

7-31-2017

Massachusetts Office of Public Collaboration Parent Mediation Program: January-June 2017 and Fiscal Year 2017 Evaluation Report

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Recommended Citation

Massachusetts Office of Public Collaboration. (2017, July 31). Massachusetts Office of Public Collaboration Parent Mediation Program: January-June 2017 and Fiscal Year 2017 Evaluation Report. Boston, MA: Massachusetts Office of Public Collaboration, University of Massachusetts Boston.

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Massachusetts Office of Public Collaboration Parent Mediation Program January-June 2017 and Fiscal Year 2017 Evaluation Report

I. Executive summary

The popularity of mediation services under the Parent Mediation Program (PMP or Program) during Fiscal Year 2017 presented a major challenge to the human and financial resources of the Program. Even though the Program budget was depleted, the challenge was met through various management strategies that allowed participating community mediation centers, which furnished the mediation services, to regulate their activities and, for the most part, be compensated for their expenses.

The population served by the PMP during FY 2017, which was predominantly white, reflected the racial/ethnic diversity of the state, and was mostly lower-income. Parents' most frequently cited reason for participating in mediation was to minimize court involvement. Although the vast majority of mediation sessions were attended by some degree of conflict, an agreement rate of 68% was achieved. On the whole, the expected mediation benefits of improved parent communication, diminished parent conflict, and reduced court involvement materialized for a majority of surveyed parents due to PMP mediation. Progress in child-oriented interactions such as increases in parenting time, visitation, and access occurred for a majority of noncustodial parents and a minority of custodial parents. Small minorities of 30% or less of parents found their financial situation improved through mediation.

Mediation under the PMP won the approval of a large majority of participating parents, and most parents valued the abilities of the mediators who conducted their mediation. The smooth operation of the program and the benefits conferred upon the users of PMP services led to the recommendation that additional funding be pursued to sustain and expand the Program.

II. Introduction

The ties that bind people together as a couple are undone during the process of divorce or separation with the exception of the couple's parenting relationship. Although the couple's relationship bonds with each other get consigned to the slag heap of the past, their role as parents to the child of their union keeps them connected to one another. No matter how separate their lives following divorce or separation, responsibility for their child remains a persistent common feature of parents' lives, and determining how to fulfill their parenting responsibility and resolve parenting disputes that arise from divorce or separation is a major challenge for parents whose union has dissolved.

The on-going nature of the parenting relationship puts a premium on processes for resolving parenting disputes that contribute to preserving, rather than undermining, the relationship between the disputants. Parents who turn to the courts to resolve their

divorce/separation-related parenting disputes find themselves without decision-making power and in a possibly worsened relationship as they are pitted against one another in the adversarial dispute resolution processes employed by the court system. In contrast, mediation is an approach to resolving disputes that preserves both the autonomy of and the relationship between disputing parties.¹ Under the guidance of a neutral third party – the mediator – who seeks to keep the parties productively engaged, mediation involves disputants discussing their disputes and investigating mutually satisfactory ways in which to resolve their conflict. Participation is voluntary, and the process is confidential. The mutuality characteristic of mediation and parties' retention of decision-making authority make mediation a non-adversarial process for resolving disputes whose effectiveness is typically demonstrated by agreement rates ranging from 50% to 80%, which reflect the settlement of disputes through agreements deemed mutually satisfactory by the disputing parties.²

Up to four hours of free mediation services for dealing with parenting disputes that arise from divorce or separation are available to eligible divorced/divorcing, separated/separating, or never-married parents in Massachusetts from community mediation centers (centers) that participate in the Parent Mediation Program (PMP or Program). The express *desideratum* of the PMP is to encourage parenting by the noncustodial parent, in particular by increasing parenting time for the noncustodial parent. Such a Program goal has been shown to be better served through mediation than through court procedures. A study comparing the impact of mediation to that of litigation on the future relationship between noncustodial parents and their children revealed that, over the long term, contact with the child and involvement in childrearing on the part of noncustodial parents were greater when mediation was used to settle divorce-related disputes than when litigation was so used.³

In furthering parenting by noncustodial parents, the PMP offers mediation for issues concerning child access and visitation as well as the development of parenting plans, but not for parenting issues unrelated to parenting time issues, such as child support. However, child support or other non-parenting time issues may be deemed eligible for PMP mediation attention if they

¹ Ballard, R. H., Holtzworth-Munroe, A., Applegate, A. G., & D'Onofrio, B. (2011). Factors affecting the outcome of divorce and paternity mediations. *Family Court Review*, 49:1, 16-33; Bautz, B. J. & Hill, R. M. (1989). Divorce mediation in New Hampshire: A voluntary concept. *Conflict Resolution Quarterly*, 7, 33- ; Caprez, J. V. & Armstrong, M. A. (2001). A study of domestic mediation outcomes with indigent parents. *Family Court Review*, 39, 415-; Emery, R. E., Sbarra, D., & Grover, T. (2005). Divorce mediation: Research and reflections. *Family Court Review*, 43:1, 22-37. Retrieved August 15, 2012, from <http://onlinelibrary.wiley.com/doi/10.1111/j.1744-1617.2005.00005.x/full>; Pearson, J. & Thoennes, N. (1988). Divorce mediation research results. In J. Folberg and A. Milne. (Eds.). *Divorce mediation*. New York: The Guilford Press.

² Caprez, J. V. & Armstrong, M. A. (2001). A study of domestic mediation outcomes with indigent parents. *Family Court Review*, 39:4, 415-430; Pearson, J. & Thoennes, N. (1984, Winter). Mediating and litigating custody disputes: A longitudinal evaluation. *Family Law Quarterly*, 17:4, 497-523. Retrieved September 7, 2012, from <http://courtdr.org/files/MedStudyBiblio2ndEd2.pdf>

³ Emery, Sbarra, & Grover, *op. cit.*

impact parenting time with the child. By the same token, parental eligibility for PMP services is made dependent upon, among other things, parents occupying parenting roles that can support a distinction in custodial status as a practical matter. Thus, PMP services will not be supplied unless, based on their role in their child's life in practice, one parent can be identified as the de facto custodial parent while the other parent may be designated as actually noncustodial.

The operation of the PMP is the outcome of involvement by federal, state, and local community institutions. The PMP is sponsored by the Massachusetts Department of Revenue Child Support Enforcement Division (DOR) under a federal Access and Visitation Grant in amounts partially determined by the availability of funding and the birth rate in the grantee state. The federal grant supports state efforts "to establish and administer programs to support and facilitate noncustodial parents' access to and visitation of their children" by providing such services as mediation, the development of parenting plans, and education, among others.⁴ With this financial support, the PMP operates as a partnership between the Massachusetts Office of Public Collaboration (MOPC) and community mediation centers. MOPC, the state's office of dispute resolution and an applied research center at the University of Massachusetts Boston, is responsible for Program administration. PMP mediation services are provided by the participating community mediation centers, which are non-profit organizations committed to supplying affordable dispute resolution services to people in the community.⁵

III. Program Administration

Administrative responsibilities for the functioning of the PMP were accomplished by the Program Manager at MOPC in tandem with participating centers. These responsibilities ranged from engaging and monitoring the involvement of mediation service providers, managing finances, ensuring compliance with program requirements, obtaining information about center productivity and Program impact, demonstrating accountability through periodic reporting, and problem-solving on an as-needed basis. The operation of the PMP was overseen by MOPC's Executive Director. The PMP functioned effectively over the course of the 2017 fiscal year, as all the entities involved in the Program worked together smoothly with the assistance of the Program Manager, who functioned as liaison between centers and agencies and facilitated communication about PMP developments with individual centers through emails, telephone conversations, and surveys, and with centers as a group through quarterly conference calls.

