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Study of the Practice of Family Mediation

Talia Joyce Centrone
Florida State University

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THE FLORIDA STATE UNIVERSITY

COLLEGE OF HUMAN SCIENCES

STUDY OF THE PRATICE OF FAMILY MEDIATION

By

TALIA JOYCE CENTRONE

A Thesis submitted to the
Department of Family and Child Sciences
in partial fulfillment of the
requirements for the degree of
Master of Science

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The members of the Committee approve the Thesis of Talia J. Centrone defended on August 15, 2007.

Kay Pasley
Professor Directing Thesis

Elizabeth Goldsmith
Outside Committee Member

Robert E. Lee
Committee Member

Approved:

Kay Pasley, Chair, Department of Family and Child Sciences

Billie Collier, Dean, College of Human Sciences

The Office of Graduate Studies has verified and approved the above named committee members.

This paper is dedicated to two very special people in my life: my stepfather and my mother. This thesis is first dedicated to my stepfather Ray Thompson. I believe that I was blessed with the greatest gift of love when he became my father. I also dedicate this thesis to my mother. She has provided my inspiration for work in this field with her selfless dedication and work towards creating a life for me that never endured pain from her divorce to my father. I dedicate this thesis to my parents, Ray and Linda Thompson, who have sacrificed themselves in many ways to provide a life for me that many believe is not possible in families of divorce. To my parents, who have never stopped guiding, helping, supporting, and loving me during my educational journey. In good times and bad, they have always believed in me. I owe them the world and hope they will always know how grateful I am for my family.

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I never thought I would get here, but I have reached the end on my thesis journey thanks to many people in my life. While it was a strengthening journey, I must say, I am grateful to say it is finished!

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ABSTRACT

This study examined the practice of family mediation reported by 305 mediators in the United States, as well as trends in practice according to professional affiliation, mainly, law, mental health, social work and other. Data for this study were from a national survey of practicing family mediators of the then Academy of Family Mediators (Pasley & Hinkle, 2000), originally collected with the intention of replicating the Kruk (1998) study of Canadian mediators. Mediators' demographic characteristics, practice characteristics, issues, beliefs, and models guiding their work were examined, with a specific focus on differences between mediators' professional affiliation.

Results showed that overall there were differences by professional affiliation in respondents regarding practice characteristics, but there were more similarities than differences regarding issues, beliefs and models used. Significantly more lawyer mediators had completed a doctoral degree, practiced in a private practice setting, and had a greater proportion of their clients who were voluntary (not mandated), compared to the other three groups (mental health, social work, and "other"). Also, mediators in the law group were more likely than all other groups to charge fees, as well as charge a significantly higher amount in fees. Mediators affiliated with the law group reported mediating property issues significantly more frequently than did mediators affiliated with mental health, social work, or "other". Similar results were also found their frequency of mediating child support issues and spousal support issues. Parenting (custody) was the only divorce-related issue where the groups did not differ. Further, mediators affiliated with law less frequently included meeting with children in mediation practice than did all other groups. Mediators in the social work group spent less overall time addressing financial issues than did those in the law and mental health groups. Other differences between the law group and the "other" group were found for professional identity, percent of clients that are Caucasian, and type of mediation practiced.

Out of the 30 items mediators addressed on beliefs and issues in the field, group differences were found for only three items. The law group reported less agreement than did those in the "other" group regarding the belief that mediators should be neutral and that children should be included in mediation. Also, in beliefs about the importance of factors influencing positive child outcomes, the law group assigned less importance to shared parent agreements than did those in the "other" group.

Although those affiliated with law appear to be different from all other groups on the majority of questions regarding practice characteristics, such differences were not found for items assessing practice beliefs and issues. This may suggest that, in terms of beliefs and issues, mediators regardless of their professional affiliation have similar beliefs and issues regarding mediation practice. Moreover, most mediators reported using structured negotiation predominantly.

CHAPTER 1

INTRODUCTION

Estimates suggest that 40-50 % of all marriages end in divorce and approximately 40% include children less than 18 years of age (Behrman & Quinn, 1994). This translates into around one million children being affected by divorce annually (Behrman & Quinn, 1994). Overall, divorce has great potential to negatively affect all family members, not just children (Amato, 2000; Kaltenborn, 2004; Taylor, 2001).

Most scholars view divorce as a process that begins well before the initiation of legal procedures. In fact, Ahrons (1994) noted that, “divorce is a process that is both legal and emotional, and includes life changes, transitions, decisions, and disputes of separating what was once ours into new habits” (p. 166). Thus, divorce legally separates the married couple and forces spouses to re-establish separate lives. If there are children, parents must recreate roles and rules to effectively co-parent apart.

Margulies (2001) suggested that the combination of emotions and life decisions that are part of divorce have the potential to foster volatile interaction, as decisions can invoke stress, anger and vengeance between parents. Such life decisions typically address issues of custody and visitation of the children, new living arrangements, division of property and joint assets, and spousal and child support (Emery, 1995; Williams & Buckingham, 2001). Agreement on these matters can be difficult to achieve. For some couples, volatile situations foster serious conflict where win-lose motives prevail, creating a pattern of never-ending fights between opposing parties (Turkat, 2000). Overwhelmingly, the research shows that such conflict affects children negatively (Sbarra & Emery, 2005; Schmidtgall, King, Zarski, & Cooper, 2000; Short, 2002).

Typically, the legal process of divorce proceeds with adjudication and litigation, similar to that of any other case of judgment in the justice system (Emery, Sbarra, & Grover, 2005). There is evidence that this method of dispute resolution promotes conflict and heightens the emotions associated with the decisions following divorce (Braver, Cookston, & Cohen, 2002).

Because the court system was not designed to work with the emotional and developmental needs of families (Ahron, 1994; Beck & Sales, 2000; Margulies, 2001; Sember, 2006), divorce mediation was initiated as one way to alleviate the negative influences of the adversarial process. Specifically, alternative dispute resolution (ADR) mediation was designed to

reduce the effects of increased interparental conflict on children (Emery & Wyer, 1987b; Sember).

Mediation has received some research attention showing it is a beneficial method to reduce the potential negative effects of divorce (Taylor, 2001). In general mediation is associated with increased parent satisfaction, lowered coparental conflict, and increased visitation, parent-child contact with the nonresident parent, and child support.

History of Family Law and Mediation

Originally developed in the 1960's to settle labor management disputes, mediation programs were introduced to domestic relations cases as an experiment by judges to alleviate their overloaded schedules and growing backlogs of cases (Birke & Tietz, 2002; Rosenberg & Folberg, 1994). Satisfied with the use of mediation and outcomes in domestic relations cases, many courts began implementing both mandated and voluntary mediation services for divorce cases (Birke & Teitz). Today, a number of states mandate mediation in divorce cases, and most states require mediation for all divorce cases involving children (Ahrons, 1994; Birke & Teitz; Margulies, 2001; Ricci, 1997; Sember, 2006; Tondo, Coronel, & Drucker, 2001).

The Practice of Mediation

Many studies support that mediation is a better method for optimal family adjustment to divorce and a more positive means of reaching agreement for divorcing spouses than the traditional adversarial process of litigation. Specifically, mediation results in higher settlement rates, more efficient time and money for the court, enhanced psychological adjustment of participants, more satisfied participants, reduced relitigation rates, less postdivorce conflict and more co-parent cooperation, and higher perceived control of the outcome of mediation by participants (Bailey & Robbins, 2005). However, currently there is scarce empirical evidence on the actual practice of mediation.

We know that currently there are no universal credentialing standards or educational standards for becoming a mediator, so mediators represent a wide range of professional backgrounds and training (Bailey & Robbins, 2005; Birke & Teitz, 2002; Margulies, 2001; Sember, 2006). Beyond this, there is limited research on those who perform mediation or the practice of mediation. In fact, in a review of divorce mediation research over the prior decade, Kelly (1996) reported little attention given to the actual working methods of practicing

mediators. Since 1996, no additional research on mediation practices in the United States was found, and only one study of 250 family mediators has been completed in Canada (Kruk, 1998). Thus, although there might be large variations in the practice of mediation, to date there is no empirical evidence that describes such variations or other characteristics in mediation practice (e.g., professional background, differences in techniques, beliefs about mediation, and reports of models used). Saposnek, (2004) argued, as did earlier scholars (e.g., Emery & Wyer, 1987b; Kressel, 1997; Kressel, Frontera, Forlenza, & Butler, 1994; Wall, Stark, & Standifer, 2001), that there is a tremendous need for empirical studies on the practice of mediation (Emery & Wyer, 1987b; Kelly, 1996; Saposnek, 2004). Although there are many informative articles in the literature that describe variations in the practice of mediation, to date no study empirically has assessed such practices in the United States.

This study attempts to address this void. Information on the practice and practitioners of family mediation will benefit the field, providing basic information and helping to advance the understanding of the practice of family mediation.

Purpose

Although some information is available on the effects or outcomes of mediation, little is known about the actual practice of mediation as reported by mediators. In fact, only one study was found which provided this fundamental information (see Kruk, 1998), and it addresses Canadian practices. To understand mediation in the United States and using data from Pasley and Hinkle (2000), I replicated Kruk's study with a sample of mediators in the U.S. to determine their education and training background and describe the practice setting, mediator beliefs on fundamental issues in the field, and models used. I also examined differences in issues, practices and theories by professional affiliation. This study aimed to address two key questions: (a) what are the issues, practices and techniques reported by U.S. mediators, and (b) is there variation in the issues, practices and techniques reported by professional affiliation?

CHAPTER 2

LITERATURE REVIEW

Theoretical Foundation: Conflict Theory

Conflict is predictable in divorce (Herzog & Cooney, 2002). Evidence indicates one positive management method of divorce conflict is the alternative method of divorce mediation (Kitzmann & Emery, 1994; Zuberbuhler, 2001). Mediation was introduced as a means to address increasing dissatisfaction with the legal adversarial processes of litigation by families affected by divorce and the associated settlement conflicts (Turkat, 2000). Because of the tendency for an increase in parental conflict postdivorce, mediation was introduced particularly in cases of child custody and issues about children to help address the higher risk of harmful affects of children's exposure to increased or continuing parental conflict (Zuberbuhler, 2001).

The conflict framework assumes that conflict is inevitable, endemic, normal, and needs to be managed (White & Klein, 2002). In fact, this framework assumes that all humans have a natural tendency to oppose or conflict with others and that the goal of interaction is to learn to effectively manage such conflict. Sprey (1979) noted, "As a process, conflict is defined as a confrontation between individuals, or groups, over scarce resources, controversial means, incompatible goals, or combinations of these" (p. 134). Applied to the practice of mediation, theoretically inevitable conflict in the majority of divorce transitions can be manageable, and there are many methods with which to manage it. Mediation is one such method.

Conflict theory further suggests that how the situation is structured (competitive versus cooperative) and the structure of the group (number, age and gender of members) affects the management of conflict, because these structural qualities influence the techniques used (White & Klein, 2002). Theoretically, cooperation occurs when parties work from the notion that everyone can achieve the goal, either together, or because the resources are adequate. Further, to avoid destructive conflict, family members must have the ability to negotiate and come to a consensus (White & Klein). Importantly, negotiation and consensus are techniques used in mediation (Haynes, 1994).

Emery, Sbarra, and Grover (2005) concluded that mediation was a beneficial method of conflict resolution by initiating long-term cooperation in co-parenting. Specifically, they argued that mediation provides an opportunity to address "underlying emotional issues, helps parents to

establish a businesslike relationship for co-parenting, and helps the disputing parties avoid troublesome negotiations at a critical time for family relationships” (p. 33). Because conflict theory suggests that the goal is to manage conflict, mediation might help couples to better manage the conflict associated with divorce. In a review of the literature, Kelly (2004) concluded that the overall results show that parents who experience mediation benefit from “a decrease in conflict during divorce, and in the first two years following divorce, they are more cooperative and supportive as parents and communicate more regarding their children” (p. 29).

Mediation is correlated with an increase in nonresident parents’ involvement with children (Dillon & Emery, 1996; Emery, Laumann-Billings, Waldron, Sbarra, & Dillon, 2001; Emery et al., 2005). Further, scholars argue that mediation reduces the chances of children’s exposure to parental conflict because mediation reduces parent conflict (Ricci, 1997). Thus, mediation could be seen as an indirect intervention, or a conflict management strategy, that promotes coparental cooperation, especially regarding visitation. Also, as mediation reduces coparental conflict, reasons to avoid one’s former spouse diminish and therefore have less effect on the parent’s motivation for continuous contact. Research shows that nonresident parents who have gone through mediation report more frequent visiting and phone contact with their children compared with parents who did not participate in mediation (Emery et al., 2001, 2005).

Mediation

According to The Model Standards of Practice for Family and Divorce Mediation
(Schepard, 2001):

Family and divorce mediation ("family mediation" or "mediation") is a process in which a mediator, an impartial third party, facilitates the resolution of family disputes by promoting the participants' voluntary agreement. The family mediator assists communication, encourages understanding, and focuses the participants on their individual and common interests. The family mediator works with the participants to explore options, make decisions, and reach their own agreements. (p. 127)

Schepard and Bozzomo (2003) argued that mediation generally serves the best interest of children and parents through their reference to the goals articulated in the *Model Standards of Practice for Family and Divorce Mediation*, “because it can increase self-determination of participants and their ability to communicate, promote the best interest of children, and reduce

the economic and emotional cost associated with the resolution of family dispute” (Schepard, 2001, p.127).

Effects of Mediation

The majority of research on mediation has focused on the beneficial outcomes of mediation as a method of dispute resolution. To date, the longitudinal research by Emery and colleagues remains the main source of information on the long-term outcomes of mediation. Although this research provides a variety of information on mediation, there are additional studies that examined mediation outcomes and support the results of Emery’s work. Collectively, outcome studies on mediation, including Emery’s longitudinal research, show that mediation is generally associated with participant satisfaction (Emery et al., 2001; Kelly, 1996, 2004; Pruett, Insabella, & Gustafson, 2005; Sbarra & Emery, 2005; Zuberbuhler, 2001), higher settlement rates and lower relitigation (Emery & Wyer, 1987a; Jones & Bodtker, 1999; Zuberbuhler), lower coparental conflict and higher cooperation post divorce (Kitzmann & Emery, 1994; Zuberbuhler), greater sense of empowerment and control of decisions by the parties (Bailey & Robbins, 2005), lower time and cost for courts and participants (Emery, Matthews, & Wyer, 1991; Kelly, 1996; Schepard & Bozzomo, 2003; Williams & Buckingham, 2001; Zuberbuhler), better settlement agreements, and better psychological adjustment (Emery & Wyer, 1987a; Walton, Oliver, & Griffin, 1999; Zuberbuhler) .

The Longitudinal Study

The longitudinal study conducted by Emery and colleagues over a 12-year period (1983-1986) examined families in central Virginia who requested a child custody or visitation hearing and were randomly assigned to participate in either the mediation group or the litigation group. Data were collected at three times and assessed over the following 12 years.

Following completion of the proceedings, Time 1 data were collected by home interviews within the initial weeks following the resolution of the dispute (ranging from 1-16 weeks following final decision). Assessment of Time 1 data (Emery & Wyer, 1987a; Emery et al., 1991) compared litigation and mediation groups in terms of diversion from court (how many cases advance to custody hearings), participants’ evaluation of court experience and psychological adjustment. Time 2 data were collected one year after the use of mediation or litigation services. Emery and colleagues assessed Time 2 data to examine the effects of mediation on child outcomes and parent satisfaction and functioning (Emery, Matthews, &

Kitzmann, 1994; Kitzmann & Emery, 1994). Time 3 data were collected an average of 12 years after initial dispute resolution to assess long-term outcomes of the two groups (Emery et al., 2001; Sbarra & Emery, 2005).

