

2013

Juvenile Law Programs Research Report  
KING COUNTY MEDIATION PROGRAM ASSESSMENT  
PHASE III



Juvenile Law Programs

National Council of Juvenile and  
Family Court Judges

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## EXECUTIVE SUMMARY

The King County Juvenile Court implemented a Mediation Pilot Program for juvenile dependency cases in 2009. The purpose was to improve efficiency of case processing. It is offered prior to adjudication to families coming in to the dependency court system. The program began with case referrals in Seattle, WA, and expanded to include cases from Maleng Regional Justice Center in Kent, WA.

In 2010, a preliminary assessment of the pilot project, known as Phase I was completed. The assessment included data collection on a sample of 50 cases that had progressed through adjudication. Phase II of the study expanded on Phase I findings by adding additional cases to the sample and following cases through the permanency hearing and case closure (when applicable) in order to examine the long-term effects.

Phase III examines long-term outcomes of mediated cases versus non-mediated cases and explores satisfaction with the mediation process. The results from the assessments from Phases I and II of the Mediation Pilot Program in King County Washington have demonstrated successes in terms of improving its juvenile dependency system. Phase III included surveys that were given to parents and stakeholders to gain an insight into their perceptions of the process. In addition, outcomes were updated to compare mediated cases to non-mediated cases.

The assessments of the King County Mediation Pilot Program from Phases I - III have demonstrated the following results:

### ***Phase I:***

- 1) Improving timeliness to adjudication;***
- 2) Reducing judicial workload;***
- 3) Offering more services to mothers;***

### ***Phase II:***

- 4) Reducing workloads early in the case;***
- 5) Mediated cases are more likely to reach an agreement;***
- 6) Children are more likely to be placed with relatives ;***

### ***Phase III:***

- 7) Parents feel they have a voice and are respected during mediation;***
- 8) Parents and stakeholders have overall satisfaction with the process and outcomes of mediation; and***
- 9) Mediated cases are more likely to result in reunification.***

## INTRODUCTION

In 2009, the King County Superior Court implemented a juvenile dependency mediation program and has since expanded from referred cases in Seattle, WA to cases in Kent, WA. This was a pilot project whose goal was to create a non-adversarial environment where parties could come to an agreement in relation to allegations, recommended services, placement, visitation, and case planning in a supportive manner.

In 2010, the National Council of Juvenile and Family Court Judges (NCJFCJ) began an initial assessment to determine the efficacy of mediation, which was known as Phase I. Phase I results showed that mediation was a useful tool for improving efficiency of case processing. Phase I was expanded to a second phase to address some of the limitations of this first phase.

Phase II added additional cases to the sample and followed cases through the permanency and case closure in order to observe any long term effects. This phase examined timeliness, workload, parental engagement, and case outcomes. The Phase II study concluded that mediation reduced workload and increased timeliness of case processing. Results also demonstrated that mediated cases resulted in more relative placements and less foster care placements. The study did not demonstrate any long-term effects on hearing timeliness to permanency because not enough cases had closed.

Phase III aims to explore parent and stakeholder perceptions of the mediation process and whether parents engaged in the process. Knowing how parents and stakeholders felt about the mediation process will help the program understand its limitations and use this information to identify opportunities for improvement.

This study asked participants if they felt they could voice their opinion and if they had a stake in the process. For a mediation program to be successful it is important to evaluate how its participants feel and if they found it helpful for their situation. This study also aimed to explore any relationship between parent satisfaction and engagement with mediation to the outcome of their case. The findings from Phase III are discussed in this report.

## STUDY OVERVIEW

Phase III of the King County Mediation Pilot Program surveyed parents at the conclusion of the mediation process and asked questions concerning their engagement in and satisfaction with the mediation process. Stakeholders were also surveyed to determine their perception of the mediation process. This assessment allowed researchers a more in-depth examination of parents' engagement during the mediation process and their impression of the process. An analysis was conducted to determine if engaged parents have different outcomes compared to parents who are less engaged in the process. In addition to understanding more about the parents and stakeholders perceptions related to mediation, this study sought to further examine case outcomes for mediated compared to non-mediated cases in order to determine if mediated cases result in different outcomes. Specific research questions are postulated below.

