

An Evaluation of

**Mediation**

and the Oregon Parenting Time Opportunities for Children Grant

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Lanae Davis, MPA

Jessica Pearson, PhD

Lauren Alessi, MA

Nancy Thoennes, PhD

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## Executive Summary

Under a Parenting Time Opportunities for Children (PTOC) grant from the federal Office of Child Support Enforcement (OCSE), the Oregon Department of Justice engaged 20 mediators throughout the state to provide free mediation services to parents served by the child support agency. All of those served lacked a parenting time order and were interested in developing one. Domestic violence awareness and safety planning were key themes in the PTOC awards. Through the PTOC grant, mediators received training on domestic violence and the child support agency stressed that, as one brochure said, “mediation is not a safe choice for everyone.” Mediators were also encouraged to use Safety-Focused Parenting Plans as needed.

Typically, noncustodial parents (NCPs) who were establishing a child support order, and expressed an interest in developing a plan spelling out when the children would spend time with each parent, were given referrals to PTOC mediators by the child support workers. Attempts to engage the other parent in mediation occurred in a variety of ways. In some instances, the parent who first heard about the mediation option would reach out to his/her co-parent to discuss mediating. Alternatively, mediators would collect information on the other parent and attempt to contact this parent to determine if she or he would be willing to mediate. If contact information was not available or the attempts to call were not successful, the child support office would send a letter to the custodial parent, explaining the project and noting the noncustodial parent was interested in mediation (this was known as a “Pass Through” letter). Despite the difficulties sometimes encountered in obtaining contact information, ultimately 80 percent of the mediators reported they were “often” able to contact the noncustodial parent, and just over 70 percent said they were “often” able to contact the custodial parent.

Between May 2014 and September 2015, 1,047 cases were referred to mediators by child support workers, mediators had contact with at least one parent in approximately 373 cases, and mediation occurred in 130 cases.

### The Evaluation

The evaluation of PTOC was conducted by the Center for Policy Research (CPR) of Denver, Colorado. The evaluation involved the generation and analysis of information from a variety of sources: data forms completed by mediators for each case in which at least one parent appeared for mediation (n=317), surveys completed by parents at the time of their initial mediation session (n=185), telephone interviews conducted with parents about their mediation experiences (n=25), and a data extract generated from the automated child support system for all cases where parents generated parenting plans either through mediation (n=118) or on their own (n=255). In addition, CPR developed, administered, and analyzed online surveys about PTOC for mediators (n=15) and child support case managers (n=191), and conducted focus groups and interviews with representatives of both groups.

### Key Findings

#### It Proved Difficult to Provide Services

- **It is difficult to engage parents with new child support cases in free, voluntary, community-based mediation services.** Between May 2014 and September 2015, child support workers identified 1,047 child support cases involving new order establishment where at least one parent was interested in developing a parenting plan, spelling out when the children would spend time with each parent. Parents in these cases were offered free mediation services through the PTOC project. Based on records maintained by the 15 community and court-based mediators affiliated with the project, at least one parent in 32 percent of these cases (n=332), followed up

on the referral they received from the child support worker and contacted a mediator. Ultimately, mediation was attempted in 130 cases, which comprises only 12 percent of the 1,047 cases where a parent expressed interest in developing a parenting plan.

- **Parents in new child support cases are hard to contact and schedule for mediation.** Mediation did not occur in 60 percent of the cases where mediators actively attempted to reach out to parents and schedule a session (n=202). Mediators report that the chief reason mediation did not occur was because one or both parents could not be contacted (31%), and the lack of good contact information was a challenge cited by most mediators in an online survey. In some cases, neither the noncustodial parent nor the mediator could contact the custodial parent and the outreach to determine interest in mediation could only be done via a letter from the child support agency, which was rarely effective in eliciting a response. Among cases where the mediator contacted both parties, 48 percent participated in mediation.
- **Failure to appear for mediation was a problem.** According to mediators, other reasons why mediation did not occur included parents choosing not to proceed (23%), and mothers (8%), fathers (3%), or both parents (2%) failing to appear. In general, mediators and child support workers viewed noncustodial parents as more interested in mediating than custodial parents and most child support workers (76%) viewed disinterest by the custodial parent as the key reason why mediation was not tried more often.

#### **The Characteristics of Parents Who Participated Posed Some Special Challenges**

- **PTOC provided mediation services for parents who were low-income and unmarried but fairly engaged with their nonresident children.** Most parents who mediated were never married (81%-84%), had either a GED or high school diploma (35%-36%), and annual earnings of \$20,000 or less for mothers (85%) or \$30,000 or less for fathers (72%). Nevertheless, a majority reported cohabitation with the other parent (68%-81%), and residential proximity of 30 miles or less (67%-71%). Nearly half of fathers (45%) and 37 percent of custodial mothers reported the nonresident father had at least weekly contact with their children. Noncontact, however, was a serious problem and 28 percent of noncustodial fathers and 15 percent of custodial mothers said the nonresident father had not seen his children in the past six months.
- **Mediators view parents in child support cases as more difficult to serve in some respects, but comparable in others.** Compared with divorcing parents, mediators find parents in child support cases harder to contact and harder to engage and schedule for mediation. In their view, a chief barrier to mediation is the unwillingness of custodial parents to “work with the other parent.” It is also more difficult to get their parenting time orders filed with the court. To make their parenting time orders legally enforceable, parents in the child support system must pursue a separate legal filing with the family court. At least 60 percent of mediators said PTOC cases were no different than most of the cases they handle with respect to conflicts over child support, domestic violence, and mental health issues.
- **Safety is an issue for many parents in child support cases, but is not an overwhelming barrier to mediation.** Nearly a third (31%) of mothers contacted by the mediators mentioned concerns about safety, but safety concerns were reasons for not mediating in only 11 percent of the cases, and another 5 percent were not mediated because of active restraining orders. More to the point, most mediators said that PTOC cases were no different from other cases they handle with respect to domestic violence. And among those who developed a parenting plan, 72 percent had a basic plan and only 9 percent opted for a safety-focused plan.

### Mediation Was Effective When Used

- **Parents who mediated wanted to discuss the amount of time the nonresident parent spent with the children.** Mediators reported that noncustodial parents wanted to address not being allowed to see the child(ren), wanting more time with them, and the poor relationship between the parents. Custodial parents wanted to address disagreements over how much time the nonresident parent should have with the children, concerns about the child's safety, and the noncustodial parent not showing up as planned.
- **Mediation is an effective way to produce a parenting plan among parents in the child support caseload who try it.** Ultimately, parents in 130 cases attempted to mediate and 91 reached a full (56%) or partial (19%) agreement. This translates into an agreement rate of 75 percent which is the industry average, and comparable to agreement rates reached with divorcing couples and populations drawn from the non-child support caseload. Most mediation agreements (72%) called for basic parenting plans, 9 percent were safety-focused plans, 9 percent were long-distance plans, and 10 percent involved other factors such as reintroducing the noncustodial parent to the lives of the children.
- **Some parents planned to file their parenting plans with the court while others wanted to keep them informal.** Parents were evenly divided between those who planned to file their agreements with the court (43%) and those who planned to keep them as informal agreements (47%). To create a legally enforceable parenting time plan, unmarried parents must file a custody/visitation petition with the family court and pay a \$260 filing fee, or apply for a fee waiver if they are at 100 percent of the Federal Poverty Level.
- **Most mediated parenting plans resulted in greater amounts of parent-child contact.** Based on mediator reports, most custodial mothers (72%) and most noncustodial fathers (72%) would describe their mediated agreement as increasing the amount of time the nonresidential parent would be scheduled to spend with the child either "a lot" or "a little." Visitation terms in agreements varied with a third calling for no overnights and 29 percent calling for nine or more overnights per month.
- **In about a quarter of the cases, mediators referred parents for other services.** In the minority of cases (n=63) for which mediators made service referrals, they most commonly dealt with domestic violence (n=22) or supervised visitation (n=20). Mediators reported making no service referrals in 89 cases.