Families from an initial study (Emery & Wyer, 1987a) and a replication study (Emery et al., 1991) were combined to form a final sample of 71 families (families assigned to divorce mediation ($n = 35$) and traditional litigation ($n = 36$)).

The initial study (Emery & Wyer, 1987a) consisted of 40 pairs of separating parents that were randomly assigned to settle their child custody dispute in mediation or litigation. Of the 48 families approached, 20 out of 23 families agreed to participate in mediation services and 20 out of 25 agreed to participate in an evaluation of the courts services pertaining to their dispute resolution case. Among the 40 participating families, in data obtained from initial court contact, court records, and home interviews, no differences were found in demographic characteristics between families who agreed or did not agree to participate. There also were no differences in demographic characteristics between mediation and litigation groups. The 1991 replication study was yeilded similar results (Emery et al., 1991) and increased the sample to 71 families for the long-term assessments (Emery & Wyer, 1987a; Emery et al., 1991).

Of the original 71 participating families, data at Time 3 were collected from 27 mothers and 25 fathers who mediated their dispute and 25 mothers and 23 fathers who resolved dispute through adversarial procedures. At the 12-year follow up, participants were asked about relitigation, changes in child custody, narrative of initial separation and events of any custody dispute, information about remarriage, and description of co-parenting relationship (Emery et al., 2001; Sbarra & Emery, 2005).

In the initial 12-year follow up study, Emery (2001) examined the outcome differences between families in the two groups on family function. Measures of custody arrangements, number of changes in residence and contact with nonresident parent were assessed, as well as measures of nonresident parent involvement, acrimony, non-acceptance of marital termination and depression (Emery et al., 2001). In 2005, they re-evaluated the data on adults' psychological adjustment, co-parenting custody conflict, non-acceptance of marital termination, depression, and the percentage reporting continued long-term effects of divorce (Sbarra & Emery, 2005).

Findings on Divorce Mediation

Participant Satisfaction

Mediation was introduced as a means to address increasing dissatisfaction with the legal adversarial processes of litigation by families affected by divorce and the associated settlement conflicts (Turkat, 2000). Overall, satisfaction is common among participants of mediation services, as well as participants of specific divorce intervention programs that incorporate mediation services (Emery & Wyer, 1987a; Emery et al., 2001, 2005; Pruett et al., 2005; Sbarra & Emery, 2005; Zuberbuhler, 2001); further, the satisfaction remained over time (Emery et al., 1994; Jones & Bodtker, 1999; Kitmann & Emery, 1994). Many authors also suggested that participants who mediate, compared to disputants who use traditional adversarial services or litigation for dispute resolution, are more satisfied with the process and final divorce agreement (Bautz 1988; Jones & Bodtker; Kressel, 1987). Another study (Zuberbuhler, 2001) found that participants reported overall satisfaction, agreed the program was fair, treated them with respect and felt matters were taken seriously. Pruett, Insabella, and Gustafson (2005) provided additional evidence of participants' satisfaction with mediation, reporting that 93-98% of participants ($N = 161$ couples) considered the program to be beneficial.

In a review of family mediation empirical research, Kelly (2004) summarized the findings of studies of custody mediation programs in terms of participant satisfaction, noting that the studies, "suggest strong support for the use of mediation in family disputes" (p. 28) given the high levels of participant satisfaction reported. Similar to the studies noted earlier, Kelly found that overall participants in mediation felt their voices were heard, respected, able to address what they believed was important, less pressure, able to work together as parents, and made agreements for the good of the children (Kelly, 1996, 2004).

Settlements and Relitigation

The findings from research on settlement rates and relitigation are somewhat ambiguous in the mediation literature. Many results support that there is a higher rate of settlement for mediated cases and that agreements made in mediation are more likely to last (Jones & Bodtker, 1999; Kressel, 1987). Authors also report that mediated cases are more likely to involve less court interaction or relitigation (Sbarra & Emery, 2005). However, some authors (e.g., Zuberbuhler, 2001) note no difference in time to settlement or that mediation did not reduce the

time needed for resolution compared to litigated cases (Pruett et al., 2005). Other findings indicated that there was a lower number of custody hearings in mediated cases and settlements were reached more quickly than in litigation (Emery & Wyer, 1987a; Emery et al., 1991). Additionally, more joint custody settlements were found in mediation cases. Jones and Bodtker (1999) found that in general mediated cases had more involvement with the courts, but once mediation was initiated, there was a drop in relitigation.

Zuberbuhler (2001) studied Early Intervention Mediation program (EIM), examining the assumption that early introduction of mediation would increase the success rate of mediation. Zuberbuhler noted that in more than half of the cases ordered to mediation ($N = 152$), around 61% of the issues of custody dispute were fully resolved. The types of agreements included for mediation were mostly shared parenting plans and for the non-mediated group most were standard orders of visitation. Also, there was no significant difference in overall time to settlement between mediated and non-mediated cases. This program saw increased settlement rate of mediation from 24% to 61%, suggesting the earlier the introduction of mediation, the greater the settlement rate.

Similar settlement rates were reported by Williams and Buckingham (2001), who found that 58% of mediated cases reached settlement and that the average time to settlement was 2.7 months.

Kelly (2004) summarized studies of custody mediation programs in terms of their settlement rates, time and cost efficiency, and strength of settlement. She reported a 50-90% settlement rate for mediated cases. In a more recent review of literature, Emery, Sbarra and Grover (2005) found that mediation settled 50-80% of mediated cases, at an average of half the time of litigated cases.

Child Support Compliance

In the research on child support and mediation, results support increased compliance in child support by couples who mediate their divorces. In the 12-year study (Emery et al., 1994), one year after reaching settlement, results on parent functioning reveal that fathers who mediated had increased compliance with child support. Tishler, Laundry-Myer and Bartholomae (2003) also examined the role of mediation in compliance with child support and assessed payment, parent characteristics, mediation outcome, and suitability of parents for mediation. Results indicated that father's age, income, post-decree status, attendance at mediation assessment and sessions, suitability for mediation, and child support automatically withheld were associated with

greater likelihood of being child support compliant. Couples who mediated had greater odds (around six times greater) than those who did not mediate for child support compliance, when all other variables were held constant.

Effects on Parent

Interactions of parents or parties. Dispute resolution services have the potential to affect the parties engaged in the dispute in multiple ways. Because of the tendency for increased coparental conflict postdivorce, mediation was introduced particularly in cases of child custody and issues about children to help address the higher risk of harmful affects of exposure to increased parental conflict on children (Zuberbuhler, 2001). Kelly (2004) concluded that overall results show that parents who experience mediation benefit by “a decrease in conflict during divorce, and in the first two years following divorce, they are more cooperative and supportive as parents and communicate more regarding their children” (p. 29). In a re-evaluation of a 12-year follow-up study of custody, contact and co-parenting differences between mediation and litigation groups, Sbarra and Emery (2005) noted that participants of litigation reported more long-term co-parental conflict. They also addressed the limitation of these findings noting, “The study is based entirely on self-report of adults who were highly conflicted at the time they initially petitioned the courts for a custody settlement...caution is needed in extending the findings to all divorced adults.” (p. 72).

Psychological functioning. In a study on the long-term psychological adjustment of parents, Emery and Wyer (1987a) indicated that fathers who mediated reported feeling more in control of decisions, whereas mothers reported no difference in feeling of control between groups. The results also indicated that mediation had a greater psychological impact on mothers, who reported less depression. As well, mothers reported that in mediation they felt more positive about the effect of mediation on children. In 1994, one year following final settlement, results revealed that there was no significant difference between those who mediated and those who litigated in measures of psychological adjustment (Emery et al., 1994).

Empowerment. Another outcome of mediation is empowerment. In a study of couple empowerment in mediated and non-mediated cases, Bailey and Robbins (2005) examined the tangible differences between outcomes by comparing data for 120 randomly assigned mediated ($n = 61$) and non-mediated cases ($n = 59$). The findings support the authors’ hypothesis that mediated cases result in more changes to child possession arrangements (the standard name for

living and visitation agreements for minor children in Texas) than non-mediated cases. Results indicated that in mediated cases children are more likely to make a change and the probability of making a change is three times greater for mediated cases. There was also a significant effect for the average age of children, such that the likelihood of making a change decreased as age of the child increased.

Overall, the evidence supports the statement that the presence of mediators helps some parties have some control over their agreements; yet, this and other studies failed to identify the role of the mediator or techniques the mediator used in facilitating the changes. Bailey and Robbins (2005) argued that future research should examine factors such as mediator style, mediator education, professional background and training of mediator and venue of mediation for effects on empowerment.

Involvement with Children

As noted earlier, the goals of mediation reflect a need for intervention in the maladaptive effects of divorce on families and children. Intervention programs work to directly influence the divorce processes and indirectly affect children through resolving custody disputes, specifically increasing visitation, decreasing negative coparental conflict, and increasing reliability of child support (Dillon & Emery, 1996; Emery et al., 2005; Pruett et al., 2005; Tishler et al., 2003). Keoughan, Jaonning and Sudak-Allison (2001) assessed child access and visitation following divorce, acknowledging families need for relational and legal mediation prior to, during, and following divorce.

In the evaluation of mediation studies, Kelly (2004) reported that fathers, who participated in mediation, were more involved with children even 12 years following divorce compared with fathers in litigation groups. The long-term results of the study by Emery and colleagues (2001, 2005) also support increased visitation in spite of the fact, “that mediated families made more changes in their children’s living circumstances” (p. 331). Kitzmann and Emery (1994) also noted no differences in children’s problems between the group of parents who used mediation and the group who used litigation.

The Mediation Process

Members of the Family Law section in Florida, which is largely recognized for a history of requiring mediation of child custody disputes, reported mediation as having a 91% positive impact, 8% positive and negative, and only 1% reported a negative impact on the family courts

in Florida (Schepard & Bozzomo, 2003; Williams & Buckingham, 2001). Although there is substantial evidence of the beneficial outcomes of mediation as a method for dispute resolution, there is limited research on mediation process and practices in the United States (Benjamin & Irving, 2005; Emery & Wyer, 1987b; Vanderkooi & Pearson, 1983). Two exceptions were found.

One exception was Kruk (1998) where he specifically examined issues of mediator practice and process and provided data, previously not available, on the extent of variability in the practice of mediation in Canada. Data came from 250 questionnaires completed by practicing family mediators, who were members in Family Mediation Canada and maintained a minimum of 5% of professional practice as family mediation. Questionnaires asked about

...the nature of mediators' practice, practice issues such as beliefs and attitudes towards salient issues and debates in the field, the interventions, methods, procedures and strategies they find most useful and effective, and identification of the theoretical frame guiding their practice and models. (p. 198)

Of the mediators who completed the questionnaires, 56% were women, 95% had a university degree and 65% had a graduate level degree, about 64% were in private practice, 28% in court settings and 8% in non-profit community agencies. In terms of professional background, 50% came from mental health professions (psychologists and social workers with master's degrees), 22% were lawyers, 6% had a joint degree in law and a mental health profession, and 22% were from other professional and nonprofessional groups. In terms of experience, they had practice around 7 years and 3 months, with an average of around 60 basic training hours and an average number of around 51 hours of advanced training. Significant differences were found in their professional background or professional affiliation. In comparisons of lawyers and mental health practitioners, lawyers were more often in private practice, mediate more non-family disputes, and charged higher fees per session per hour. Mental health practitioners tended to work in court-based or independent settings, specialized in family mediation and gave more sessions per mediation case in postdivorce parenting disputes. Kruk concluded that, "lawyer and mental health practitioners practice mediation in fundamentally different ways and position themselves very differently in regard to fundamental issues in the field, and the magnitude of the difference is profound" (p. 212).

Kruk (1998) also reported that differences in practice issues, strategies used and practice model guiding their work. Overall, results indicated that the most prominent mediation model used was structured negotiation (98% for lawyers and 95% for mental health practitioners). Although the majority of mediators used negotiation problem-solving styles, mental health practitioners used the other models twice as often as did lawyers (therapeutic: lawyers = 47%, mental health = 81%; feminist: lawyer = 17%, mental health = 34%; multigenerational: lawyer = 17%, mental health = 44%; and culturally specific: lawyer = 17%, mental health = 32%). The results also indicated that for parenting issues, 89% used structure negotiation and 86% used therapeutic; for financial issues, 100% used the structure negotiation model, and 50% used therapeutic; for comprehensive mediation, 95% used structure negotiation and 66% used therapeutic. Although this information provides a foundation for research on mediators' practice, it is from Canadian mediators, and such information is not available for a U.S. sample.

To date Kruk's study (1998) remains one of the most comprehensive studies of mediator's practice. Other studies have been conducted in the past decade that examine mediator technique and process, and although these provide information on this topic (technique and process), most of them have significant limitations methodologically and lack application or predictability to a greater population due to small sample size or limited regional representation (see as examples, Jacobs & Aakhus, 2002; Gale, Mowery, Herrman, & Hollett, 2002; Herrman, Hollett, Eaker, & Gale, 2003; Zubek, Pruitt, Peirce, McGillicuddy, & Syna, 1992). In a qualitative study of mediator behaviors, Gale and associates examined in detail videotapes of four mediation sessions in Georgia to explore the factors that distinguish higher rated mediators from low rated ones. Specifically, three factors were examined: (a) the structural organization of the mediation process as established by the mediator (b) the mediator's response to socioemotional influences, and (c) substantive details of outcome. The results indicated that the higher rated mediator utilized around 6 hours for the total time in mediation (the most time used by the four mediators), used dialogue 67% of the time and caucus 27% of the time, was active in shaping the structure of the mediation process, was flexible with participants agenda and voice, was attentive to the socioemotional dynamics of the parties (e.g., attentive to each participants emotions, sought underlying functions behind each party's agenda, use of caucus to discuss issues) and was attentive to details of living arrangements and child and spousal support (tracked details in a computer). The authors noted that,

...this research also suggest that it is an overall balance if the structural organization as created by the mediator and participants, the mediators' response to participants socioemotional interaction and the mediator's attention to substantive details that seem to have an optimal impact on effective mediation. (p.416)

Importantly, many authors support the critical need for studies that examine what exactly is done in mediation that produces the beneficial outcome results (Saposnek, 2004). Kelly, (1996) noted that research should "identify and fully describe different practice models, so they can be evaluated for their effectiveness in specific dispute-resolution settings, for the type and complexity of dispute, and in relation to the dynamics of the disputant" (p.383). Kressel and colleagues (1994) noted that there are variety of mediator behavior styles and approaches and that these styles are significant for effectiveness and training; yet, "there is no consensus on many central issues related to mediator styles" (p. 81). More recently, Benjamin and Irving (2005) commented on the increasing need to incorporate a mediation approach that use multiple methods (facilitative and therapeutic) and proposed that mediators address, "the unstated marital dynamic that typically drives the conflict between couples in mediation and then provides them with an effective model of parenting in divorce" (p. 479).