⁴Administration for Children & Families. (2015, June 23). Overview of the Access and Visitation Program. Retrieved February 17, 2017, from <https://www.acf.hhs.gov/css/resource/overview-of-the-access-and-visitation-program>

⁵ Providing mediation services irrespective of the ability to pay characterizes community mediation centers. Hedeem, T. & Coy, P. G. (2000). Community mediation and the court system: The ties that bind. *Mediation Quarterly*, 17:4, 351-367. Retrieved July 28, 2017, from <http://onlinelibrary.wiley.com/doi/10.1002/crq.3890170407/epdf>.

A. Arranging center participation in the Parent Mediation Program:

DOR funding was level for Fiscal Year (FY) 2017. Five centers ultimately received contracts, which set out the conditions of Program participation, to provide PMP assistance to people with conflict resolution needs regarding parenting disputes. Four community mediation centers provided PMP assistance throughout the entire fiscal year. A fifth center rejoined the PMP center roster on October 1, 2016 after a short hiatus partially related to personnel changes. The interest in participating in the PMP, expressed by a sixth center, failed to materialize. The five PMP participating centers were the Community Dispute Settlement Center, Family Services of Central Massachusetts, MetroWest Mediation Services, North Shore Community Mediation, and The Mediation and Training Collaborative.

B. Responding to demand for services within the financial structure of the program:

The amount of dispute resolution services provided through the PMP was a function of two factors: the PMP's financial situation and the demand for mediation assistance from parents. Annual funding from the DOR, which in FY 2017 was nearly \$133,265, constrained the amount of program expenditures. DOR funds were used to compensate MOPC for administration expenses and participating centers for the cost of their mediation services. Centers received separate payments for each activity undertaken in response to the demand for their mediation services, such as referrals, screening, mediation session scheduling and preparation, mediating time, and data collection from mediators and parties through post-mediation surveys and telephone interviews. This payment system also included monetary compensation to centers for writing up agreements. Up to one hour of agreement writing could be added to the time spent on mediation as long as the four-hour cap on free mediation was not exceeded.

At its most basic level, management of PMP finances consisted of the regular submission of invoices for their compensable activities by centers to the Program Manager, who would forward the documents for university processing and the issuance of payments. In order to address considerations of fairness, these basic transactions were incorporated into a more sophisticated financial management structure.

Ideally, the demand for the center's services should determine each center's final share of available PMP funds. The fixed amount of PMP funds combined with the unpredictable variability of demand for services faced by each center over the course of the year raised the specter that funds could be depleted by some of the centers in response to early demands for their services. The Program Manager used a system, devised in earlier years, for managing PMP finances that would (1) ensure that the opportunity to acquire a share of PMP funds that reflected the demand addressed was available to each center throughout the year; (2) allow centers to

regulate the delivery of their services so as to avoid providing unfunded services; and (3) maximize the likelihood that PMP funds would be fully expended on services.

The Program Manager employed two strategies to address these three concerns – one related to the budget while the other dealt with center performance. At the beginning of the fiscal year, a budget was created that allotted each center a share of PMP funds that reflected its past history in meeting demand for its services. As demand materialized over the course of the year, adjustments in the allocation of funds were made to reflect each center’s actual delivery of services. At the same time, performance targets regarding referrals and mediations were established as rough estimates to guide centers on the level of overall center performance that would be supported by the available funds.

Annual targets of 110 new case referrals and 90 mediations were set up for FY 2017, which amounted to quarterly targets of 27.5 referrals and 22.5 mediations. As Table 1 shows, referral and mediation targets greatly underestimated the actual demand for services faced by centers in FY 2017. Referral targets for the first three quarters were exceeded by 24%-39% in actual new case referrals. The fourth quarter saw a sizable upsurge in referrals, with the amount of actual referrals more than double the targeted amount, and, in fact surpassing the target by 136%. A similar trend was exhibited in the quarterly sequence of cases that proceeded to mediation. The number of actual mediation cases was at most 38% higher than the number targeted for each of the first three quarters. By the fourth quarter, the number of cases proceeding to mediation was greater by 174%, nearly triple the mediation target.

Table 1. Number of referrals, screenings, and mediations during Fiscal Year 2017.

Actions taken	Quarterly targets	July-Sept 2016	October-Dec 2016	Jan-March 2017	Apr-June 2017
Referrals (new cases)	27.5	34	38	39	65
Screening completed	N/A	33	37	35	65
Progressed to mediation stage	22.5	28	33	29	63

Center productivity was prodigious during FY 2017. In addition to a legacy of 51 prior cases, centers handled a total of 176 new case referrals, completed screening for 170 of these new cases, 153 of which progressed to mediation. Assuming two parents and one child per case, at least 681 people in 227 cases received some form of dispute resolution services under the

PMP. The demand for PMP services vastly exceeded expectations and, consequently, outstripped available funding. To accurately ascertain the amount of payment that could be claimed out of available funds for services rendered, a two-tier system of invoices – consisting of a Pre-Invoice and a Final Invoice – was instituted for the June invoicing.

C. Parties' financial liability for mediation costs:

The PMP is so structured that the costs of mediation services, including intake, screening and scheduling and up to four hours spent mediating, are not borne by the disputing parents. Instead centers are compensated out of PMP funds for these activities. However, the exhaustion of PMP funds during the last quarter prompted one center to arrange mutually beneficial financial deals with parties: “The only practical challenge we faced was that the program ran out of funds just before the end of the quarter and we had some sessions scheduled for that period. We didn't want to have to reschedule the sessions, so we worked something out with the parties financially that would benefit both their needs and our center's needs.”

Depending on center practices, some centers charged parties for time spent on mediating PMP-ineligible issues. In other instances, administration fees were imposed by some centers on parties whose cases presented highly complex issues or involved a full array of divorce issues. Since the center's performance of intake, screening and scheduling tasks was paid out of PMP funds, the Program Manager advised centers to be mindful of the risk of double-dipping posed by charging administrative fees.

D. Assuring compliance with Program requirements:

Centers successfully navigated the complex web of requirements imposed by the federal government and three state entities – the DOR, MOPC, and the University of Massachusetts. The Program Manager monitored compliance, providing guidance about applying the requirements to individual cases and communicating and clarifying new agency directives.

Consistent with best practices in delivering their mediation services, centers investigated the appropriateness of using mediation for the disputes brought to their attention, informed parties about the mediation process and the PMP, and sought party consent for mediation. Centers also fulfilled their charge to determine whether the prospective parties qualified for PMP services, gathering information about income, residency, marital status, children's ages, relationship between party and child (whether biological, adoptive, guardianship, or other), custodial status, and nature of the dispute. Consistent with federal requirements that changes in parenting time of noncustodial parents be reported, centers also inquired about the amount of time that the noncustodial parent spent with the child at the time of intake as a baseline against which changes were subsequently noted. Parents were generally satisfied with their encounter with center personnel: 95% of 154 parents surveyed described the service they received from

center coordinator and staff as excellent (71%) or good (24%). No surveyed parent found center service to be poor.

The information collected and other casework documentation, along with subsequent updates, were submitted to the Program Manager to enable her to track the progress of the case. Centers were also required to keep the Program Manager informed about the outcomes and impact on PMP-eligible issues and on the noncustodial parent's parenting time in cases, originally involved in the PMP, in which mediation continued outside PMP auspices.