### Payment of Child Support Was Similar for Cases that Mediated and Those that Did Not

- **There were no differences in payment patterns among new order establishments based on participation in mediation.** Among cases referred to mediation prior to the establishment of a child support order, the average amount of the obligation paid at each time point (6-months, 12-months, 18-months, and 24-months post mediation referral) was in the range of 40 to 50 percent. There were no differences between those establishing a parenting plan in mediation and those establishing a parenting time plan in another manner.
- **There were no differences in payment patterns among existing order cases based on participation in mediation.** There were also no differences between cases with parenting plans established in mediation versus some other setting, when the analysis is restricted to those cases referred to mediation with a child support order in place. Among these cases, the average percent of the obligation that was paid ranged from 20 to 26 percent at each time point.
- **Interviewed parents attributed non-payment of child support to financial considerations as well as parenting time.** The reasons for non-payment of child support given by interviewed parents included disagreements about

parenting time and visitation denial as well as belief that order levels were too high, having another family to support, and being unemployed. Financial considerations were more prevalent among those who mediated. Conversely, those who did not mediate were more apt to attribute non-payment to disagreements about parenting time and not being allowed to see the children. While mediation can reduce the incidence of parenting time problems, it does not address the economic barriers to payment that many low-income obligors face.

### **Child Support Workers Saw the Value of Offering Parenting Time Services**

- **Child support workers agree that parenting time is an important issue for most noncustodial parents that usually goes unaddressed or is discussed only briefly.** Virtually all surveyed child support workers said noncustodial parents sometimes (41%) or often (52%) complain about not being allowed to see their children, and 52 percent said parents seldom had a parenting plan in place when they were establishing a child support order. At the same time, most child support workers only address this issue if it was raised by the parent. Fewer than half (40%) of workers reported they “often” asked the noncustodial parent about parenting time if it was not mentioned, an identical 40 percent said that a “major reason” why workers did not discuss mediation was because they simply forgot to do so. Finally, when parenting time was discussed, workers estimated that they spent an average of only 6.8 to 7.5 minutes talking about it with custodial and noncustodial parents, respectively.
- **Child support workers supported agency involvement with parenting time but did not always perform as requested and expressed some concerns.** Half of surveyed child support workers (52%) said they “often” mentioned mediation to parents who lacked a parenting plan and 30 percent said they “sometimes” did. Nearly half (40%) said a “major reason” why workers neglected to mention mediation more often was simply because they would forget to bring it up, rather than feeling they lacked the time (12%) or it was too much additional work (16%). Although a third of the workers said child support should “definitely” (36%) or “probably” (40%) be involved with establishing parenting plans, similar proportions felt it delayed the establishment of a child support order.
- **Child support workers strongly support a few recommendations to improve PTOC and help parents with parenting time but they do not expand the duties of child support workers.** The suggestions to improve PTOC that attract most support from more than half of surveyed child support workers were having a simple parenting plan on the Department of Justice website that parents could use (69%), having a telephone hotline or help number that they could call if they had questions about parenting time or needed assistance with a plan (97%), and having someone at the court with whom they could discuss their parenting plan (56%). Far fewer workers favored the development of materials about parenting time that they would distribute to parents (40%) or the engagement of a mediator at the child support agency to help parents with parenting time agreements (39%).

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## **Introduction to the PTOC Program**

### **Introducing Parenting Time into Child Support Programs**

The Obama administration's FY 2012-FY 2014 budget proposals (which included a requirement to establish access and visitation responsibilities in all initial child support orders and provided funding to accomplish this), reflect the disparity in the treatment of parenting time for divorcing parents and never-married parents in the child support system. Since existing paternity statutes are not explicit on the process for establishing visitation for unwed, noncustodial parents, in most states a noncustodial parent of an out-of-wedlock child seeking to gain parental rights and parenting time must pay a substantial filing fee and complete a separate legal filing with another court that is independent of the court or authority that established his child support order. At that point, the court will decide on whether to grant visitation to the noncustodial parent based on the best interests of the child. Some states require that, in addition to establishing paternity, unwed fathers must establish some measure of involvement in a child's life to have their parental rights protected. As a result, most parents of out-of-wedlock children in the child support system lack legal parenting time, and the child support caseload is increasingly comprised of these types of children and their parents.

In 2012, the Federal Office of Child Support Enforcement made "Parenting Time Opportunities for Children" (PTOC) grant awards to five states. The grants were intended to:

...improve the financial and emotional support of children in the child support system by increasing safe opportunities for them to build relationships with both parents. The parenting time grants focus on providing opportunities to create formal parenting time arrangements at the point of child support order establishment.<sup>1</sup>

Requirements of the awards included:

- Assuring that the strategies introduced to generate parenting time orders are appropriate within the state's child support program structure and process;
- Coordinating activities under the grant with the state access and visitation program;
- And ensuring that effective family violence safeguards were incorporated into all grant activities.

Oregon received one of the PTOC grants and proposed to use two approaches to ensuring child support cases are afforded the opportunity to create a parenting time plan.

- 1.** One approach was the development of an interactive web-based program that parents could use to generate a parenting plan.

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<sup>1</sup> Discretionary Grants for Parenting Time Opportunities for Children in the Child Support Program. Child Support Fact Sheet Series Number 14. Office of Child Support Enforcement Administration for Children & Families U.S. Department of Health and Human Services.

2. The second approach, the subject of this evaluation, was the creation of a network of mediators who would provide never-married, low-income parents the chance to mediate an agreement. The project was housed with Oregon's child support system.

### Oregon's Child Support System

In Oregon, incorporating the generation of parenting time orders into the state's child support program is a complex matter. County District Attorneys (DA) establish and enforce child support cases for unmarried parents who have never received public assistance. To have a case opened by the district attorney, a parent must pursue child support on his or her own and self-refer to the DA's office. The DA also handles cases referred by the court and divorcing parties.

Per the Multnomah County Deputy District Attorney, approximately 80 percent of the child support caseload involves divorce cases and 20 percent involves never-married parents. DAs rarely have face-to-face contact with child support clients; most casework is done over the telephone. There are 25 DA offices located throughout the state that handle child support caseloads. In the other 11 counties, the Oregon Department of Justice Division of Child Support handles the child support cases.

The Division of Child Support (DCS) handles child support establishment and enforcement for current and former TANF and Medicaid cases through 12 offices statewide. DCS establishes orders in an agency setting, and orders are promulgated by administrative law judges. Under this arrangement, child support orders that are established administratively have the full force and effect of a judicial order. Keeping most Oregon child support orders out of the court was viewed as a faster and simpler approach and a way to comply with federal time frames for order establishment. It was also viewed to pursue child support in domestic violence cases without needing to address parenting time.

Although an agreed-upon parenting plan, that is signed by both parties, can be used in the calculation of the child support obligation (with a credit against the obligation amount for parenting time), they are not legally enforceable until, or unless, they are filed with a judicial legal action. This means that never-married parents in the child support caseload (or married parents who do not pursue a divorce) must file a legal action with the court to get a court-enforced parenting plan.

When establishing child support orders, most DCS staff focus on locating noncustodial parents in cases referred by the TANF or Medicaid agency. Approximately 75 percent of new cases require location activities. Once located, workers attempt to telephone both parents to complete the child support guideline calculation, which in some offices involves asking about parenting time.

As of July 2013, Oregon's child support guidelines offer a graduated credit for all levels of parenting time. Low levels of parenting time result in lower parenting time credits based on the expectation that the noncustodial parent incurs fewer fixed, duplicated expenses like housing, and that the expenses of the parent with greater parenting time do not significantly decrease. Higher levels of parenting time increase the likelihood that the parents will incur fixed, duplicated expenses and the parenting time credit is accordingly higher. This parenting time law replaces a previous law that only granted credit for parenting time that exceeded 25 percent. Child support

The Safety Focused Parenting Time Guide is available for parents with any safety concerns about the other parent...The safety-focused plan has three different parenting options. Option one calls for supervised parenting time or zero parenting time...Option two is for those who feel the child can spend limited, unsupervised time with the other parent, with no overnights. Option three is for those who think the child is safe with the other parent, but the other parent poses a danger to the custodial parent and offers overnight parenting time with public exchanges.

The Oregon Department of Human Services offers an eight-hour course (Domestic Violence 101) for mediators and public sector employees. It covers types of abuse, warning signs of abusive behaviors, ways to support survivors, and services available through community providers.

credit in their order when they object to the proposed order, and produce a parenting-time plan signed by the parents. DCS does most of its order establishment work by mail and telephone without face-to-face contact. And, because most child support orders are set by default, in-person participation for these families is the exception.

workers reported that the 25 percent rule had led to tensions between the parents as the noncustodial parent sometimes tried to get overnights above or beyond the 25 percent limit, and few parents (estimated as under 10%) had a parenting plan. Under both guideline laws, the noncustodial parent is given zero overnights in the guideline calculation unless the parents provide a written, signed parenting time agreement or a judicial order.

