar above

it. Thirty-nine percent of the parents said that they had "a great deal" of tension or disagreement. This high conflict group constitutes a sizable proportion of mediation clients, but individual differences are apparent. At the opposite end of the scale, 12 percent of the parents said that they had "little" or "no" tension or disagreement; 6 percent rated their conflict as somewhere between "little" and "some" and 35 percent said that they were experiencing "some" conflict or more, but not the most extreme degree. Other research on California families (Maccoby & Mnookin, 1992) also finds a wide distribution of conflict levels among parents using mediation. No one profile fits all families who use mediation services.

Chart 3
Level of Tension or Disagreement Between Parents During the Three Months Preceding Mediation*

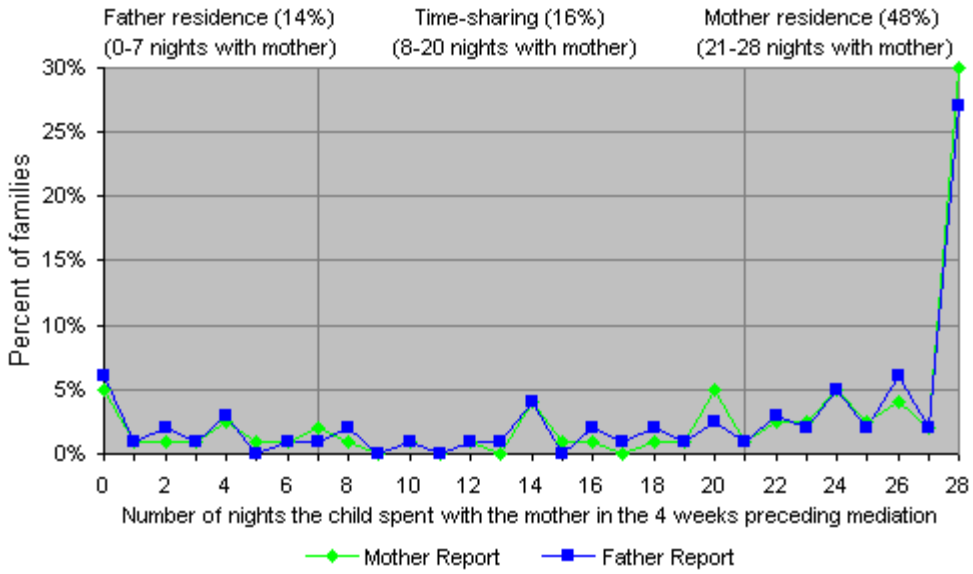


*Eight percent did not respond

Each parent in the study provided a retrospective report about the way in which parental responsibilities had been divided prior to mediation Chart 4 shows the separate reports of mothers and fathers concerning the distribution of overnight visits in the four weeks (28 nights) preceding mediation. The answers are graphed in terms of the number of overnights spent with the mother. The number of overnights with the father can be derived by subtracting this number from 28.

Chart 4

De Facto Time-Sharing Prior to Mediation Shown as Overnights per Month with Mother*



*This chart represents 78 percent of the total number. Twenty-two percent of the families did not report the number of nights the child spend with the mother in the 4 weeks preceding mediation.

The 28 nights in the reporting period are displayed along the bottom of the chart; the graph shows the percentage of mothers (indicated with a dot) and fathers (indicated with a square) who reported each number of overnights with the mother in the past four weeks. For example, 5 percent of mothers and 6 percent of fathers reported that their children spent no overnights with their mothers in the past four weeks; 30 percent of mothers and 27 percent of fathers said that the children spent all overnights with their mothers.

Reports from mothers and fathers within families were quite similar;[6] discrepant reports typically involved each parent claiming slightly more time with the child than was corroborated by the other.[7]

The vertical lines in Chart 4 form three rough classifications of time allocation commonly employed in custody research. The two categories at each end of the distribution are Father residence (O-7 overnights with the mother) and Mother residence (21-28 overnights with the mother). In other words, sole residence with one parent is defined as spending the equivalent of no more than two weekends and three weeknights per month with the nonresidential parent (although that is just one of several possible schedules that a family in this category might use). Time-sharing is broadly defined as 8-20 overnights with the mother and is not restricted to an equal division of time with each parent.