### ***Level of Parent Participation and Outcome of Mediation:***

- What was the level of parent participation in mediation?
- What was the outcome of mediation?
- Was there a relationship between level of parent participation and mediation outcome?

### ***Mediation Satisfaction:***

- What were the stakeholder impressions of mediation?
- How did parents feel about the process?
- Did parents feel like they had a voice and were respected?

### ***Mediation Outcome and Relationship to Satisfaction and Engagement:***

- What was the outcome of mediation?
- Was there a relationship/correlation between parent satisfaction and the mediation outcome?
- Was there a relationship/correlation between parent engagement and the mediation outcome?

### ***Case Outcomes:***

- Do mediated cases result in different case outcomes than non-mediated cases?
- Do mediated cases result in timelier permanency?

## *Method*

Phase III of the Mediation study included two distinct methodologies—one for the satisfaction survey, and one for the outcome assessment. For the satisfaction assessment, mediators provided parents and stakeholders an opportunity to complete a satisfaction survey at the conclusion of their mediation session. Mediators explained that the survey results were confidential and provided an envelope for respondents to seal their survey once complete. The surveys were collected for every mediation in which the parties were willing to complete it and then sent to the researchers for analysis. The outcome portion of this assessment included a continuation of the methodology that began in Phase II. That is, researchers re-examined the original cases that had been examined for this study in order to follow the cases to case closure. Cases were re-examined specifically to identify whether the case had closed, the date of case closure, and the case outcome.

## RESULTS

### *Sample Descriptive*

Analysis was conducted on both survey data and for the outcome assessment with IBM SPSS Statistics Version 19. Mediators distributed and collected surveys at 28 different sessions to parents and stakeholders after mediation. Survey data were collected from mediators, stakeholders, and parents. There were a total of 201 survey respondents (28 mediators, 139 stakeholders and 34 parents) who completed the survey and these were utilized for analysis. Outcomes were collected for 103 cases to determine differences between mediated and non-mediated cases. Of those 103 cases, 43.7% were mediated and 56.3% were not. (See Table 1 for additional demographic details.)

### *Demographic Information*

<b>Table 1 – Demographics</b>	
<b>Role in Mediation</b>	<b>Percent of Sample</b>
Mother	63.6
Father	33.3
Other	3.0
Attorney for mother	18.7
Attorney for father	9.4
AAG	18.7
Guardian <i>ad litem</i> /CASA	9.4
Agency Supervisor	7.2
Agency Caseworker	25.2
Attorney for guardian <i>ad litem</i>	7.2
Unknown role	4.3
<b>Race of Parent</b>	
<b>Race of Parent</b>	<b>Percent of Sample</b>
Caucasian	44.0
African American	29.4
Latino/Hispanic	17.6
Other	5.9
Asian	2.9
<b>Region</b>	
<b>Region</b>	<b>Percent of Sample</b>
Seattle, WA	90.8
Kent, WA	9.8

### *Topics Discussed during Mediation*

Mediation appeared to have provided an opportunity in which parents, attorneys, social workers, and other stakeholders could thoroughly discuss the matters of individual cases. The majority of cases thoroughly discussed the appropriateness of services provided to the parents, placement of the child, permanency plans, visitation terms, and appropriateness of services provided for the children. (See table

