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# A STUDY OF THE EFFECTIVENESS OF MEDIATION ORIENTATION PROGRAMS FOR CHILD CUSTODY RECOMMENDING COUNSELING

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A STUDY OF THE EFFECTIVENESS OF MEDIATION ORIENTATION  
PROGRAMS FOR CHILD CUSTODY RECOMMENDING COUNSELING

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A Project  
Presented to the  
Faculty of  
California State University,  
San Bernardino

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In Partial Fulfillment  
of the Requirements for the Degree  
Master of Social Work

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by  
Arlene Trevizo  
Ana Paulina Romero Baltazar

June 2020

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## ABSTRACT

This study examined the impact of a Child Custody Recommending Counseling (CCRC) orientation program on encouraging parental agreements in child custody and visitation cases. We used qualitative research methods by interviewing CCRC counselors to identify common case factors involved in obtaining full agreements. The interview questions addressed commonly noted case factors, perspectives of the mediators in regard to tools used by parents from the orientation programs, and areas of potential enhancement to the orientation. Eight mediators were interviewed, and their interviews were transcribed and thematically analyzed using conventional content analysis. As a result of this study, the themes that arose were the perceived effectiveness of the CCRC orientation and facilitators of effective mediation. It was apparent that attendance of the orientation and the tools that were provided in the program aided parents in forming agreements. Furthermore, parents who had established positive relationships with each other as well as the counselor's style and office environment contributed to the manner in which parents were able to work together and form agreements.

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## CHAPTER ONE

### PROBLEM FORMULATION

It is commonly known that parties in marital dissolution cases have a difficult time maintaining their emotional conflict. Emotional conflict, also known as high-conflict, in divorce cases is when the parties experience opposing emotions relating to a situation that has recently or is currently taking place resulting in hostility and fear (Perry, Marcum, & Stoner, 2010). Emotional conflict can pose a larger problem when children are involved, and the parties must agree to legal custody and visitation arrangements. The process of family mediation is focused on helping parents reduce their hostilities toward one another and formulate a parenting plan that will best fit their child's needs (Family Court Services, 2018). According to California Rule of Court 5.210e(2), superior courts are required to provide parties with information regarding the mediation process, also known as Child Custody Recommending Counseling (CCRC), prior to scheduling their appointment with the Child Custody Recommending Counselor (Family Court Services, 2018). Further, many of the courts in Southern California have information available orally through orientation videos, in addition to providing information about co-parenting tools, child development, and suggestive parenting plans for parties to consider and utilize upon meeting with the counselor. However, the information provided to parties is limited in providing coping tools parents can use to maintain their emotional intensity throughout the mediation process.

Mediation has been widely accepted by courts in aiding the determination of child custody and visitation arrangements for family law cases. The aim of mediation is to help parents form parenting plans that are in the best interest of the child, to aid them in coming to their own decisions about custody arrangement, and to lessen hostility between the parents (Family Court Services, 2018). However, other issues have been noted to take precedent in session, which makes it difficult for both parents and counselors to truly focus on the intended goals when there are risk factors involved. Perry, Marcum, and Stoner (2010) have shown that factors such as emotional conflict, power differentials, defensive attitudes, and lack of interactive skills continuously arise between parents during the mediation process. Further, there is a lack of research simultaneously addressing multiple case issues in mediation, such as domestic violence, substance use, and other factors. Many studies solely focus on one case issue and its impact on the mediation process. In addition, a notable finding was that all parties, including attorneys, judiciary, and the counselors themselves, lacked sufficient understanding of the mediation process (Perry, Marcum, & Stoner, 2010), which can be attributed to their varying theoretical perspectives (Stoner, Perry, & Marcum, 2011). Nonetheless, the orientation programs were devised and implemented to educate and clarify the process of mediation for parents. Yet, there has been little research conducted to evaluate the impact of these programs on the process of mediation and whether this is

affected by important case factors such as high-conflict, domestic violence, substance use, etc.

Many times, programs and procedures that are implemented are overlooked in evaluating their intended outcomes. One study found that mediation orientation programs across the U.S. were psychoeducational in nature and generalized to focus on the mediation process and parent conflict (Kitzmann, Parra, & Jobe-Shields, 2012). By overlooking the impact of orientation programs to CCRC, it can create significant barriers for parents and counselors at the micro-level practice in that their focus would be on emotional management and de-escalation rather than helping parents focus on parenting plans for their child. In turn, this can have ramifications for timeliness and costliness for both parties and the court system due to recommendations would be increasingly formulated by the counselor in recommending counties for which parents may or may not be fully satisfied with. Recommending counties are those where the counselors present recommendations to the judge for child custody that is in the best interest of the child when parents do not reach agreements in session (Family Court Services, 2019). Finally, orientation program's generalizability may not account for the varying needs of parents to complete the mediation process, such as accounting for victims of domestic violence, high-conflict, cases where there is a history of Child Protective Services (CPS) involvement, or parental criminal records (Kitzmann, Parra, & Jobe-Shields, 2012).

## Purpose of the Study

The purpose of this research study was to gain insight on the impact of Child Custody Recommending Counseling (CCRC) orientation programs on encouraging parental agreements in child custody and visitation cases. The research study further addressed case factors commonly noted in the mediation process, such as domestic violence, history of CPS involvement, high-conflict relationships, among others, as current research focuses on only addresses a single case factor.

In order to gain this knowledge, a qualitative methods approach was conducted to explore the perspectives of the mediation counselors in regard to commonly disputed issues in the mediation process and the impact orientation information is reflected throughout the mediation session. Individual interviews were utilized in order to grasp a more in-depth understanding of the issues that arise in mediation.

## Significance of the Project for Social Work Practice

The idea to conduct this research study came from the need to review the information provided in orientation programs throughout Southern California court systems. Judicial systems have evaluations in place but are only used for statistical purposes and lack change implementations. It is imperative to understand how common case issues are addressed in the mediation process to bring awareness to administrators and managers of factors that may have been overlooked in the process of creating orientation programs.

By studying the impact of the CCRC orientations for recommending counties in Southern California on varying case factors, the results of this study can yield implications in research for the area of family law disputes. At the macro level, changes to program information and structure can be modernized to include additional coping tools for self-regulation between parties in session. A needs assessment aspect for cases where domestic violence occurred may also be added to account for victim fear and safety as it has also been a common minimized issue in the mediation process (Beck & Raghavan, 2010). At the micro level, parents would be able to utilize interventions, such as breathing exercises, in order to truly lessen hostility and refocus attention to co-parenting methods and planning. Counselors, particularly social workers who work under the perspective of helping the whole individual (National Association of Social Workers, 2020), can focus attention on interventions for co-parenting and aiding parents to keep the child's interest in mind.