Following location of the parties and investigation of their earnings using online income information, parties are served with a 40 to 45-page proposed child support order, usually by mail, and given written instructions to call or visit the child support office if they object to the order. Parents typically receive a parenting time

## Overview of the PTOC Mediation Program Operations

### Mediator Selection and Training

To implement PTOC, the Oregon Department of Justice released a Request for Proposals to engage mediators throughout the state as independent contractors and participate in PTOC. Although only 13 mediators applied for the post, another 7 were engaged through the Multnomah County mediation program, and ultimately 20 mediators throughout Oregon were available to provide free mediation services to parents through PTOC. Although it was hoped that residents in every county in Oregon would have access to a mediator, 12 counties in Oregon lacked mediation coverage through the grant. To achieve statewide coverage, several mediators agreed to serve residents of other counties and most mediators provided services using both in-person and telephone formats.

### Mediation and Domestic Violence

Oregon has a long-standing commitment both to mediation and the prevention of domestic violence. Pursuant to a Task Force on Family Law created by the State Legislature in 1993, Oregon created a State Family Law Advisory Committee (SFLAC) to develop a non-adversarial system for Oregon families undergoing divorce. The SFLAC and its subcommittees focused on a variety of

reform issues including mediation, parenting plan outreach, and domestic violence. In 2000, SFLAC developed a comprehensive, fill-in-the-blank parenting plan intended to be useful for divorced and never-married child support populations. In 2002, it developed a Safety Plan for families where safety is a concern, translating the forms into Spanish as well. The plans have been revised eight times since their initial development and are available on the Judicial Department website for use by parents, attorneys, and mediators.

The Basic Parenting Plan Guide includes sample schedules for children in various age ranges (e.g., birth to 1 year, 1 to 3 years, 6 to 12 years, and 13 to 18 years), and for when children live more than 60 miles away from one parent. The guide has a detailed, 11-page section for parents to write in their plan. In addition to a parenting time schedule, the plan asks parents to decide on issues including, but not limited to, custody, exchanges, communication between parents and children, parent-to-parent communication, future moves by a parent, and make-up parenting time.

The Safety Focused Parenting Time Guide is available for parents with any safety concerns about the other parent. Parents are given a list of 13 questions to help them decide whether to use a safety-focused parenting plan. The safety-focused plan has three different parenting options. Option one calls for supervised parenting time or zero overnight parenting time for a parent who does not want their children alone with the other parent. Option two is for those who feel the child can spend limited, unsupervised time with the other parent, with no overnights. Option three is for those who think the child is safe with the other parent, but the other parent poses a danger to the custodial parent and offers overnight parenting time with public exchanges.

In addition to these general resources dealing with parenting time and domestic violence, Oregon mediators receive extensive training on domestic violence. The Oregon Department of Human Services offers an eight-hour course (Domestic Violence 101) for mediators and public sector employees. It covers types of abuse, warning signs of abusive behaviors, ways to support survivors, and services available through community providers. In addition, Oregon's Family Violence Coordinating Counsel developed an evidence-based, 20-item screening tool known as the Domestic Violence Screen for Mediators Questionnaire (DVSM) that PTOC project mediators were required to administer to all potential mediation candidates. Based on the questionnaire results, mediators were required to have a conversation with the participants about safety, refer them to a domestic violence service agency if safety was a concern, develop a safety plan, and/or to consider the possibility that mediation may not be appropriate. The completed DVSM Questionnaire was confidential and did not go in the mediation file for PTOC project participants. Hence, it was not available to project evaluators.

The safe conduct of mediation, and the development of parenting plans that enhance safety, were clear priorities for the Oregon Child Support Program. For example, in its brochure, *Making Plans for Parenting Time*, there is a text block addressing those who might be worried about safety in mediation. Parents with these concerns are informed that "mediation is not a safe choice for everyone," and told about an online flyer called "Your Safety and Mediation." In another text block dealing with worries about the children's safety with the other parent, users are referred to the Safety-Focused Parenting Plans available on the Judicial Department's website.

### Ongoing Training

Following the initial training session, PTOC project organizers continued to convene mediators on a quarterly basis to discuss various aspects of the project, including the referral process, working with the child support population, and completing the paperwork and data collection needed for the program evaluation.

PTOC managers worked with child support case managers as well. On October 28, 2013, they provided procedural training to case managers via a webinar. This training focused on how case managers should note on the computerized child support system key tracking items for the project: parental interest in parenting time, the process of referring parents to a mediator, and the production of a parenting plan either through mediation or by the parents on their own. To remind case managers to ask parents about parenting time and provide a mediation referral to interested parents, project managers orchestrated competitions across child support offices and offered rewards for offices with strong levels of referral activity.

Finally, the Oregon Department of Justice prepared relevant brochures, fliers, and posters about PTOC which they distributed to DCS and DHS offices throughout the state. The brochure offers brief explanations of parenting plans and their benefits, mediation, and what to do if safety is an issue. Program architects also participated in regular peer-to-peer conference calls with administrators and evaluators for the four other sites awarded PTOC grants to maximize cross-site learning from all five sites and strengthen the individual, site-specific evaluations being conducted.

Mediation began in May 2014 and continued through September 2015.

### Identifying Parents in Need of a Parenting Time Plan

The PTOC Mediation Program was designed to facilitate the establishment of safe parenting time plans by engaging Oregon child support case managers in making routine inquiries about parenting time arrangements among noncustodial parents who were establishing child support orders. In addition, case managers were instructed to ask parents who lacked a parenting time agreement if they wanted one. Finally, case managers gave parents who expressed an interest in parenting time the name and phone number of a mediator in their geographic area who would provide mediation services to interested parents at no cost to families. In addition to mediators, case managers could refer parents to online parenting plans. (The development and use of interactive parenting plans will be discussed in a separate evaluation report.) Information about the availability of free resources to help parents develop a parenting plan was included in mailings to parents in new child support cases.

### Scheduling Mediation

The child support case manager's responsibilities regarding parenting time ended with the above-noted preliminary inquiry and referral. It was up to the parent to contact the mediator identified by the case manager within 10 business days for the child support order establishment process to be held in abeyance while mediation was conducted. If the parent took the next step and called the mediator, the mediator would ask for contact information for the other parent. In some

instances, the parent would reach out to his/her co-parent to discuss the mediation option, but mediators often collected the information and attempted to contact the other parent themselves to determine if she or he would be willing to mediate. If contact information was not available, or the attempts to call were not successful, the child support office would send a letter to the custodial parent, explaining the project and noting the noncustodial parent was interested in mediation (this was known in the Program as a “Pass Through” letter).

After parents were contacted, the mediator notified the child support office that mediation was planned and the child support case worker would suspend further action on establishing a child support order for 30 days to allow parents time to mediate their parenting plan. Additional time allowances were made for those who needed it.

If the mediation resulted in a parenting plan, the parent sent a copy of the formal parenting plan to the DCS for statistical and evaluation purposes. No PTOC grant resources were available to assist families in filing a plan with the court, and it was up to parents to take the next step<sup>2</sup>. Thus, it was the parent’s responsibility to file it with the court for its formal promulgation as an enforceable order, or forego a court filing and keep it as a “psychological” agreement between the parties with no formal legal standing.

Regardless of the formal legal status of the parenting plan, the number of overnights the plan called for was used by the child support agency to establish the parenting time credit in the Oregon Child Support Guideline.

It was up to the parent to contact the mediator...If the noncustodial parent took the next step and called the mediator, the mediator would ask him for contact information for the other parent. In some instances, the parent would reach out to his/her co-parent to discuss the mediation option, but mediators often collected the information and attempted to contact the other parent themselves to determine if she or he would be willing to mediate. If contact information was not available, or the attempts to call were not successful, the child support office would send a letter to the custodial parent, explaining the project and noting the noncustodial parent was interested in mediation (this was known in the Program as a “Pass Through” letter).