Chart 4 illustrates several important findings.[8] First families most commonly allocated a relatively higher proportion of the time with children to mothers. Nearly half of the schedules reported by mothers and fathers involved 21-28 overnights in the mother's home.

The prevalence of Mother residence, however, should not obscure the fact that one family in three allocated considerable time to fathers. Fourteen percent of all families reported Father residence and 16 percent time-sharing.

A variety of time allocations can be found within each of the three residence categories. For example, only about one-quarter of time-sharing arrangements involved an equal split of overnights. Thus, although most fathers in time-sharing arrangements spent more time with their children relative to other fathers, their time allotments were not equivalent to those of their former partners. This finding is consistent with research on the wider divorcing population, which shows that although shared parenting arrangements assign unprecedented amounts of time in paternal care, time is rarely allocated equally between parents (Benjamin & Irving, 1989; Weitzman, 1985).

The Mediation Process

The purpose of court-connected mediation in California is set forth by statute: to facilitate an agreement between mothers and fathers that is in the best interest of the child; to reduce parental acrimony; and to assure the child close and continuing contact with each parent within the context of best interest. The role of the mediator is dictated by statute and by standards of judicial administration.[9] The mediator attempts to assist the

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[6]For simplicity, the remainder of the graphs use mothers' reports of overnight stays since parental reports are so similar.

[7]The tendency to underreport the other parent's participation is consistently observed in most studies of post-dissolution parental involvement (Braver, Wolchik, Sandier, Fogas & Zvetina, 1991).

[8]The Snapshot Study is the source of the first statistics about parenting arrangements preceding mediation. Nonetheless, the findings must be interpreted with caution. For some families, the de facto distribution of time represents a long-standing division of time. For others, there is considerable flux in the amount of time that each parent spends with the child. Chart 4 includes both types of situations, showing the most recent time allocation used by the family. In addition, a rather sizable proportion of parents (22 percent of the mothers and 21 percent of the fathers) did not provide information about the de facto time allocation. This could mean that parents had difficulty answering the question or did not want to disclose the answer. Because those who skipped the question have an impact on the results, they are included in calculations of statistics shown in subsequent graphs.