Summary of Literature

To date, studies of mediation have examined primarily it's effects on participant satisfaction, parent functioning, compliance, settlement rates, parent-child contact, empowerment and relitigation. Specifically, evidence shows that participants are more satisfied, experience less distress, show increased compliance with the settlement. Evidence also shows that the use of mediation can decrease interparental conflict post divorce, as well as increase the likelihood of cooperation between parties. Lastly, evidence shows increased nonresident parent-child contact, shorter settlement time, and less relitigation. Taken together, mediation appears to be a better option than traditional adversarial processes for dispute resolution.

In addition, several studies have examined mediation practices, yet none have empirically examined mediation practices in the United States. Most researchers agree that mediation is a vast field in need of more specific research and information. An important starting place is to examine mediators and mediation processes in the United States similar to the work of Kruk

(1998). In this study I used existing data that were collected to replicate the Kruk study to assess and compare information from a U.S. sample with that from the Canadian sample.

CHAPTER 3

RESEARCH METHOD

This section discusses the methods and procedures used in this study. This study attempted to replicate an earlier study by Edward Kruk (1998), examining the practice issues, strategies and models of the current state of mediation. The intended population for this study was practicing family mediators in the United States. Information is provided on the variables used to assess mediation practices of mediators in the United States. Likewise, details of methodical and analytic procedures are outlined.

Sample

Data for this study were taken from a secondary data source (Pasley & Hinkle, 2000). A sample of 500 names was drawn randomly from the membership list of practicing members of the now former Academy of Family Mediators for the purpose of evaluating the experiences and practices of family mediators in the United States.

With permission from Edward Kruk, Pasley and Hinkle (2000) used his questionnaire. The survey with a cover letter (see Appendix A and B) were mailed with a business reply envelope to the randomly selected sample of 500 family mediators. One week later, a reminder postcard was mailed to encourage their timely completion of the questionnaire. Three weeks later, another letter, copy of the questionnaire, and business reply envelope was again mailed. Completed questionnaires were received from 305 family mediators; the response rate was 61%. The random selection of mediators from the Academy of Family Mediators, (AFM), the national professional organization for family mediators in 2000, assumes that the data collected are representative of the population of U.S mediators in 2000. No additional information was made available from AFM, so there was no way to assess whether the sample used in the analysis was representative of the practicing members.

Although the sample drawn was representative of mediators from the year 2000, the data were never previously analyzed following collection. Therefore, these data can provide useful insight for understanding current research on mediators' practices on the grounds that to date, there is no empirical evidence on the practices of mediators in the United States. The sample is assumed to be representative of the population of mediators in 2000 and can create a foundation

for continued research on the current state of mediation practices. Limitations of the use of secondary data are addressed in Chapter V. Data were entered into the statistical analysis program SPSS 13.0.

Measures

Several questions from the available data were used to describe the profile of family mediators and their practices, issues, and models used.

Characteristics of Mediators and Their Practices

The nature of mediation practice was examined with responses to questions about various demographic characteristics and practices. Specifically, demographic characteristics of interest included (see Appendix A) mediators' sex, age, highest level of education (item 3), professional background/affiliation (item 4), population of town/city of practice (item 6), primary professional setting (item 7), duration of practice (item 8), type of family mediation (item 9), and percentage of total practice dedicated to family mediation (item 10). Also included were questions about hours of formal training (item 12), type of mediation typically practiced (item 13), and fees charged (item 14).

Other questions ask about the frequency of handling certain mediation issues (item 16), the frequency of meeting with outside parties (item 17), the demographic characteristics of their clientele, (item 18), mediators' professional identity as communicated to clients (item 19), time spent in mediation and on certain issues (item 20), and whether the majority of mediation clients were voluntary or non-voluntary (item 22).

Family Mediation Practice Issues

Besides the descriptive information noted above, data were also available on the nature of issues faced in the practice of mediation where respondents were asked about their beliefs and attitudes regarding salient issues and debates in the field. Specifically, participants were asked to report their level of agreement on a series of 19 statements (see item 25 and item 26 in Appendix A). Responses ranged from *strongly disagree* (1) to *strongly agree* (5). Sample items were: "The role of mediator should be therapeutic," "Divorce mediation is never appropriate in spousal abuse situations," "Mediation should be mandatory for all divorce related disputes," and "Caucusing is a preferred method in family mediation". Mediators were also asked to report (item 28) their beliefs regarding the importance of certain factors in achieving positive post-

divorce adjustment for children on a scale of 1 – 10, with 1 being *not at all important* and 10 being *extremely important*. Mediators reported on factors such as the importance of parental cooperation, stability of routines in children's lives, financial security, and shared parenting agreements.

Practice Models and Approaches

To gain insight into the different models and approaches used, participants were asked to identify the theories that guided their practice and their use of particular practice models (items 34 and 35). The list of theories/models included: structured negotiation, therapeutic, feminist practices, multigenerational, culturally specific, or *other*. Next, they were asked to identify which theory/model was used in handling parenting disputes, financial disputes and comprehensive mediation.

Data Analysis

SPSS 15.0 was used for data analysis. First, descriptive statistics (frequency and percentages) were calculated for all variables to provide a general overview of the data and data patterns, especially within-group variables by professional affiliation. Next, I examined differences between groups (mediators affiliated with law, mental health, social work, and other affiliations) on key practices, beliefs, and practice models, using either chi-square analysis or analysis of variance (ANOVA) as appropriate.

CHAPTER 4

RESULTS AND DISCUSSION

This chapter examines the results of the study based on the planned statistical analysis. The results are presented in three sections. The first section explores the characteristics of mediators and the nature of mediation practice in a sample of family mediators in the U.S. Second, the variables of interest (e.g., practice issues, beliefs and models) are examined to determine differences by the professional affiliation of the mediator. Lastly, the results of this study are discussed in light of prior research and potential theory development.

Characteristics of Mediators and Nature of the Practice of Mediation

Demographic Characteristics of U.S. Mediators

The sample ($N = 305$) contained 105 male (35.2 %) and 193 female mediators (64.8 %). The mean age of the mediators was 53.85 years ($SD = 8.29$). Mediators averaged a graduate level of education, with approximately 46% reporting completion of a master's degree and approximately 30% reporting having a doctoral degree, including a Juris doctorate. The professional affiliations were categorized into four groups: law, mental health (i.e., psychology, counseling, or marriage and family therapy), social work, and *other* (i.e., clergy). Of the 305 mediators, 111 (36.8 %) were affiliated with law, 53 (17.5%) were affiliated with mental health, 43 (14.2%) were affiliated with social work, and 95 (31.5%) were affiliated with other professions, including combinations of the primary affiliations previously noted. Mediators also reported how they identified themselves to clients and referral sources; 64.7% identify themselves professionally as mediators, 7.9% as therapists or counselors, 23.1% as lawyer mediators, and 4.3% reported other identities.

In training and experience, mediators reported an average of 60.34 hours ($SD = 56.6$) of formal family mediation basic training and an average of 106.97 hours ($SD = 98.46$) of advanced training. Only 9.4% of mediators had less than 40 hours of basic training, and 74.5% of mediators had 100 or fewer hours of advanced training. Further, mediators reported an average of 12.43 years of family mediation practice (range 2 – 29 years, $SD = 5.25$) and dedicated on average 56.2% of their current professional practice to family mediation ($SD = 33.63\%$). Thirty seven percent indicated that less than half of their practice was in family mediation, and only 14.3% reported that all of their practice was in family mediation.

In the nature of mediation practice, 71.8% mediators reported a private practice setting, 87.1% of mediators reported practicing closed (privileged and confidential) family mediation, and 79.9% reported typically practicing as a sole mediator. The majority (91.7%) of mediators charged for their services, and fees ranged from \$15 to \$1000 per hour. About 27% charged \$100 or less per hour, approximately 39% of mediators charged \$100-150 per hour, 11.4% charged \$150 per hour, 9.2% charged \$200 per hour, and around 3% charged \$500 or more per hour ($M = \181.03, $SD = \$121.26$). Regarding the size of town/city in which their practices, 30.2% of mediators reported their town/city population as 1 million or more, and about 46% reported a population of 140,000 or less.

Mediators reported that the majority of their clients were voluntary (77.3%) and Caucasian (86.54%). Some also were African Americans (7.55%), fewer were Hispanic/Latino (4.10%), fewer were Asians (1.7%), and even fewer Native Americans (0.46%).

Descriptive Analysis of Practice Issues and Models

Descriptive analysis of the variables regarding practice issues and practice models presented a general idea of mediators' average response, regardless of professional affiliation, for the sample of mediators in the United States in 2000. These results appear in Tables 1, 2, and 3.

Results presented in Table 1 indicate that on average mediators *routinely* mediate parenting or custody issues ($M = 3.94$, $SD = 0.24$), property issues ($M = 3.58$, $SD = 0.84$), child support issues ($M = 3.55$, $SD = 0.88$), and *sometimes* mediate spousal support issues, ($M = 3.39$, $SD = 0.98$). Results also indicated that, on average, mediators *rarely* include in their mediation practice meeting with children ($M = 2.04$, $SD = 0.80$), extended family ($M = 2.01$, $SD = 0.71$) or lawyers of the parties ($M = 2.38$, $SD = 0.86$), and slightly more frequently include caucusing or shuttle diplomacy ($M = 2.69$, $SD = 0.77$).

Details of the average amount of total time mediators spent with family mediation clients on various issues in disputes also appear in Table 1. Mediators reported that for each client they spend an average of 2 sessions ($SD = 1.25$) or 4 hours ($SD = 2.33$) on parenting disputes, 2.5 sessions ($SD = 1.46$) and around 5 hours ($SD = 2.99$) on financial disputes, and almost 4.5 sessions ($SD = 2.24$) or 8 hours ($SD = 4.45$) on comprehensive (parenting and financial disputes) divorce mediation.

Table 1

Mean and Standard Deviation of Practice Characteristics (N = 305)

Practice Characteristic	N	Mean	SD
Frequency of mediation:			
Parenting (custody) ^a	303	3.94	0.24
Property ^a	301	3.58	0.84
Child support ^a	299	3.55	0.88
Spousal support ^a	300	3.39	0.98
Other (specify) ^a	94	3.43	0.76
Frequency of meeting with:			
Children ^a	303	2.04	0.80
Extended family ^a	303	2.01	0.71
Lawyers of the parties ^a	302	2.38	0.86
Caucusing/shuttle diplomacy ^a	302	2.69	0.77
Time spent mediating:			
Parenting			
Number of sessions	256	2.27	1.25
Number of hours	261	4.17	2.33
Financial			
Number of sessions	235	2.53	1.46
Number of hours	238	4.77	2.99
Comprehensive			
Number of sessions	264	4.48	2.24
Number of hours	264	8.25	4.45

Note: ^a 1 = never, 2 = rarely, 3 = sometimes, 4 = routinely.

Table 2 represents the percentage of mediation cases reaching final settlement through family mediation, lawyer negotiation, and litigation, trial or court determination, results are presented in Table 2. In general, mediators reported that around 80% of their cases reach final settlement through family mediation ($M = 79.88\%$, $SD = 14.08\%$), almost 15% through lawyer negotiation ($M = 14.60\%$, $SD = 14.74\%$), and about 8% through litigation, trial or court determination ($M = 8.26\%$, $SD = 7.90\%$). Interestingly, almost none (1.7%) of the mediators reported that less than 50% reached final settlement through family mediation (see Figure 1). Thus, most of the mediators reported that the majority of their cases reached final settlement through family mediation.

Results of a paired samples t -test indicated that the percent of mediation cases settled through family mediation was on average significantly higher ($M = 79.88$, $SD = 14.08$) than the percent reported settled through lawyer negotiation ($M = 14.60$, $SD = 14.74$), $t(188) = 32.73$, $p < .001$, $d = 2.4$. Similar findings held for the percent of mediation cases settled through family mediation ($M = 79.88$, $SD = 14.08$) compared with those settled through trial/court determination ($M = 8.26$, $SD = 7.90$), $t(182) = 47.13$, $p < .001$, $d = 3.5$. Lastly, results also indicated that the percent of mediation cases settled through lawyer negotiation was higher ($M = 14.60$, $SD = 14.74$) than the percent of cases settled through trial/court determination ($M = 8.26$, $SD = 7.90$), $t(174) = 5.429$, $p < .001$, $d = 0.41$. This difference reflects a small to moderate effect (Cohen, 1992).

Results regarding mediators' beliefs about current practice issues and debates in the field are presented in Table 3. The majority of mediators *strongly agree* that divorce mediation should be closed to judicial review ($M = 1.57$, $SD = 1.17$) or subject to protection and privilege and that they should assume a neutral role in both the process ($M = 2.04$, $SD = 1.37$) and outcomes ($M = 2.28$, $SD = 1.28$). Additionally, mediators disagreed with the statement that family mediators should be able to assume an investigative, reporting, or adjudicative role in the event that mediation is unsuccessful ($M = 5.53$, $SD = 1.05$) or that children ($M = 4.64$, $SD = 1.16$) or extended family ($M = 4.45$, $SD = 1.12$) should be involved. Results regarding other beliefs varied between 2 and 5 on a 6 point scale from strongly agree to strongly disagree. For example, the item referring to the role of the mediator as therapeutic ($M = 3.83$, $SD = 1.43$) shows that the majority of responses were between some agreement and disagreement.

Table 2

Descriptive Statistics for Percent of Final Settlement of Cases

Final Settlement:	N	Mean	SD
<hr/>			
Through family mediation	295	79.88	14.08
Through lawyer negotiation	190	14.60	14.74
Through litigation/trial/court determination	184	8.26	7.90

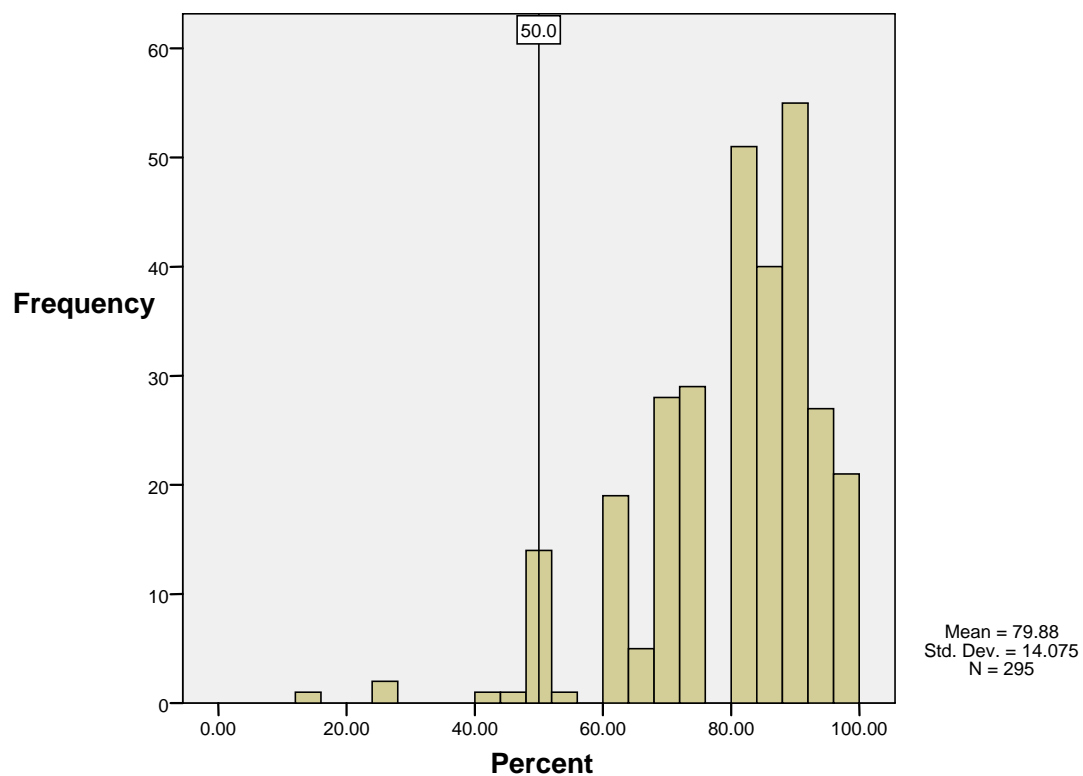


Figure 1. Mediators' reports of the total percent of cases that reach final settlement through family mediation.

