Introduction: 40-50% of marriages in the United States end in divorce, impacting the lives of around one million children (U.S. Census Bureau, 2005). Many of these couples will seek, or be ordered to, mediation to attempt problem resolution. By resolving issues like custody and parenting time disputes in out-of-court mediation processes, couples may have more influence on their agreement and they can reduce the number of cases requiring court attention and resources (Emery et al., 1994). However, if attempts at mediation are unsuccessful (agreement cannot be reached) cases will be sent to court and decided by a judge. Currently, very little research delineates the factors that predict the experience and outcomes of the mediation processes.

As one example, when examining predictors of reaching an agreement, Ballard et al. (2011) found that the father’s level of concern regarding mediation, higher levels of father’s income, more mediation sessions, the presence of an attorney, and the presence of intimate partner violence (IPV) were all variables associated with lower rates of agreement. Indeed, there is particular interest in the role of IPV experiences in mediation, as some experts believe that mediation is inappropriate and harmful for families who have experienced IPV (Ver Steegh, Davis & Frederick, 2012). However, recent findings from a randomized control trial comparing mediation approaches modified to be safer for couples who have experienced IPV (i.e., shuttle and videoconferencing mediation) to traditional court-based litigation suggest that mediation may be as effective as traditional litigation processes and is perceived as safer by the parties (Holtzworth-Munroe, Beck, Applegate, Adams, & Rossi, 2019). However, not all cases in the Holtzworth-Munroe et al. (2019) study had positive outcomes. For example, some did not reach agreement in mediation, and others reported continuing IPV at a one-year follow-up. Due to the uncertainty of why some cases do not reach agreement or are still experiencing IPV, the goal of my research is to identify the variables that predict mediation outcomes in cases involving IPV.

Current Study: Using a sample of separating cases seen at the Multi-Door Dispute Resolution Division in Washington, D.C., I propose to identify variables measured at the start of mediation that predict outcomes in mediation cases involving divorcing or separating parents reporting high or concerning levels of IPV. The predictor variables to be examined are divided into two general groups: demographic predictors and IPV predictors. Demographic measures of interest include, for example: whether the case is an initial or returning case, the number of court visits and prior attempts at mediation before this study, and the education, income level, and ethnicity of the parents. IPV predictive measures will include level of IPV victimization reported by the parties, at the start of the study, on a behaviorally specific IPV screen: the Mediator’s Assessment of Safety Issues and Concerns (MASIC) (Holtzworth-Munroe, Beck, & Applegate, 2010; Pokman et al., 2014). I will test whether these variables can predict the following immediate outcomes (i.e., measured at the end of the process): 1) whether or not a case reached agreement, 2) parties’ reported feelings of safety in the process, and 3) parties’ reported level of satisfaction with the process. In addition, outcomes at the one-year follow-up to be predicted include: 1) the occurrence of family case re-litigation, 2) evidence, from official criminal, civil, and traffic records, of ongoing IPV related activity, 3) party reports of the interparental relationship, including continuing IPV and harassment, and 4) party reported levels of satisfaction with the process.

Analysis: To analyze these relationships, I will use logistic and linear regressions. Outcomes such as parental relationship measures and reports of satisfaction and safety will be analyzed with linear regressions as they represent continuous variables. Predictors for whether or not an agreement is reached and whether or not re-litigation occurred will be analyzed with a logistic regression due to these variables’ dichotomous nature.

Hypotheses: In accordance with previous research, I present three hypotheses in regards to demographic predictors of immediate outcomes. 1.) Similar to Ballard et al. (2011), I predict that more previous attempts at mediation, more previous court visits, and returning cases will have lower rates of agreement and satisfaction with the process than cases with fewer previous experiences and initial cases. 2.) I also predict, following the outcomes of Ballard et al. (2011), that cases with fathers who have more income will reach agreement less often than poorer fathers. In line with that relationship, I predict 3.) Fathers with more education will reach agreement less often than less educated fathers. I now present one hypothesis regarding IPV level as a predictor of immediate outcomes. Though Ballard et al. (2011) used the presence or absence of IPV as a predictor for agreement, rather than the level of IPV experienced, expanding their finding, I predict 1.) Higher levels of reported IPV will predict lower rates of agreement, lower rates of satisfaction, and lower ratings of reported feelings of safety. To our knowledge, no previous studies have considered predictors of the one year follow up outcomes for separating couples experiencing IPV. Thus, these analyses are exploratory in nature, and lack previous research to predict relationships.

International Expansion: In the introduction of this proposal, I stated that very little research has been done concerning predictive factors of mediation. I went on to highlight the specific importance of understanding these factors for separating couples experiencing high levels of IPV. However, many separating couples do not present with IPV problems, and their experience with mediation is just as valid and necessary to understand. The PI in my lab has an established connection with Relationships Australia South Australia (RASA), an agency with data from mediation cases involving a much wider spectrum of violence; from no violence to high levels of violence. To understand the full scope of the mediation experience and promote generalizability, it is crucial to run similar analyses with Australia’s larger, and more IPV diverse, RASA sample.

Future Studies: Outside of specific predictors of mediation outcomes, I am more broadly interested in the process of conflict resolution itself. Some couples do not exclusively use mediation to agree to terms. Following the completion of the study described above, I aim to analyze the actual content of the original mediation agreement or court arrangement (e.g., which topics were specifically addressed and the amount of detail provided) and the different routes taken to arrive at the final document. Additionally, not all couples comply with their original orders, and I hope to examine if and how terms have changed by the one year follow-up. Further analysis would reveal whether there are more changes in agreements from one style of proceeding (e.g. court orders) than the other (e.g. mediation agreements). By understanding what couples change one year later, we can educate mediators and judges about how to improve the creation of the original arrangements, lessening the amount of cases who return for relitigation.

Goals and Impact: Through this course of study, I aim to contribute basic knowledge to both the psychological and legal fields. This knowledge includes establishing the relationship between participant demographic variables and mediation outcomes for couples with high levels of IPV, expanding the analyses to understand the experience for the full spectrum of violence experiences, and observing how the content and processes used to arrive at an agreement impacts the amount of changes and how those changes are decided one year later. The accumulated knowledge of this course of study will elucidate best conflict resolution practice for courts and legal practices. In doing so, this research will impact families around the world who are experiencing one of the most difficult times of their lives; separation and divorce proceedings. Tomorrow’s children of divorce may have a smoother transition when their parents are not constantly fighting, and women and men affected by IPV may find safety in the terms of their mediation agreement. Finally, family courts may feel relief from the reduced number of return cases when initial agreements are more detailed and successful.