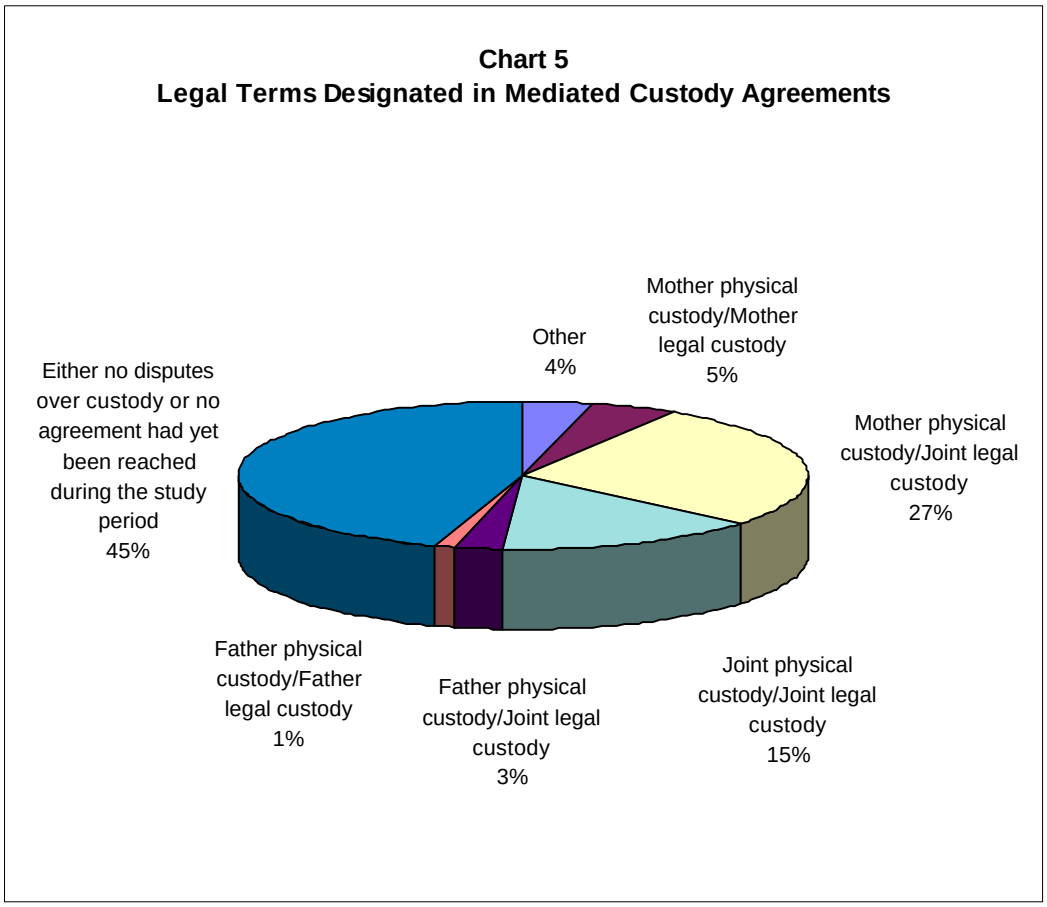
[9]For a complete description, see Norton, Weiss, Ricci & Fielding. (1992).

parents in working together on the child's behalf and may offer information that is useful to parents in forming a plan that addresses the needs of their particular child.

A parenting plan often involves more than the selection of a custody label and the allocation of time. Findings from this study show that parents are concerned about a spectrum of family routines and relationships that will affect the viability of the agreement. Common themes addressed in the mediation session include the needs of the child (e.g., adjustment developmental needs, special requirements), parents' ability to meet the child's needs, other concerns about a parent's care or treatment of the child, supervision, discipline, building a working relationship between parents (e.g., communication, abiding by the parenting agreement), and mutual parenting responsibilities (e.g., decision making and authority, child care, and transportation). Fifty-seven percent of the sessions also explicitly addressed the issue of hostility or arguments between parents.

Agreements Formed in Mediation

The Snapshot Study data collection spanned a two-week period. At its conclusion, families in the study were at different points in the dispute resolution process. Some remained at impasse on all issues, while others had mediated agreements on some of their issues. Fifty-five percent of the families had agreed on the legal custody terms and 55 percent had allocated time with their children. The remainder of this report examines the mediated agreements in greater detail[10].



[10]Consistent with preceding charts, percentages in Charts 5-7 are based on the full sample of families who used mediation That is, the denominator is not confined to those who reached agreement. Because families may have formed partial agreements (covering either custody or visitation, but not both), the numerators vary with the number of families who agreed on each particular term. For example, in Charts 5 and 7, statistics about custody count any family who had an agreement about custody, regardless of whether they settled other aspects of the parenting plan, such as time allocation. In Charts 6 and 7, statistic about time allocation count families who had agreed on time allocation regardless of whether they settled on other aspects of the parenting plan, such as the formal custody label.