Moreover, this research can inform the evaluation phase of the generalist model of social work in that the resulting outcomes of this research could provide an idea of the program's efficiency and need for modification. Therefore, this study addressed the following research questions:

1. How do court mediators perceive the effectiveness of the orientation programs to CCRC in the mediation process?

2. What are the perceived common case factors associated with a full child custody and visitation agreement identified by the mediators in the mediation process?

## CHAPTER TWO

### LITERATURE REVIEW

#### Introduction

This chapter will review existing literature regarding family mediation orientation programs. Factors such as high-conflict relationships, domestic violence, and child abuse, have an impact on family mediation and will be further elaborated on. An explanation as to how social cognitive theory has shaped this research will also be specified.

#### Factors Leading to Family Mediation Involvement

According to the Center of Disease Control and Prevention, the divorce rate among the U.S. population is 2.9 per 1,000 people as of 2017 (Marriage and Divorce, 2017). As a result, families become involved in child custody arrangements mainly due to disagreements between parents. Some of these cases can be aided by use of couples or family counseling, individual behavior therapy, or a combination of these before mandated family mediation intervention. Kitzmann, Parra, and Jobe-Shield (2012) noted that the majority of parents are able to compose a parenting plan on their own. Yet, many factors play a role in the involvement of family mediation such as high-conflict relationships between parents, domestic violence, and child abuse cases.

### High- Conflict Relationships

Conflict is common between couples during and after marital dissolution which further instigates general hostility and disagreements between parents. Increased conflict between couples is expressed through verbal or physical violence, vindictiveness and retaliation, and/or dragged out litigation (Bosch-Brits, Wessels, & Roux, 2018; Perry, Marcum, & Stoner, 2010). As a result, parent's poor communication becomes a barrier and begins to affect the child who tends to be caught in the middle of their disputes (Bosch-Brits, Wessels, & Roux, 2018). This is critical to keep in mind when addressing parenting plans and determining what is best for the child in the mediation process. In all, it seems that when couples reach a point of lacking meaningful communications due to excessive emotional burden (Perry, Marcum, & Stoner, 2010), they allow a third-party to intervene which tends to be the court, attorneys, and professional counselors.

### Domestic Violence

Domestic violence involvement in the family mediation process may cause great distress to children depending on the agreed upon parenting plan. At least one in every ten children are exposed to domestic violence every year (Finkelhor, Turner, Ormrod, Hamby, & Kracke, 2009). When family mediation and domestic violence are intertwined, an increased risk of negative outcomes for children are probable, such as experiencing academic, social, and psychological problems (Holtzworth-Murroe, 2011; Putz, Ballard, Arany, Applegate, & Holtzworth-

Murnroe, 2012). Further, apprehensions regarding victims of domestic violence in the family mediation process jeopardizes physical and verbal harm if the agreement reached triggers the perpetrator. Controversies surrounding the lack of research done specifically with these cases are the assumption that domestic violence involved families are capable of professionally coming to a safe agreement to meet the best interest of the child and whether or not mediation procedures should be modified to better accommodate domestic violence cases (Holtzworth- Munroe, 2011; Rossi, Holtzworth- Munroe, & Applegate, 2015).

### Child Abuse

Every year, nearly 674,000 children in the United States are abused (U.S Department of Health & Human Services, 2019). Suspicion of child abuse is sufficient for mandated reporters to file a report to Child Protective Services for an investigation. When allegations of possible child abuse are part of family mediation, cases become more complex. Child protection mediation supports families in reducing the confrontational nature of child protection sessions and lessen the time that children remain in foster care (Edwards, 2009). Hence, it is critical to have experienced and culturally competent mediators, for the sessions to be inclusive, and for the environment to be safe in order for the mediation to be successful.

### Studies Focusing on Family Mediation

There is limited research that is directly focused on family mediation orientation programs and their effectiveness in preparing parents for the

mediation session. Kitzmann, Parra, and Jobe-Sheilds (2012) focused on evaluating family mediation orientation programs nationwide. Other studies mainly explore divorce education classes which tend to be more inclusive of various familial issues post-divorce. Further, there is largely more research geared toward evaluating the general mediation process, typically from the counselor's perspectives. Therefore, this study will review the research done on mediation orientation programs nationwide and the process overall. A brief narrative will be discussed about the gap or barriers between established pre-mediation programs and the events that takes place in mediation.

In a nationwide study, Kitzmann, Parra, and Jobe-Shields (2012) analyzed pre-mediation programs in different states based on published evaluations and a wide-range of internet searches to explain varying characteristics of programs that have been adopted. Their goal was to discover if the program designs truly prepared parents for mediation based on content, presentation, and utilized learning tools (Kitzmann, Parra, & Jobe-Shields, 2012). Their findings suggest that the implementation of these programs are overlooked by most courts in whether they are producing goal-oriented, positive outcomes for families. Hence, lack of evaluation of family mediation orientation programs is a barrier in determining success in session and parenting plan retention rates. This is vital to consider for recommending court counties because if parents cannot agree on a parenting plan, the recommendations of the counselors are typically ordered by judges as a final determination for child custody and visitation.

Further, Kitzmann, Parra, and Jobe-Shield (2012) noted that the structure and content of orientation programs were commonly short, psychoeducational, and discussed what to expect in mediation along with effects of conflict exposure to children. The authors found that not all of the orientation classes included discussions about domestic violence and, from their overview of California-based programs, less included tools about maintaining emotions and improving communication when in mediation which is a large factor in parent's involvement in mediation. Moreover, none of the programs appeared to consider cases in which parents were involved with Child and Family Services for alleged child abuse. This appears to be conflicting with the programs purpose of keeping the best interest of the child in mind. Therefore, lack of inclusiveness of the main factors that lead parents into using family mediation poses yet another barrier in evaluating the effectiveness of these programs.

Kitzmann, Parra, and Jobe-Shield (2012) distinguished that family mediation orientation programs are distinct from divorce education classes yet share some similarities in content. Divorce education programs materialize to be more comprehensively studied as researchers have conducted intensely structured reviews, using pre and posttest methods along with comparison groups (Becher, Cronin, Mccann, Olson, Powell, & Marczak, 2015; Ferraro, Oehme, Bruker, Arpan, & Opel, 2018; Schramm & Calix, 2011). The authors of these studies commonly noted that divorce education classes are equally lacking evaluation on their effectiveness in conflict resolution. The gap in literature is that

courts are ignoring piloting meaningful evaluations for family law programs in general. This is conflicting then with the rate of adoption of these curriculums per state and the varying content these programs provide that may or may not be helpful in the family law process across.

We turn our attention to the actual events that make up the family mediation process and examine the research conducted on counselor's experiences with parents. Perry, Marcum, and Stoner (2010) examined the difficulties counselors face during mediation process using qualitative methods. It was evident that the difficulties encountered by counselors were basic conflict resolution, stress and emotional management, and poor communication between parents (Perry, Marcum, & Stoner, 2012; Stoner, Perry, & Marcum, 2011). In part, this could be due to unresolved feelings of anger and resentment or parties uninterested attitudes to mediation in general. Nonetheless, the authors fell short in addressing critical cases focusing on domestic violence and parents with child abuse allegations, and how counselors preserve these situations compared to typical high-conflict cases. Hence, this research project will take these important factors into account in order to fully assess family mediation programs.