E. Eligibility determinations:

1. Parenting time and PMP-eligible issues:

Confusion on the part of mediators about which issues were eligible for PMP mediation was reported by some centers. One center observed that "there seems to be a chronic confusion on the part of mediators over what is and is not covered by the PMP, in spite of case coordinator's best effort to communicate this clearly." The Program Manager consequently provided clarification about PMP-eligible issues to aid centers in their eligibility determinations regarding prospective cases. Centers were reminded that the involvement of children in problems facing parents due to divorce or separation was not sufficient in and of itself to qualify an issue for PMP mediation. Rather, the fulcrum of PMP-eligible issues is impact on parenting time, defined by Massachusetts courts as "time that children spend with the parent they do not live with."⁶ Without some connection to parenting time, a parenting issue could not be addressed through PMP mediation. Accordingly, questions about child support would normally be outside the purview of PMP mediation unless parenting time was affected by the child support issue. Similarly, the introduction of a parent's new significant other would be addressed through PMP mediation only if parenting time was impacted.

The distinction between eligible and ineligible parenting issues had financial consequences for parties and for centers. Centers were compensated through the PMP only for time spent mediating issues connected to parenting time and not for issues that were not connected to parent time even if they were parenting-related. Thus, in any mediation which addressed a multitude of parenting issues, those implicating parenting time would have to be disentangled and separated from the other issues because only the former could be subsidized with PMP funding. This parenting time distinction proved troublesome in practice for some mediators and parties.

⁶ MassLegalHelp. Parenting time and visitation. Retrieved February 17, 2017, from <http://www.masslegalhelp.org/children-and-families/parenting-time-visitation>; citing Massachusetts Court System. (2017). More information about custody and parenting time orders. Retrieved February 17, 2017, from <http://www.mass.gov/courts/selfhelp/family/more-info-custody.html>

Mediators, at one center, experienced difficulties remembering to disentangle time-related issues from the other parenting issues: “Mediators [had problems] remembering to separate out what is a PMP issue vs. other issues during the course of a session. This is when mediator is rusty on PMP policies, having not taken a case for a few months.” At another center, where parties were financially liable for the mediation of parenting issues that did not affect parenting time, some parties were “frustrated that they have to pay for child support discussions when they're so entwined with parenting time. However, we always make that clear before mediation; it just comes up occasionally.” In response to this feedback, the Program Manager made herself available for consultation on the application of the parenting time requirement to particular cases.

2. Eligibility and the age of the child:

PMP mediation services are typically reserved for disputes related to parenting-time that involve minor children. However, centers were made aware of two sets of circumstances in which parenting disputes over children who had reached their majority could also receive PMP mediation. The first situation involved cases in which the family configuration involved multiple (two or more) children, with at least one child under 18 years old. As long as concerns about the young adult children did not dominate, their interests could be addressed along with those of the minor children through PMP mediation. The second situation concerned young adult children with special needs, who required continuing support and an ongoing custodial relationship with parents. Depending upon DOR approval available on a case-by-case basis, eligible parenting issues involving these special needs children – e.g., access, visitation, and parenting plans – could be mediated under the PMP.

F. Additional subsidized mediation hours:

The Program Manager received DOR permission to compensate centers for time spent mediating that exceeded the original four subsidized hours. Upon demonstration of need for extra mediation time in a particular case, up to two hours of extra subsidized mediation time could be granted. However, this extra time could not be used solely for writing up agreements. Additional time was granted to six cases. As for mediation sessions, by the end of the year, in cases reported by mediators on surveys, out of 152 cases, 112 were single sessions, 26 consisted of two session, 12 involved three sessions, while four sessions were involved in two cases.

G. Outreach and education:

1. Outreach initiatives:

For the most part, centers’ endeavored to raise public awareness about the availability of parenting mediation services by including information about the PMP in their outreach efforts to publicize all their mediation services. PMP information was part of the mediation literature

distributed to participants at assorted venues, such as an affordable housing fair, an AFCC (Association of Family and Conciliation Courts) conference, an area festival, Community Action, a meeting of non-profit executives, a Providers Council Convention, and mediation training workshops, to mention a few. Outreach that targeted likely interested persons was conducted for teen parents and attendees at Parents Apart and parent education classes. The Probate and Family Courts of Middlesex and Essex Counties were approached about using centers’ mediation services. The Program Manager supported centers’ outreach efforts by supplying centers with brochures about the PMP.

In addition to their initiatives to broaden the market for their PMP services, centers continued to maintain their established referral networks. Ultimately, the five participating centers collectively provided PMP services in Middlesex County, Worcester County, Essex County, and the three western Massachusetts counties of Franklin, Hampden, and Hampshire, and all were willing to respond to referrals from across the state.

During FY 2017, center outreach resulted in a total center caseload that involved 227 cases, which included cases carried over from previous years, re-opened cases, as well as newly referred cases. Referral numbers increased 46% in FY 2017 since the previous year (see Table 2). Community-connected referrals increased more sharply – by 59% – than did court-connected referrals – by 39%. Despite the increased referral numbers in FY 2017 compared to the previous year, the proportion of community-connected referrals and court-connected referrals remained roughly the same from the year prior to the 2017 fiscal year. The court system accounted for the vast majority of these case referrals, at 61% in FY 2017, down slightly from 64% in FY 2016. Although, centers as a whole were approved by the probate and family courts in Essex, Franklin, Hampden, Hampshire, Middlesex, Norfolk, Suffolk, and Worcester Counties to receive court referrals, all the court referrals for PMP services were generated by Franklin County, Hampden County, and Hampshire County Probate & Family Courts. Referring to PMP services, one center observed, “parties are generally very appreciative of having this free opportunity. Court personnel are very happy to be able to offer these free services to court-involved parties.” As in previous years, the other probate courts were not involved with the PMP.

Table 2. Community-connected and court-connected case referrals.

New case referrals	FY 2016 (n=155)	FY 2017 (n=227)
Community-connected	56 (36%)	89 (39%)
Court-connected	99 (64%)	138 (61%)

2. Education endeavors:

Parent education was provided by centers to about 554 prospective parties in 227 cases during their initial contact with the PMP to ensure that parties understood the nature of the mediation process and the function of the PMP. Almost all the 159 parties, that is, 96%, who experienced mediation and responded to surveys, agreed that they had received clear information about the mediation program and the mediation process.

H. Center feedback about the PMP:

Centers found that, in general, the parents they served valued the PMP. In one center's experience, the "PMP is definitely a draw for couples who are struggling with the challenges of separating households and trying to meet the needs of children." As a second center explained, the reason for parents' positive reaction to PMP services, was that the Program's "impact on families has been positive because they feel supported both financially and personally." According to a third center, parents found that the PMP offered an "opportunity to work out the most difficult decisions without adding the stress of time and cost." Another center agreed, "since plans for the children are often the most emotional and pressing issues to be resolved, PMP is helpful in giving couples time to discuss plans." At a fifth center, PMP benefits extended to parents' ability to communicate better because of PMP mediation: "Some of the parties have been able to meet several times in mediation to talk about custody/parenting and have learned better ways to communicate with each other in the process." PMP services from a center received explicit approval from parents: "Parents served by the program consistently have expressed satisfaction with our PMP service. They have told us that they are relieved and happy that such a useful program exists."

Center approval of the PMP tended to be widespread. One center noted that it had "no concerns – generally happy with the program." Another center concurred, remarking that "things continue to work smoothly." Centers appreciated the positive effect that the PMP had on the use of their other, non-PMP divorce mediation services. One center indicated that the PMP "provides a benefit to our center that encourages parties to use our services." At another center, "the PMP has significantly increased the number of Divorce & Family cases we conduct each year, and increased the likelihood of court-involved families choosing mediation." A third center reported that "after becoming comfortable with the mediation process and mediators [under the PMP], couples often complete the process with us [outside the PMP]."