### Families Served

Over a 17-month period, from May 2014-September 2015, child support workers referred 1,047 parents who were interested in developing a parenting plan, either to mediation or the online parenting plans available on the Judicial Department website. Mediators completed data forms for 332 cases where at least one parent contacted them and expressed an interest in attempting to mediate. This comprised less than a third (31.7%) of the cases flagged by child support workers as being interested in developing a parenting plan. Since the extract from the child support system shows 373 cases were referred to

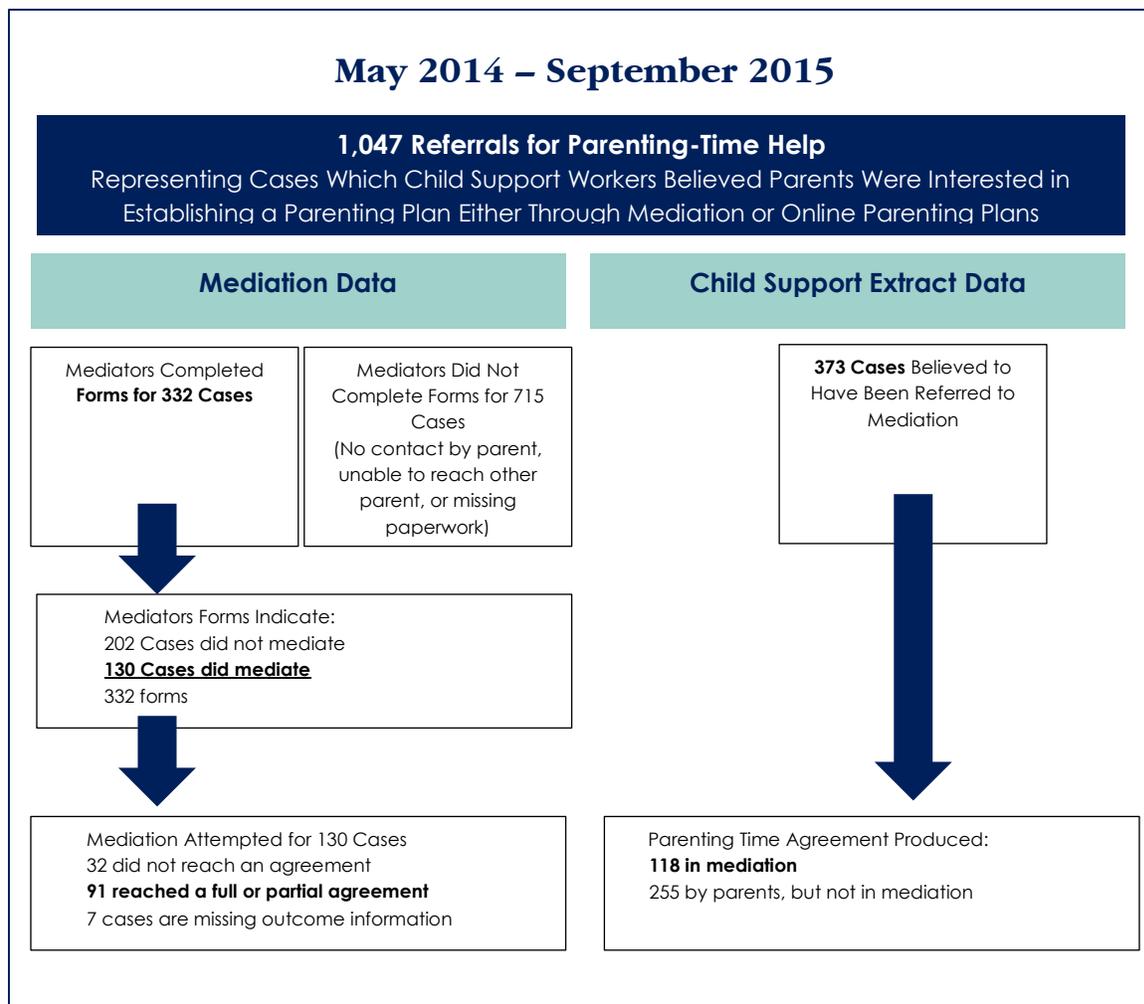
mediation, it is likely the mediator did not complete appropriate paperwork in 41 cases. However,

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<sup>2</sup> In Multnomah County, the Parental Access and Visitation Mediation Program, funded by the federal Access and Visitation grant program, helped low-income parents with child support orders but no parenting plan to mediate a plan. Through this program assistance in filing court documents was offered.

of far greater import were the parents in the 715 cases who were interested in a parenting plan but never contacted the mediator or could not be reached by the mediator in the first place.

Mediation attrition was steep among those who reached out to mediators too. Based on data supplied by mediators about the 332 PTOC cases where at least one parent contacted them, mediation was attempted only 40 percent of the time (n=130), and did not occur in 60 percent of the cases (n=202). Among those who attempted to mediate, however, rates of agreement were comparable to those observed in other studies of mediation with divorcing and unmarried populations. Indeed, the mediator forms show that 91 of the 130 cases that attempted to mediate reached an agreement (70%).



## The Evaluation

### Outcome Measures

The evaluation of PTOC conducted by Center for Policy Research involved collecting and analyzing data drawn from several sources: mediators, child support workers, and parents.

### Data Sources

**Mediators** provided information through several venues:

- **Mediators participated in focus groups and quarterly, peer-to-peer learning meetings.**  
After the project, all 20 mediators took part in a focus group which explored their experiences with mediation, including the process of getting parents into mediation, parents' understanding of mediation, the issues addressed in mediation, addressing domestic violence, and the nature of mediated agreements. In addition, mediators participated in quarterly peer learning calls to exchange information about their ongoing project experiences, identify service delivery problems, and brainstorm about how to address them.
- **Mediators completed an online survey about their experiences with the program.**  
In March 2015, approximately a year after child support workers had begun referring parents who wanted to develop parenting plans to mediators, evaluators developed and released a survey for mediators. A total of 15 mediators completed an online survey about their experiences in PTOC. The mediators who participated were generally private practice mediators, female, with an average of 9.2 years of mediation experience. The survey gave mediators a chance to discuss various aspects of the program, from case referral to filing agreements with the court. Mediators were asked to think about the cases they had mediated and respond to a variety of questions about the nature of the issues parents brought to mediation, parents' interest in mediation, and barriers to mediation.
- **Mediators completed a data form for each case that resulted in a parent appearing for mediation**  
The 20 PTOC mediators completed a total of 317 forms on cases where a parent had appeared for mediation. About a third of the forms were completed by mediators in Multnomah County. Marion and Umatilla Counties accounted for another quarter of the cases.

**Table 2. Characteristics of Mediators Responding to Survey**

Private mediator	64%
Court connected mediator	36%
	(14)

**Table 2. Characteristics of Mediators Responding to Survey**

Years of mediation experience		
	Average	9.2
	Median	8.0
	1-2 years	14%
	3-4 years	29%
	5 or more years	57%
		(14)
Gender		
	Male	29%
	Female	71%
		(14)

The data form collected information on the mediator's ability to contact both parents, the number of sessions held, the length of time spent in mediation, and the outcome of mediation.

**Child support personnel** provided information for the evaluation too.

- Child support case managers, supervisors and administrators participated in focus groups and interviews.** Evaluators conducted site visits in Oregon on November 13, 2013, and August 13, 2014. They conducted a focus group with mediators on September 3, 2015. They used these opportunities to visit with child support administrator and workers, as well as mediators, and to elicit their expectations and reactions to the program and to gain insight into how the parenting time intervention in a child support agency context could be maintained or strengthened.

- Child support case managers completed an online survey about their experiences with the program.** In March 2015, after almost a year of making referrals about parenting time for the PTOC program, evaluators released an online survey about experiences with the program to caseworkers with order establishment responsibilities. A total of 191 workers completed it. The survey covered a variety of topics including the frequency with which parents raised parenting time issues, the nature of any parenting time problems they disclosed, and their interest in mediation services. The survey asked case managers what they perceived to be the proper role of DCS and child support workers in addressing parenting time in new child support cases,

Information on **parents** came from several sources.

- Parents completed a paper and pencil survey at the time of their initial mediation session.** This initial survey collected basic demographic characteristics of the parents and information about the children the parents had together and the nature of their relationship. As Table 3 shows, 185 individuals from 126 cases completed the survey. More (60%) were completed by fathers and somewhat fewer (40%) by mothers. There were only a small number of fathers who reported being either the custodial parent (n=7) or having joint custody with a 50/50-time share (n=9), and an equally small number of mothers who reported being noncustodial (n=6) or having a 50/50 joint custody arrangement (4). Thus, the analyses that follow compare responses from noncustodial fathers and custodial mothers.