As research finds that commonly encounter issues in mediation are grossly due to lack of communication skills and emotional management, there appears to be a disconnect between the events that occur in the mediation session and the perpetration information provided to parents in orientation program. It is understood that not all cases are alike, however, common themes

have been identified in the literature: Pre-mediation programs lack evaluation on their effectiveness in attaining described goals for parents, and primary factors that lead parents to use family mediation are inconsistently discussed across studies, both from the perspective of counselors and parties. Hence, this study is necessary to fill the gaps identified for this topic and to propose possible modifications to Child Custody Recommending Counseling.

### Theories Guiding Conceptualization

The theory utilized to conceptualize the ideas in this study is social cognitive theory. Albert Bandura (1989) explains that human development incorporates several distinct types and models of changes. One of the main models in understanding causation regarding behavior is broken down in a triadic pattern in which all three segments, the self (person), behavior, and environment, impact one another. There is no solid direction or order in which these three parts influence each other as there is no strength or order in their effect (Bandura, 1996; Bandura, 2001). These influences are visible only through time and are not immediate.

Human emotions, thoughts, beliefs, and cognitive abilities are all developed and altered by social stimuli, which sends information to the brain and produces an emotional response through demonstrating, teaching, and social encouragement (Bandura, 1996; Bandura, 2001). Generally, people will display distinctive reactions to stimuli, even if the stimuli is the same, because of their different social roles and characteristics. Some critical factors that must be taken

into consideration to understand why people will react differently to the same stimuli are a person's background, age, culture, temperament, and life experiences (Bandura, 2001). This is the connecting segment to this research project; different people face different stimuli in their social environments that has led them to need support through family mediation. The family mediation process integrates psychoeducation concerning different topics, support with communication between families through demonstration, and informative lessons about proper parenting techniques, children's developmental stages and needs, and sample parenting plans which highlight the main ideas of Bandura's social cognitive theory.

### Summary

Family mediation involvement is essential when factors related to intra-familial disputes such as high-conflict relationships between parents, DV, and child abuse cases become present. The limited research on family mediation and its effectiveness, states that the operation of these programs are overlooked in the sense of whether or not, the outcomes for families are efficient (Kitzmann, Parra, & Jobe- Shields, 2012). This study will further expand on the evaluation of CCRC orientation programs in Southern California. Albert Bandura's social cognitive theory will be the support for this study as the family mediation process follows similar principles.

## CHAPTER THREE

### METHODS

#### Introduction

This chapter will discuss the details of how this study was conducted. The following sections discuss the study design, sampling, data collection and instruments used, procedures, discussion of the protection of human subjects, and data analysis.

#### Study Design

The purpose of this research is to gain insight on the effectiveness of orientation programs for CCRC as it relates to yielding child custody and visitation agreements between parents in larger Southern California counties. Further, this study attempted to identify common case factors that influence agreements in the mediation process. There is limited published research on the mediation orientation programs and their influence on custody outcomes, even more so when considering multiple case factors. Therefore, this study was conducted using qualitative methods through interviews as the perspectives of the counselors are needed to review common case factors and content related to the mediation process from the orientation program.

By using a qualitative approach, the researchers refined and complemented existing research in relation to this topic. Additionally, an outline of common case issues that arise in mediation sessions can be useful to

understand custody agreements for future research and inclusion in the orientation program curriculums. Finally, gaining perspectives of the mediation counselors regarding the information provided to parties in preparation for mediation, allowed for an in-depth look at the what is being utilized in mediation. This also allowed for better identification of areas in the program that may need improvements or adjustments to.

A limitation to this research design is that only initial cases were utilized. In mediation, initial cases are those that are new to child custody. We chose to use these cases because this is the stage in child custody where parents are required to attend the orientation program before their scheduled session (Family Court Services, 2018). This restricted information from other mediation cases, like request for modifications to child custody orders, as court procedures do not require parties to re-attend orientation. Furthermore, there was a lack of insight from the parties attending the orientation program as only the perspectives of the family court mediators were accounted for. Another limitation worth noting is that the methods approach to this research was time consuming to conduct and analyze, and the research is subject to socially desirable responses.

### Sampling

This project used a snowball sampling technique to solicit family court mediators to participate. The reasoning behind selecting this technique was due to the study not explicitly focusing on reviewing orientation programs in a single county but more inclusive of all recommending counties in Southern California. In

order to accommodate a broad sample of family court mediators, connections were established to recommend appropriate qualified candidates for the study. Recruitment began with members from a small network of personal connections with family court mediators and further recruitment was completed through referred friends, co-workers, acquaintances, etc. that hold the title of Child Custody Recommending Counselor. More specifically the study targeted initial cases that have attended the orientation program and reached a full agreement regarding child custody and visitation. These sampling methods resulted in a sample size of eight CCRC counselors.

#### Data Collection and Instruments

Qualitative data was collected through individual interviews that projected to last approximately 30 minutes to an hour. The interview began by providing each mediator with an introduction, description of the study, and its purpose. Following this step, demographic information was collected from the interviewees. The interview questionnaire was developed by the researchers as there was no pre-existing instrument that evaluated the orientation programs from the counselor's perspective in conjunction with addressing multiple case factors. The interview questions were reviewed and tested for both face and content validity by two mediation counselors and the research advisor of this project, Dr. James Simon. Please reference Appendix A for the survey.

A semi-structured interview questionnaire was developed to address commonly noted case factors, perspectives of the counselors in regard to tools

used by parents from the orientation programs, and areas of possible improvement to the orientation that would better assist in accommodating noted case factors. If a specific case factor was identified as being present in the case, the researchers followed up by asking probing questions to solicit additional information.

Two strengths for utilizing this data collection instrument were that open-ended questions allowed for a better understanding of this newly explored topic and invited the possibility of new information that has not been addressed by the research project for further implications. A limitation to utilizing an interview technique was that it was not inclusive of party's perspectives of the information provided in the orientation program and was subjective to the participant's opinions. Furthermore, this precluded the verification of the reported outcome as we were going based on the counselor's self-report.

### Procedures

An email invitation was created to solicit participation in this study. The information provided in the email included the purpose of the study, the length of time for the interview, and the incentive provided for voluntary participation. The researchers scheduled interviews based on the counselors' availability within a one-month time frame after the Institutional Review Board approved the research.

Prior to starting the interview, an informed consent document was sent to the participant via email in which they were instructed to read, agree to be audio

and video recorded, and attained their participation. Please reference Appendix B for the informed consent. The participants were also instructed to return the document to the researchers by scan or picture copy. Following this process, the interviewers initiated the questionnaire by collecting demographic information about the counselors and conducted the interview. A five-dollar gift card to Starbucks coffee company was given to each person who completed an interview. The review process and content analysis were completed concurrently throughout the collection process.