Centers were united in their concern about their PMP documentation burden. Centers commented about the volume of paperwork and the amount of time it consumed: "The paperwork is still burdensome and takes significant amount of time to complete," observed one center; "It's a lot of paperwork!" noted a second center. A third center received "intermittent complaints from mediators about the amount of required paperwork." The strain on mediators to produce the documentation was featured by another center: "Very few of our mediators can handle the documentation."

Admittedly, mediators' paperwork responsibilities were substantial. In addition to conducting mediations, mediators had to track the amount of mediating time that was consumed by PMP issues, distribute surveys to parties after the final session, describe the outcome of the mediation, and provide feedback about the session in a survey. Two centers relied on experienced mediators to ease the documentation burden. At one center, "it is sometimes challenging to track and collect all the paperwork from mediations not being conducted at our office. But most of our mediators have become accustomed to the systems and are reliable about getting their paperwork completed in a timely way." Another center "started to pair experienced mediators with new mediators to help "train up" our newer mediators." An additional solution offered by the Program Manager took the form of additional training in PMP documentation protocols for mediators.

I. Fulfilling accountability:

MOPC fulfilled its responsibility to account for the operation of the PMP during FY 2017 by submitting to the DOR quarterly reports, including case narratives and Federal Worksheets, produced by the Program Manager, which provided center performance data and brief descriptions of the cases that came before the Program, and evaluated the Program's functioning; and filing two semi-annual evaluation reports, generated by the MOPC Research Unit, with the DOR, which assessed the effectiveness of the Program in terms of the actions undertaken under the Program and the impact of PMP mediation on parties. Surveys voluntarily completed by parents soon after their final mediation session, telephone interviews of parents that consisted of questions about parties' circumstances following a four-to-ten week interval after the mediation, surveys of mediators for their feedback about the course of each mediation session, and quarterly surveys of center directors were important sources of information for these reports.

Changes in survey data collection procedures, some of which were recommended by centers, came under review during the first half of this fiscal year, and decisions were made during the second half of the year. The changes that were adopted become effective in FY 2018.

The directions accompanying the different surveys were both clarified and simplified to promote ease and uniformity of use. However, the actual procedures for distributing the surveys and transmitting the data to MOPC were unchanged. One center's proposal that the frequency of center surveys be reduced to one or two times a year could not be accommodated because the quarterly reports rely on information supplied by the center surveys. Another center suggestion about creating an electronic version of the party survey comparable Survey Monkey or its ilk could not be recommended for general use by PMP centers because, although such an alternative would make it easier for parties who had left the mediation site to complete the survey, the centers' data collection burden would be significantly increased. Individual centers would not be precluded from developing an electronic party survey for their own use as long as survey identification and the transfer of data to MOPC were accomplished.

Changes to questions in the surveys of parties and centers were instituted for use in FY 2018. At center urging, the value of the center survey questions was examined, resulting in the elimination of repetitive or low-value questions. Some of the language of the remaining center survey questions was modified for greater clarity. In the party survey, the option referring to the party's authority to make decisions during mediation in the question about the mediator's helpfulness was reformulated in more layperson-friendly language. Based on a consensus among centers, the Program Manager, and members of the Research Unit, the original version, "Gave me more control over decision-making" will be replaced by "Allowed me to make my own choices." Center interest in translations of the party survey could not be pursued due to financial shortfalls and limited familiarity with other languages at MOPC and participating centers.

IV. The impact of PMP mediation on parents:

The impact of mediation services on the lives of the participating parents and their children constituted a critically important indicator of the effectiveness of the PMP during FY 2017. This impact was measured by data furnished by parents and mediators about the settlement of parenting disputes, changes in the interactions between parents and in parents' interaction with their children, in financial circumstances, and in the involvement of third party institutions like the courts, as well as party assessment of the value of their mediation experience. One hundred sixty-two parents, representing 85 cases, voluntarily completed surveys after their last mediation session. Eighty-five parents were interviewed about their post-mediation situation after a four-to-ten week period. Mediators submitted feedback about 208 mediation sessions, representing 152 cases. Since surveys were non-random, the survey data and analysis should not be generalized to all cases mediated during FY 2017.

A. Party circumstances:

A portrait of the typical parent who participated in mediation under the PMP and responded to the party survey would depict a white person, with an annual income less than \$40,000, who considered him or herself the custodial parent, had heard about the Program from someone at court, and was eager to avoid court procedures.

1. Race and ethnicity:

Based upon survey results, the ethnic/racial composition of parents participating in PMP mediation was roughly consistent with the diversity of the population of Massachusetts as a whole. In 2015, the three largest ethnic/racial groups in the state were White (at 82.1%),

Hispanic/Latino (at 11.2%), and African American/Black (at 8.4%).⁷ Out of 156 surveyed PMP participating parents, 66% self-identified as White, 27% as Hispanic/Latino/Spanish origin, and 10% as Black/African American.

2. Annual income:

There were no income-based eligibility requirements limiting parent involvement with the PMP, and individuals who participated in PMP mediation reported annual incomes that ranged from below \$10,000 to above \$65,000 (see Table 3). According to the survey responses of 142 mediating parents, most were low income, with the proportion of indigent parties climbing throughout FY 2017. The percentage of indigent parents – those with an income of \$20,300 or less for a two-person household⁸ – grew from 27% during the first half of FY 2017 to 37% during the second half, with the result that one-third or 33% of mediating parents were impoverished. Low-income parents – those earning below 200% of federal poverty guidelines or less than \$32,480⁹ – comprised a majority or 54% of parents throughout the year. A small number of surveyed parents (6%) had incomes that were comparable to the state's per capita personal income of \$65,137.¹⁰

⁷ Based on estimated census figures for Massachusetts for the period 2010-2015, see United States Census Bureau / American FactFinder. "Annual Estimates of the Resident Population: April 1, 2010 to July 1, 2015". 2015 Population Estimates Program. Available at http://www.massachusetts-demographics.com/counties_by_population

⁸ Indigency is here defined in accordance with Massachusetts court rules regarding income eligibility for waiver of court fees, which is 125% of the current Federal Poverty Line (FPL) (MA Court System. Indigency (waiver of fees). Retrieved July 23, 2017, from <http://www.mass.gov/courts/forms/indigency-forms-gen.html>). For a two-person household – a parent and a child – 125% of 2017 FPL would be \$20,300. For a single-person household, 125% FPL would be \$15,075. (See <https://www.masslegalservices.org/content/federal-poverty-guidelines-2017>).

⁹ This annual low-income number is based upon the maximum income of 200% of FPL that is used to identify financial eligibility for benefits from the Massachusetts Rental Voucher Program (See <http://www.masslegalhelp.org/housing/financial-eligibility>).

¹⁰ This per capital personal income number is for 2016. (FRED. (2017, April 21). Per capital personal income in Massachusetts. Retrieved July 23, 2017, from <https://fred.stlouisfed.org/series/MAPCPI>). Notably, Massachusetts is among the three wealthiest states in the country based on per capita personal income, which in 2014 was almost \$57,000. (Boston Globe. (March 26, 2014). Massachusetts ranks third in per capita income. Retrieved July 23, 2017, from <https://www.bostonglobe.com/business/2014/03/26/massachusetts-ranks-third-per-capita-income/jZdc2dhugcq0b3Ev6sJXNO/story.html>).

Table 3. Number of parties receiving mediation services at each income level during FY 2017.