## RESULTS

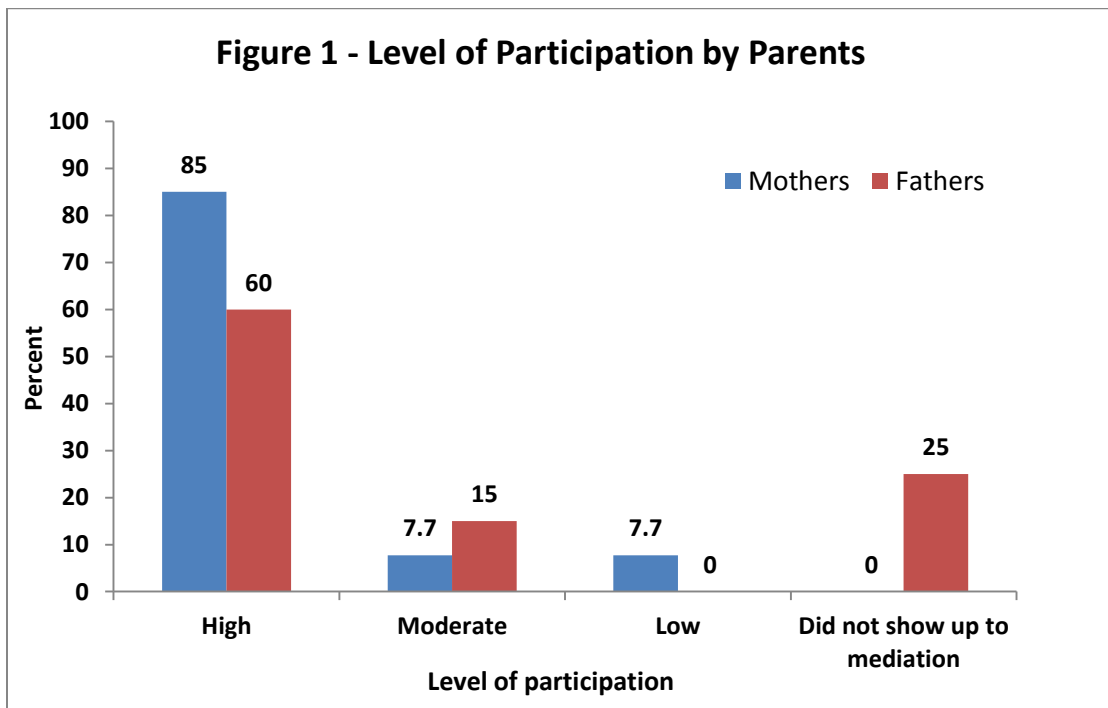
2 for further details on mediation discussion topics.)

The mediators who took part in this survey felt that almost 97% of the parties involved had sufficient information provided to them and that parties fully understood the mediation process. The mediators noted that almost 62% of parties fully participated in the process and that 62% of parents were adequately represented during mediation.

What was discussed during mediation?	Thoroughly discussed (%)	Some discussion (%)	Briefly mentioned (%)	Not at all discussed (%)
Appropriateness of services for parents	85.7	7.1	0	7.1
Child placement	81	18.5	0	0
Permanency plan	76	24	0	0
Visitation terms	70	11	11	7.4
Appropriateness of services for children	65	7.7	7.7	19.5

### *Parent Participation*

The majority of the mothers and fathers who attended participated in mediation at a high level; however, there was a significant percent of fathers who did not show up to mediation, when compared to mothers. (See figure 1.) In 87% of cases, all essential parties appeared for mediation, and in 13% they did not appear.





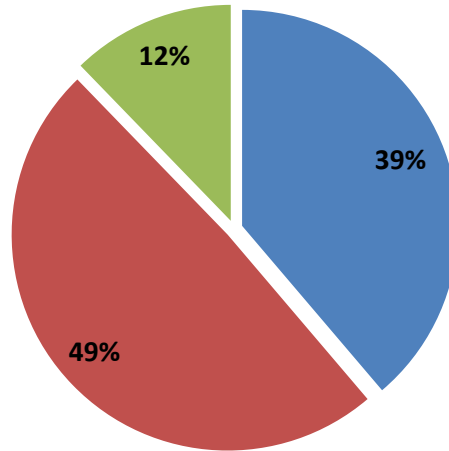
### Stakeholder Impressions

There was a general sense by stakeholders that mediation is a worthwhile venture based on those who participated in the survey. Almost 65% of stakeholders felt very prepared for the mediation, with less than 2% feeling not at all prepared. Stakeholders reported feeling more confident that others involved in the mediation were prepared, almost 74% answered they felt others were very prepared for mediation, with less than 1% not at all prepared. Sixty-two percent (62%) thought mediation was very useful in advocating for their clients position and 35% thought it was somewhat useful. (See table 3 for further details on stakeholder impressions.)