#### Protection of Human Subjects

The researchers took precautions to maintain confidentiality and anonymity of participants. The identity of participants of each interview were kept confidential by not requesting any identifiable information from participants, including names, address, and other personal information. The researchers attached an informed consent document that clearly outlined the parameters of the entailed research study and whether participants agreed to participate or declined. Participants were instructed to read the document and mark an "X" in place of a signature to further conceal their identity if they wished to participate. Recorded interviews and transcriptions were stored on a password protected Google Drive account that only the researchers have access to. After one-year post-research completion, the recordings and documents will be destroyed by shredding all documents.

## Data Analysis

Participants were interviewed and the resulting data was analyzed using conventional content analysis (Hsieh & Shannon, 2005). To begin, audio/video recordings of each interview were transcribed into written form. Individual participants were assigned a number to be used while transcribing for the purpose of differentiating the comments of the different members. All supporting or opposing utterances and comments were documented on the transcription. Non-verbal actions were also noted.

All statements were categorized into domains including the present case factors, orientation tools and information, and other factors that lead to successful agreements. Under each domain, statements were then categorized as strengths, shortcomings, and suggestions for change. Major themes and sub-themes were identified under each category and assigned a code and the codes were logged onto a master code list. The researchers read and reread transcripts to be certain of themes and sub-themes assigned. Individual statements were assigned under their corresponding category and entered into an excel document under their assigned code.

## Summary

In sum, this study described how participating in the orientation programs for CCRC affects the process of coming to an agreement for child custody, address common case factors, and influences the mediation process overall. In addition, this study screened for various case factors that arose and impacted

case outcomes. The qualitative study design selected was the most apt for the purpose of this study because this design allowed for the perspectives of the mediation counselors to freely emphasize the distinct factors that impact agreements among families and how those factors were addressed during the mediation session.

## CHAPTER FOUR

### RESULTS

#### Introduction

This chapter presents the relative findings from the interviews that were conducted with participants for the study. In addition, a list of participant's demographics is provided as well as descriptions of participants' responses to the interview questions. This chapter concludes by summarizing the themes extracted from the interviews including: Perceived Effectiveness of the Child Custody Recommending Counseling (CCRC) Orientation and Facilitators of Effective Mediation.

#### Demographic Statistics

As indicated in Table 1, the sample size collected included eight child custody recommending counselors. A total of five demographic questions were asked to each participant including age, gender, ethnicity, job title, and total time in their current position. The age range of participants varied from 26 to 65 years of age with most participants being at age 36 and older; no participants identified between ages 18 to 25 or over the age of 65. All participants were female, and their ethnicities included four African Americans (50%), two Caucasians (25%), and two Latinas (25%). No participants identified as Asian/ Pacific Islander or other. All interviewees held the position of Child Custody Recommending

Counselor as their respective work titles. The level of work experience the counselors held ranged from 7 months to up to 7 years in their current position

**Table 1**  
*Demographic Characteristics of Study Participants*

Variable	Frequencies (n)	Percentages (%)
<b>Age Range</b>		
18- 25	0	0%
26- 35	2	25%
36- 45	3	37.5%
46- 55	2	25%
56- 65	1	12.5%
65+	0	0%
<b>Gender</b>		
Male	0	0%
Female	8	100%
Transgender	0	0%
Non-binary	0	0%
Didn't wish to respond	0	0%
<b>Ethnicity</b>		
African American	4	50%
Asian/ Pacific Islander	0	0%
Caucasian	2	25%
Hispanic/Latinx	2	25%
Other	0	0%
<b>Job title</b>		
Child Custody Recommending Counselor	8	100%
<b>Total time in current position</b>		
7 months	1	12.5%
2 years, 6 months	1	12.5%
3 years	2	25%
3 years, 5 months	1	12.5%
5 years	1	12.5%
7 years	2	25%

#### Qualitative Interview Data

A total of eight individuals were interviewed to collect qualitative data. The length of the eight interviews ranged from nine minutes to thirty minutes, with an

average of 14.75 minutes per interview. The questionnaire created was designed to explore the participant's views, opinions, and perspectives about the effectiveness of the CCRC orientation program. In addition, the questionnaire highlighted relevant case factors that may have been present for each case discussed as a factor in the mediation process. The total number of interview questions that were asked to each participant included eleven questions regarding case factors that may have been presented. If a case factor was identified, then three additional questions were asked per case factor to acquire more detail.

Table 2 indicates the case factors that were identified in the interviews. The most common cases factors included divorce (n=5) followed by substance use (n=2) and high conflict (n=2). Less common factors included mental health issues with parents (n=1), absent parent (n=1), and child specific issues (n=1). The factors that were not identified included domestic violence, CPS involvement, and criminal history with parents.

**Table 2**  
*Identified Case Factors in Interviews*

Variable	Frequencies (n)	Percentages (%)
Domestic Violence	0	0%
High- Conflict	2	25%
CPS Involvement	0	0%
Mental Health Issues with Parents	1	12.5%
Substance Use (from parents)	2	25%
Criminal History (with parents)	0	0%
Divorce	5	62.5%
Absent Parent	1	12.5%
Child Specific Issues	1	12.5%

Note. In some interviews, participants reported more than one case factor. One interview did not report any case factors present.

Table 3 summarizes the themes from the responses given by the participants, which included Perceived Effectiveness of the CCRC Orientation and Facilitators of Effective Mediation each of which had three subthemes. The subthemes for Perceived Effectiveness of the CCRC Orientation included Orientation Interventions and Tools, the idea of the Best Interest of the Child, and Orientation Improvement. For the Facilitators of Effective Mediation, the subthemes included Premediated Plan, Parental Characteristics, and Counselor Style and Environment.

**Table 3**  
*Themes and Subthemes Related to Findings*

Theme and Subthemes	Description
Perceived Effectiveness of CCRC Orientation <ol style="list-style-type: none"> <li>1. Orientation Interventions and Tools</li> <li>2. Best Interest of the Child</li> <li>3. Orientation Improvement</li> </ol>	This theme describes the various factors that counselors identified as being helpful aspects of the orientation program to guide parents in the mediation session and possible areas of improvement.
Facilitators of Effective Mediation <ol style="list-style-type: none"> <li>1. Premeditated Plan</li> <li>2. Parental Characteristics</li> <li>3. Counselor Style and Environment</li> </ol>	This theme emphasizes identified elements that occurred in the mediation session which helped in achieving successful agreements between parents.

Perceived Effectiveness of Child Custody Recommending Counseling Orientation

Out of the eight interviews conducted, seven (87.5%) of the counselors identified helpful orientation tools and interventions as a factor that contributed to parents' ability to work well together in session. Participant one identified the following as a helpful tool for parents:

“... the part that may have affected them was when [the orientation] talks about the four different... co-parenting relationships, the fiery foes, the younger associates,... cooperative parents and the... perfect pals.”