Income levels	\$0-9,999	\$10,000-19,999	\$20,000-29,999	\$30,000-39,999	\$40,000-49,999	\$50,000-59,999	\$60,000-64,999	\$65,000 or more
# of parties at income level in July-Dec 2016 (n=52)	7 (13%)	7 (13%)	14 (27%)	7 (13%)	7 (13%)	2 (4%)	2 (4%)	5 (10%)
# of parties at income level in Jan-June 2017 (n=90)	19 (21%)	14 (16%)	16 (18%)	18 (20%)	9 (10%)	7 (8%)	3 (3%)	4 (4%)
# of parties at income level in FY 2017 (n=142)	26 (18%)	21 (15%)	30 (21%)	25 (18%)	16 (11%)	9 (6%)	5 (4%)	9 (6%)

3. Custodial status:

A parent’s custodial status indicates the degree of responsibility assumed by a parent for the care of the child. The custodial parent is distinguished as the primary caretaker for the child while the noncustodial parent has a secondary role, which often leads to fewer contacts and less time between the noncustodial parent and the child. In furtherance of the government’s interest in encouraging the noncustodial parent to shoulder greater responsibility for the child, de facto differences in custodial status constituted one of the factors qualifying parents for PMP mediation services. During the intake process when custodial status was established, the parents involved in 149 cases reported by mediators on FY 2017 surveys were equally divided between those having and those not having custody. However, out of the 149 parents who responded to surveys in FY 2017 after their final mediation session, 58% considered themselves as having primary physical custody of the child, and 42% did not. Nearly equal numbers of mothers and fathers – 79 mothers and 77 fathers – participated in the survey. Among the 144 parents who reported both their parenting role and custodial status, a plurality or 42% of the custodial parents were mothers compared to 15% who were fathers.

4. Challenges facing parents:

From the mediators’ point of view, a number of parents came to PMP-sponsored mediation bringing their baggage of challenging situations. Based upon mediator feedback about 178 mediation sessions, most parents were highly distrustful of one another (66%), displayed disrespect towards each other (63%), or had difficulty cooperating on child-related issues (54%). Nearly half the parents found it difficult to tolerate their differences (48%) or to separate their needs from those of their child (49%). A minority of one-fifth or more parents had a problem with validating the importance of the other parent (37%), had a history of denying the other parent access to the child (25%), experienced frequent court appearances (21%), or exhibited a

poor sense of the boundaries between the parents (20%). Even though parental conflict may be harmful to the child,¹¹ it is noteworthy that mediators did not believe that conflict between parents led any of the mediating parents to repeatedly expose their child to harsh discipline.

5. Conflict during mediation:

Among the challenges that parents faced in dealing with their parenting issues in FY 2017 was the intensity of their conflict that spilled out into the mediation (see Table 4). Research has shown that high levels of conflict militate against the settlement of disputes.¹² According to a large majority – 87% – of 158 surveyed parents, their last mediation session was accompanied by some degree of conflict. However, most of the reported conflict was either moderate (for 38% of parents) or low intensity (for 30% of parents). A small proportion of the sessions – described by 18% of parents – involved high levels of conflict. The smallest proportion of the sessions, according to 13% of parents, were conflict-free.

Mediators concurred with parents about the presence of conflict during mediation. Whether considering all mediation sessions, final mediation sessions, or those final mediation sessions that coincided with sessions reported on by parents; mediators' identification of mediation conflict displayed the same pattern of conflict frequency revealed by parents' survey responses (see Table 4). According to mediators, the overwhelming proportion of sessions was characterized by conflict, with a small minority involving high intensity conflict and an even smaller percentage without conflict.

¹¹ According to the Massachusetts Court system's website, "One of the most consistent research findings is that children are harmed when they are exposed to conflict between their parents." Massachusetts Chapter of the Association of Family and Conciliation Courts. Planning for shared parenting: A guide for parents living apart. p, 4. Retrieved February 17, 2017, from <http://www.mass.gov/courts/docs/courts-and-judges/courts/probate-and-family-court/afccsharedparenting.pdf>

¹² Ballard, R. H., Holtzworth-Munroe, A., Applegate, A. G., & D'Onofrio, B. (2011). Factors affecting the outcome of divorce and paternity mediations. *Family Court Review*, 49:1, 16-33.

Table 4. Level of parents' conflict during FY 2017 mediation sessions.

Level of parents' conflict at the final mediation session	Parent assessment of conflict during final session (n=158)*	Mediator assessment of conflict during all mediation sessions (n=205)*	Mediator assessment of conflict during final mediation sessions (n=149)*	Mediator assessment of conflict at sessions reported on by parents (n=102)
High conflict	29 (18%)	52 (25%)	41 (28%)	19 (19%)
Moderate conflict	62 (38%)	86 (42%)	58 (39%)	28 (27%)
Low conflict	47 (30%)	62 (30%)	44 (30%)	30 (29%)
No conflict	21 (13%)	9 (4%)	8 (5%)	6 (6%)

*Some respondents chose more than one conflict level option.

6. Parents' sources of information about the PMP:

Among the various sources of information about the PMP cited by 159 surveyed parents, the vast majority or 91% heard about the Program from someone at court. Information about the PMP was conveyed by a judge's recommendation to 31% of parents, by a judge's order to 26% of parents, and by court personnel through recommendations (to 28% of parents) or information-sharing (with 6% of parents). About one-fifth of parents also learned about the Program from friends or relatives (3%), the internet (5%) or some other source (13%).

7. Parents' reasons for mediating:

The information about the PMP received by parents apparently fed into most parents' interest in avoiding further interactions with the court system. Sixty percent of 161 parent survey respondents indicated that they turned to mediation because it was preferable to court procedures. Access to mediation services made mediation attractive to one-third of parents – easy accessibility appealed to 22% of parents and local accessibility did so to 12%. Over one-fourth of parents or 29% were drawn to mediation by its positive reputation. The catch-all category of reasons to mediate that influenced one-fifth of parents included directives from the judge, recommendations from attorneys and from parenting classes, among others.

B. Mediation outcomes:

The impact of mediation on the lives of mediating parents is a central indicator of the effectiveness of the PMP. The benefits attributed to mediation extend beyond the settlement of

disputes to the achievement of individual empowerment and improved relations between disputants.¹³ In order to evaluate the effectiveness of parenting mediation supplied under Program auspices, parties and mediators were asked to respond to post-session surveys and interviews that inquired into their assessment of the impact of PMP mediation on the parents' dispute, on interactions between disputing parents, on the parent's relationship to the child, on parties' financial circumstances, and on the involvement of other institutions. Majority responses were viewed as suggestive evidence for the Program's impact on the surveyed parents who availed themselves of PMP mediation services during FY 2017.

1. Reaching agreements:

The manifest purpose of mediation is to settle disputes by parties reaching a mutually satisfactory agreement. To ascertain the extent to which PMP mediation enabled parents to reach this goal, the two avenues of inquiry that were pursued concerned the formulation of agreements in general and the development of parenting plans in particular. It turned out that the agreement rates for both types of agreement generated through PMP mediation fell within the range of agreement rates typically produced by mediation, that is, between 50% and 80%.