<b>Survey Statement</b>	<b>Strongly Agreed (%)</b>	<b>Agreed (%)</b>	<b>Neutral (%)</b>	<b>Disagreed (%)</b>	<b>Strongly Disagreed (%)</b>
“Mediation increased parental participation with case planning”	41.9	33.8	19.1	3.7	1.5
“Mediation improved the level of communication between me and my client”	29.1	32.8	26.9	6.7	4.5
“The client understands what they are supposed to do next”	35.3	39.8	20.3	2.3	2.3
“Everyone had an opportunity to speak and be heard”	68.6	28.5	0.7	0.7	1.5
“Mediation helped move the case forward”	42.3	28.5	22.6	2.9	3.6

**Figure 2 - How useful was mediation in solving the issues of the case?**

■ All of the issues   ■ Some of the issues   ■ None of the issues



### *Mediation Outcomes*

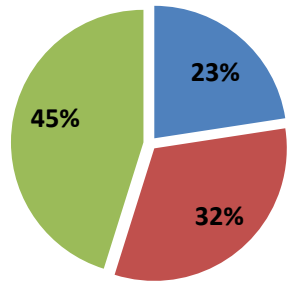
The majority of parties came to a full agreement with almost 77% of the parties reaching full or partial agreement. (See figure 5.) A promising result was change in conflict level by the end of mediation. Mediators were asked to evaluate the level of conflict before and after the session between parties. Before mediation began, more than half of the participants had either a high or moderate level of conflict. The difference in conflict level before and after mediation was calculated to evaluate if mediation was successful in lowering conflict levels. After mediation, there was a decrease in high level conflict cases by 85%, moderate level conflict increased by 19%, and low level conflict increased by 28.5%.<sup>1</sup> Figures 3 and 4 illustrate the level of conflict at both the beginning and the end of mediation.

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<sup>1</sup> It is possible that some of the parties moved from high to moderate or low or some parties went the other way, from low to moderate or high. It can only be assumed that parties moved from one level of conflict to another because this was not tracked in the survey.

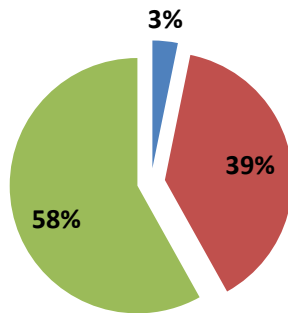
**Figure 3 - Level of conflict at the beginning of mediation**

■ High ■ Moderate ■ Low



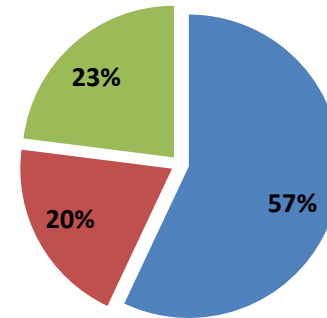
**Figure 4 - Level of conflict at the end of mediation**

■ High ■ Moderate ■ Low



**Figure 5 - Level of Agreement**

■ Full Agreement ■ Partial Agreement ■ No Agreement



### Process Satisfaction

Overall, there was general satisfaction with mediation; very few participants were not satisfied. The majority of parents were either very or somewhat satisfied with mediation, the process, and with court. (See table 4.)

Stakeholders had an even higher level of satisfaction with mediation and the process. (See table 4.) Sixteen percent of stakeholders felt they would have received a better outcome had they gone to court. The highest percentage of stakeholders who felt this way was among attorneys for mothers and fathers; both answered yes to this question at a rate of 27%.