Participant seven stated:

“One of the things we do in orientation is talk to parents about tips to prepare. One of the tips is to take notes ahead of time, write down what your ideas, concerns are so that when you're in the session you can kind of focus on that... and that helps when parents have a lot of conflict because it gives them a point of reference to focus on.”

Participant seven also stated:

“... we talk about the impact on children, how it affects the relationship, what's appropriate in terms of a visitation plan when there's an absent parent or a lack of relationship... how that affects the co-parenting relationship when there's an absent parent.”

Participant four provided some insight into what parents found useful in the orientation stating the following:

“[Parents said]... then we did the orientation and they really explained it to us what legal custody, physical custody was. So we're, okay, now with the whole sharing and the legal decision. So they (the parents) actually referenced... the orientation and how it helps mediate their conflict before they even came to me.”

Overall, participant four stated:

“I think the anxiety of going to court... for some parents scares them into like, Hey, let's decide what we're going to do for our kid. Because they know like from the orientation that if [parents] can't decide, the judge is going to decide and it's a recommending county, so the counselor's going

to make a recommendation. So I think in the orientation it does encourage parents to... be empowered and... figure out what's in the best interest of their own kid before putting that in the hands of someone else... ”

Participant five stated:

“I think [the orientation] really gives people an understanding of what we really need them to be, which is partners, right, in co-parenting. And so ... it sets the foundation... And if we can just hit the goals of connecting and helping them be in a better position than when they came in our office, that's all we can hope to be and do.”

All eight participants stated that having the best interest of the child in mind throughout the orientation was essential. This was stated to be a vital factor in predicting the effectiveness of the orientation program in mediation by the counselors.

Participant eight stated:

“what the orientation stresses and reminds [parents] ... is about what's in the best interest of the child.”

Participant six further stated the following regarding setting aside conflicts between parents:

“... we mentioned... in orientation that you have to focus on your children and even though you have a lot of conflict with that parent or you're not getting along for X, Y, Z that ... you want to leave the children out of this as much as possible. I think that's very clear throughout the English and

the Spanish orientations. So that may have helped as well... [and] supported their decision.”

Participant three stated:

“ there's [got to] be some insights, sometimes with parents that are able to ... place themselves aside and really be able to focus in on the kids.”

Participant two reported:

“ [the parents] were able to recognize the importance of the child having both parents ... in his life. So they were able to work out a plan that would be safe for the child.”

Finally, participant five stated the following regarding the best interest of the child:

“at the end of the day we're here for your kiddos ... this is what I'm going to consider always at the forefront of everything we discuss.”

Five out of the eight (62.5%) participants reported improvement ideas for the orientation. These ideas are thought to create a more efficient orientation to positively impact the process of coming to an agreement between parents during mediation. Participant four stated:

“I think if we were ever to redo our orientation and just make it mandatory that parents actually have to go through the orientation as opposed to, okay, we want you to do it, but if you don't do it ... it's okay, you can do it after mediation. It kind of defeats the purpose. If they had mandatory ...

class instead of online ... [the parents would] get a ... better understanding of what to expect the day of ... their mediation.”

Participant five stated:

“I think the orientation is helpful for the people that attend. Cause sometimes people come in session and they have not attended. It's very clear, but ... we still do our best to help them out.”

Participant six stated:

“I think the [parents] that actually do the orientation ... have like a little advantage over the other [parents] because they know, like, what to expect in there as opposed to ... people who don't. And I told them, well, if you would've gone to the orientation, you would know that this, this and this and that.”

Participant three stated:

“something ... that I would like to see in the orientation that they don't really address that would help a ton, I think would be, ... addressing legal custody and what that means, like joint versus sole legal custody. Cause that tends to be ... a problem when people come in, they don't understand what that entails. ... That's an issue where we take a lot of time explaining that and going over that work can be a lot more helpful [if] that was taken care of in the orientation.”

Participant two stated:

“The orientation is pretty general when it comes to ... substance abuse issues. So it doesn't really go into like, Hey, if a person's been sober, if a person's been working their program, you know, it's, it's very subjective and it's not very specific. ... So I think maybe the orientation could specify that even if there are substance abuse issues present that again, depending on the severity of the issues, if the parent [is] actively working on their sobriety, like more details about really what's going on with that parent, then that could support... a different parenting plan.”

#### Facilitators of Effective Mediation

Three out of eight participants identified parents coming into mediation with a premeditated plan as an advantageous element in parents reaching an agreement in. A premeditated plan is a parenting plan that either one or both parents have thought through and formulated prior to participating in mediation.

Participant five stated:

“before [the parents] came into my office, they were already clear about what they wanted to do. It was essentially [the] father wanting to make sure that he had adequate parenting time. And you know, I think mom was able to hear him clearly and they were able to come together as partners. ... They even had a full holiday schedule. It was beautiful.”

Participant four stated:

“These parents were actually able to focus on their children and what their needs were and they had the same idea of how [co-parenting] was going

to look, past separation. ... Their idea was just to keep the kids, uh, in their routine and things as normal as possible.”

Participant one stated:

“I kind of had the sense that [the parents]... [had] come to an agreement based on the information they gave us in the questionnaires [and] how they present themselves in the session. ... I would just say with that case, I think it was just maybe making a note that it appeared that they had an agreement and that was the goal of our session [in mediation].”

All participants were able to identify key parental characteristics that appeared to facilitate successful agreements regarding child custody and visitation plans in mediation sessions. Parental characteristics seemed to consist of communication, cooperation, open-mindedness, and the parent’s past relationship. Participant one stated:

“I think the biggest factor for the case we're speaking of now is with their ability to be cooperative and thinking about the children; they mentioned they had been friends previously and they continued to have that kind of relationship. So I think that was more of a factor about how they had a prior factor of being cooperative and that just has continued through their process of divorce.”

Participant two shared:

“I think... the parents [were] being open and willing to discuss options that are outside of what they initially wanted. So I think if they have that

willingness and that openness to really come in and discuss a plan rather than being so rigid when they come in... And really keep it focused on the child... I think that in turn makes it for more agreements when they can do that, when they're just more open and willing,... when they're child focused and when they do understand the importance of having both parents involved.”

Participant four explained:

“with parents who have been together for a longer time, there was some type of trust and... well almost... safety between the parents knowing that... their characteristics as far as... being able to take care of the child.”

Furthermore, participant four said:

“I think when parents come in with an open mind... and not an idea of, Hey, I want to win... [in addition to] having an understanding and a relationship beyond their marriage... I think [also] the fact that they were open to discussing... what their flaws were... so I think self-awareness of themselves and how they felt about the whole separation and being able to separate that from the children. All of those were factors.”