**Table 3. Parents Completing a Survey at the Time of Mediation**

Number of Individuals Completing a Survey	185
Number of Cases Represented	126
Percent of Surveys Completed by Fathers	60% (111)
Percent of Surveys Completed by Mothers	40% (74)
<hr/>	
Surveys Completed by...	
Noncustodial Fathers	50% (93)
Custodial Fathers	4% (7)
Fathers with Joint (50/50) Custody	5% (9)
Mothers with Joint (50/50) Custody	2% (4)
Noncustodial Mothers	2% (6)
Custodial Mothers	36% (67)

- Parents completed telephone interviews about their mediation experiences.** A telephone interviewer attempted to contact 69 noncustodial parents who were referred to a mediator, six months following their referral. Ultimately, interviews were conducted with 25 parents which represented a response rate of 36 percent. The number of attempts to reach each parent ranged from 1 to 11 with an average of 5.28 calls. The completed interview took from 15 minutes to one hour with an average interview length of 21.6 minutes. The interview covered questions about the helpfulness of the mediation intervention, changes in the amount of parent-child contact or visitation, and changes in child support payment following the mediation, and changes in parent views of the child support agency.
- A data extract from the automated child support system for all cases that produced parenting plans either through mediation or without mediation using online resources or other methods.** Evaluators requested an extract from the Oregon Child Support Program that provided information about child support payments made by noncustodial parents who produced parenting plans through mediation, online resources, or other methods. In addition to payment rates for up to 24 months following the referral and enforcement actions taken by the agency, the extract elicits information on the order amount, the employment status of the noncustodial parent, the existence of an income assignment order, the marital status of the parties, and arrears balances. Since the parenting-time intervention was limited to new child support cases, no information was expected to be available on child support payments prior to the PTOC project.

## Outreach and Engagement with Parents

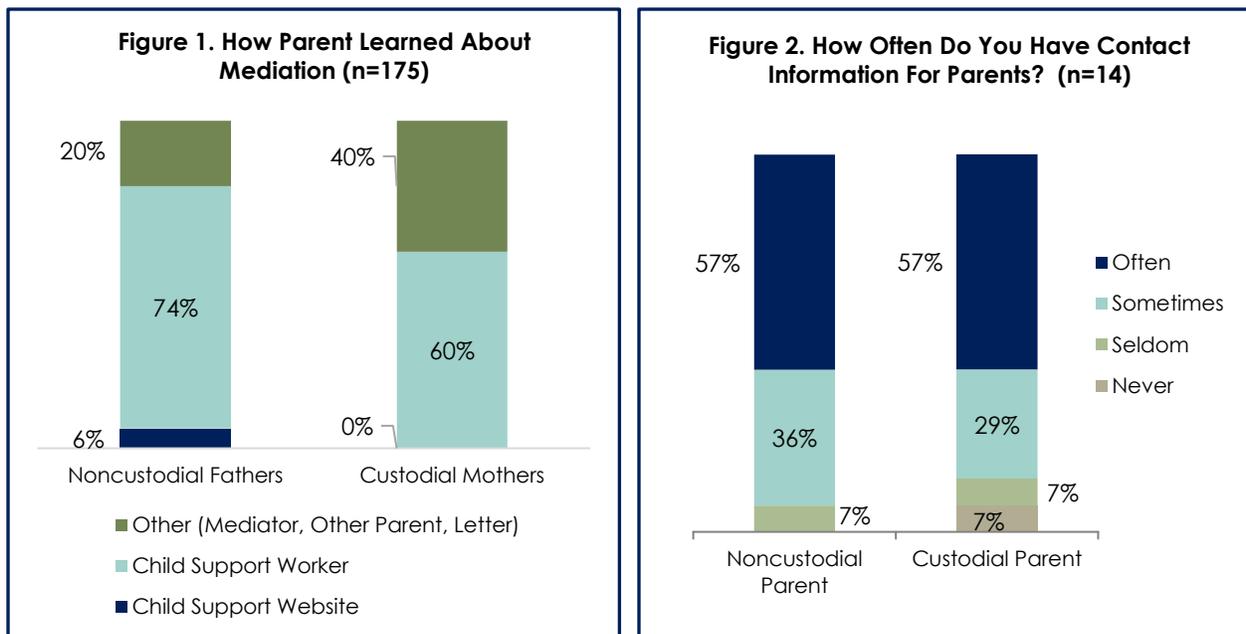
### Contacting Parents

The paper and pencil survey completed by parents prior to mediation included a question asking how they learned about the availability of mediation to work out a parenting plan. Most noncustodial fathers (74%) and custodial mothers (60%) said they were told about mediation by a child support worker. As described above, once one parent was contacted, the next step was

often for the mediator to collect contact information for the other parent and approach this parent about mediating.

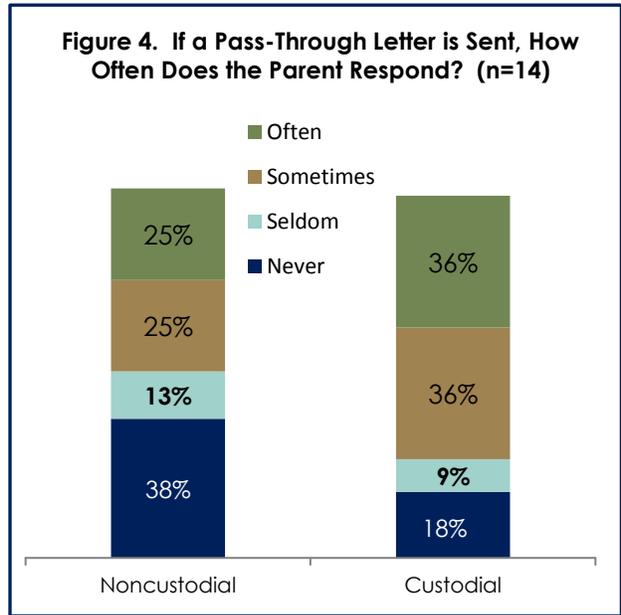
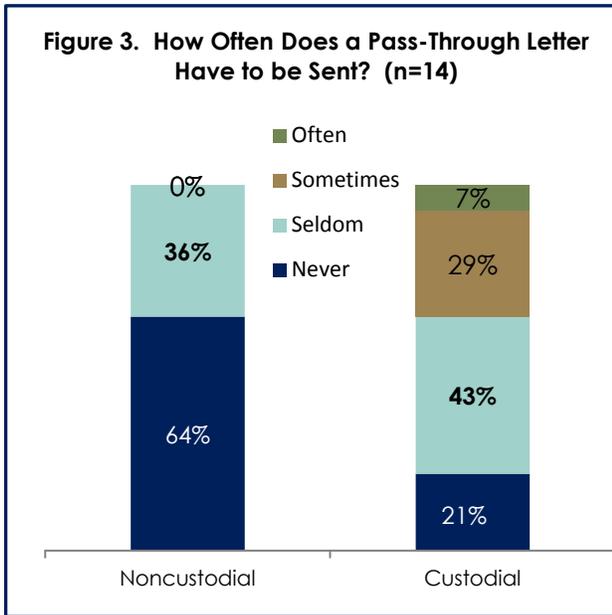
If the mediator was unable to contact the other parent, the child support agency sent a letter to the other parent describing the mediation option. Thus, about 40 percent of the custodial mothers (and 20% of noncustodial fathers) said they heard about mediation from the other parent, through a phone call from the mediator, or via a letter (See Figure 1).

Nearly 60 percent of the mediators who took part in an online survey reported they often had contact information for both the custodial and noncustodial parent. Less than 10 percent said that contact information was seldom or never available for the noncustodial parent, and for custodial parents the comparable figure was 14 percent (Figure2).

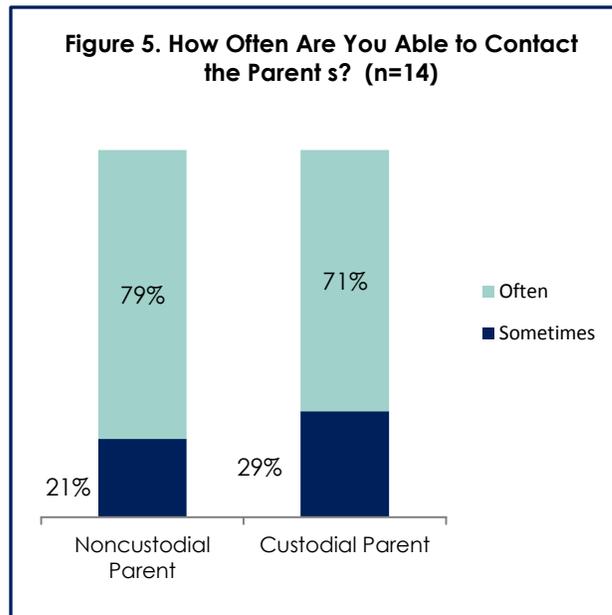


As noted above, if contact information for a parent was missing, the next step was for the child support agency to send a letter to the parent, explaining the program and inviting the parent to contact the mediator. As Figures 3 and 4 indicate, about a third of the mediators said that custodial parents needed to be sent letters either “sometimes” or “often.” Noncustodial parents were perceived as far less likely to require a letter.

When letters were sent, just over half of the surveyed mediators reported custodial parents “rarely” or “never” responded by contacting the mediator. Only a quarter of the noncustodial parents were perceived as unlikely to respond.