<b>Table 4 - Process Satisfaction</b>			
<b>Mediation Satisfaction (Parents)</b>			
	<b>Very Satisfied (%)</b>	<b>Somewhat Satisfied (%)</b>	<b>Not at all Satisfied (%)</b>
Mediation Outcome	38.9	55.6	5.6
Mediation Process	22.9	71.4	5.7
Court	22.9	69.4	8.3
<b>Mediation Satisfaction (Stakeholders)</b>			
Mediation Outcome	57.9	33.6	8.6
Mediation Process	68.1	29.7	2.2

### Did Parents get a Voice?

An overwhelming majority of parents strongly agreed with the statement that mediation gave them an opportunity to speak. The majority of parents also felt that mediation helped them make a decision. In the statement “I understand what I am supposed to do next”, there was a bit more ambiguity with only 50% strongly agreeing and 22% stating they were neutral. Parents overwhelmingly said they felt they were treated with respect by the mediator during the process. Only one parent who participated in the survey disagreed with this statement, the rest either strongly agreed or agreed. (See table 5.)

<b>Table 5 – Did Parents have a Voice?</b>					
<b>Survey Statement</b>	<b>Strongly Agreed (%)</b>	<b>Agreed (%)</b>	<b>Neutral (%)</b>	<b>Disagreed (%)</b>	<b>Strongly Disagreed (%)</b>
“I had a chance to speak”	86.1	11.1	0.0	0.0	2.8
“Helped me make a decision”	61.8	26.5	8.8	0.0	2.9
“I understand what I am supposed to do next”	50.0	25.0	22.2	2.7	0.0
“All questions were answered”	44.1	41.2	8.8	0.0	5.9
“The mediator treated me with respect”	94.4	2.8	0.0	2.8	0.0

### *Needs of Parents and Services Offered*

Parents also felt strongly that attorneys and social workers were aware of their (parents) needs. Again there was some ambiguity about the statement “the services offered to me will help”, with only 35% strongly agreeing. (See table 6.)

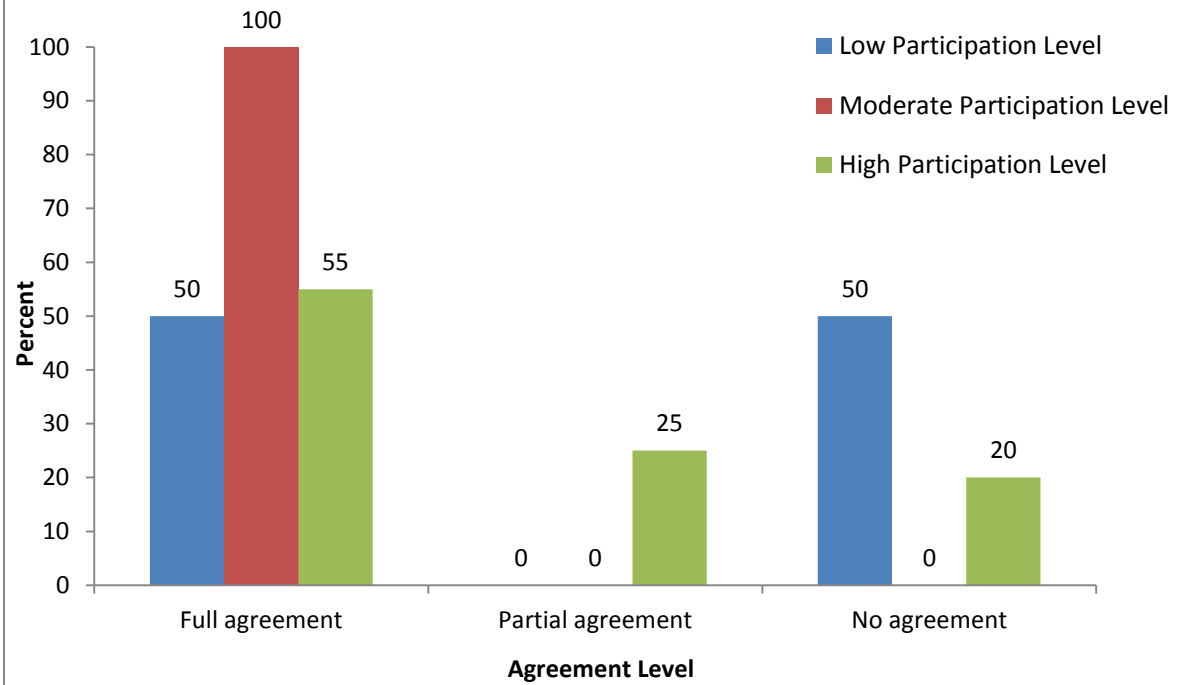
<b>Table 6 – Parents Needs and Services Offered</b>					
<b>Survey Statement</b>	<b>Strongly Agreed (%)</b>	<b>Agreed (%)</b>	<b>Neutral (%)</b>	<b>Disagreed (%)</b>	<b>Strongly Disagreed (%)</b>
“Attorneys and social workers are aware of my needs”	68.6	25.7	5.7	0.0	0.0
“The social worker is going to help me achieve my goals”	37.1	31.4	20.0	8.6	2.9
“The services offered to me will help”	35.2	26.5	26.5	11.8	0.0