The Use of Legal Terms in Mediated Agreements

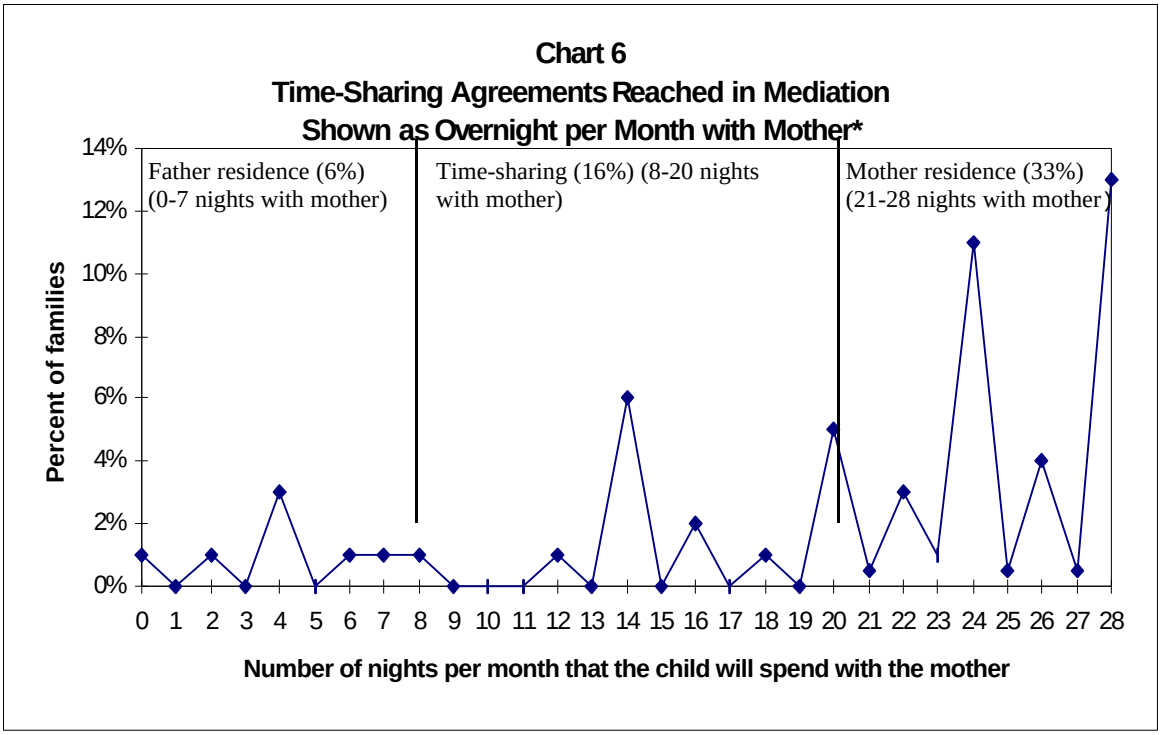
Chart 5 displays the distribution of the legal terms designated in custody agreements made within the study period.[11] Two forms of de jure custody terms are shown: "physical custody," designating the primary residence of the child; and "legal custody," indicating responsibility for decision making. The most common agreement (27 percent of the total sample) specified physical custody to the mother and joint legal custody. This was followed by joint physical and legal custody (15 percent). Sole physical and legal custody to either parent was rare (5 percent to mothers and 1 percent to fathers). These numbers for couples who use mediation fall somewhere in the middle of statistics reported for the general divorcing population who form parenting plans using all forms of dispute resolution strategies (including but not limited to mediation). Research based on the general population shows the use of the term "joint physical custody" ranging from 2 percent (Phear, Beck, Hauser, Clark & Whitney, 1984) to 20 percent (Maccoby & Mnookin, 1992).

Other researchers have found that the de jure physical custody label is not a precise indicator of the amount of time that a child spends with each parent (Clark, Whitney & Beck, 1988; Mnookin, Maccoby, Albiston & Depner, 1990; Phear et al., 1984; Seltzer, 1990). This finding is also replicated in the Snapshot Study. Only 49 percent of the families who agreed to a joint physical custody term also agreed to a time-sharing arrangement (8-20 nights per month in the mother's household). In addition, 25 percent either did not consider time as an issue or could not reach agreement concerning time. The remainder of parents who chose the joint physical custody term made a time arrangement of 0-7 nights with either the mother or the father.