Despite the difficulties sometimes encountered in obtaining contact information, ultimately 80 percent of the mediators reported they were “often” able to contact the noncustodial parent, and just over 70 percent said they were “often” able to contact the custodial parent (See Figure 5).



**Interest in Mediation**

Mediators who participated in the online survey indicated noncustodial parents were typically very interested (83%) in the mediation option. Custodial parents were viewed as less likely to be interested, although 42 percent were described as “very” interested and 58 percent were described as “somewhat” interested (Figure 6).

As shown in Figure 7, 92 percent of the noncustodial parents were rated as “often” willing to try mediation. For custodial parents, the comparable figure was 58 percent. When the options of “sometimes” agrees to participate and “often” agrees to participate are combined, 100 percent of noncustodial parents and 91 percent of custodial parents are accounted for.

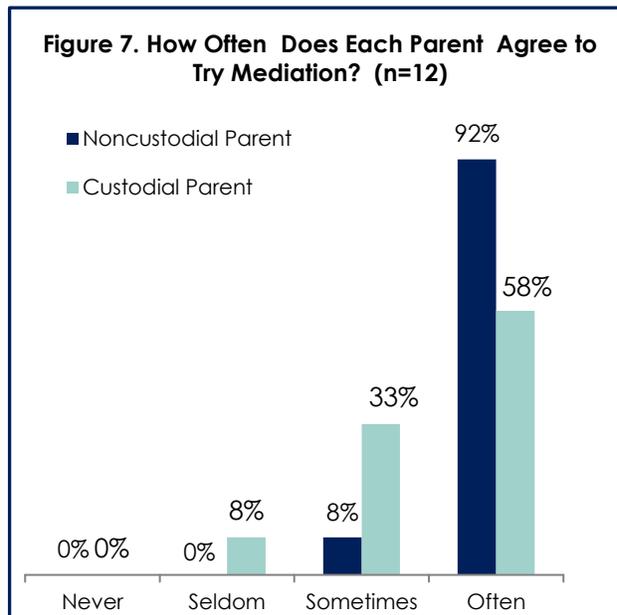
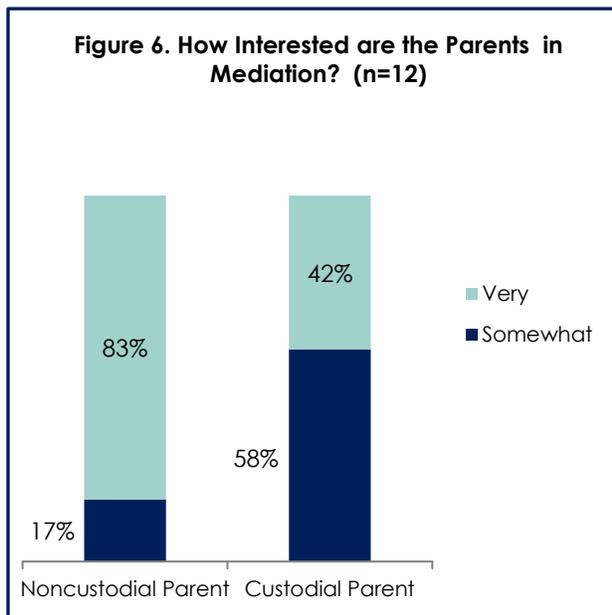
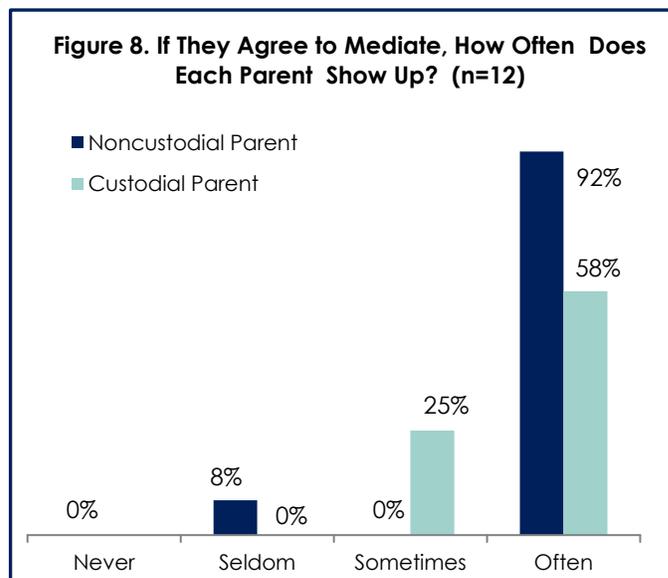


Table 4 shows the reasons mediators report hearing from parents who are not interested in pursuing the mediation option. For both custodial and noncustodial parents, mediators said the most common reason was that they did not want to work with the other parent. For custodial parents, the next most common reason was “concerns for the child’s safety” (50%) or concerns about their own safety (36%). Mediators reported that smaller percentages of parents cited factors such as not wanting to be held to a specific schedule, concerns that the court would act if they deviated from a set schedule, believing they could work out an agreement on their own, or believing that mediation would take too much time.

**Table 4. Reasons Mediators Report Parents Are Not Interested in Mediation (n=14)**

	Noncustodial Parents	Custodial Parents
Do not want to work with the other parent	40%	64%
Concerns for the child's safety	0%	50%
Concerns for own safety	7%	36%
Not wanting to be held to a specific schedule	7%	14%
Believe there will be trouble with the court if they deviate from the schedule	14%	14%
Believe they can work out a plan on their own	14%	7%
Believe mediation will take too much time	7%	7%
	(14)	(14)

Figure 8 shows mediators' perceptions of how commonly parents appeared at the mediation session by custodial status. Noncustodial parents who agree to mediate are reported to appear for mediation "often" (92% of mediators chose this response). Only 58 percent of the mediators said custodial parents "often" appeared for mediation.



**Safety Concerns: Child Support Workers Assessments**

Table 5 shows responses from child support workers who took part in an online survey about their experiences with the mediation program. Per child support workers, only a small minority of parents were concerned about the child's safety when they talked about parenting time and mediation. Only 7 percent of the workers said this was a concern that was raised "often" by noncustodial parents, and 13 percent of the workers said it was "often" raised by custodial parents. Conversely, 55 percent of child support workers reported noncustodial parents raised such concerns "seldom" or "never," and 42 percent of workers said custodial parents "seldom" or "never" raised the issue.

When asked how frequently they heard parent's express concerns about their own safety, 87 percent of workers said noncustodial parents "never" or "seldom" raised this as an issue. 59 percent of workers said this was the case for custodial parents.

**Table 5. Safety Concerns Expressed by Parents as Reported by Child Support Workers Making Parenting Time Referrals**

How often do you hear that the parent is concerned for the child's safety while with the other parent?	Noncustodial Parent	Custodial Parent
Never	10%	3%
Seldom	45%	39%
Sometimes	39%	44%
Often	7%	13%
	(183)	(180)
How often do you hear that parents have concerns for their own safety when they interact with the other parent?		
Never	27%	7%
Seldom	60%	52%
Sometimes	12%	37%
Often	1%	4%
	(177)	(177)

**Safety Concerns: Mediator Assessments**

Mediators reported that less than 10 percent of the cases they saw involved restraining orders (Figure 9). When there had been a restraining order, it was typically against the father (8%).

Figure 10 shows the percentage of mothers and fathers who could be contacted by the mediator who expressed concerns about safety. Among fathers, 8 percent mentioned safety concerns. For mothers, the figure was 31 percent.

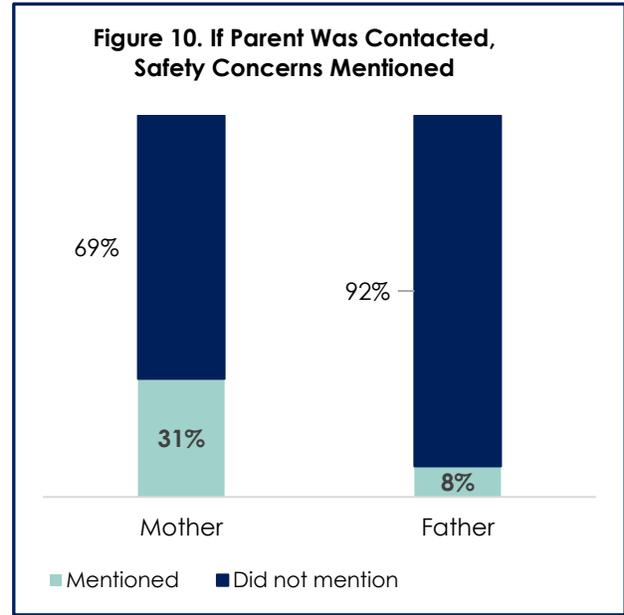


Table 6 shows that 11 percent of the cases in which mediators could contact parties and set an initial meeting, did not result in mediation due to concerns about domestic violence. A few cases were also excluded from mediation due to other concerns about violence, mental health, or safety of the parties or children.