### *Relationship/Correlation between Parent Engagement and the Mediation Outcome*

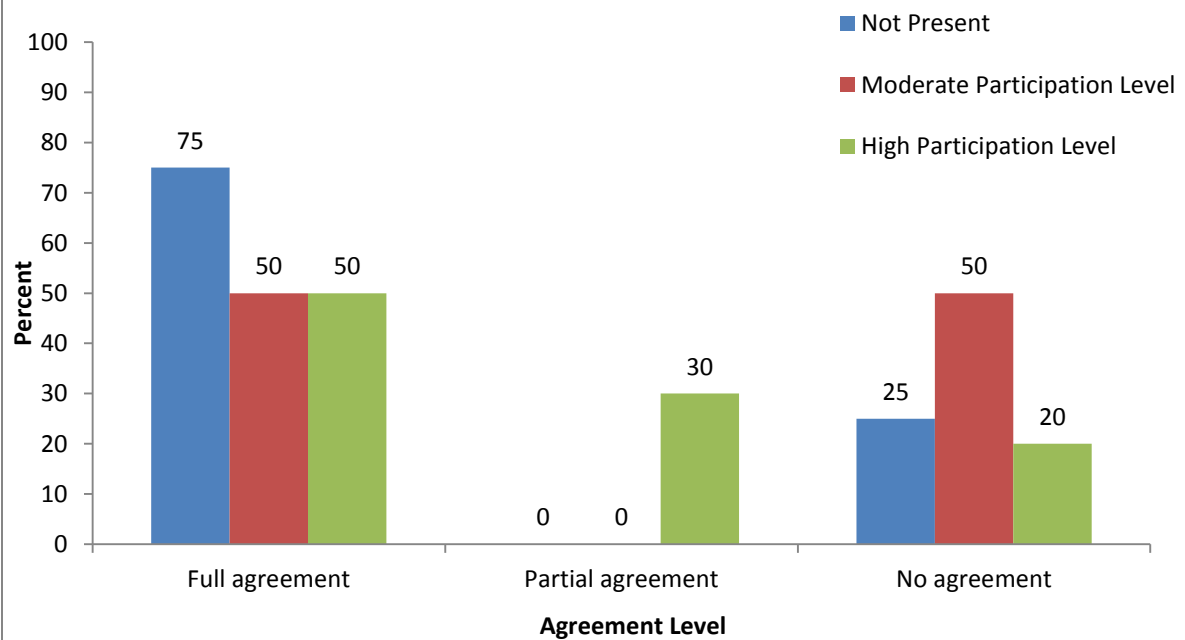
Mediators reported that mothers participated at a high rate in 85% of the sample and fathers in 60% of the sample. There did not appear to be a significant relationship between participation level and mediation outcome (i.e. full, partial or no agreement). (See table 7 and figures 6 - 7.)