Table 3

Mean and Standard Deviation Regarding Practice Beliefs about Issues in the Field

Belief or Issue	N	Mean	SD
Role of mediator should be therapeutic	300	3.83	1.43
Role of mediator should be structured toward negotiation	301	2.82	1.33
Mediator should assume a neutralist position regarding process	299	2.04	1.37
Mediator should assume an interventionist position regarding process	302	2.47	1.43
Mediator should assume a neutralist position regarding outcome	300	2.28	1.28
Mediator should assume an interventionist position regarding outcome	301	4.08	1.55
Divorce mediation is never appropriate in spousal abuse situations	305	3.92	1.58
Divorce mediation is never appropriate in child abuse situations	302	3.61	1.76
Divorce mediation services should be independent of the courts	294	3.04	1.64
Divorce mediation should be closed to judicial review	301	1.57	1.17
Mediators should be able to assume an investigative, reporting, or adjudicative role	300	5.53	1.05
Mediation should be mandatory for all divorce-related disputes	299	3.56	1.75
Mediation should be mandatory when children are involved in the divorce	301	2.94	1.84
Legal custody presumption should be a primary caretaker presumption	236	3.82	1.40
Legal custody presumption should be a joint custody/shared parenting presumption	278	2.79	1.41
Caucusing is preferred method in family mediation	301	4.12	1.58

Table 3. Continued

Belief or Issue	N	Mean	SD
Children should be directly included in mediation process	302	4.64	1.16
Grandparents/extended family should be directly included in mediation process	302	4.45	1.12
Generic approach to mediation used cross-culturally	292	4.20	1.37
Generic approach should be avoided and should develop culturally specific model	289	3.08	1.26

Note: All values are based on a scale of 1 = *strongly agree* to 6 = *strongly disagree*.

Results of mediators' responses regarding the importance of certain factors in achieving positive post-divorce adjustment for children appear in Table 4. Mean scores for all of the factors ranged from 7 to 10 on a 1-10 scale, indicating that, in general, mediators believed all of the factors are important. Further, results indicated that mediators assigned the highest level of importance to (a) parental cooperation/reduction of conflict ($M = 9.49$, $SD = 1.71$) and (b) not placing children in the middle of parental disputes ($M = 9.57$, $SD = 1.67$).

Table 4

Mean and Standard Deviation Regarding Perceived Importance of Factors in Achieving Positive Outcome for Children

Importance	N	Mean	SD
Parental cooperation, reduction of conflict	296	9.49	1.71
Maintaining relationship between parents	300	7.16	2.77
Communications with children	299	8.27	2.16
Stability of routines for children	303	8.11	1.88
Children not in the middle	302	9.57	1.67
Mutual respect between parents	302	8.44	1.89
Focusing on children's needs	303	8.98	1.74
Financial security	300	7.54	1.95
Establishing shared parenting agreement	295	7.12	2.41
Other	36	8.44	2.30

Note: Responses range from 1 = *least important* to 10 = *most important*

The results regarding percent of use of certain models/approaches in settling parenting disputes, financial disputes, and comprehensive mediation appear in Table 5. Responding mediators reported that structured negotiation (30.2%) and therapeutic approaches (27.5%) were used about the same frequency when settling parenting disputes. Few reported using feminist practices (5.9%), multigenerational approaches (11.5%), culturally-specific approaches (15.3%), and “other” approaches (9.5%). Almost half (46.8%) reported using structured negotiation, and fewer used other approaches (therapeutic = 14.5%, feminist practices = 6.8%, multigenerational = 6.5%, culturally-specific = 14.8%, and “other” = 10.8%) when settling financial disputes. Structured negotiation was used the most (36.8%), then therapeutic (20.7%), and then culturally-specific (15.7%) when settling comprehensive mediation. Overall, these results indicate that mediators reported using structured negotiation methods the most frequently for parent, financial and comprehensive mediation.

Table 5

Frequencies and Percentages of Models/Approaches Used in Settling Parenting Disputes, Financial Disputes, and Comprehensive Mediation

Models/Approaches	Parenting Disputes		Financial Disputes		Comprehensive Mediation	
	N	Percent	N	Percent	N	Percent
Structure negotiation	178	30.2	187	46.80	190	36.80
Therapeutic	162	27.5	58	14.50	107	20.70
Feminist practices	35	5.9	27	6.80	44	8.50
Multigenerational	68	11.5	26	6.50	44	8.50
Culturally-specific	90	15.3	59	14.80	81	15.70
Other	56	9.5	43	10.80	51	9.90

Differences According to Professional Affiliation of Mediators

Demographic Characteristics

A series of analysis of variance (ANOVA) and chi-square procedures were used to examine differences between the four professional affiliation groups (law, mental health, social work, and *other*) on the demographic characteristics. The results appear in Table 6 (ANOVA) and Table 7 (chi-square).

Differences were not found for age, years in practice, percent of practice associated with family mediation, or hours of basic and advanced training. Two significant differences were found regarding amount charged per hour and percent of clients who were Caucasian. Specifically, differences were found regarding amount charged per hour, $F(3,265) = 13.07, p < .001$, and clients' race, $F(3,294) = 3.042, p = .029$. Post hoc Tukey HSD test indicated a significant mean difference between the law group ($M = \$233.62, SD = \139.82) and all other groups for the dollar amount charged per hour (mental health: $M = \$141.52, SD = \82.24 ; social work, $M = \$127.36, SD = \46.91 ; "other": $M = \$158.72, SD = \111.13). When examining the percent of clients who were Caucasian, post hoc Games-Howell test (used when Levene's test of homogeneity of variance is violated (Morgan et al., 2004)) indicated a difference between the mental health group ($M = 91.0\%, SD = 11.75\%$) and the "other" group ($M = 83.69\%, SD = 17.24\%$). Mediators affiliated with mental health reported a higher percentage of clients who they identified as Caucasian compared with those in the "other" group. Overwhelmingly clients were reported to be Caucasian.

Chi-square analysis was used to test group differences for the remaining demographic characteristic variables due to the nominal measurement level of the variables. Table 7 shows the results of Pearson chi-square with significant differences noted. Specifically, significant differences between the four groups were found regarding level of education, $\chi^2(6, N = 297) = 132.75, p < .001$, primary professional setting, $\chi^2(9, N = 301) = 19.89, p = .019$, fees charged to clients, $\chi^2(3, N = 300) = 9.73, p = .021$, mandated status, $\chi^2(6, N = 296) = 13.36, p = .038$, professional identity as espoused to clients, $\chi^2(9, N = 300) = 151.23, p < .001$, and type of family mediation primarily practiced, $\chi^2(6, N = 299) = 19.33, p = .004$.

Specific differences between groups are shown in Figures 2- 7. All groups, except those affiliated with law, had a greater proportion of mediators reporting an education level of some graduate work or master's degree than either doctoral degrees or some college, (Figure 2). The

law group had a greater proportion reporting doctoral degrees. Regarding the primary professional setting (see Figure 3), the majority of mediators in all of the groups practiced in private settings, with those affiliated with law doing so more frequently. Also, these results showed that the “other” group is proportionally greater for all other categories of primary professional setting.

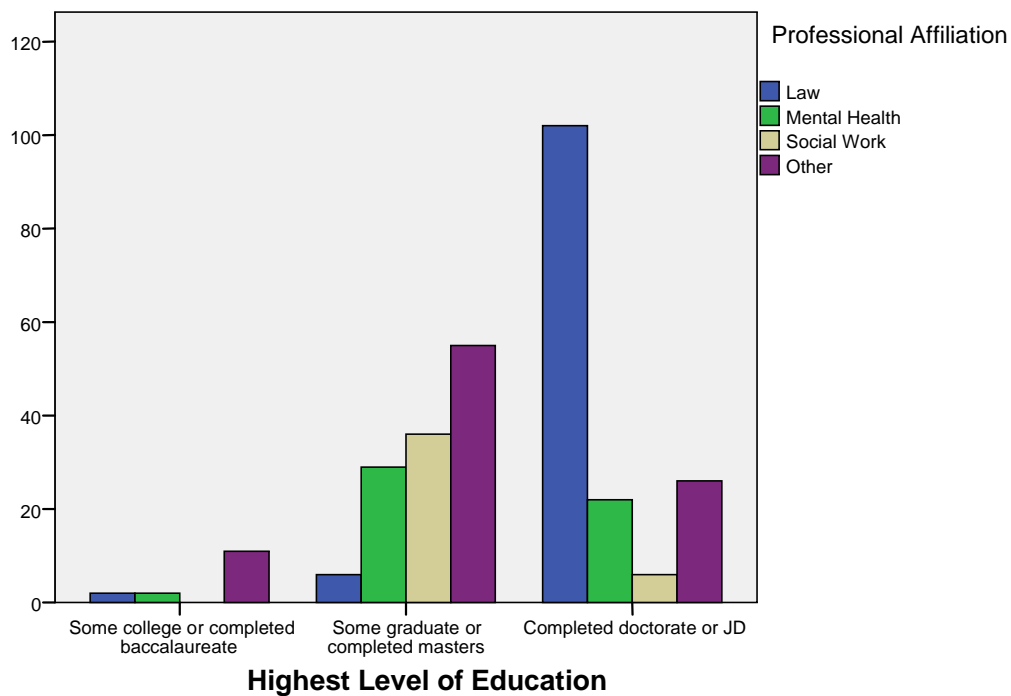


Figure 2. Education level by professional affiliation.

Table 6

Means, Standard Deviations, and Test for Differences in Demographic Characteristics (F-ratio) by Professional Affiliation

	N	Professional Affiliation Group												F
		Law			Mental Health			Social Work			Other			
		<i>n</i>	M	SD	<i>n</i>	M	SD	<i>n</i>	M	SD	<i>n</i>	M	SD	
Age (years)	298	110	52.35	8.62	53	55.57	7.07	42	54.15	7.76	93	54.13	8.45	2.05
Years in practice	300	111	12.07	5.13	53	13.41	5.52	42	12.65	4.06	94	12.03	5.57	0.99
% of practice in family mediation	299	109	56.74	32.68	53	50.23	34.85	42	50.45	35.41	95	61.06	32.96	1.65
Basic training (hours)	281	104	53.41	37.29	52	62.13	60.13	39	53.97	28.95	86	60.34	43.09	0.72
Advanced training (hours)	245	88	99.35	77.56	46	100.13	91.89	30	77.83	61.49	81	108.72	96.72	0.96
Fee per hour (dollars)	269	107	233.62	139.82	44	141.52	82.24	36	127.36	46.91	82	158.72	111.13	13.07***
Clients race (%)														
Caucasian	298	111	87.43	13.20	52	91.00	11.75	42	84.43	17.75	93	83.69	17.24	3.04*
African American	288	106	6.84	12.29	52	4.54	8.91	40	10.66	17.68	90	8.88	13.35	2.12

Table 6. Continued

	Professional Affiliation Group													F
	Law				Mental Health			Social Work			Other			
	N	<i>n</i>	M	SD	<i>n</i>	M	SD	<i>n</i>	M	SD	<i>n</i>	M	SD	
Clients race (%)														
Hispanic/ Latino	286	105	4.00	5.24	52	2.94	5.73	39	3.56	5.17	90	5.23	6.65	1.95
Native American	286	105	0.38	1.00	52	0.38	1.49	39	0.21	0.83	90	0.72	1.82	1.68
Asian	285	104	2.22	3.56	52	1.12	2.56	39	1.58	3.31	90	1.51	2.51	1.77
Other	284	104	0.36	1.26	52	0.12	0.70	39	0.42	1.53	89	0.40	1.43	0.66
% settlement through:														
Family mediation	292	107	80.41	15.44	50	80.24	12.31	43	76.51	14.73	92	80.90	12.97	1.04
Lawyers	189	77	16.73	19.49	33	12.79	10.66	26	15.62	10.25	53	12.04	9.85	1.28
Litigation/ trial/ court	182	73	6.68	5.59	30	9.23	6.61	26	10.92	13.19	53	8.42	7.74	2.14

* $p < .05$. ** $p < .01$. *** $p < .001$

Table 7

Frequency, Percentages, and Test for Differences in Demographic Characteristics (Chi-Square)

		Professional Affiliation								N	Ch-Square	df
		Law		Mental Health		Social Work		Other				
		<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%			
Sex	Male	45	15.3	22	7.5	10	3.4	26	8.8	103	7.25	3
	Female	63	21.4	31	10.5	32	10.8	66	22.4	192		
Education level	Some college or B.A.	2	0.7	2	0.7	0	0.0	11	3.7	15	132.75***	6
	Some graduate or Master's	6	2.0	29	9.8	36	12.1	55	18.5	126		
	Doctoral degree or JD	102	34.3	22	7.4	6	2.0	26	8.8	156		
City/Town Population	< 25,000	7	2.7	7	2.7	7	2.7	9	3.5	30	18.76	15
	25,000-75,000	16	6.3	7	2.7	5	2.0	19	7.4	47		
	75,001-140,000	16	6.3	7	2.7	1	0.4	15	5.9	39		
	140,001-400,000	13	5.1	8	3.1	6	2.3	8	3.1	35		
	401,000-999,999	12	4.7	1	0.4	5	2.0	9	3.5	27		
	>1 million	32	12.5	18	7.0	9	3.5	19	7.4	78		
Professional Setting	Court-based	7	2.3	7	2.3	7	2.3	17	5.6	38	19.89*	9
	Private practice	94	31.2	38	12.6	30	10.0	56	18.6	218		
	Non-profit agency	4	1.3	5	1.7	4	1.3	14	4.7	27		
	Other (specify)	6	2.0	3	1.0	1	0.3	8	2.7	18		

Table 7. Continued

		Professional Affiliation										
		Law		Mental Health		Social Work		Other				
		<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	N	Ch-Square	<i>df</i>
Charge Fees	No	2	0.7	6	2.0	5	1.7	12	4.0	25	9.73*	3
	Yes	108	36.0	47	15.7	37	12.3	83	27.7	275		
Mandated	No	93	31.4	39	13.2	28	9.5	69	23.3	229	13.36*	6
	Yes	11	3.7	14	4.7	12	4.1	23	7.8	60		
	Combination	2	0.7	0	0.0	2	0.7	3	1.0	7		
Professional Identity	Mediator	40	13.3	38	12.7	35	11.7	80	26.7	193	151.23***	9
	Therapist/Counselor	0	0.0	14	4.7	6	2.0	4	1.3	24		
	Lawyer mediator	64	21.3	1	0.3	0	0.0	5	1.7	70		
	Other	7	2.3	0	0.0	1	0.3	5	1.7	13		
Type of mediation practiced	Open	5	1.7	10	3.3	1	0.3	10	3.3	26	19.33**	6
	Closed	102	34.1	37	12.4	38	12.7	84	28.1	261		
	Other	4	1.3	5	1.7	2	0.7	1	0.3	12		
Typically practice	Sole mediator	93	31.0	38	12.7	34	11.3	75	25.0	240	7.22	6
	Co-mediator	10	3.3	12	4.0	5	1.7	10	3.3	37		
	Other	8	2.7	3	1.0	3	1.0	9	3.0	23		

Note: The percentages in the table represent the % of total. For example, there are 102 mediators in the law group with doctoral degree or Juris doctorate; this is 34.3% of the 297 mediators reporting on this item.