From the perspective of mediating parents about the achievement of any agreement, most of the 123 surveyed parents (51%) in 70 cases arrived at full agreement by the end of their mediation. Another 17% resolved some of their disputed issues through partial agreements. Consequently, an agreement rate of 68%, composed of full and partial agreements, was achieved through PMP mediation in FY 2017. In appreciation of mediation's usefulness for settling parenting disputes, one parent was moved to comment that "I was very impressed with the mediators' ability to get us through this; both [party name] and I wanted to leave but he brought us to the point where we have an agreement;" another parent noted that "mediation was a stepping stone to complete agreement." A more comprehensive basis for identifying the FY 2017 agreement rate produced through the PMP was furnished by mediator feedback about the agreement outcomes of 205 sessions involving 149 cases. Mediators indicated that a 62% rate of either full agreements (23%) or partial agreements (39%) resulted from mediation sessions.

The agreement rates for parenting plans, which are a form of agreement that specifies each parent's rights, responsibilities, and obligations for the care of the child, indicated that over 70% of surveyed parents in 69 cases reached either full or partial agreement about their plan. Recognizing that parenting plans have the potential to forestall future parent conflict by specifying parenting roles, institutional support for parenting plans in Massachusetts has been robust. Parenting plans, known as shared custody implementation plans, are required by state law (Massachusetts General Law ch.298 §31) in cases involving contested custody. Furthermore, parenting plans are one of the PMP's signature issues. In any event, the development of parenting plans was a concern for 93% of 147 parent respondents, and plan modification

¹³ Hedeem & Coy, *op. cit.*

concerned 87% of 124 parents. Seventy eight percent of 147 parents arrived at agreements about developing a parenting plan, with 42% completing a fully developed plan and 36% achieving a partial plan. Agreements about modifying parenting plans were produced by 71% of 124 parents, with 35% tackling comprehensive modifications and 36% involving partial modifications. According to mediators, parenting plans were relevant to 99% of parents involved in 152 sessions, and progress in developing or modifying plans was made at 79% of the sessions either in full (39%) or in part (40%).

Based on comments from a couple of parents in follow-up interviews, the prospects for the durability of mediation agreements were mixed. According to one parent, the mediation agreement survived the four-to-ten week post-mediation period: “Mediation was a stepping stone to complete agreement.” In contrast, another parent complained that the “other parent reneged on the agreement created with the mediators; there was a court order but she hasn’t complied with that either.”

2. Other mediation outcomes:

The benefits of mediation allegedly extend beyond the production of agreements to encompass improved relations with the opposing party, better communication, the de-escalation of conflict, and finding an alternative to the court’s dispute resolution processes. In other words, “[a]mong mediation’s numerous advantages is its ability to constructively address conflicts, respect each party’s perspective, empower individuals to take personal responsibility for conflicted relations, establish mutually beneficial dialogue, and reduce violence. Written settlements are often a by-product of these dynamics, but they are not in themselves a sufficient goal of community mediation.”¹⁴ For the most part, the expected mediation benefits of improved parent communication, diminished parent conflict, and reduced court involvement materialized for a majority of surveyed parents due to PMP mediation. Progress in child-oriented interactions occurred for a smaller proportion of parents while even smaller percentages experienced positive changes in their financial circumstances.

a. Parents’ communication with one another:

The essence of mediation involves parties talking to one another. Insofar as mediation provides parties with the experience of productive communication, the expectation arises that parents’ will be affected by their experience to the point where their subsequent communications become more positive. Improving their interactions with one another was relevant to more than 75% of parties. The issues of better communication applied to 97% of 157 parents, of improved expression of parenting expectations was relevant to 88% of 155 parents while greater civility was important to 92% of 156 parents. Nearly two-thirds or more of surveyed parents found that

¹⁴ Hedeem & Coy, 2000, *ibid.* p. 356.

PMP mediation allowed them to make progress in better communication between themselves. Improvements in communication were reported by three-fourths of 157 parents, with 24% claiming full improvement and 51% claiming partial improvement. Over three-fourths of 133 parents found themselves able to discuss issues with the other parent either to a large extent (50%) or somewhat (29%). Sixty-nine percent of 155 parents made full (34%) or partial (35%) progress with expressing their parenting expectations to the other parent. In general, civility between parents improved for 65% of 156 parents in full (26%) or in part (39%).

Parents' reports about making progress in their interactions with one another were confirmed by mediators' assessment of the results from more than 150 final sessions. Out of 151 sessions, some or full progress was made in better parent communication at 74% of sessions, in an increase in parties' ability to express parenting expectation at 67% of sessions, and in greater civility at 55% of 152 sessions. Any improvements in parents' interactions passed the test of time for a sizable minority of parents who participated in follow-up interviews after a four-to-ten week interval following mediation. Communication between parents increased for 31% of 85 interviewees but remained unchanged for 49%. Similarly, civility improved for 29% and remained the same for 54% of 84 interviewed parents. Differences in the lasting effect of mediation on parent communication were reflected in individual accounts. One parent informed the interviewer that the parties were "communicating and had agreements." Another parent described their situation as improved – "talking more with other parent." On the other hand, a third parent acknowledged that "communication continues to be a challenge between the two of us. I guess it's working ok for now, but we're taking baby steps." A fourth parent related that "relationship with NCP is minimal, communication is not positive. But NCP's ability to communicate with daughter is improving."

b. Managing conflict:

Conflict between parents was common in their PMP mediation sessions. From the point of view of both parents and mediators, mediation was instrumental in abating hostilities between parents and in developing parents' skill in managing their conflict. A majority of 71% of 158 parents indicated that their conflict was reduced either completely (30%) or partially (41%). Similarly, mediators found that conflict between parents was diminished at 73% of 152 sessions. The reduction in conflict was sustained only for a minority of 37% of the 83 parents participating in the follow-up interviews. As one of this group recounted, "mediation has eased the situation between my ex-wife and [me]. Before we'd go through cycles of fighting and those fights have lessened since then."

Complete or partial progress was achieved in making parents more skillful in handling conflict between themselves for a majority of 71% of 156 parents. Mediators observed progress in the acquisition of such skills at 62% of 152 sessions. According to 84 interviewed parents, after four to ten weeks, the proportion of parents with an increased ability to resolve conflicts between themselves had decreased to one-third. One of these parents observed that "before

mediation, other parent was angry – mediation helped address this anger – gave them tools to manage emotions.”

Dealing with conflict with the child was not a concern for half of 155 parents, and only a minority of 32% of these parents became more skilled at handling conflicts with their child. Mediators indicated that, at 151 sessions, improving conflict resolution skills directed at conflict with their child involved an even smaller proportion of parents. Nearly three-fourths or 74% of parents were uninterested in improving those skills and just 12% experienced an increase in such skills. With the passage of time, only 53% of 83 interviewed parents considered improving their ability to resolve conflicts with their child relevant, and a mere 16% of 83 interviewed parents retained an improved ability to deal with such conflicts.

c. Child-oriented interactions

Visitation, access, and parenting time are signature PMP issues. Parenting disputes revolving around parenting-time-related issues like visitation, access, and the amount of parenting time were critical to qualifying disputing parents for PMP mediation services. Yet minorities of all surveyed parents, ranging from 31% to 48%, did not consider issues relating to their interactions with their child applicable to their mediation experience. Moreover, comparably-sized minorities of the entire sample of surveyed parents – from 36% to 47% – made progress in addressing issues surrounding their child-oriented interactions. However, a different picture of parent assessment of issue applicability and progress emerged when custodial status was taken into account.

The disparate impact of custodial status on parents’ contact and time with their child may be reflected in the importance that parents place on issues surrounding parental contact and time with the child. Inasmuch as custodial parents predominated among the totality of survey respondents, comprising 58% of 149 respondents compared to 42% of noncustodial parents, their interests probably weighed more heavily in the aggregated views of the totality of sampled parents regarding the importance of time and contact-related issues. Among sampled parents, majorities of custodial parents considered the above signature issues inapplicable to their mediation while only minorities of noncustodial parents did so. Numbers were reversed with respect to progress on the signature issues. Majorities of noncustodial parents experienced some degree of progress on these issues unlike custodial parents, who were in the minority in achieving such progress.