Participant five stated:

“the parents were able to communicate about what was going on for them that caused them the conflict that brought them to court. And so essentially before they came into my office, they were already clear about

what they wanted to do. It was essentially father wanting to make sure that he had adequate parenting time... I think mom was able to hear him clearly and they were able to come together as partners... what was most profound about this family, they actually were friends before they got into a relationship. And I think that was really paramount for why they were able to communicate. I mean, they even had a full holiday schedule. It was beautiful.”

Participant eight highlighted an example of communication between parents in session:

“a parent recognized that there needed to be a modification... gave a proposed... modification, discussed it with the other parent right there in mediation... [and] the other parent didn't necessarily agree with some of the modifications but suggested something else and the other parent says, okay, that will work. And so they were basically communicating in mediation. They hadn't communicated prior to it, but they were able to do it during the mediation session.”

When a risk factor was present, participant two pointed out the following dynamic in terms of parent's past relationship and being open-minded:

“I think that the parents in general have a good relationship, a good working relationship... so that definitely helped. And I think the dad was able to kind of empathize with the mom of her substance abuse struggles... both parents were able to recognize the importance of both

parents being involved in the child's life... and how [they] can... do that safely... then mom was able to acknowledge, 'yes, I have had these issues and this is what I'm doing to address it.' So they had really good insight and awareness about the situation... and they had a willingness to work together and work out a plan.”

From a different perspective involving risk factors, participant seven stated:

“I think mom's high level of emotionality... was a factor and because she suffers from anxiety and depression and it seems she has some personality traits too... that left her with a lack of insight... made it difficult to move forward and... have to communicate what she understands.”

However, participant seven further provided some insight into the parent's characteristic stating the following:

“the parent... was able to verbalize on her own about your symptoms and how it impacts her parenting abilities. So that part... wasn't too difficult... but in many cases I think that it's important to provide the psychoeducation. Um, because many parents who are suffering aren't able to make the connection between their symptoms and how it impacts the parenting. So explaining that... also recognizing strengths is really important when you're dealing with a parent.”

Seven out of eight (87.5%) participants made note of the manner in which the counselor's particular style of counseling and the environment of their office facilitated the process of the mediation session. Participant one stated:

“I think that the mediator is probably the biggest tool in the session in terms of reaching some kind of, whether it be agreement, partial agreement. ... I try to ... have my office be a safe Haven of peace and having it be peaceful because many times parents don't have those emotions and [they] tell us when they come to mediation. ... I think part of that is maybe just my approach. ... I try to be ... respectful and I try to ... create an area of just accepting each other's ideas, even if there are differences and do it in a respectful manner.”

Participant five stated:

“ It's just the style [I have]... I definitely am disarming. I don't cause people to feel uncomfortable. I try to use humor and just make it likable and relatable. But I think a lot of times when I'm able to get ...[the parents] to understand the other's point of view, maybe I say something or the other person says something and then there's some mutual understanding or really getting them to be clear about the fact that Hey, the reason you're here is for the kiddo that you created together. So let's figure out a way that y'all can do this. If you're not able to have a peaceful communication and maybe there's high conflict, let's mitigate those reasons that bring you together to have conflict.”

Participant five also provided an example an intervention that utilized attempting to meet the client where they are at, stating the following:

“I also think creativity,... coming up with a parenting plan or... a timeshare that is maybe unique... to the family's needs. And that really speaks to what they both have asked for in the best and most balanced way I can. I think that's what yields success ultimately when we get into a session. And... it just depends on where people are at. Sometimes they're not there yet. And I'm also really... compassionate about that. Sometimes I have to say, Hey listen guys, today we're not going to make it there. ... maybe ... this is too fresh or maybe you guys are really in a place where communication is not a strong suit for this unit right now, but I'm going to do my best by your kiddos and by your family to come up with some recommendations that may work well for you both and you both have a right to speak on those in court. And so I kind of leave it at that if it's not going to be able to be a peaceful thing because criminal background and things like that breathe... mistrust and fear and all these other things in that co-parenting relationship. And I'd never want to dismiss that the person's experience”

Other interventions and styles of counseling were exemplified by participant seven stating:

“As I said earlier, redirecting, ... we did a lot of... validating feelings, reframing to make sure the parents understood they were heard before moving onto the next topic, you know, and keeping them focused, on ... the child and what needed to be discussed.”

Participant three further stated:

“A lot of times what I say to them too ... is that you can't control one another. Cause that's a big issue that if... that parent needs to stop this or that parent needs to do this more, it's, well you can't control each other. So best thing you can do is control how you react to one another. And that seems to help a lot... cause it puts the power back on them versus feeling like they're out of control in this situation.”

### Summary

This chapter outlined the demographic information collected from participants as part of the interview process and provided the results from the interviews with the counselors. An overview of qualitative data showed two arising themes from the counselor's perspective, which included the effectiveness of the CCRC orientation and facilitators of mediation. These themes appeared to lead to successful agreements between parents and were supported with relevant quotes.

## CHAPTER FIVE

### DISCUSSION

#### Introduction

This study was created with the purpose of exploring child custody recommending counselor's perceptions of the effectiveness of Child Custody Recommending Counseling on establishing child custody and visitation plans. Further, this study attempted to gain insight into how case factors such as divorce, substance use, high-conflict, etc. had an impact on the mediation process. Based on the data collected, this section discusses the findings and limitations identified in this study. A discussion of the literature is elaborated on to further support recommendations for social work practice and future research.

#### Discussion

The data collected for this study attempted to provide a bridge in the gaps between literature regarding the effectiveness of family mediation orientation programs in preparing parents for mediation. Participants were able to share their insight as to the events that took place in mediation sessions, which further provided some clarity as to how parents' attendance of the orientation program aided in their ability to come to an agreement regarding child custody and visitation plans. Participants further identified some case factors in the interview process that impacted the mediation.

A vital theme that arose from this study was the effectiveness of family mediation orientation programs. Seven out of eight counselors (87.5%) indicated that orientation tools and interventions were helpful resources for parents to use and understand regarding mediation, such as discussions on types of co-parenting relationships and explanations on legal and physical custody. This study further found that highlighting the best interest of the child helps parents in maintaining their co-parenting relationship to work together in session. These findings are concurrent with Kitzmann, Parra, and Jobe-Shield's (2012) research that noted that mediation orientation programs were psychoeducational in nature and touched on conflict resolution. Our research adds to this focus by centralizing specific tools and interventions that supports parents in achieving the goal of establishing child custody and visitation plans that keep the child's best interest in mind. This suggests that it can be beneficial for orientation programs to focus more on encouraging and maintaining healthy relationships between parents. This further implies that the type of relationship parents have may help facilitate agreements in session while also keeping the child's best interest.

This research also found that participants were aware that family mediation orientation programs were not perfect and there was room for improvement. Our findings showed that orientation program improvements were centered around the idea of making attendance mandatory, providing additional clarity to the concepts of legal and physical custody, and to provide more information on parents with substance abuse issues. Our research indicates that

attendance is beneficial overall for parents because it better prepares them for what will be discussed in session and strengthens their communication with the other parent. In general, our study found positive aspects of the orientation program that can counter the ideas from past research that counselors experience difficulties with parents in session (Perry, Marcum, & Stoner, 2012; Stoner, Perry, & Marcum, 2011). This could be better explained by the type of agreements this study focused on. There is a possibility that parents who came to a full agreement made the process overall easier for the counselors to facilitate.