There were domestic violence issues	11%
Other violence, mental health or safety issues	6%
There was a restraining order	5%
	(197)

**Parenting Time Issues**

Per mediators, the issues that noncustodial parents would like to address in mediation are related to:

- Not being allowed to see the child,
- Wanting more time with the child, or
- The poor relationship between the parents.

Custodial parents typically report the issues they would like to address are related to:

- Disagreements over how much time the noncustodial parent should have with the child,
- Concerns about the child's safety while with the other parent, or
- Problems related to the noncustodial parent failing to show up as planned.

**Table 7. Types of Parenting Time Issues Mediators' Report Parents Experience**

Noncustodial Parents		
	Not being allowed to see the child	79%
	Would like more time with the child	79%
	Poor relationship between the parents	79%
	Would like to do a better job of co-parenting	21%
	Concerns about the child's safety	14%
	Concerns about own safety	7%
	No problems, just need a plan	0.0%
		(14)
Custodial Parents		
	Disagreements about how much time the child should have with the NCP	91%
	Concerns about the child's safety	75%
	Noncustodial parent does not show up as planned	67%
	Would like to do a better job of co-parenting	33%
	Concerns about own safety	17%
	No problems, just need a plan	0%
	Poor relationship between the parents	0%
		(12)

## Profile of the Parents Who Appeared for Mediation

### Background Characteristics of the Parents

Most of the parents, both fathers and mothers, identified themselves as “white.” A quarter of the fathers and nearly 20 percent of the mothers said they were Latino or Hispanic. African Americans comprised only 7 percent of the fathers and 2 percent of the mothers.

Mothers were more likely than fathers to report they had completed college (20% v. 7%). However, roughly equal percentages had either a GED or high school degree (35% of fathers and 36% of mothers).

**Table 8. Profile of Parents Who Completed Survey at Mediation**

	Noncustodial Fathers	Custodial Mothers
Race/Ethnicity		
African American	7%	2%
White	62%	73%
Hispanic	25%	19%
Other	5%	6%
	(93)	(64)
Education		
College or More	7%	20%
Some College/Technical School	42%	33%
High School Diploma	25%	23%
GED	10%	13%
No Degrees	16%	10%
	(88)	(60)

When asked about their employment situation, over two-thirds of the fathers (67%), but only a third (32%) of the mothers reported being employed full-time. Mothers were more likely than fathers to report part-time employment, and mothers were also more likely than fathers to say they were unemployed (33% v. 15%).

Individual income levels were low for both parents, but they were significantly lower for mothers. Fully 85 percent of the mothers reported annual earnings of \$20,000 or less. Only 46 percent of the fathers reported incomes this low. However, less than 10 fathers or mothers reported earning \$50,000 a year or more.

**Table 9. Employment and Personal Income of Parents Who Completed Survey at Mediation**

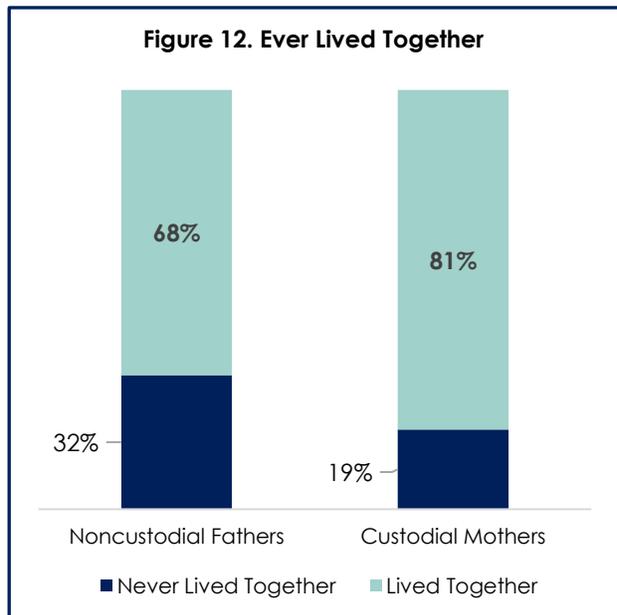
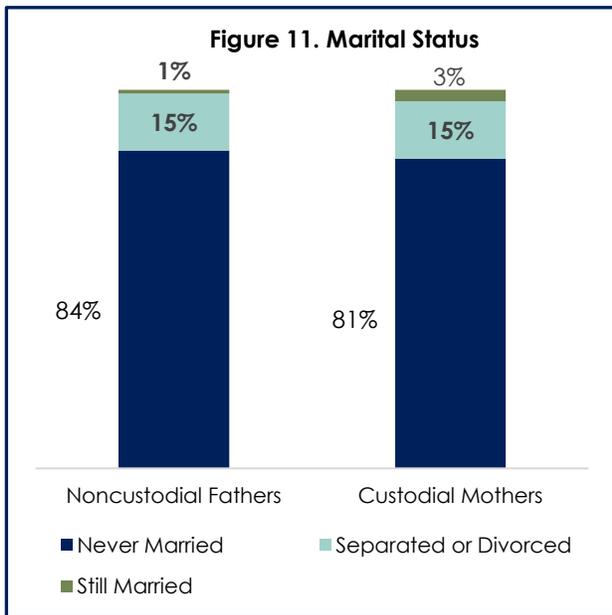
	Noncustodial Fathers	Custodial Mothers
★Employment		
Full-Time	67%	32%
Part-Time	13%	25%
Season/Pick-up Jobs	5%	2%
Unemployed	15%	33%
Other	0%	8%
	(89)	(63)
★Income		
Less than \$10,000	24%	43%
About \$10,000-\$20,000	22%	42%
About \$20,000-\$30,000	26%	11%
About \$30,000-\$40,000	17%	4%
About \$40,000-\$50,000	7%	0%
About \$50,000-\$60,000	4%	0%
More than \$60,000	1%	0%
	(85)	(53)

★Chi Square Significance .00

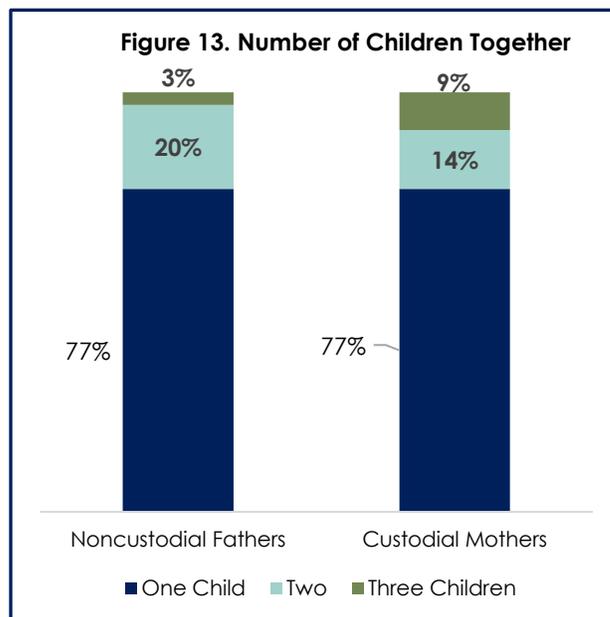
**Parents' Marital Status and Children**

As shown in Figure 11, over 80 percent of both noncustodial fathers and custodial mothers reported they had never been married to the other parent. Another 15 percent said they had been married but were now divorced or separated, and 1 percent of the noncustodial fathers and 3 percent of the custodial mothers described themselves as still married to the other parent.

While most parents said they had never been married, Figure 12 shows most reported living with the other parent at some time. Among custodial mothers, over 80 percent reported having lived with the father. Among non-custodial fathers the figure, although lower, was nearly 70 percent.



As shown in Figure 13, most noncustodial fathers (77%) and custodial mothers (77%) said they had only a single child together. Among noncustodial fathers, 20 percent said they had two children with the mother and a small percentage (3%) said they had three children. For custodial mothers, the numbers were very comparable: those reporting two or three children stood at 14 and 9 percent, respectively.



Parent-Child Contact

Most of the parents reported living within 30 miles of one another (Table 10). Only 15 percent of the noncustodial fathers and 14 percent of the custodial mothers said the distance between the parents' houses was 100 miles or more. When asked if transportation issues made it difficult for the noncustodial father to see the child, only 4 percent of the fathers and 11 percent of the mothers said it was a problem.