Actual Time Schedules for Children

What is the actual allocation of time in mediated agreement? To answer this question, we examined the number of overnight stays within a four-week (28-day) period that were allocated to the mother under mediated agreements. The distribution is shown in Chart 6. In the same format as Chart 4, the bottom of the graph uses a scale of 0-28 overnights, and each dot on the chart indicates the percentage of mediated agreements allocating that many overnights per month with the mother. The chart also repeats the same classifications used in Chart 4 for Father residence, Time-sharing, and Mother residence.

[11]Subsequent charts use one randomly selected child to represent each family. If all children were included in the analysis, families with more than one child would have a disproportionately stronger influence on the outcome statistics than those with one child.



*This chart represents 55 percent of the total number. Forty-five percent of the families either had no dispute with overnights or did not reach agreement during the two-week study period.

The strongest message from Chart 6 is the wide variety of arrangements chosen by parents in mediation. No one time allocation was chosen by a majority of parents. The most common mediated agreements called for either all overnights to be spent with the mother or the equivalent of two weekends with the father; but these schedules accounted for only 24 percent of all agreements formed by parents who used mediation. Under the same tripartite system used to describe de facto arrangements, Chart 6 shows that 6 percent of the families agreed to Father residence, 33 percent to Mother residence, and 16 percent to Time-sharing. The time-sharing proportion is comparable to recent national statistics that put actual time-sharing at about 13 percent of all households with formal custody arrangements (Donnelly & Finkelhor, 1993).

Within each of the three residential categories, a wide variety of time allocations is found. For example, the omnibus time-sharing category includes families in which children were to spend as few as 8 overnights with their mothers and as many as 20. Although it is sometimes assumed that most mediations result in an equal division of overnights, only 6 percent of the families who used court-annexed mediation left the service with such an arrangement.

Factors Related to Mediated Agreements for Joint Physical Custody or Time-Sharing

One objective of this report is to identify factors that influence the likelihood of deciding on particular custody terms or time arrangements. What makes parents in mediation more inclined to settle on joint physical custody or time-sharing? Foregoing research has identified variables that appear to be linked to the arrangements that parents make for custody and visitation (Depner, 1994). Many of these are characteristics of the family and its members that are antecedent to the disruption of the parental relationship. For example, although joint physical custody and time-sharing can be found in all family circumstances (Irving, Benjamin & Trocme, 1984; Maccoby & Mnookin, 1992), they are most common among better-educated, higher-earning parents and families that include male children, only children, and youngsters in the two-to-nine age range (Donnelly & Finkelhor, 1993; Glazer, 1989; Kline, Tschann, Johnston & Wallerstein, 1989; Maccoby, Depner & Mnookin, 1988; Maccoby & Mnookin, 1992; Patterson, 1984; Pearson & Thoennes, 1990; Shiner, 1986). Seltzer (1990) contends that economic factors have a stronger bearing on legal custody, whereas family composition is more strongly linked to physical custody. Although research is beginning to identify a consistent pattern of factors that often precede joint custody and time-sharing, such antecedent factors are far from deterministic of custody outcomes. Indeed, the power of antecedent factors to influence outcomes remains to be

assessed. That is, we do not know how strongly status on these indicators influences the odds that a family will choose a joint custody term or an actual time-sharing arrangement. Chart 7 displays one way of viewing the relative impact of antecedent characteristics on the proportions of custody and visitation terms.[12]

Chart 7 measures the impact of antecedent factors on the proportion of families selecting joint physical custody (shown by the black bars) and/or a time-sharing arrangement (shown by the gray bars). The bars at the top of the chart show the proportion of all families in the study who agreed on the joint physical custody term (15 percent) and on a time-sharing arrangement (16 percent). The bars below these compare the proportion of parents in different subgroups who chose joint physical custody terms and time-sharing. By comparing the bars for all factors in the chart, one can see the relative impact of each factor on the proportion of families who elected joint physical custody terms and/or actual time-sharing arrangements.[13]