As noted in the literature review, Perry, Marcum, and Stoner (2012) and Stoner, Perry, and Marcum (2011) indicated that the counselors had the challenges of mitigating basic conflict between parents, managing emotions, and dealing with poor communication between parents. While this may be true, it is important to note the relevance and validity of our research findings that parental characteristics can also play a beneficial role in parents agreeing to a visitation plan. For example, all eight participants indicated that some type of parental characteristic either communication, cooperation, open-mindedness, or having a past relationship between parents had either facilitated the mediation process or made a difference in how parents worked together to reach an agreement. This suggests that when parents demonstrate these parental characteristics, they can apply themselves to work better as a team in session. This implies that the one component of the successful facilitation of the mediation process is partially

dependent on whether or not parents demonstrate these parental characteristics in order for counselors to have reduced difficulties with parent conflict.

The researchers found congruence among this current study's findings and Albert Bandura's social cognitive theory, which guides the conceptualization of our study. Albert Bandura argued that one of the main models in understanding causation when discussing behavior involves three segments: the self, behavior, and the environment in which you find yourself in (Bandura, 1996). Our research findings concur with this model as the common theme of counselor's style and environment was identified from 87.5% of the counselors as an important factor in facilitating effective mediation and full child custody and visitation agreements. For example, participant one attempted to set a peaceful environment for parents to mitigate their emotional conflicts while participant five used humor as a style to promote conflict resolution. This suggests that counselor's style and environment can be tools for parents to use in conjunction with what they learned in the orientation programs to reach successful agreements. Based on the findings from this study and the theory mentioned, this implies that it can be helpful for the orientation program to reflect the tenet of how environment impacts

In identifying case factors, it was surprising to see that the majority of cases discussed with participants only identified one or two case factors present at a single time. One case (12.5%) out of the eight interviews had multiple case factors, which reportedly caused some disruptions in the process of parents

coming to an agreement but did not hinder the agreement in its entirety. As discussed in the literature review, case factors such as domestic violence, child abuse, high-conflict, and divorce among others are some of the reasons parents are driven into the family law system. From our research, it appeared that many of these cases where parents came to successful agreements on child custody plans did not have many case factors present. It could be possible that some case factors were not disclosed by parents or screened for by the counselors at the time of the mediation session, which may have impacted the current study's data collected. It is also likely that some of these factors did not come up because we were focused on successful agreements as opposed to agreements that were unsuccessful.

#### Limitations

One of the limitations for this study was the sample size of only eight participants, which limits its generalizability to all child custody recommending counselors across the California judicial system. In addition to having a small sample size, the participants recruited were all female which also impacts the generalizability to all genders. The number of case factors that were present in each case discussed during data collection was also impacted by the sample size of participants willing to participate in the project. The time frame allotted for this study restricted the amount of time to recruit an ample number of participants and collect data after receiving approval from the Institutional Review Board. Finally, the data collected was dependent on the recollection of the counselors to

provide accurate data on the events that were discussed in the interview process. Last, findings from the larger counties may not be generalizable to smaller, rural counties.

#### Recommendations for Social Work Practice, Policy, and Research

Future studies should use a qualitative approach to gain insight from the perspective of parties who attended family mediation orientation programs to complement the qualitative data collected in this study. This would further strengthen this current study's focus on reviewing the benefits of attending the orientation programs for child custody and reaching parental agreements in session. Parallel to this type of research, utilizing a quantitative descriptive methods approach with internal data from the Department of Family Court Services from each courthouse can account for the number of participants and the case factors present in each case as well as the different types of parental agreements to examine what case factors are associated with a successful agreement. This method would allow for large numbers of cases to be accounted for and therefore have a better generalizability when taking case factors and parenting plans into consideration assuming that research protocols are in place that allow for these data to be shared, an issue that presented itself in the current study.

Collectively, further research on this topic may have implications in how orientation program evaluations are utilized to enhance the orientation programs

across the California judicial system to incorporate valuable information from the counselors and parents who participate. This information can be helpful to create a more effective mediation orientation program. For example, some of the findings for improvement from our research directly align with social work core values. Dignity and worth of the individual, importance and centrality of human relationships, and competence were core values that also seemed to be facilitators of effective mediation. By expanding the research and incorporating social work values, child custody mediation orientation programs have the potential to be more successful in assisting parents with their needs and promote better avenues for facilitating mediation sessions.

### Conclusion

Overall, this study was able to expand on the literature of family mediation orientation programs to provide a more well-rounded analysis of the aspects that help parents with formulating agreements as reported by the CCRC counselors. Participants perceived that the orientation's tools and interventions and the idea of the best interest of the child aided parents in conflict-resolution and communication in session. In addition, participants shared that there was room for improvements to better assist parents with the mediation process such as including additional information regarding substance issues. Furthermore, this study exemplified how the effectiveness of attending orientation translated into facilitators of the mediation process, in addition to parental characteristics, the counselor's style and office environment, and parents having premeditated plans

ready for discussion. It is the hope of the authors that judicial systems will take the findings into consideration when evaluating their orientation programs to better serve parents in reaching their goals and consider complex case factors in the mediation process.

APPENDIX A  
INTERVIEW GUIDE

Interview Guide- Created by Researchers

Date:

**Demographic information**

Gender:    Male    Female    Transgender    Non- binary    Didn't wish to respond

Ethnicity: African American    Asian/Pacific Islander    Caucasian    Hispanic/Latinx    Other

Age: \_\_\_\_    18-25    26-35    36-45    46-55    56-65    65 +

Title at work (without specifying the agency you work for): \_\_\_\_\_

How long have you worked in your current position as a family court mediator? \_\_\_\_\_

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Please think of the last case you provided mediation for *that had a full agreement* and where *at least one party participated in the orientation program*.

When did you last work on this case?

Please have this particular case in mind when answering the rest of the questions.

1. Was **domestic violence** involved in this case? If yes, answer the additional questions.
  - a. How did having domestic violence present in this case affect the agreement/ process of coming to an agreement?
  - b. Do you believe anything specific from the orientation program that assisted in addressing the domestic violence factor of the case to reach an agreement?
  - c. In relation to domestic violence, could any other precautions have been taken either from the orientation program (such as psychoeducation or interventions) or the mediation process itself to improve the process of coming to an agreement in mediation?

2. Was there **high-conflict** between the parents in this case? If yes, answer the additional questions.
  - a. How did high-conflict affect the agreement or process to coming to an agreement in this case?
  - b. Do you believe anything specific from the orientation program that assisted in addressing the high- conflict to reach an agreement?
  - c. In relation to high- conflict, could any other precautions have been taken either from the orientation program (such as psychoeducation or interventions) or the mediation process itself to improve the process of coming to an agreement in mediation?
  