<b>Table 7 – Relationship between Parent Engagement and Mediation Outcome (Stratified)</b>			
<b>Participation level (% who participated at this level)</b>	<b>Full Agreement (%)</b>	<b>Partial Agreement (%)</b>	<b>No Agreement (%)</b>
Mother – High ( 85)	55	25	20
Mother – Moderate (7.7)	100	0	0
Mother – Low (7.7)	50	0	50
Father – High (60)	50	30	20
Fathers – Moderate (15)	50	0	50
Fathers – Not present (25)	75	0	25

**Figure 6 - Relationship between mother's engagement and mediation outcome**



**Figure 7 - Relationship between father's level of engagement and mediation outcome**



*Relationship/Correlation between Parent Satisfaction and the Mediation Outcome*

The majority of survey respondents reached a full agreement, and they were all either very or somewhat satisfied with the mediation process. The majority of respondents were either very or somewhat satisfied with mediation, even in cases where no agreement was reached. (See table 8.)

<b>Table 8 – Relationship between Satisfaction and Mediation Outcome (Stratified)</b>			
<b>Agreement level (% who reached this level)</b>	<b>Very Satisfied (%)</b>	<b>Somewhat Satisfied (%)</b>	<b>Not at all Satisfied (%)</b>
Full Agreement (60.9)	50.0	50.0	0.0
Partial Agreement (26.1)	16.7	50.0	33.3
No Agreement (13)	33.3	66.6	0.0

**Case Outcomes**

In addition to examining satisfaction with the mediation process, Phase III examines differences in case outcomes, comparing mediated and non-mediated cases. Researchers re-examined the cases from Phase II to identify whether the case had closed (by February 2013), and, if so, the outcome of the case. The sample was the same as identified in Phase II, with approximately 44% mediated cases and 56% not mediated. Of the mediated cases, 53.8% reached full agreement, 12.8% reached agreement prior to mediation, 17.9% reached a partial agreement, and 15.4% had no agreement.

Of the 103 cases reviewed, 70 (67%) had closed at the time of data collection. Case outcomes for the closed cases were primarily reunification (46%), dismissal of petition (21%), termination of parental rights and adoption (17%), guardianship (7%), aging out (7%), or placement with a relative (1%). (See table 9.) Time to case closure from petition filing averaged approximately 15 months (448 days), with a range of 4 days to 1,035 days.

<b>Table 9 – Case Outcome for Mediated versus Non-Mediated Cases</b>		
<b>Case Outcome</b>	<b>Mediated Cases (% within case outcome, n)</b>	<b>Non-mediated Cases (% within case outcome, n)</b>
Reunification with charged parent	60% (18)	40% (13)
Placement with non-charged parent	100% (1)	0% (0)
TPR	50% (6)	50% (6)
Relative Placement	0.0% (0)	100% (1)
Guardianship with non-relative	60% (3)	40% (2)
Aged Out	0.0% (0)	100% (5)
Dismissed	10% (2)	90% (13)

### *Dismissal<sup>2</sup>*

Approximately 21% of the closed cases included in this sample were coded as dismissed. Researchers coded cases as dismissed if the child welfare agency dismissed the court case prior to adjudication. Therefore, dismissed cases may have been less likely to be open long enough to be referred to mediation. Non-mediated cases were 4.83 times more likely to result in case dismissal (C.I. 1.19-30.75,  $p=0.017$ )<sup>3</sup>. Dismissals accounted for approximately 32% of all the non-mediated cases and approximately 7% of all the mediated cases.

### *Reunification*

Mediated cases resulted in reunification for 60% of the closed cases, while non-mediated cases resulted in reunification in 32% of the closed cases. Mediated cases were 1.84 times more likely (or an 84% increased chance) to be reunified compared to cases that were not mediated (C.I. 1.08–3.14,  $p = 0.04$ )<sup>3</sup>.

### *Termination of Parental Rights*

There was not a statistically significant difference between mediated cases and non-mediated cases in terms of termination of parental rights (TPR) and adoption. There were exactly six mediated and six non-mediated cases that resulted in TPR/adoption (see table 9). This made it difficult to determine statistical differences between the two groups or any potential effect that mediation could have had for this outcome. In order to demonstrate an association, further research is needed with a larger number of TPR/adoption outcomes in order to establish any effect from mediation for this specific outcome.