* $p < .05$. ** $p < .01$. *** $p < .001$

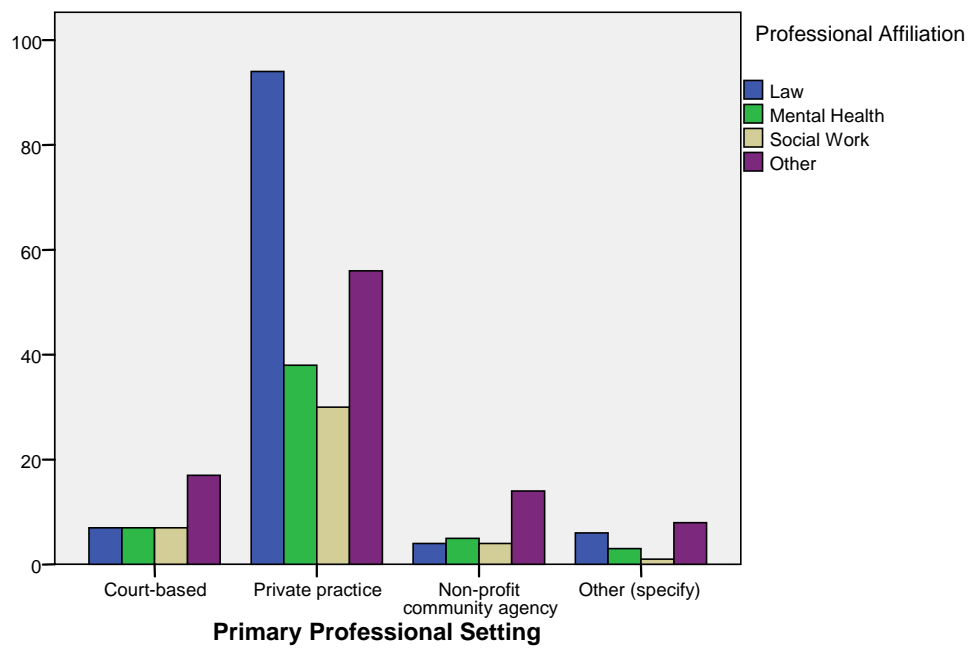


Figure 3 Primary setting of practice by professional affiliation.

A significant difference was found regarding whether fees are or are not charged for mediation services by professional affiliation (see Figure 4). Across all groups, the majority of mediators charge fees, and of those who did not charge fees, the law group was the least likely to report not charging fees. Of those who charged fees, the law group had a greater proportion of mediators who charge fees than the “other” group, the “other” group had a greater proportion of mediators that charge fees than the mental health group, and the mental health group had a greater proportion of mediators that charge fees than those in the social work group.

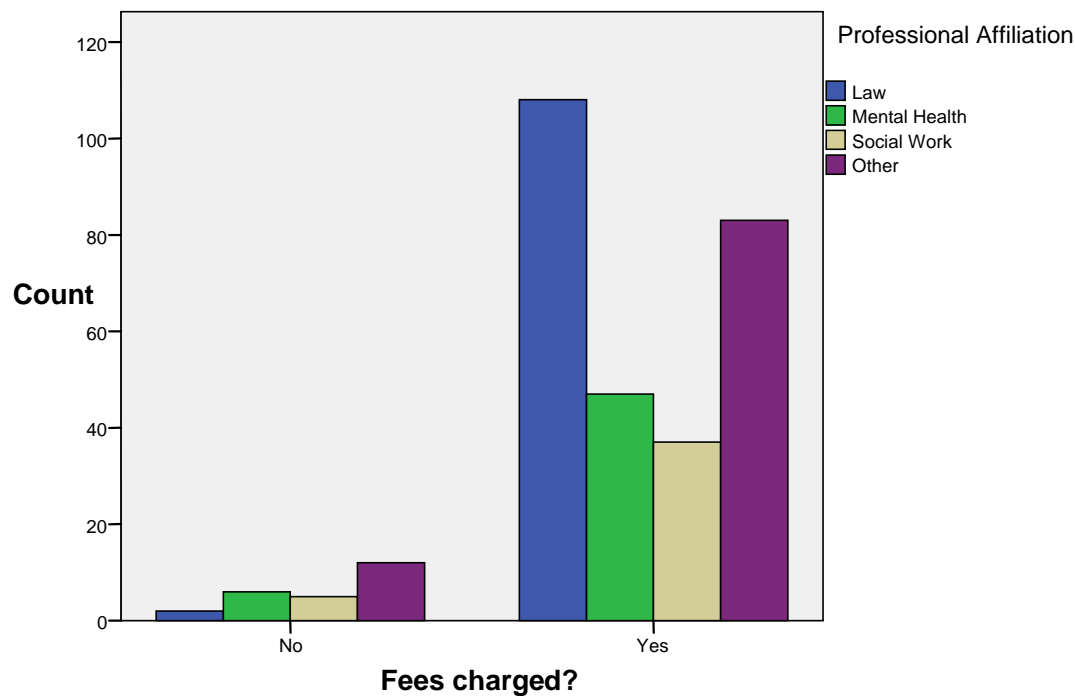


Figure 4. Fees charged in family mediation practice.

A significant difference was also found in the mandated status of clients, $\chi^2(6, N = 296) = 13.36, p = .038$ (see Figure 5). Across all groups, the majority reported that most of their clients are voluntary or not mandated. The law group was the least likely to have the majority of their clients mandated into mediation, and the “other” group was the most likely to have majority of clients mandated.

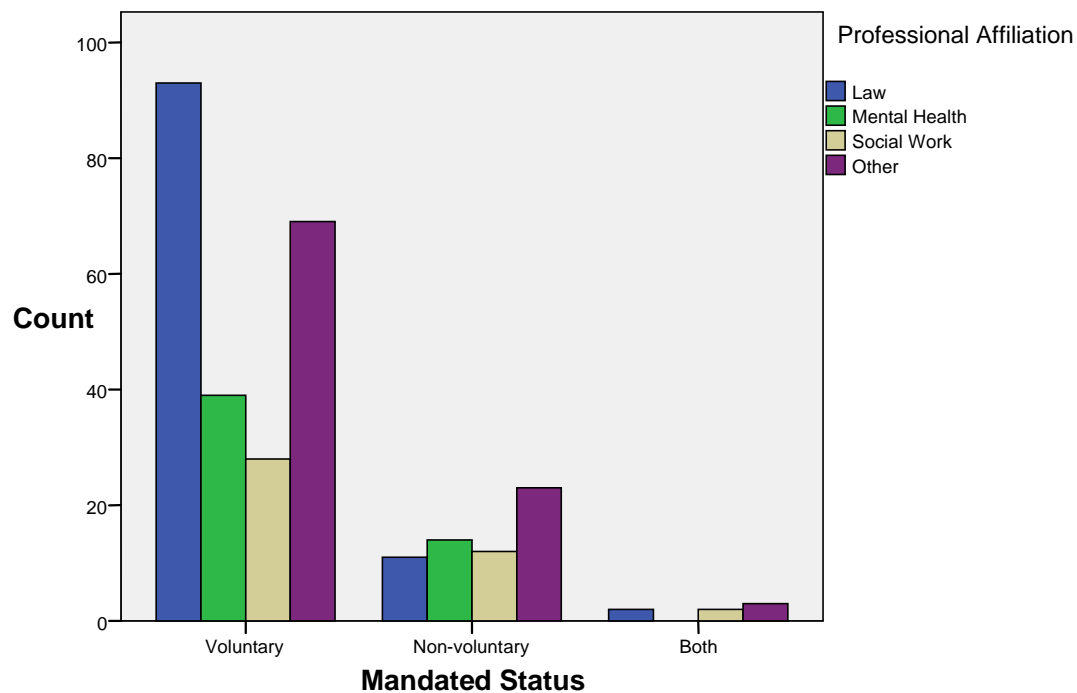


Figure 5. Mandated status of clients in mediation practice.

Regarding the professional identity of mediators espoused to clients, a significant group difference was found (see Figure 6). Within each of the groups, except for the law group, the majority of mediators identify professionally to their clients as a mediator. Of those affiliated with law, 91.4% identified as a lawyer/mediator to their clients. Although 58.3% of all who identify as therapist/counselor were from the mental health group, they more often identified themselves as mediators rather than as therapist or counselors.

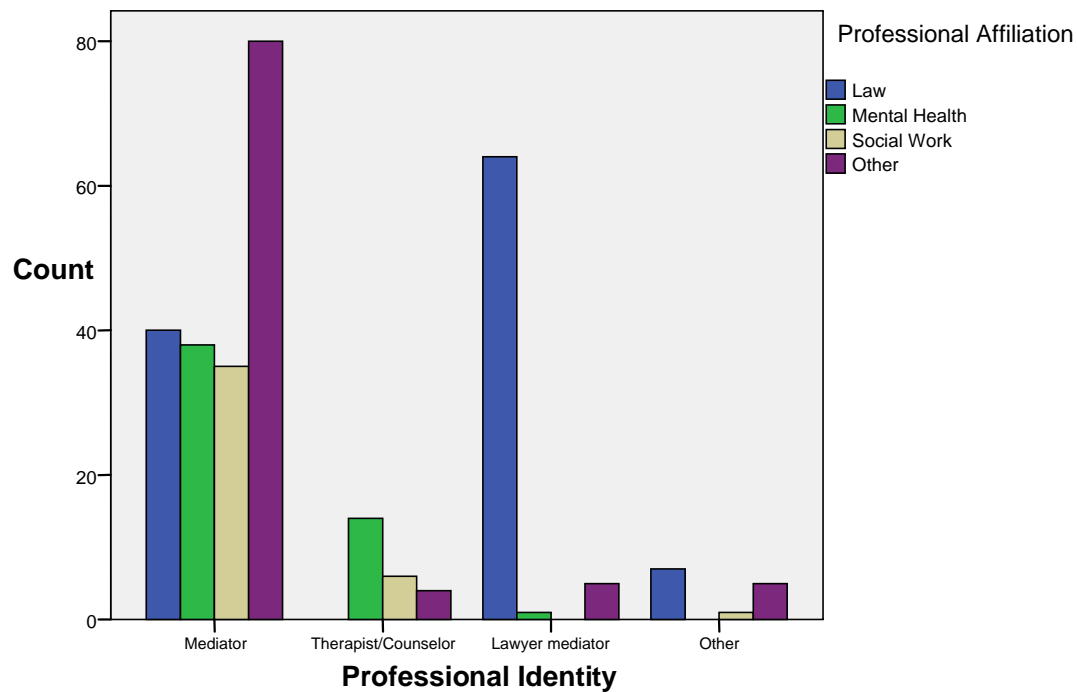


Figure 6. Professional identity of mediators as espoused to mediation clients.

Differences were found for type of mediation practiced (open, closed, other), $\chi^2(6, N = 299) = 19.33, p = .004$ (see Figure 7). Across groups, the majority of mediators reported practicing closed mediation. Of all the mediators who reported using closed mediation, the proportion was greatest for the law and “other” groups compared to both the mental health and social work groups.

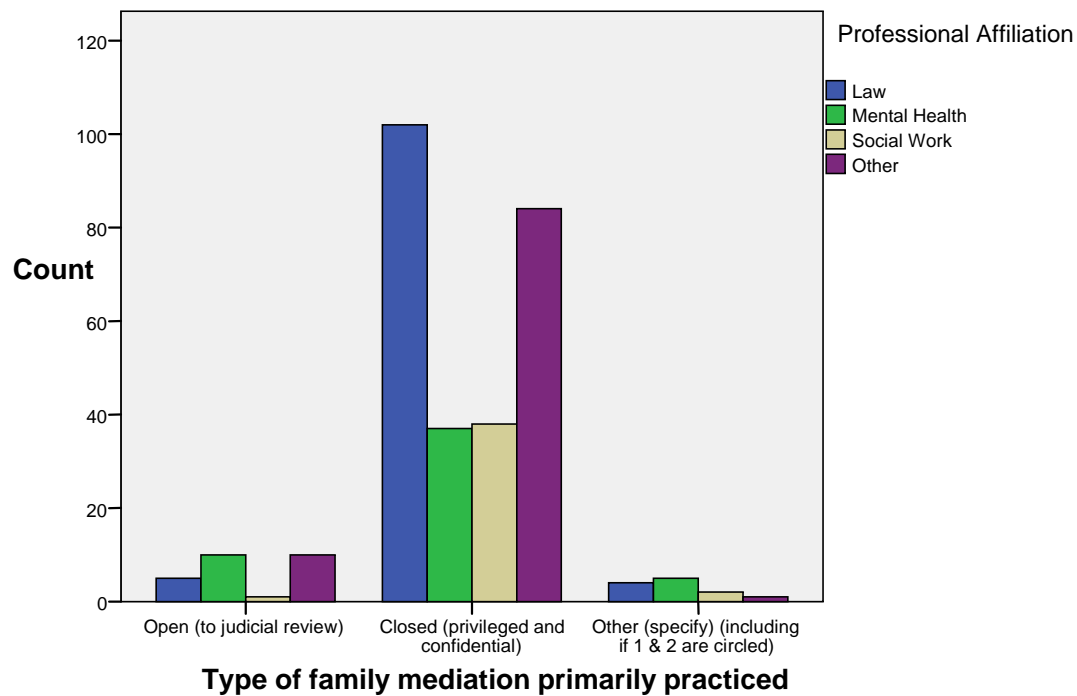


Figure 7. Type of mediation primarily practiced by professional affiliation.

Practice Characteristics, Issues and Beliefs

Differences between mediators' practice characteristics and practice issues and beliefs were also examined by professional affiliation groups. The mean, standard deviation and F-statistic for each of the characteristics and issues/beliefs appear in Tables 8 – 11.

An examination of group differences in the amount of total time spent with family mediation clients by professional affiliation group appears in Table 8. Although the overall F-statistic was significant, post hoc analysis did not detect differences between the groups regarding the average number of sessions and hours spent in parenting disputes.

A difference between groups was found regarding the number of sessions in handling financial disputes, $F(3, 230) = 8.61, p < .001$. Post hoc Tukey HSD Tests indicated that the law group had more sessions on average ($M = 2.85, SD = 1.33$) than the social work group, and the mental health group had more sessions ($M = 3.02, SD = 1.51$) than either the social work or "other" groups ($M = 2.21, SD = 1.48$). Similar results were obtained for the average number of hours for financial disputes: 5.49 hours ($SD = 3.01$) for the law group, 5.24 hours ($SD = 2.44$) for the mental health group, 3.08 hours ($SD = 2.26$) for the social work group, and 4.30 hours ($SD = 3.19$) for the "other" group, $F(3, 233) = 6.29, p < .001$. Post hoc Tukey HSD Tests indicated that both the law group and mental health group averaged more hours in financial disputes than did the social work group. Further, when looking at both the average sessions and hours for financial disputes, those in the social work group spent less overall time than did either the law or mental health groups in dealing with these issues.