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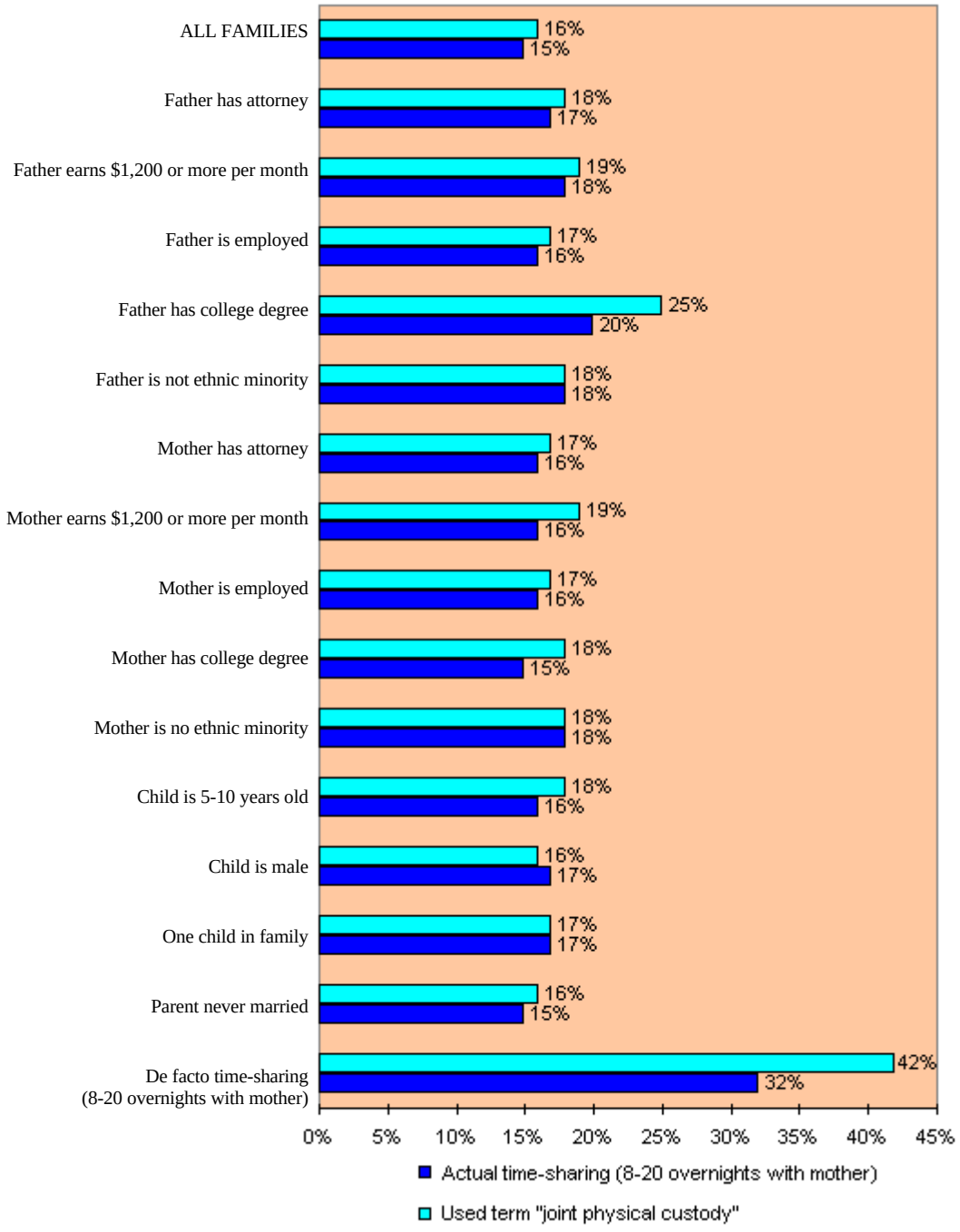
[12]Studies such as the Snapshot which include large numbers of participants, are capable of detecting systematic (i.e., statistically significant) relationships that are small in magnitude.