The applicability of the issue of access was dismissed by 36% of 158 surveyed parents. Similar reactions were recorded for increasing or establishing visitation by 38% of 156 parents, for increasing time with the child for 41% of 155 parents, for preventing decreases in time with child for 48% of 154 parents, and for increasing the other parent’s involvement with the child for 31% of 157 parents. Likewise, specific forms of parental involvement failed to concern large minorities of parents. The irrelevance of increasing parental involvement in the child’s education and extracurricular activities was noted by 48% of 155 parents and 44% of 157 parents, respectively.

Disaggregation of the parent survey data by custodial status revealed that more noncustodial parents were concerned with issues related to access, visitation, and parenting time than custodial parents. Whereas such issues were considered inapplicable by majorities of 52% to 58% of custodial parents, substantially smaller percentages – that is, minorities of 14% to 37% – of noncustodial parents found these issues inapplicable.

Mediator assessment of the applicability of issues involving access, visitation, and parenting time to mediation was aligned with the view of noncustodial parents. Mediators found these issues did not apply at only a minority of mediation sessions. Mediators indicated that issues connected to access, visitation, and adjusting parenting time were irrelevant to parents at 24%, 22%, and 18% of 152 final mediation sessions, respectively.

From the perspective of all surveyed parents, progress on parent's interactions with their child was achieved to some extent for sizable minorities of these parents. Either complete or partial progress was made by 47% of 158 parents in establishing or increasing the parent's access to his or her child, by 46% of 156 parents in establishing or increasing visitation with the child, by 41% of 155 parents in increasing the amount of time spent with the child, by 32% of 155 parents in increasing their involvement in their child's education, and by 36% of 157 parents in increasing their involvement in their child's extra-curricular activities.

Sorting parents' survey responses by custodial status revealed that majorities of noncustodial parents, ranging from 52% to 64% of 60-63 noncustodial parents, laid claim to some degree of progress on advancing their interests in establishing or increasing access, visitation, time with their child, or involvement with the child's education or extracurricular activities. The situation proved otherwise for custodial parents. Only minorities of custodial parents – between 17% to 33% of 80-81 such parents – reported making any progress on these issues.

Mediators' observations of mediations indicated that parents who made progress on the aforementioned signature issues were in the majority. Thus, some amount of progress, whether complete or partial, in increasing access was achieved at 152 final sessions (which involved 304 parents) by 52% of parents, in increasing visitation by 56% of parents, and by modifying parents' time with their child by 59% of parents. The opposite was true for parents' involvement with the child's education and extra-curricular activities. Mediators found that a small minority of 17% of parents at 152 sessions experienced any progress towards greater involvement with the child's education or extra-curricular activities.

The gap between custodial and noncustodial parents persisted but was less pronounced with respect to progress on preventing decreases in parenting time. A minority of 36% of 154 surveyed parents made full (18%) or partial (18%) progress in preventing decreases in their time with their child. Even when custodial status was taken into account, progress in prevention efforts remained a minority accomplishment – although the minority of noncustodial parents (43% of 60 parents) attaining such progress was proportionately larger than the minority of custodial parents (29% of 80 parents) who did so. Compared to parents, mediators proved more

sanguine about the progress achieved in modifying the parent's time with their child. Out of 152 final sessions, parenting time was adjusted for parents at a majority of 59% of sessions either in full (25%) or in part (34%).

The data submitted by centers to the Program Manager in response to the federal requirement to chronicle the parenting time of noncustodial parents confirmed the gains in parenting time made by noncustodial parents through PMP mediation during FY 2017. For the 149 cases that were reported on by mediators in FY 2017 surveys, increased parenting time was recorded for a majority of 56% of 149 noncustodial parents as a result of mediation.

By the time a period of four to ten weeks had passed, a minority of 29% of 84 interviewed parents reported that their time with their child had increased. For more than half, that is, for 55%, their parenting time was unchanged. The situations of custodial and noncustodial parents regarding time with the child were not materially different. The proportion of custodial parents that reported increased time with their child (31% of 36 parents) was comparable to the proportion of noncustodial parents claiming such an increase (27% of 44 parents). Likewise, parenting time remained unchanged for roughly equivalent proportions of custodial (56%) and noncustodial parents (50%). Descriptions of the post-mediation situation regarding time with the child were mixed. One noncustodial parent was positive, declaring that she "feels like she is a good part of child's life [on a] more consistent parenting schedule," and another parent reported that the other parent was "allowing more time with children than before." A third parent provided a negative account of the noncustodial parent's neglect of parenting time: "At first, participation in mediation had a positive effect – NCP [noncustodial parent] was seeing the child more often. Eventually, NCP was late to pick up child and then finally stopped showing up altogether." A fourth parent was optimistic about improving time with the child due to "working to have more time and consistency with children."

d. Dealing with difficult pre-mediation conditions:

As mentioned above, parents came to mediation burdened by a host of problematic pre-mediation conditions, the most prevalent of which involved distrust, disrespect, and absence of cooperation on child-related issues. According to mediators, progress was made in addressing various pre-mediation conditions at 59% of 195 sessions. Some of the positive changes in these conditions wrought by mediation were mentioned by mediators. For example, mediators detected signs of increased respect and trust between parents. "A little movement on respectful language and attitude towards each other's parenting skills" was observed by a mediator during one session. Corroboration of growth in respect due to mediation was confirmed by a parent who thought she was "less willing to vilify the father in front of child, [and] support the relationship." The positive consequences of greater trust on parent's ability to cooperate became evident at other sessions. At one session, the mediator saw "parties increasing their trust of one another and ability to cooperate." The mediator at still another session noticed "parents working toward building trust to allow/work up to more parenting time."

e. Involvement of institutions unrelated to the PMP:

PMP mediation satisfied the preference of 60% of 161 surveyed parents for an alternative to the courts for solving their parenting disputes. Reducing court involvement was pertinent to a large proportion of 86% of 153 parents. PMP mediation assisted more than two-thirds or 68% of these parents to make inroads in wholly (39%) or partially (29%) decreasing the involvement of the court in their disputes. Mediators indicated that smaller majorities of parents pursued the reduction of court involvement at 150 final mediation sessions. Lessening court involvement was germane to a slightly smaller but still large majority of 73% of parents, and a bare majority of 52% made progress in minimizing their involvement with the court system in full (25%) or in part (27%). Mediators noted that in one case “both parties are tired and fed up with going to court – want to start working together.” After mediation, a parent pointed out that the experience was “very helpful and better than court.” Another parent enthused that “it’s a great thing. The fact that we were going to court was a big stressor on us and thinking about all of the possibilities of the ways it could go, it was helpful to have a clear mediation session to ease that stress and give us a clear direction toward an agreement.” Avoiding bias in the court system concerned a third parent: “Discrimination against men is a problem in courts. One thing mediator did for me was for the mediator to hear my side of story.” A fourth parent regretted that mediation failed to preclude court intervention: “I wished our child’s father would have been open to the idea of reaching an agreement through mediation. Unfortunately, we had to go to pre-trial, and the judge decided for the two of us.”