### *Timelier Permanency*

Mediated cases tended to be longer in terms of time to case closure. Mediated cases took an average of 567 days from the filing of the original dependency petition to case closure; whereas, non-mediated cases took an average of 346 days. Researchers anticipated that this difference might be due to the large number of dismissals in the non-mediated samples, as dismissals typically occur early in the case. Therefore, time to case closure was re-examined, excluding the dismissed cases. When dismissals were removed from analysis, there was no difference in time to case closure for mediated versus non-mediated cases (567 days versus 496 days, not statistically significant). Results from Phase I demonstrated that cases referred to mediation result in more services being offered to mothers. If parents have to complete more services, this would possibly explain why mediated cases take longer from time of petition to closure.

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<sup>2</sup> Outcomes between mediated and non-mediated cases were only compared for the most likely outcomes (i.e., reunification, dismissal and TPR/Adoption) as the sample size was insufficient to examine other outcome types.

<sup>3</sup> Crude Relative Risk not adjusted for other variables.



## DISCUSSION

The survey from Phase III showed that an overwhelming majority of parents strongly agreed with the statement that mediation gave them an opportunity to speak in an environment where they felt respected. This is what makes mediation so important to parents, because so many times during the dependency process parents feel they cannot tell their side of the story. This may have also contributed to the large percentage of parents who participated at a high level, especially mothers.

Stakeholders also had a positive experience with mediations with the majority agreeing that mediation increased parental participation with case planning and that it was useful for advocating for their client's position. The majority of stakeholders also agreed that mediation gave them a more complete understanding of the family's needs. Stakeholders also agreed that everyone had the chance to speak. It is encouraging that stakeholders generally feel positive about mediation as this will help the King County Mediation program continue to be successful.

Eighty-six percent of mediated cases ended with either all or some of their issues being resolved (38% and 48%, respectively). In addition, 77% of cases reached either full or partial agreement by the end of the session (57% and 20%, respectively). There also appeared to be conflict resolution by the end of mediation with the percent of high level conflict cases reducing from 22.6 to 3.2%. Another positive finding from this research was that mediated cases were more likely to be reunified when compared to non-mediated cases.

The limitations to the study include self-reported data, convenience sampling for mediated cases, and small sample size for testing hypothesis. As with any study that relies on self-administered questionnaires a limitation is self-reported data and validity of the data collected. Surveys are much less expensive as compared with one-on-one interviews and if privacy is ensured then this can enhance the validity of the responses; however, there is a potential bias that may be introduced to a study that relies on self-reported data. It may be possible that those who were *more likely* to participate completed a survey because they were satisfied with the mediation process or those who were *less likely* to participate did not complete a survey because they were unhappy about mediation<sup>4</sup>. While this is a known concern with survey data, attempts were made to mitigate these concerns by telling participants that their responses

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<sup>4</sup> This could bias results towards or away from the null or in other words, results could be misleading because they show an association when in reality no association exists or do not show an association when one does exist; the association or lack of is due to bias.

would not affect their case in any way and ensuring confidentiality of responses by providing envelopes.

The mediated cases were selected from the first 25 cases from a list provided to NCJFCJ researchers and were not randomly selected. This may introduce bias into the study results as they may not be truly representative. Therefore the results of this study are limited by those cases that were selected from the list and cannot be generalized to other populations.

Researchers were limited with time and resources and therefore were limited to a smaller sample size. When interpreting results from a study with a small sample size, one has to be particularly cautious. Larger sample sizes can help produce smaller standard errors and better estimates of the effect of interventions. However, smaller sample sizes are more convenient, less expensive, and take a shorter time to complete.

The results from the assessments from Phases I through III of the Mediation Pilot Program in King County Washington have demonstrated successes in terms of improving its juvenile dependency system. The assessments of the program from Phases I - III have demonstrated that mediation improves timeliness, reduces workload, offers more services to mothers, mediated cases are more likely to reach an agreement, less likely for children to be placed in foster care, offers parents a place to be heard, and more likely to be reunified. Stakeholders and parents were satisfied with mediation and the majority of mediated cases ended in either partial or full agreement. Further, mediated cases result in reunification more often than non-mediated cases.