Measures of statistical significance are used to determine the probability that linkages between variables observed in a particular study are not attributable to chance. When findings are statistically significant there is a high probability that they will stand up in the population at large. When they are not significant it is possible that apparent relationships are simply a matter of chance circumstances in a particular study.

Statistically significant relationships vary dramatically in magnitude. In a study of this size, a factor significantly related to a custody outcome may increase the incidence of the outcome by no more than two percentage points. Depending on the question at hand, a difference of such small magnitude, albeit a systematic one, may be of limited practical significance.

[13]The chart shows the impact of each factor taken individually. Because many of the factors listed in the chart tend to coincide, they share explanatory power. That is, their joint impact is less than the sum of the individual effects.

Chart 7
Factors Affecting the Proportion of Joint Physical Custody and Time-Sharing Agreements (8-20 overnights with mother)



Across all factors tested, de facto time-sharing had the greatest impact on mediated terms for physical custody and time-sharing. Among families who reported a pre-mediation de facto arrangement involving time-sharing, proportions of mediated agreements with joint custody terms (32 percent) and actual time-sharing (42 percent) were significantly higher than for all families taken together. Based on these statistics, it appears that the experience of sharing parental time increases the likelihood that a couple will choose a joint physical custody term or a time-sharing arrangement in mediation.

What other factors increase the likelihood that parents will agree in mediation to share physical custody and time? Chart 7 shows that many of the same antecedent variables detected by previous research tend to elevate the probability that joint custody and time-sharing will be chosen. Nonetheless, even when an antecedent variable had a statistically significant relationship to the type of mediated agreement (i.e., the effect could not be dismissed as chance fluctuation), the impact of the antecedent variable was usually very modest often increasing the likelihood of the use of the joint physical custody term and/or actual time-sharing by just a few percentage points.

Even though most of the antecedent variables do not have a powerful impact on the mediated outcome, some important patterns are evident by comparing the full set of variables in Chart 7. For example, the relative force of characteristics of the fathers is noteworthy. This finding is consistent with an emerging body of literature that is pointing to the importance of father attributes in predicting other indicators of paternal involvement such as compliance with child support orders (Teachman & Paasch, 1993). The impact of a college degree, in particular, may be indicative of education's force in shaping preferences about paternal roles.

Conclusion

The purpose of this report was to describe mediation clients and the agreements that they form in court annexed mediation as well as to search for factors that had marked effects on these outcomes. The results of the study put many common assumptions about mediation into perspective. Perhaps the most useful finding for practitioners and policymakers is that mediation clients and outcomes are far too diverse to conform to simplistic generalizations.

Descriptive statistics drawn from this representative cross section of clients remind us that court annexed mediation is used by people from all walks of life. The full range of socioeconomic circumstances is included, and California's ethnic diversity is represented in the mediation client base.

The mediation population has disproportionate levels of some characteristics linked to the selection of joint physical custody terms and actual time-sharing arrangements The most affluent and educated are underrepresented among mediation clients. These groups are associated with higher levels of shared parenting. On the other hand, the mediation group has a higher proportion of young children, ages one to nine. Children in this age range are more commonly found in shared parenting situations. These sample characteristics may have only minimal practical significance, however, since the findings of this report also show that such factors shift the proportions of custody and visitation arrangements only a few percentage points.

Reports from clients themselves defy the common assumption that all mediation clients come from "high conflict" families. The findings show that about half of the clients report that they are currently experiencing a low or moderate level of tension and disagreement with the other parent. The range of conflict levels found across families who use mediation (see also Kelly, 1993; Maccoby and Mnookin, 1992) indicates that legal practice cannot operate on the assumption that all couples who mediate conform to the profile of high conflict families.