Because community mediation centers are embedded in their communities, they are privy to a network of human services providers to which they can direct parents. Learning about sources for services or resources was irrelevant to more than one-third or 35% of 155 parents. Just under half or 48% of these parents became more aware of such sources through mediation in full (by 23%) or in part (by 25%). From the perspective of mediators, information about community services or resources was germane to 30% of parents at 208 mediation sessions, and progress in gaining knowledge about these sources was made by almost one-fourth or 24% of parents at the sessions. Centers provided referrals for assistance to 16% of parents at 205 sessions from, for example, Family Wizard; court probation personnel; individual, family, and child therapy; Community Action; parenting courses; Voices Against Violence; MetroWest Legal Services; and the probate court website. In at least one case, outside services were apparently utilized since a parent acknowledged going “to see a therapist following mediation based on interest to have better relationship with child.”

f. Parents’ financial situation

Few parents turned to mediation for assistance with their financial situation. Increasing financial support for the child, whether provided by the parent or through some other means, was characterized as inapplicable to mediation by close to half or 46% and 49% of 155 and 154 parents, respectively. Minorities of parents credited mediation with assisting them in making

progress towards acquiring more financial support for their child (25% of 154 parents) and in increasing their own financial care of their child (30% of 155 parents). A parent interested in addressing financial issues during mediation lamented that he or she “wishes mediation time could have been more divided between custody and finances because time ran out with no time spent on finances.” Mediators reported a similar trend regarding the issue of the child’s financial support at 207 mediation sessions. That issue was not pertinent in a majority of 58% of the sessions, and parents at a minority of 23% of the 207 sessions made at least some progress in increasing financial support for their child.

By the end of a four-to-ten week period following mediation, minorities of interviewed parents reported persisting improvement in their financial circumstances. Improved personal finances characterized 20% of 81 parents. Increases in their own financial support for the child and in the other parent’s financial support for the child were described by 16% of 83 parents and 18% of 79 parents, respectively. Otherwise, according to nearly half and more of interviewed parents, their own financial situation and that of their child had not changed during the post-mediation period.

g. Parents’ reactions to the mediation process:

In order to obtain parties’ evaluation of the mediation process conducted under PMP auspices, feedback was solicited from parents regarding their reaction to their mediation experience, including the assistance provided by mediators.

Parent’s feedback about the mediation process: Typically, parties tend to be highly satisfied with mediation.¹⁵ Mediation under the PMP also won the approval of participating parents. An overwhelming number of parents – 93% of 157 surveyed parents – affirmed their readiness to use the Program again. In the words of one parent, he or she “really appreciated the different approaches of the two mediators; very open and not judgmental; very grateful for the service; will use again if any conflicts arise.” Another parent proclaimed PMP mediation a “great service; while not therapy, she found it therapeutic; solving conflicts differently; would definitely use mediation again.”

An even larger number of parents – namely, 98% of 158 parents – would recommend the Program to others. The Program was a “great resource,” pointed out one parent. The “Program should be available to any and all applicants prior to any other service and/or programs,” urged a second parent.

Parents’ view of mediators: Most parents valued the abilities of the mediators in conducting the mediation. One parent “felt the mediator was very understanding and helpful.” Another parent described the mediator as “very positive, great mediator.” Eighty-five percent of 158 parents thought that the mediator listened well to their concerns. As one parent declared,

¹⁵ Research indicates that more than 90% of parties, who had participated in mediation, would do so again. Wilkinson, J. (August 2001). *A study of Virginia and ten states: Final report and recommendations*. Charlottesville, VA: Institute for Environmental Negotiation, University of Virginia.

“[mediator] was great at hearing both of us.” For another parent, mediation was the “first time since divorce that [she] had a voice – great idea with right circumstances – glad [she] had a voice but NCP isn’t a cooperative person.” Eighty percent of parents found mediators to be fair and unbiased. One parent noted that the mediation “was nice and unbiased,” and another remarked that the “[mediator] was great, gave ability for myself and other parent to address concerns/issues and was very very fair.” Seventy percent and more of parents valued the mediator’s assistance with identifying and clarifying relevant issues and with generating ideas and considering options. As one parent put it, “bringing other opinions into a troubled marriage helped a lot.” At another session, mediators presented parties with “options of what other parents have done” At a third session, mediators “helped the parties identify they each had different perspective/positions, but [had] the same interests.”

The mediation strategies employed by mediators: Mediators employed a variety of strategies to promote productive discussion between the disputing parties. The most frequently used mediation strategies consisted of active listening, validation, reframing, open-ended inquiry, and re-focusing the discussion.

Active listening aims to assure disputants that they have been heard. Active listening techniques include reflecting back, paraphrasing, summarizing, and clarifying. And so, one mediator often employed “questioning and paraphrasing to allow parties to feel heard.” Another mediator engaged in “carefully repeating back for assurance to client of having been heard.” Active listening did not invariably lead to success. As noted by a third mediator who “attempted to encourage each parent to speak in a way that the other parent would truly hear what was said,” the “mediation ended abruptly when mother (who arrived late) left the mediation room.”

Validation is a method of affirming parents’ feelings and needs whereby parents’ emotions and needs are acknowledged, empathy is shown, and parents’ expression of their wishes and needs is encouraged. Thus “letting parents speak their minds and express thoughts” was common at one mediation session. At another session, the mediator conveyed his or her “acknowledgment of the high anxiety and pain of this moment.” A third mediator described “walking parents through how the fear can play out.”

Reframing involves the reformulation of issues by the mediator so as to promote a problem-solving approach by parents. At one session, the mediator often engaged in “reframing in a language (style) the other [parent] would be better able to process.” At another session, the mediator undertook “reframing for the other party concerns expressed [by one party].

Open-ended inquiry encompasses presenting questions and introducing hypothetical situations by the mediator in order to elicit information and promote consideration of alternatives and consequences. One mediator used “open-ended questions to avoid assumptions and clear up understandings.” A second mediator described “keeping things moving forward with questions as to how they [parents] visualized things in the future.”

In re-focusing, the mediator guides parties to direct their attention to issues that would

advance a constructive discussion. Mediators encouraged parents to focus on the child, on the future, and on particular issues at FY 2017 mediation sessions. At one session, the mediator had parents “focused on how children will be affected by divorce and what their needs may be going forward.” At another session, the mediator found that the “continued focus on the children’s best interest created a space for emotional recognition for each parent.” Parents were persuaded to focus on developing a parenting plan when the mediator “asked [the] couple to bring out [a] picture of [the] child and had some personal discussion prior to beginning the parenting plan discussion.” A future-oriented discussion was promoted by a fourth mediator by “focusing parties on tangible next steps and helping them think through options that they considered fair resolutions.”

Mediators’ finesse in using the mediation strategies that were appropriate for each mediation session structured the assistance that they provided to parents. Their expertise accounts for the approval that a vast majority of parents expressed towards mediators and the assistance they provided.

V. Conclusion:

Fiscal Year 2017 was a banner year for the use of PMP mediation services, where the surge in demand for services put pressure on PMP resources, both human and financial. The Program acquitted itself well, operating smoothly despite the increased call for services that ultimately depleted the PMP budget. Strategies were employed to manage finances and enable centers to provide mediation services that benefitted majorities of parents with settling their parenting disputes through mutually satisfactory agreements, better communication with one another, improved management of their conflict, and the reduction in court involvement with their affairs. In addition, majorities of noncustodial parents were able to achieve gains in parenting time and improve their interactions with their child. As a consequence, the PMP and mediators earned the approval of a large majority of parents.

VI. Recommendation:

During FY 2017, the demand for PMP services outstripped available funding – a reminder of the value that the community places on the Program. Accordingly, it is recommended that additional sources of funding for the PMP be sought so that the Program can continue to function and better meet the communities’ need for its services. The accomplishments of the PMP in FY 2017 demonstrate that the Program merits increased support.