Regarding average time spent on comprehensive mediation, a significant difference was only found for average numbers of sessions, $F(3, 257) = 3.67, p = .013$, and not for average number of hours, $F(3, 257) = 1.89, p = .13$. The average number of sessions in comprehensive mediation was 4.57 ($SD = 1.91$) for the law group, 5.37 ($SD = 2.40$) for the mental health group, 3.82 ($SD = 2.52$) for the social work group, and 4.20 ($SD = 2.36$) for "other" group. Post hoc Tukey HSD Tests indicated that the mental health group averaged fewer sessions for comprehensive mediation than did either the social work or "other" group.

Table 8

Mean, Standard Deviation and Test of Differences for Total Time Spent with Clients

Professional Affiliation													
	Law			Mental Health			Social Work			Other			
Time Spent in	<i>n</i>	M	SD	<i>n</i>	M	SD	<i>n</i>	M	SD	<i>n</i>	M	SD	F
Parenting													
Number of sessions	90	2.04	1.09	47	2.73	1.75	35	2.46	1.34	82	2.16	0.97	3.69*
Number of hours	91	3.73	1.95	47	4.80	2.68	37	4.95	3.29	84	3.96	1.86	3.92**
Financial													
Number of sessions	89	2.85	1.33	41	3.02	1.51	29	1.63	1.14	75	2.21	1.48	8.61***
Number of hours	90	5.49	3.01	41	5.24	2.44	30	3.08	2.26	76	4.30	3.19	6.29***
Comprehensive													
Number of sessions	105	4.57	1.91	41	5.37	2.40	34	3.82	2.52	81	4.20	2.36	3.67*
Number of hours	105	8.64	4.42	42	9.05	3.95	34	6.97	4.24	80	7.83	4.79	1.90

* $p < .05$. ** $p < .01$. *** $p < .001$.

Responses regarding frequency of mediating parenting, property, child support, and spousal support issues also were examined by mediators' affiliation. A significant difference was found for property issues, $F(3, 294) = 14.918, p < .001$, child support issues, $F(3, 292) = 13.79, p < .001$, and spousal support issues, $F(3, 293) = 19.09, p < .001$ (see Table 9). Post hoc analysis (Games-Howell post hoc test, used when the Levene test indicates that the variances are unequal) indicated mediators in the law group more routinely mediated property (law: $M = 3.94, SD = 0.28$; mental health: $M = 3.40, SD = 0.91$; social work: $M = 3.07, SD = 1.24$; "other": $M = 3.49, SD = 0.86$), child support (law: $M = 3.91, SD = 0.35$; mental health: $M = 3.36, SD = 0.96$; social work: $M = 3.02, SD = 1.29$; "other": $M = 3.47, SD = 0.87$), and spousal support (law: $M = 3.88, SD = 0.38$; mental health: $M = 3.17, SD = 1.05$; social work: $M = 2.83, SD = 1.28$; "other": $M = 3.16, SD = 1.06$) issues than was true of the three other groups.

A significant difference was found among the four groups regarding the frequency of including in mediation meeting with (a) children, $F(3, 296) = 10.611, p < .001$, (b) extended family, $F(3, 296) = 6.064, p = .001$, and (c) lawyers of the parties, $F(3, 295) = 6.496, p < .001$. Post hoc analysis (Tukey HSD) indicated that the law group less frequently included children in the sessions ($M = 1.71, SD = 0.64$) compared with all three of the other groups (mental health: $M = 2.23, SD = 0.87$; social work: $M = 2.27, SD = 0.84$; "other": $M = 2.21, SD = 0.81$). Regarding meeting with extended family, post hoc analysis also indicated that those affiliated with law were least likely to include extended family in mediation (law: $M = 1.82, SD = 0.64$; mental health: $M = 2.00, SD = 0.76$; social work: $M = 2.00, SD = .71$; "other": $M = 2.23, SD = 0.71$). Lastly, post hoc analysis indicated significant differences between the law group and both the mental health ($p = .001, d = 0.60$) and the social work groups ($p = .008, d = 0.59$), showing that the law group met more frequently, although *rarely* with the lawyers of the parties than did either the mental health or social work groups.

Table 9

Mean, Standard Deviation and Test for Differences in Certain Mediation Practices

	Professional Affiliation												
	Law			Mental Health			Social Work			Other			
Frequency	<i>n</i>	M	SD	<i>N</i>	M	SD	<i>n</i>	M	SD	<i>n</i>	M	SD	F
Mediation regarding:													
Parenting (custody)	111	3.96	0.19	53	3.94	0.23	42	3.88	0.33	94	3.95	0.27	1.17
Property	111	3.94	0.28	53	3.40	0.91	42	3.07	1.24	92	3.49	0.86	14.92***
Child support	111	3.91	0.35	53	3.36	0.96	41	3.02	1.29	91	3.47	0.87	13.79***
Spousal support	111	3.88	0.38	53	3.17	1.05	42	2.83	1.28	91	3.16	1.06	19.09***
Other	34	3.68	0.48	19	3.16	0.83	12	3.33	0.89	27	3.33	0.88	2.31
Meeting with:													
Children	111	1.71	0.64	53	2.23	0.87	41	2.27	0.84	95	2.21	0.81	10.61***
Extended family	111	1.82	0.64	53	2.00	0.76	41	2.00	0.71	95	2.23	0.71	6.06**
Lawyers of the parties	111	2.61	0.83	53	2.08	0.96	41	2.12	0.84	94	2.38	0.76	6.50***
Caucusing or shuttle diplomacy	111	2.71	0.77	53	2.83	0.75	41	2.61	0.74	94	2.64	0.79	0.91

Note: Responses range from, 1 = *never*, 2 = *rarely*, 3 = *sometimes*, 4 = *routinely*.

* $p < .05$. ** $p < .01$. *** $p < .001$

Results regarding mediators' beliefs appear in Table 10. Of the 20 beliefs included in this study, significant differences were found for only two beliefs: that mediators should assume a neutralist position regarding the process, $F(3, 292) = 2.66, p = .049$; and that children should be directly included in the mediation process, $F(3, 295) = 3.41, p = .02$. Post hoc (Tukey HSD) analysis indicated a significant difference in both beliefs between the law and "other" groups. That is, the law group ($M = 2.21, SD = 1.45$) did not agree as strongly with the belief in a neutralist position as did the "other" group ($M = 1.71, SD = 1.16$), $p = .041, d = 0.38$. Similarly, when examining the belief that children should be directly included in the mediation process, Games-Howell post hoc analysis indicated that mediators in the law group ($M = 4.92, SD = .93$) more strongly disagreed with this belief than was true for the "other" group ($M = 4.46, SD = 1.15$).

Results regarding mediators' beliefs on the importance of certain factors in achieving positive post-divorce outcomes for children appear in Table 11. A difference between the four groups was found for only one factor: the importance of establishing a shared parenting agreement, $F(3, 288) = 3.49, p = .016$. Post hoc (Tukey HSD) analysis indicated a significant difference between the law ($M = 6.25, SD = 2.59$) and "other" group ($M = 7.51, SD = 2.17$), such that the law group assigned less importance to establishing a shared parenting agreement than did the "other" group ($p = .021, d = -0.41$).

Summary

Findings from this study indicate that in this sample of U.S. mediators, they are best described as White, middle-aged females with graduate degrees who have had both basic and advanced training in mediation. They routinely mediate parenting, property, and child custody disputes in their practices and typically do not involve children, extended kin, or lawyers in the process. They reported using more time in financial disputes than other issues, and they reach settlement in most cases. Overall, they did not report holding overly strong beliefs about different aspects or issues of practice, except for agreeing to taking a neutralist position and that cases should be closed to judicial review. They also strongly disagreed with taking an investigative role or involving children and others in the process. They saw increasing parental cooperation, not putting the children in the middle of parental disputes, and increasing mutual

Table 10

Mean, Standard Deviation, and Test for Differences in variables of Mediators Practice Beliefs and Issues

Belief or Issue	Professional Affiliation												F
	Law			Mental Health			Social Work			Other			
	<i>n</i>	M	SD	<i>n</i>	M	SD	<i>n</i>	M	SD	<i>n</i>	M	SD	
Role of mediator should be therapeutic	110	3.97	1.31	53	3.62	1.68	41	3.44	1.42	93	3.97	1.39	2.08
Role of mediator should be structured toward negotiation	110	2.79	1.24	52	2.56	1.41	42	3.21	1.32	94	2.80	1.37	1.96
Mediator should assume a neutralist position regarding process	108	2.21	1.45	53	2.06	1.42	41	2.20	1.27	94	1.71	1.16	2.66*
Mediator should assume an interventionist position regarding process	110	2.62	1.51	52	2.08	1.20	42	2.38	1.34	95	2.49	1.37	1.84
Mediator should assume a neutralist position regarding outcome	108	2.40	1.37	53	2.09	1.19	42	2.21	1.18	94	2.26	1.24	0.73
Mediator should assume an interventionist position regarding outcome	109	4.16	1.59	53	3.91	1.57	42	3.95	1.39	94	4.13	1.54	0.44
Divorce mediation is never appropriate in spousal abuse situations	111	3.89	1.58	53	4.19	1.62	43	3.91	1.62	95	3.79	1.55	0.74

Table 10. Continued

Belief or Issue	Professional Affiliation												F
	Law			Mental Health			Social Work			Other			
	<i>n</i>	M	SD	<i>n</i>	M	SD	<i>n</i>	M	SD	<i>n</i>	M	SD	
Divorce mediation is never appropriate in child abuse situations	109	3.77	1.75	53	3.89	1.87	43	3.40	1.71	94	3.35	1.73	1.64
Divorce mediation services should be independent of the courts	107	2.84	1.56	53	3.34	1.78	41	2.90	1.67	90	3.11	1.64	1.26
Divorce mediation should be closed to judicial review	110	1.50	1.12	52	1.83	1.38	42	1.50	1.17	94	1.56	1.13	0.99
Mediators should be able to assume an investigative, reporting, or adjudicative role	110	5.63	0.94	52	5.19	1.37	42	5.64	0.98	93	5.55	0.98	2.30
Mediation should be mandatory for all divorce-related disputes	111	3.60	1.88	52	3.63	1.72	41	3.20	1.45	92	3.59	1.74	0.65
Mediation should be mandatory when children are involved in the divorce	110	3.07	1.99	52	2.94	1.84	43	2.44	1.49	93	2.98	1.78	1.26
Legal custody presumption should be a primary caretaker presumption	85	3.80	1.37	39	4.08	1.38	32	3.88	1.16	78	3.71	1.52	0.64

Table 10. Continued

Belief or Issue	Professional Affiliation												F
	Law			Mental Health			Social Work			Other			
	<i>n</i>	M	SD	<i>n</i>	M	SD	<i>n</i>	M	SD	<i>n</i>	M	SD	
Legal custody presumption should be a joint custody/shared parenting presumption	99	2.83	1.37	47	2.60	1.26	42	2.60	1.21	88	2.95	1.62	0.98
Caucusing is preferred method in family mediation	109	4.33	1.59	51	3.94	1.71	43	3.88	1.40	95	4.09	1.56	1.19
Children should be directly included in mediation process	109	4.92	0.93	52	4.52	1.34	43	4.47	1.37	95	4.46	1.15	3.41*
Grandparents/extended family should be directly included in mediation process	109	4.61	1.01	52	4.54	1.26	43	4.40	1.12	95	4.24	1.15	2.04
Generic approach to mediation can be used cross-culturally	102	4.18	1.35	51	4.45	1.45	43	3.81	1.47	93	4.29	1.25	1.90
Generic approaches should be avoided/ favor development of culturally specific models	100	3.04	1.13	51	2.94	1.30	43	3.19	1.31	92	3.13	1.35	0.39

Note: All values are based on a scale of, 1 = *strongly agree*, to 5 = *strongly disagree*.

* $p < .05$. ** $p < .01$. *** $p < .001$.

Table 11

Test for Differences Regarding Importance of Factors in Achieving Positive Outcome for Children

Importance	Professional Affiliation												F
	Law			Mental Health			Social Work			Other			
	<i>n</i>	M	SD	<i>n</i>	M	SD	<i>n</i>	M	SD	<i>n</i>	M	SD	
Parental cooperation, reduction of conflict	109	9.52	1.56	51	9.67	1.32	41	9.24	2.38	92	9.45	1.74	0.49
Maintaining relationship between parents	108	7.10	2.68	53	6.85	3.13	43	7.14	2.99	93	7.41	2.58	0.49
Communications with children	109	8.11	2.28	53	8.45	2.06	42	8.21	2.35	92	8.43	1.95	0.50
Stability of routines for children	110	7.85	1.77	53	8.25	1.65	42	8.10	2.33	95	8.39	1.86	1.54
Children not in middle	110	9.63	1.51	53	9.72	1.31	41	9.27	2.39	95	9.54	1.68	0.63
Mutual respect between parents	109	8.49	1.77	53	8.47	1.84	42	8.17	2.54	95	8.51	1.72	0.36
Focusing on children's needs	110	8.88	1.75	53	9.17	1.34	42	8.83	2.29	95	9.07	1.63	0.52
Financial security	108	7.24	2.09	53	7.85	1.84	42	7.55	2.26	94	7.73	1.65	1.54
Establishing shared parenting agreement	105	6.52	2.59	53	7.28	2.31	42	7.52	2.40	92	7.51	2.17	3.49*
Other	9	7.89	2.89	7	8.86	.90	3	6.67	4.93	17	8.88	1.73	1.06

Note: Responses range from 1 = *least important* to 10 = *most important*

* $p < .05$. ** $p < .01$. *** $p < .001$.

respect between parents as highly important to children's positive outcomes. Lastly, of the five approaches indicated, structured negotiation was used most frequently in financial and comprehensive mediation.

Interestingly, there were some, albeit limited, differences by the professional affiliation of the mediators, whether they were associated with law, mental health, social work or other professions. In some areas mediators did not differ, and in some areas practices varied by professional affiliation (e.g., fees, level of education, practice setting, and voluntary status of clients). There were few differences in beliefs and issues regarding practice or approaches used by professional affiliation of the mediators.

Discussion

It has been established in past literature that family mediation is a beneficial method for divorce-related dispute resolution. Most studies regarding mediation have focused on the beneficial outcomes of mediation, such as reduced co-parental conflict, increased non-resident parent-child contact, and participant satisfaction, rather than study what actually happens in (the practices in) mediation that generates the benefits. One study by Kruk (1998) began to address this lack of information, but he examined practices in Canada. Therefore, his findings may not reflect mediation practices in the United States. The findings from the current study fill this void and offer some information on mediators' practices in the U.S.

Although a comparison of these results with those reported by Kruk (1998) was not the intent of this study, some findings were similar. For example, most of the characteristics of the mediators and their practices as reported by this U.S. sample are similar to those reported by mediators in Canada. Regarding differences in practice by professional affiliation, the findings from the two studies are similar. When differences are noted, it was the law group that was different from the other groups most of the time. (For a complete summary of the comparisons of practice characteristics noted by Kruk and those noted here, see Appendix C).

