Clark County Family Mediation Center: A time efficient solution to child custody dispute resolution

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During 2008, approximately 6,295 divorce cases were handled by the Clark County Eighth District Court, Family Division. The court implemented mandatory mediation sessions for a growing number of US states are implementing mandatory mediation for divorce cases where child custody is in dispute. Clark County Family Court implements such mandatory mediation through the Family Mediation Center.

## Background

To reduce court dockets and streamline child custody resolutions, a growing number of US states are implementing mandatory mediation sessions for divorce cases where child custody is in dispute. Clark County Eighth District Court, Family Division implements such mandatory mediation through the Family Mediation Center.

During 2008, approximately 6,295 divorce cases were filed, and of those 2,100 were ordered to attempt mandatory mediation.

## Methods and Measures

A random sampling of cases by mediation plan ordered was undertaken. Each case had the date at which the Family Court ordered mediation, the date of the first scheduled mediation session and the date at which the case was considered closed, i.e. a mediation outcome was reached. No information regarding session shared with Court due to Confidentiality. Letter filed with Court stating Impasse was reached. Plan is then formulated in Family Court via Stipulation Order or Judges Order.

### Types of mediation plans:

Six mediation plan types were identified and are described in the box below left. Numbers of cases by plan are shown in the pie chart below:

### Types of plans outcomes:

Three basic outcomes were identified and are described in the box below right. Because there were some combinations of outcomes, a total of five outcomes were seen in this study. These includes: "Affirmed", "Affirmed with Stipulations", "Stipulation Order", "Judicial Order", and "Declined mediation".

## Statistical Analysis

A 6 (plan) x 3 (attorney involvement) factorial ANOVA was conducted to determine if there was an interaction between type of mediation plan and attorney involvement on duration to case settlement, while controlling for number of sessions undertaken. Chi-square analysis was used to assess proportions of outcomes by each outcome based on plan.

### Case duration by mediation plan

<table>
<thead>
<tr>
<th>Plan Outcome</th>
<th>Duration (Days)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full Plan</td>
<td>23.0</td>
</tr>
<tr>
<td>Partial Plan</td>
<td>20.0</td>
</tr>
<tr>
<td>Impasse</td>
<td>20.0</td>
</tr>
<tr>
<td>Impasse with a plan</td>
<td>287.9</td>
</tr>
<tr>
<td>Declined mediation</td>
<td>24.3</td>
</tr>
</tbody>
</table>

These cases were resolved in a statistically significant shorter time period (mean number of days 71.5 compared to all other plans (range 129.1 to 346.9 days). Cases where a “Partial Plan” was in place were also resolved in a statistically significant shorter time period (mean 295.0 days) and “Impasse” (mean 346.9 days). These cases also appeared to be resolved in a shorter period than the “Declined” and “Lack of Attendance” groups (mean 287.9 and 244.3 days respectively) although it was not statistically significant.

## Discussion

Custody disputes following divorce place significant stress on families and the children affected by the level of conflict between parents. It is in the ‘best interest of the child’ and of all parties to resolve custody disputes as promptly as possible by mutual agreement rather than by adversarial means. Parties that come to a mutual agreement in mediation experience a ‘win-win’ situation. Parties that have a judicial order handed down in resolution of their case experience a ‘win-lose’ or ‘lose-lose’ situation where neither of the parties is satisfied with the outcome. This study demonstrates that during 2008, cases which were ordered to mediation and entered such mediation with a “Full Plan” were resolved in a significantly shorter period of time (mean number of days 71.5) compared to all other plans (range 129.1 to 346.9 days).

Future research should focus on qualitative studies such as individual telephone surveys of random cases closed at intervals of 1 – 5 years post case closure to determine overall satisfaction with plan outcomes. It is hypothesized that those that reached Full or Partial Plans will be less likely to re-litigate custody issues than other plans due to overall satisfaction with their mutually agreed upon plan versus a court-imposed custody plan.

## Implications for further research

The study demonstrates that during 2008, cases which were ordered to mediation and entered such mediation with a “Full Plan” were resolved in a significantly shorter period of time (mean number of days 71.5) compared to all other plans (range 129.1 to 346.9 days). Cases where a “Partial Plan” was in place were also resolved in a statistically significant shorter time period (mean 295.0 days) and “Impasse” (mean 346.9 days). These cases also appeared to be resolved in a shorter period than the “Declined” and “Lack of Attendance” groups (mean 287.9 and 244.3 days respectively) although it was not statistically significant.

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**Objective**

To determine if the type of mediation plan would result in different durations to case resolution in child custody disputes, and to determine if attorney involvement had any effect of duration to case resolution.

**Results**

There was no interaction between plan and attorney involvement on duration while controlling for number of mediation sessions, F(10,158)=.790, p>.638. There was not a main effect for attorney (p=.664) indicating that attorney involvement did not have an effect on duration to case resolution. There was a main effect for plan (p<.0005) indicating that the type of mediation plan differentially affected the duration of the cases. Pairwise comparisons showed that a “Full Plan” took less time than all of the other mediation plans (ps<.007). The “Partial Plan” took less time than the “Impasse” and the “Impasse with Plan” groups (ps<.014); however, it was not significantly different from the “Lack of Attendance” and “Decline to Participate” groups, p=.054 and p=.335, respectively.

**Discussion**

Custody disputes following divorce place significant stress on families and the children affected by the level of conflict between parents. It is in the ‘best interest of the child’ and of all parties to resolve custody disputes as promptly as possible by mutual agreement rather than by adversarial means. Parties that come to a mutual agreement in mediation experience a ‘win-win’ situation. Parties that have a judicial order handed down in resolution of their case experience a ‘win-lose’ or ‘lose-lose’ situation where neither of the parties is satisfied with the outcome. This study demonstrates that during 2008, cases which were ordered to mediation and entered such mediation with a “Full Plan” were resolved in a significantly shorter period of time (mean number of days 71.5) compared to all other plans (range 129.1 to 346.9 days). Cases where a “Partial Plan” was in place were also resolved in a statistically significant shorter time period (mean 295.0 days) and “Impasse” (mean 346.9 days). These cases also appeared to be resolved in a shorter period than the “Declined” and “Lack of Attendance” groups (mean 287.9 and 244.3 days respectively) although it was not statistically significant.

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