3. Was there a history or current **Child Protective Service (CPS) involvement**? If yes, answer the following questions.
  - a. How did the history or current CPS involvement affect the agreement or process to coming to an agreement in this case?
  - b. Do you believe anything specific from the orientation program that assisted in addressing CPS involvement to help parties reach an agreement?
  - c. In relation to CPS involvement, could any other precautions have been taken either from the orientation program (such as psychoeducation or interventions) or the mediation process itself to improve the process of coming to an agreement in mediation?
  
4. Were there **mental health issues with parents**? If yes, answer the additional questions.
  - a. How did having mental health issues with the parents affect the agreement or process to coming to an agreement?

- b. Did you believe anything specific from the orientation program that assisted in addressing mental health issues with the parents to help parties reach an agreement?
  - c. In relation to mental health issues with the parents, could any other precautions have been taken either from the orientation program (such as psychoeducation or interventions) or the mediation process itself to improve the process of coming to an agreement in mediation?
5. Was **substance use (from parents)** a case factor in this case? If yes, answer the additional questions.
- a. How did having substance use issues (from parents) affect the agreement or process to coming to an agreement?
  - b. Do you believe anything specific from the orientation program that assisted in addressing substance use to help parties reach an agreement?
  - c. In relation to substance use, could any other precautions have been taken either from the orientation program (such as psychoeducation or interventions) or the mediation process itself to improve the process of coming to an agreement in mediation?
6. Was **criminal history with parents** a case factor? If yes, answer the additional questions.
- a. How did having a criminal history (with parents) affect the agreement or process to coming to an agreement?
  - b. Do you believe anything specific from the orientation program that assisted in addressing criminal history to help parties reach an agreement?

- c. In relation to criminal history with parents, could any other precautions have been taken either from the orientation program (such as psychoeducation or interventions) or the mediation process itself to improve the process of coming to an agreement in mediation?
- 7. Was **divorce** a factor in this case? If yes, answer the additional questions.
  - a. How did having divorce as a case factor affect the agreement or process to coming to an agreement?
  - b. Do you believe anything specific from the orientation program that assisted in addressing divorce to help parties reach an agreement?
  - c. In relation to divorce, could any other precautions have been taken either from the orientation program (such as psychoeducation or interventions) or the mediation process itself to improve the process of coming to an agreement in mediation?
- 8. Was **an absent parent** a factor in this case? If yes, answer the additional questions.
  - a. How did having an absent parent as a case factor affect the agreement or process to coming to an agreement?
  - b. Do you believe anything specific from the orientation program that assisted in addressing absent parent to help parties reach an agreement?
  - c. In relation to absent parents, could any other precautions have been taken either from the orientation program (such as psychoeducation or interventions) or the mediation process itself to improve the process of coming to an agreement in mediation?
- 9. Were **child specific issues** such as medical or mental health issues a factor in this case? If yes, answer the additional questions.

- a. How did having child specific issues as a case factor affect the agreement or process to coming to an agreement?
  - b. Do you believe anything specific from the orientation program that assisted in addressing child specific factors to help parties reach an agreement?
  - c. In relation to child specific issues, could any other precautions have been taken either from the orientation program (such as psychoeducation or interventions) or the mediation process itself to improve the process of coming to an agreement in mediation?
10. Is there anything else that you believe was helpful to achieving a successful agreement that was not covered?
11. What do you believe is the most important factor in determining whether a successful mediation agreement is reached?

APPENDIX B  
INFORMED CONSENT

## **INFORMED CONSENT**

The study in which you are asked to participate in is designed to evaluate the effectiveness of the orientation programs for Child Custody Recommending Counseling. The study is being conducted by Arlene Trevizo and Ana Romero, graduate students, under the supervision of Dr. James Simon, Assistant Professor in the School of Social Work at California State University, San Bernardino (CSUSB). The study has been approved by the Institutional Review Board Social Work at CSUSB.

**PURPOSE:** The purpose of this research is to gain insight on the effectiveness of orientation programs for Child Custody Recommending Counseling, pursuant to California Rule of Court 5.210e(2), as it relates to yielding child custody and visitation agreements between parents in larger Southern California counties. Further, this study will attempt to identify common case factors that influence agreements in the mediation process.

**DESCRIPTION:** Participants will be asked open-ended questions based on their perception of case factors and the influence of orientation programs in relation to the mediation process. The content of the questions are in relation to the case factors that were present in a particular case and the impact parents participation in the orientation program had on coming to an agreement and addressing these factors.

**PARTICIPATION:** Your participation in the study is completely voluntary. You can refuse to participate in the study or discontinue your participation at any time without any consequences.

**CONFIDENTIALITY:** Your responses will remain confidential and data will be reported to California State University San Bernardino Department of Social Work.

**DURATION:** The approximate time length for the interview will be from 30 minutes up to one hour.

**RISKS:** There will be no foreseeable or long term risks to participants who participate in this study. However, there may be some discomfort in answering some of the questions. You are not required to answer and can skip the question or end your participation.

**BENEFITS:** There will be no direct benefit to the participants.

**CONTACT:** If you have any questions about this study, please feel free to contact Dr. Simon at (909) 537-7224.

**RESULTS:** Results of the study can be obtained from the Pfau Library ScholarWorks database (<http://scholarworks.lib.csusb.edu/>) at California State University, San Bernardino after July 2020.

\*\*\*\*\*

I agree to be tape recorded/ video recorded: \_\_\_\_\_ YES \_\_\_\_\_ NO

I understand that I must be 18 years of age or older to participate in your study, have read and understand the consent document, and agree to participate in your study.

\_\_\_\_\_

Place an X mark here

\_\_\_\_\_

Date

APPENDIX C  
IRB APPROVAL

**IRB #:** IRB-FY2020-157

**Title:** A Study of the Effectiveness of Mediation Orientation Programs for Child Custody Recommending Counseling

**Creation Date:** 12-3-2019

**End Date:**

**Status:** Approved

**Principal Investigator:** Arlene Trevizo

**Review Board:** Main IRB Designated Reviewers for School of Social Work

**Sponsor:**

## Study History

Submission Type	Initial	Review Type	Exempt	Decision	Exempt
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## Key Study Contacts

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## ASSIGNED RESPONSIBILITIES

Arlene Trevizo and Ana Romero worked collaboratively to complete this study. The researchers split the total amount of interviews in half; each researcher will conduct about 5 interviews. Each researcher transcribed their assigned interviews and audio/ video recordings. After transcribing, both researchers completed a thematic analysis by identifying and discussing major themes and subthemes. For the Starbucks Coffee Company gift cards, the researchers split the amount in half. The approximate contribution of each researcher was \$20. Both researchers communicated efficiently with one another and with research advisor, Dr. James Simon.