Although similar, Kruk (1998) concluded that "lawyer and mental health practitioners practice mediation in fundamentally different ways and position themselves very differently in regard to fundamental issues in the field, and the magnitude of the difference is profound" (p. 212). Such is not the case for the U.S. mediators from the current study. There were many more similarities than differences between groups by professional affiliation. This suggests the

possibility that mediators in the U.S sample do not differ by professional affiliations as distinctively as the mediators from the Canadian sample, or it may be that mediators from the U.S. sample differ more by how they communicate their identity to the client, rather than by actual affiliation. For example, did most of those who were lawyers call themselves lawyers or lawyer/mediators to their clients?

Further, among Canadian mediators there were more dramatic differences in the beliefs and issues than was the case among the current sample of U.S mediators. Mediators from the Canadian sample differed according to professional affiliation on beliefs regarding the role of mediator as therapeutic (mental health mediators agreed and mediators affiliated with law disagreed), that mediation should be structured toward negotiation (lawyers agreed, mental health mediators disagreed), and the involvement of children in mediation (mental health mediators more likely than law mediators to support). Although only two significant differences were identified for the current sample of U.S. mediators regarding beliefs (neutralist position in mediation process and inclusion of children in mediation) by group, the differences were not found between law and mental health mediators, but between mediators affiliated with the law and the “other” groups. A possible explanation of the difference between the two samples may be, in part, a result of the designated categories of professional affiliation (e.g., how would grouping mediators into two groups rather than four change the results?), or that mediators from the U.S. sample affiliated with law or mental health do not have different beliefs as a function of professional affiliation.

As noted above, Kruk (1998) concluded that lawyer mediators and mental health mediators from the Canadian sample practiced mediation differently. The findings from this study follow a similar trend where the mediators affiliated with law were consistently involved in the significant group difference. That is, the law group was different from either (a) one of the other three groups, (b) two or the other three groups, or (c) all of three of the other groups. Specifically, mediators affiliated with law generally reported meeting with children or extended family less often than all of the three other groups. The majority of law affiliated mediators reported a private practice setting, although less than those in the social work group. It may be that the majority of cases mediated by social workers were court-based dependency cases which would explain this variation. Also, the majority of clients for law group were not mandated. In

most court-based or non-profit based practices, the mediators do not charge fees. Charging fees in private practice is more expected and expected to be more costly.

Another difference was the type of mediation (closed or open). These differences could be due to the underlying source of practice regulations. Most state laws require closed mediation sessions, and typically few cases are open to judicial review (Ahrons, 1994; Margulies, 2001). Cases open to judicial review typically include dependency cases where mediation is about custody of a child who was abused and the child is not represented by a parent but by an additional third party. Judicial review may also be a function of whether the case was mandated by the court which requires review. It is beyond the scope of the current study to determine the validity of these speculations.

Overall, findings from this study may indicate a pattern of differences between the professional affiliations of those who practice mediation as a family process and those who practice mediation as a mediator-client, two-person process. That is, when considering the inclusion of children or outside family members in practice, those affiliated with law group were less likely to do so. It may well be that lawyers feel less comfortable working simultaneously with multiple family members which would be uncommon in their practice settings (Braver, Cookston, & Cohen, 2002; Sember, 2006), and thus they are less inclusive than those trained in mental health or social service settings. Similarly, those in mental health and social work were less likely than both the law and “other” groups to meet with the lawyers of the parties, suggesting that these groups may be less comfortable working with other lawyers. One’s profession likely is reflected in the practices mediators elect to use and not use, although these data do not permit more assessment beyond the general one offered here.

Results regarding mediators’ beliefs failed to demonstrate strong feelings of agreement or disagreement on the various items. It may be that mediators in this sample do not have strong opinions on the various issues, or it may be that the issues in the field have changed or that the issues relevant to Canadian mediators are not relevant to U.S. mediators.

Lastly, in terms of models used, structured negotiation was the predominant method reported by the majority of mediators in parenting, financial and comprehensive mediation. This finding supports those from Kruk (1998), suggesting a unifying characteristic of family mediation practice in the U.S. and across the U.S. and Canada.

CHAPTER FIVE

CONCLUSIONS AND RECOMMENDATIONS

In this chapter conclusions are offered within the noted limitations of this study. Recommendations for future research are presented.

Conclusion and Recommendations

Because divorce encompasses both legal and emotional life changes, transitions, decisions, and disputes associated with separating joint assets, divorce is typically identified as a negative experience for all who are involved. When the emotions of divorce are combined with the realities of separating, divorce has the potential to create a volatile situation for the divorcing couple and all family members including children. The typical form of dispute resolution, litigation, is an adversarial process, and evidence suggests that litigation can promote conflict between divorcing parties (Braver, Cookston, & Cohen, 2002; Emery & Wyer, 1987b; Sember, 2006). One alternative to litigation is the dispute resolution method of family mediation.

Due to a lack of information on the practice of mediation and associated research, the results from this study provide a useful addition to the existing knowledge about family mediation. Additionally, examining the reported practices of family mediators according to their professional affiliation is a unique contribution to the body of knowledge in the field. However, professional affiliation only partially explains the variance in mediators' practices and then did so mostly for the structure of practice (e.g., fees charged, setting) rather than for beliefs/issues or models advocated. Mediators affiliated professionally with law differ from those of other professional affiliations (mental health, social work, and "other") in many ways, but not regarding beliefs/issues or practice approach. This supports the idea that only some mediation practices vary by profession.

Within the mediation literature, the majority of studies examined mediation outcomes, consistently supporting the belief that mediation is a more beneficial method to litigation, without describing the aspects of the mediation process (e.g., type of professional performing the mediation or the method used). Researchers have yet to empirically address the possibility that positive outcomes from mediation may vary according to who and how the mediation is practiced. Results from the current study support the possibility that mediators practices vary by

who is performing the mediation, because these results begin to identify some variations according to professional affiliation. Future research is needed to continue to tease out practice differences and similarities (e.g., use and effectiveness of different models/approaches for various characteristics of clients, such as clients who vary by level of conflict, communication level, potential for cooperation and balance of power/settlement).

Mediators' professional affiliation does not account for all of the variation in mediation practices reported in this study, therefore research is needed to further identify the sources, if any, that explain this variation in practices. Mediation should not be considered a better option than litigation in divorce disputes until future research demonstrates that all forms of mediation practice yield similar positive outcomes. Research is also needed to fully identify which specific practices and mediator characteristics are associated with positive outcomes. Overall mediation may be considered a more beneficial ADR method to traditional adversarial processes, but if mediation professionals are to tailor mediation services to best meet the needs of specific families, then more information is needed.

Limitations and Additional Recommendations for Further Study

This study has some noteworthy limitations. First, although primary analyses of the data were performed, the data had been collected by other researchers for similar purposes. With guidance from one of the original researchers, Dr. Kay Pasley, this study was developed to simulate the original intentions of data analysis that motivated the primary data collection.

Additionally, although the data were collected from mediators in the United States, the data are only representative of the population of US family mediators in 2000. Therefore, findings may not represent those of the current population of mediators. The random selection of mediators from the Academy of Family Mediators (AFM), then a national professional organization for family mediators, support the sample had the potential to be representative of the true population of U.S mediators in 2000, yet, it is impossible to determine the actual representativeness, because no information was available from AFM to compare the sample with the population of practicing members. This study would be enhanced and strengthened by using additional survey responses from a sample of the current population of mediators; this additional step would also allow examination of the consistency of practices over time and provide a profile of current mediators. Although the findings from this study may not reflect today's mediators,

the findings create a foundation for future research on the practice of family mediation in the U.S.

A more detailed assessment regarding additional aspects of practices (e.g., practice requirements specific to state law) would provide a more complete picture for understanding what motivates mediators to use certain practices. Additional measures also could include source of training and laws/state requirements for practice that remain absent from the current study. It may be that certain states, such as Florida, have strict regulations on mediation practices (e.g., use of certain practices, length of time spent in mediation), which might effect how mediators practice more than professional affiliation. States may differ in certification requirements for different types of mediators (e.g., mediators of dependency cases, circuit court mediators), and certain certifications require being a member of the Bar. In turn, this also influences one's training and may affect the general type of clients (i.e., social work mediators interact more with dependency cases involving placement of child). Taken together, distinct practices may result from differing state certification and regulations of practice.

Additionally, although practice differences were found as a function of mediators' professional affiliation, the recoding of mediators' professional affiliation group from the original coded item on the questionnaire (item Q-4) may have influenced measurement reliability. Ideally, it would be helpful to have participants answer a question that asked specifically to which group, out of four groups (law, mental health, social work, or other) rather than the seven affiliation options listed in item Q-4, he/she affiliates professionally. Also, the unequal sample size of the groups was a limitation, leading to problems in use of ANOVA. Some assumptions of ANOVA were violated (e.g., homogeneity of variances), increasing the possibility of Type I error.

Other Recommendations

Due to the lack of empirical knowledge about variations in mediation practices and the age of the data used here, the findings from this study warrant replication. Future research would benefit from examining other potential factors and processes that influence mediation practices and affect the ways in which mediators practice (i.e., certification information, purpose of mediation, state regulations, source of training, type of case, and perceived satisfaction of clients). Researchers should also explore the separate influences of specific mediation practices

on client outcomes, rather than making the general conclusion, without identifying any variation in mediation practice, that mediation is a beneficial method of ADR for divorcing families, as typically done in mediation outcome research.

The development and inclusion of a model regarding possible patterns of differences would be useful. From the current study, a pattern of difference emerges between the professional affiliations that practice mediation as a family process rather than those who practice mediation as a mediator-client, two-person process. This introduces the idea that researchers should consider additional aspects of mediation practice that may account for practice variance.

Lastly, development of a mediation-specific theory may provide a stronger foundation for future explanation of why mediators practice certain ways, as well as why and for whom mediation is successful. Eventually this information could inform training by identifying the type of cases which do and do not derive benefits from mediation and developing practices better tailored for those cases. The big picture of developing and refining theory associated with mediation should be one that aims to adapt the procedures and experiences involved in the divorce process so as to minimize any potential negative affects on children.

APPENDIX A

Copy of Survey/Questionnaire



THE PRACTICE OF FAMILY MEDIATION

A survey of practicing members of the
Academy of Family Mediators

Human Development and Family Studies
The University of North Carolina at Greensboro
P.O. Box 26170
Greensboro, NC 27402-6170
(336) 256-0133



General Information

Q-1 Are you: Male Female

Q-2 Your age: _____ (years)

Q-3 What is the highest level of education you have? (Circle the number of your answer)

- 1 COMPLETED HIGH SCHOOL
- 2 SOME COLLEGE
- 3 COMPLETED COLLEGE (baccalaureate degree)
- 4 SOME GRADUATE STUDY
- 5 COMPLETED MASTER'S DEGREE
- 6 COMPLETED DOCTORAL DEGREE
- 7 Other (specify) _____

Q-4 What is your professional background/affiliation (other than family mediation)? Circle all that apply.

- 1 LAW
- 2 PSYCHOLOGY
- 3 COUNSELING
- 4 SOCIAL WORK
- 5 MARRIAGE AND FAMILY THERAPY
- 6 CLERGY
- 7 OTHER (specify) _____

Q-5 In which state do you primarily practice family mediation?

Q-6 What is the approximate population of the town/city in which you practice? _____

Q-7 What is the primary professional setting in which you practice family mediation? (Circle the number of your answer)

- 1 COURT-BASED
- 2 PRIVATE PRACTICE
- 3 NON-PROFIT COMMUNITY AGENCY
- 4 OTHER (specify) _____

Q-8 How long have you been practicing family mediation? _____ yrs.

Q-9 What type of family mediation do you primarily practice?

- 1 OPEN (TO JUDICIAL REVIEW)
- 2 CLOSED (PRIVILEGED AND CONFIDENTIAL)
- 3 OTHER (specify) _____

Q-10 About what percentage of your current professional practice is dedicated to family mediation? _____%

Q-11 What do you do in the remainder of your professional activity?

A OTHER TYPES OF MEDIATION (specify):

B OTHER PROFESSIONAL ACTIVITIES (specify):

Q-12 About how many hours of formal family mediation training have you received? (Specify number)

BASIC _____ (hours)

ADVANCED _____ (hours)

By whom was this training offered? (List all trainers)

Basic training _____

Advanced training _____

Q-13 Do you typically practice:

- 1 AS A SOLE MEDIATOR
- 2 AS A CO-MEDIATOR
- 3 IN SOME OTHER SETTING (specify) _____

Q-14 Are fees charged to your family mediation clients?

- 1 NO
- 2 YES----If yes, the average amount per session \$ _____.

Q-15 Do you have a sliding fee schedule?

- 1 NO
- 2 YES

Q-16 How often do you mediate the following divorce-related issues?
(Circle your answer)

- A Parenting (custody & access) NEVER RARELY SOMETIMES ROUTINELY
- B Property NEVER RARELY SOMETIMES ROUTINELY
- C Child support NEVER RARELY SOMETIMES ROUTINELY
- D Spousal support NEVER RARELY SOMETIMES ROUTINELY
- E Other..... NEVER RARELY SOMETIMES ROUTINELY
(specify) _____

Q-17 How often do you include in your family mediation practice the following? (Circle your answer)

- A Meeting with the children.....NEVER RARELY SOMETIMES ROUTINELY
- B Meeting with extended family members NEVER RARELY SOMETIMES ROUTINELY
- C Meeting with the lawyers of the parties NEVER RARELY SOMETIMES ROUTINELY
- D Caucusing or "shuttle diplomacy" between the parties NEVER RARELY SOMETIMES ROUTINELY

Q-18 To provide a profile of your family mediation clients with respect to race, about what percentage of these clients are:

- _____ % CAUCASIAN (WHITE)
- _____ % AFRICAN-AMERICAN
- _____ % HISPANIC/LATINO
- _____ % NATIVE AMERICAN (AMERICAN INDIAN)
- _____ % ASIAN
- _____ % OTHER (specify): _____

Q-19 How do you identify yourself professionally to your family mediation clients and referral sources?

- 1 MEDIATOR OR FAMILY MEDIATOR
- 2 THERAPIST/COUNSELOR MEDIATOR
- 3 LAWYER MEDIATOR
- 4 CLERGY MEDIATOR

Q-20 Next, tell us some details about the amount of total time spent with family mediation clients in regard to various issues in dispute. For each client case what is the AVERAGE NUMBER OF:

SESSIONS HOURS

- A Parenting (custody & access) disputes _____
- B Financial (property division, child support, spousal support) disputes. _____
- C A comprehensive (parenting and financial disputes) divorce mediation _____

Q-21 For each of the categories listed below, from what sources are your family mediation clients referred (e.g., self-referral, family courts, etc.)? (Please list up to 3 primary sources for each)

Parenting disputes

1. _____
2. _____
3. _____

Financial disputes

1. _____
2. _____
3. _____

Comprehensive divorce mediation

1. _____
2. _____
3. _____

Q-22 Are most of your family mediation clients:

- 1 VOLUNTARY
- 2 NON-VOLUNTARY, MANDATED INTO MEDIATION

Q-23 Regarding the outcomes in your practice as a family mediator, about what percentage of each of the following settlements are made in mediation? (If not applicable, please leave blank)

- A Parenting outcomes %
- Primary residence with mother.
- Primary residence with father.
- Shared parenting (two residences, neither of which is considered primary over the other) 100%
- Other (specify) : _____
- B Financial outcomes (maintenance)
- Child support only.
- Spousal support only 100%
- Child AND spousal support 100%
- Lump sum payment only.
- Other (specify): _____

Practice Issues

Q-24 About what percentage of your total family/divorce mediation cases reach final settlement:

- A THROUGH FAMILY MEDIATION.
- B THROUGH LAWYER NEGOTIATION.
- C THROUGH LITIGATION, TRIAL, OR COURT DETERMINATION.