The Snapshot results do not support the claim that mediation results in a disproportionately high level of shared parenting arrangements. Rates of agreements containing joint physical custody terms and time-sharing arrangements are 15 percent and 16 percent respectively. Only 6 percent of all the families agreed in mediation to split time with the children 50/50. These rates are within the range of those obtained in research on the general divorcing population.

Rather than producing one stock custody/visitation outcome, the mediation process results in a considerable range of child custody and visitation plans. Like parents in the divorcing population at large, mothers and fathers who use mediation are most likely to assign physical custody to the mother and to allocate more time with the child to her. This prevailing preference for mothers to assume a higher proportion of parenting responsibilities has been documented in other research (Maccoby & Mnookin, 1992).

Although parents allocate more access and responsibility to mothers, it is rare that mothers are

accorded exclusive parental rights. Snapshot findings replicate those which indicate that fathers are assuming unprecedented levels of parental involvement.

What factors appear to influence custody and visitation decisions? The Snapshot data suggest that a number of factors may have small but systematic effects. Characteristics of the fathers, particularly education, had more bearing than other demographics on whether the parents would decide to share parenting.

The results also send a strong message about continuity. Among all indicators tested, the one with the greatest bearing on mediated agreements was the type of de facto time allocation already in place in the family. Families with some experience in time-sharing were more likely to elect joint physical custody or time-sharing arrangements. When parents mediate their disputes, few make radical changes in the arrangements that they already have in place. Changes that do take place in the pre-mediation arrangements tend to increase the amount of time that the nonresidential parent spends with the child.

Do these findings indicate that mediation simply ratifies the status quo? Not necessarily. Our measures focus on gross categorizations of time. We found that mediation sessions often focus on a wide range of parenting issues rather than the simple division of time. It is possible that parents used the mediation forum to voice particular concerns and to spell out mutual expectations. Kelly (1993) points out that mediation is often used as a planning process—a context for communicating specific details.

Taken together, the results of this investigation challenge popular images of mediation as a process in which parents battling for sole access are forced to compromise on shared parenting. The findings show that it is a misconception that all mediation families are engaged in bitter contests for sole custody. Nearly half of mediation parents do not regard their level of conflict as severe and, prior to mediation, most children spend some time with each parent. The data also show that joint physical custody and time-sharing are not the arrangements most commonly chosen by parents in mediation. Instead, the results show that the parenting plans formed in mediation do not deviate markedly from the pattern found in the general divorcing population: Most families assign more parental responsibilities to mothers, but the role of the fathers is greater than it has been in decades past.

Previous reports show that mothers and fathers are highly satisfied with mediated agreements for custody and visitation. Do these plans prove satisfactory over time? Do parents see their mediated agreements as a resolution to conflict? Does mediation provide a forum for parents to work through their concerns and construct arrangements in the best interests of their children? Two forthcoming studies will provide further insight into issues related to custody and time-sharing agreements formed in court mediation. First, a follow-up study of the original 1991 sample of clients described in this report was recently completed. The follow-up study will provide important longitudinal data on these families and their experience with mediation and court-mediated agreements. Second, a replication of the 1991 Snapshot Study was conducted in the fall of 1993. This is the second large-scale representative study of clients using California court based-mediation and will detect changes associated with modifications in family law and court procedures over the intervening two years, The results of these studies will be reported in future publications.

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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,[1] using a collaborative research model that featured consultation with providers and users of court-connected mediation across the state.[2] 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.[3] 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.

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[1] 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.

[2] 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.

[3] For complete details shout services offered in each court see *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.

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.[4] Equal proportions of

[4] 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.

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, those in the midst of negotiating, and those 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 systems.[5] 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.

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

[5] 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 statistics 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 he 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.

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 (2,274—1,157 mothers and 1,117 fathers) of parents seen in mediation during the study period agreed to be re-contacted at a later date.