Q-25 Next is a list of current issues and debates in the field of family mediation. Please identify your beliefs by circling the number that most closely reflects your position with most of your family mediation clients on a scale from:

STRONGLY AGREE (1) to STRONGLY DISAGREE (6)

The role of the mediator should:

- be therapeutic (strong emphasis on education and therapy, emotional aspects of the dispute, and therapeutic outcome). 1 2 3 4 5 6

STRONGLY AGREE (1) to STRONGLY DISAGREE (6)

- be structured toward negotiation (process and outcome of mediation focused only) 1 2 3 4 5 6

The mediator should assume:

- a neutralist position in regard to process (avoiding taking sides or aligning self with either of the parties at any point in the mediation) . . . 1 2 3 4 5 6
- an interventionist position in regard to process (actively intervening in situations of imbalances of power, knowledge, and functioning; empowering the weaker party in the negotiations; controlling the process of mediation). 1 2 3 4 5 6
- a neutralist position in regard to outcome (avoiding influencing the outcome of the negotiations; accepting any decision the parties agree on that is not harmful to either). 1 2 3 4 5 6
- an interventionist position in regard to outcome (actively shaping the outcome of the mediation; shaping an agreement that is acceptable and fair to the parties, and/or affected third parties). 1 2 3 4 5 6

Divorce mediation:

- is never appropriate in spousal abuse situations 1 2 3 4 5 6
- is never appropriate in child abuse situations 1 2 3 4 5 6
- services should be independent of the courts. 1 2 3 4 5 6
- should be closed to judicial review (all communications in mediation should be subject to protection and privilege) 1 2 3 4 5 6

Family mediators should be able to assume an investigative, reporting, or adjudicative role in the event that mediation is unsuccessful 1 2 3 4 5 6

Mediation should be mandatory:

- for all divorce-related disputes 1 2 3 4 5 6
- for all divorces involving children 1 2 3 4 5 6

STRONGLY AGREE (1) to STRONGLY DISAGREE (6)

If there is to be a legal custody presumption, it should be a:

- primary caretaker presumption. 1 2 3 4 5 6
- joint custody/shared parenting presumption. 1 2 3 4 5 6

Q-26 Here is another list of other issues/debates in the field of family mediation. Please circle the number that best reflects your position.

STRONGLY AGREE (1) to STRONGLY DISAGREE (6)

- A Caucusing is a preferred method in family mediation 1 2 3 4 5 6
- B Children should be directly included in the mediation process 1 2 3 4 5 6
- C Grandparents/extended family members should be directly included in the mediation process. 1 2 3 4 5 6
- D A generic approach to family mediation can effectively be applied cross-culturally. 1 2 3 4 5 6
- E Generic approaches should be avoided in favor of the development of culturally specific models of practice 1 2 3 4 5 6

Q-27 Are there other salient issues/debates in family mediation that are not listed above? If so, please tell us what they are:

Q-28 On a scale of 1 (not at all important) to 10 (extremely important), in your opinion, how important are the following factors in achieving positive post-divorce adjustment for children? Please indicate the number of your answer.

How important is... 1 - 10

A Parental cooperation, reduction of conflict

B Maintaining meaningful relationship between parents _____

How important is...	1 - 10
C Open, supportive communications with children about the divorce.	_____
D Stability of routines in children's lives	_____
E Not placing children in the middle of parent disputes..	_____
F Mutual respect for other parent and his/her parenting	_____
G Focusing on children's needs in negotiations	_____
H Financial security.	_____
I Establishing shared parenting agreement	_____
J Other (specify) _____	_____

Practice Strategies, Techniques, and Interventions

Q-29 This series of questions asks about the core family mediation practice strategies, techniques, and interventions you use at different stages of the mediation process. Please refer to the list of these on the enclosed **YELLOW** sheet. First, list the number of all those that you use at a particular stage. Next, indicate how often you use them during that stage on a scale from 1 to 5:

NEVER	SOMETIMES	ALWAYS
1	2	3
		4
		5

Prenegotiation Stage (screening and orientation) **How often?**

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Beginning Stage (to the point of clarifying issues under dispute)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Middle Stage (from clarifying issues under dispute to developing options for settlement) **How often?**

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Ending Stage (from developing options for settlement to drafting the memorandum of understanding).

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Follow-up Stage

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Q-30 Next, are a number of client and dispute characteristics that pertain to family mediation. Skip those that do not apply to your work as family mediator. How often do you use those listed below when:

	NEVER			ALWAYS
A One of the parties has not come to terms with the ending of the marriage and/or is hoping for a reconciliation.	1	2	3	4 5
B The parties have reached an impasse ..	1	2	3	4 5
C There is high spousal conflict	1	2	3	4 5
D A marked power imbalance between the parties	1	2	3	4 5
E Verbal, psychological, emotional, or physical spousal abuse	1	2	3	4 5

	NEVER					ALWAYS				
F	Verbal, psychological, emotional, or physical child abuse or marked neglect. . .									
	1	2	3	4	5					
G	Children are involved in the sessions. . . .									
	1	2	3	4	5					
H	Grandparents are involved in the sessions									
	1	2	3	4	5					
I	Other kin and extended family members are involved in the sessions									
	1	2	3	4	5					
J	New partners are involved in the sessions									
	1	2	3	4	5					
K	Working with culturally diverse clients . . .									
	1	2	3	4	5					

Q-31 What are the most significant client characteristics associated with successful family/divorce mediations? Please list up to five (5), in order of importance:

1. _____
2. _____
3. _____
4. _____
5. _____

Q-32 What are the most significant dispute characteristics associated with successful family/divorce mediations? Please list up to five (5), in order of importance:

1. _____
2. _____
3. _____
4. _____
5. _____

Q-33 What are the most significant characteristics of mediators associated with successful family/divorce mediations? Please list up to five (5), in order of importance:

1. _____
2. _____
3. _____
4. _____
5. _____

Practice Models

Q-34 This section asks about different practice models. Listed below are some current models or approaches to family mediation identified in the literature. Please indicate those that guide your work. Check (✓) all that apply.

Models/Approaches	Used in dealing with...		
	Parenting Disputes	Financial Disputes	Comprehensive Mediation
A Structured negotiation	_____	_____	_____
B Therapeutic	_____	_____	_____
C Feminist practices	_____	_____	_____
D Multigenerational	_____	_____	_____
E Culturally-specific	_____	_____	_____
F Other - specify	_____	_____	_____

Q-35 Now, go back to Q-34 and circle the models or approaches listed above that were emphasized in your formal family mediation training? (Circle all that apply)

Q-36 Have you found that certain models/approaches are useful in particular situations? (Please list below)

	Useful in?
A Structured negotiation approaches	_____
B Therapeutic approaches	_____
C Feminist practice approaches	_____
D Mutligenerational approaches	_____

E Culturally-specific approaches _____

F Other - specify: _____

Q-37 Briefly tell us the core components of your own approach to family mediation in:

A Parenting disputes _____

B Financial disputes _____

C Comprehensive divorce mediation _____

Is there anything else you would like to tell us that we have overlooked in regard to family mediation practice issues, strategies, and models?

(continued on back)

Thank you for taking the time to complete this survey!

APPENDIX B

March 24, 2000

Dear:

Mediation is a growing professional field that provides families with a valuable alternative to seeking solutions within the adversarial legal system. To date, research regarding family/divorce mediation has focused on the effects of mediation in response to critics of this professional practice. What is lacking from the literature is information about the process and practice of divorce mediation. Only by asking practicing professionals can we fill this void and learn about the attitudes, beliefs, styles, behaviors, strategies, and role of family mediation practitioner.

This letter is being sent to you because you are “practicing member” of the Academy of Family Mediators and have the skills and knowledge to provide information that will help advance the field and answer some important questions about the practice of family mediation in the U.S. Enclosed is a questionnaire for you to complete and return in the business-replay envelope. It asks about your experiences as a mediator. Because each completed questionnaire is important to the study, all those who return questionnaires will be entered in a drawing, and 20 mediators will be selected to receive cash awards of \$100.

Your participation is voluntary. It is important that you answer all the questions that fit for you. If your answers are incomplete, they will be less helpful. Let us assure you that no one but the project director will have access to your questionnaire. No one will be able to tell who answered the questions because we use an identification number. This helps us know not to send you a second copy, if you have already returned the first one. We destroy all records of your name and address when we receive your questionnaire and the drawing is complete.

A summary of the results will be made available to the Academy and participants. A summary also will be submitted for publication in an appropriate journal. If you would like a copy of the results, print your name and address on the return envelope. Do not put this information on the questionnaire itself. We would be happy to answer any questions you may have about the study. Please call (336) 256-0133 or email (Kay_Pasley@uncg.edu). If you have questions about your rights as a participant, contact Beverly Maddox-Britt (336) 334-5878.

Sincerely,

Kay Pasley, Ed.D.
Project Director

APPENDIX C

Comparison of demographic characteristics between the U.S sample and Canadian sample of Family Mediators

	Comparison of Findings	
	Kruk (1998)	US Sample (2000)
Sex	44% Male 56% Female	35% Male 65% Female
Age (in years)	Women: Mean age 46 (range 23-76)	Women: Mean age = 53 (range 33-74)
Highest level of education	95% have college degree 65% have graduate degree	95% have college degree 89% have graduate degree
Professional affiliation	50% Mental Health (social worker, psychologist) 28% Lawyers 22% Other (e.g., educators, business, probation officers, clergy,)	31.7% Mental Health & Social Work 36.8% Law 31.5% Other
Basic training (hours)	M = 51	M = 60.34
Advanced training (hours)	M = 111	M = 106.97
Time in practice	M = 7.25 years	M = 12.43 years
___% of practice is family mediation	M = 34% 7% full time	M = 56.08% 14.3% full time
Primary setting	64% private practice 28% court-based setting 8% non-profit community agencies	71.8% private practice 12.8% court-based setting 9.2% non-profit community agencies
Fees	71% charge fees Range: \$10 - \$350/ hour M = \$122 (Canadian)	91.7% charge fees Range: \$15-\$1000/ hour M = \$181.03 (US)
Client race	74.8% White	86.5% White

APPENDIX D

Copy of Human Subjects Research Approval Letter

APPROVAL MEMORANDUM

Date: 7/24/2007

To: Talia Centrone

Address: 682 Astarias Circle, Fort Meyers, FL 33919
Dept.: FAMILY & CHILD SCIENCE

From: Thomas L. Jacobson, Chair

Re: Use of Human Subjects in Research
The Study of the Practices of Family Mediation in the U.S.

The application that you submitted to this office in regard to the use of human subjects in the proposal referenced above have been reviewed by the Secretary, the Chair, and two members of the Human Subjects Committee. Your project is determined to be Expedited per 45 CFR § 46.110(7) and has been approved by an expedited review process.

The Human Subjects Committee has not evaluated your proposal for scientific merit, except to weigh the risk to the human participants and the aspects of the proposal related to potential risk and benefit. This approval does not replace any departmental or other approvals, which may be required.

If you submitted a proposed consent form with your application, the approved stamped consent form is attached to this approval notice. Only the stamped version of the consent form may be used in recruiting research subjects.

If the project has not been completed by 7/18/2008 you must request a renewal of approval for continuation of the project. As a courtesy, a renewal notice will be sent to you prior to your expiration date; however, it is your responsibility as the Principal Investigator to timely request renewal of your approval from the Committee.

You are advised that any change in protocol for this project must be reviewed and approved by the Committee prior to implementation of the proposed change in the protocol. A protocol change/amendment form is required to be submitted for approval by the Committee. In addition, federal regulations require that the Principal Investigator promptly report, in writing any unanticipated problems or adverse events involving risks to research subjects or others.

By copy of this memorandum, the Chair of your department and/or your major professor is reminded that he/she is responsible for being informed concerning research projects involving human subjects in the department, and should review protocols as often as needed to insure that the project is being conducted in compliance with our institution and with DHHS regulations.

This institution has an Assurance on file with the Office for Human Research Protection. The Assurance Number is IRB00000446.

Cc: Beatrice Pasley, Advisor
HSC No. 2007.557

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BIOGRAPHICAL SKETCH

Date of Birth: April 5, 1982
Hometown: Fort Myers, Florida
Education: Florida State University
Degree: Bachelor of Science (Spring 2005)
Masters of Science (Fall 2007)

I will graduate in the fall of 2007 with a Master of Science in Family and Child Sciences. Prior to my graduate work, I completed a Bachelor of Science degree with a dual major in Criminology and Family and Child Sciences. My work experience ranges from internships in criminal law and teen substance abuse centers, to child advocacy and supervised visitation centers. With the conclusion of work on my thesis, I intend to begin working to obtain my certification in family mediation. As well, I am currently applying for work in a field where I can utilize my educational experiences. Finally, in the future, I hope to continue my education by attending a doctoral program specializing in dispute resolution.

Academic Activities (Awards, Academic Honors):

- Bright Futures Scholarship, 2000-2004
- FSU: Dean's List
- National Society of Collegiate Scholars Member, 2000
- Phi Eta Sigma Honor Society, 2001
- American Association of Family and Consumer Science member 2001
- Alumnae Panhellenic of Tallahassee Eugenia F. Kenshalo Memorial Scholarship recipient, 2002
- FSU Study Abroad Program - Valencia, Spain, Summer 2003
- FSU Criminology Internship Program – Banks and Morris, P.A , Fall 2004
- National Council of Family Relations, - 2005 - 2007
- Florida State Alumni Association – 2006

Leadership Activities/ Work Experience:

- Kappa Delta Sorority: President, 2002-03 (180 members); Secretary, Executive Council, 2001-02; Chapter Chair of Kappa Delta's National Women's Friendship Day - 2002-03
- Kappa Delta Presidents And Emerging Leaders Conference - Memphis, 2003
- National Kappa Delta Convention - Tucson, 2003 (FSU awarded top ten chapter in the nation)
- Member of the National Kappa Delta President's Advisory Committee - Since Dec. 2002
- National Leadership Conference for National Kappa Delta - Memphis, 2002
- Greek Ambassadors - 2002
- FSU Panhellenic President's Council - Member Since 2002
- SEPC - Southeastern Panhellenic Conference - Atlanta, 2003
- Kappa Delta Alumni Association - 2004
- March of Dimes Collegiate Council Treasurer – 2006
- Assistantship - Florida State University Graduate Teaching Assistant 2006-2007
- Student Coordinator of Supervised Visitation at FSU Center for Marriage and Family-2006 & 2007
- John Paul II Catholic High School Dance and Cheerleading Coach – 2006 & 2007

Community Service (Service Organizations, Philanthropies):

- DISC Village - volunteer and practicum work (approx. 70 hours), Woodville, FL – Spring 2004
- Helped raise \$12,000 for Kappa Delta's Annual Manhunt Philanthropy (Children's Home Society), 2002, 2003
- Co-Chair of Kappa Delta sponsored "Champions of Hope" Panhellenic Canned Food Drive - 2002
- 72 hours of community service with Havana Peer Project – 2001
- Guardian Ad Litem Volunteer – January 2005 – 2007
- Volunteer for March of Dimes 2006
- March of Dimes High school faculty representative for high school club – 2006