**Table 10. Distance Between the Custodial and Noncustodial Parents' Homes and Transportation Issues by Custodial Status  
Parents Who Completed Survey at Mediation**

	Noncustodial Fathers	Custodial Mothers
Distance from the Other Parent		
30 Miles or Less	71%	67%
31-60 Miles	12%	16%
61-100 Miles	2%	3%
101-180 Miles	8%	6%
More Than 180 Miles	7%	8%
	(86)	(64)
Transportation Makes It Difficult to Visit		
No	96%	89%
Yes	4%	11%
	(28)	(26)

Noncustodial fathers and custodial mothers were similar in their reports of how often the noncustodial parent saw the child in the last six months. (See Table 11.) While custodial mothers reported somewhat less contact, the differences between custodial mothers and noncustodial fathers were not statistically significant. Just over a quarter of the noncustodial fathers (28%) and 15 percent of the custodial

mothers said the father "never" saw the child. At the other end of the spectrum, 48 percent of the noncustodial fathers and 37 percent of the custodial mothers said the father saw the child weekly or more than weekly (Table 11).

**Table 11. Report of Contact with Noncustodial Parent by Custodial Status  
Parents Who Completed Survey at Mediation**

	Noncustodial Fathers	Custodial Mothers
In the Past 6 Months the Noncustodial Parent Saw the Child		
Never	28%	15%
Once or Twice	5%	8%
Every Other Month	8%	6%
Once or Twice a Month	9%	24%
Every Week	22%	20%
More Than Once a Week	23%	17%
Other	5%	11%
	(92)	(66)

When asked to estimate the percentage of time the child spent with the non-custodial parent, about half of both noncustodial fathers and custodial mothers said the child was with the noncustodial parent about 10 percent of the time or less. About a quarter of noncustodial fathers and custodial mothers estimated the child spent between a quarter and half of his/her time with the noncustodial parent (Table 12).

**Table 12. Report of Contact with Noncustodial Parent by Custodial Status  
Parents Who Completed Survey at Mediation**

In the Past 6 Months, Percent of Child's Time Spent with Noncustodial Parent	Noncustodial Fathers	Custodial Mothers
10% of Child's Time or Less	51%	53%
About 11-25% of Child's Time	11%	13%
About 26-50%	28%	25%
About 51-75%	4%	5%
More Than 75% of Child's Time	6%	4%
	(78)	(61)

At the time they appeared for their first mediation session, most parents said they did not have a parenting time agreement. However, a significant number of noncustodial fathers (28%) and custodial mothers (36%) said they had an informal agreement — either verbal or written. Five percent of both noncustodial fathers and custodial mothers reported they visited the court website to develop a parenting plan (Table 13).

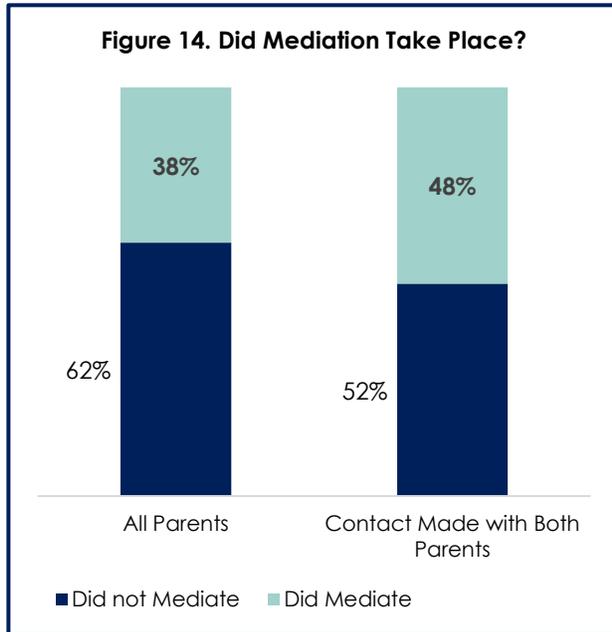
**Table 13. Parenting Time Agreement Status Prior to Mediation by Custodial Status  
Parents Who Completed Survey at Mediation**

	Noncustodial Fathers	Custodial Mothers
Do You Have a Parenting Time Agreement		
No	61%	53%
Yes, Verbal Agreement	21%	33%
Yes, Informal Written Agreement	7%	3%
Yes, Developed Interactive Parenting Plan	10%	2%
Yes, Have a Court-Ordered Plan	2%	9%
	(92)	(66)
Did Parent Visit the Website and Work on a Parenting Plan		
No	73%	72%
Yes, But Did Not Do a Plan	17%	20%
Yes, Did a Plan	1%	0%
Yes, Did a Plan and Brought it to Mediation	4%	5%
Other	4%	3%
	(93)	(64)

## Mediation Process

### Failure to Mediate

Figure 14 shows that just over a third of all the cases referred to a mediator resulted in a mediation session. When the analysis is restricted to cases where the mediator was able to contact both parents, 48 percent resulted in a mediation session.



The primary reason mediation did not occur was the mediator could not contact one or both parents. The next most common reason was the parents opted not to proceed. Domestic violence was cited as an issue in 11 percent of the cases, and in 6 percent of the cases the mediator noted mental health or other safety concerns.

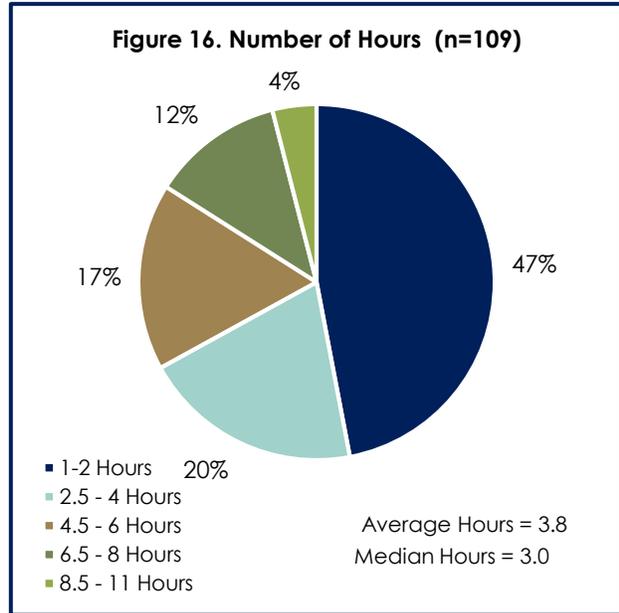
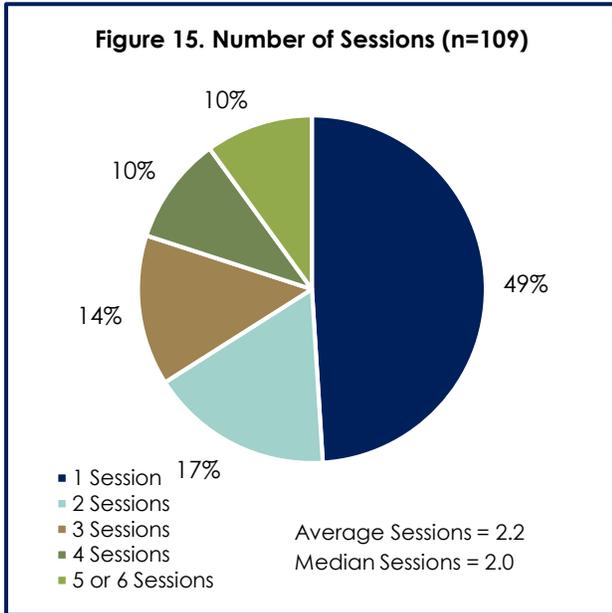
Table 14 shows the reasons mediation did not occur. The primary reason was the mediator could not contact one or both of the parents. The next most common reason was the parents opted not to proceed.

Domestic violence was cited as an issue in 11 percent of the cases, and in 6 percent of the cases the mediator noted mental health or other safety concerns. Failure to appear for mediation was noted as a problem in 13 percent of the cases. Typically, the mother failed to appear (8%), although smaller percentages of cases involved fathers who failed to appear (3%), or both parents failed to appear (2%).

Mediator could not contact one or both parents	31%
Parents chose not to proceed	23%
There were domestic violence issues	11%
Mother failed to appear for mediation	8%
Other violence, mental health or safety issues	6%
There was a restraining order	5%
Mediator decided not to proceed	4%
Father failed to appear for mediation	3%
Both parents failed to appear for mediation	2%
The child was not in the custody of the parents	1%
There were paternity issues	1%
Other	5%
	(197)

**Sessions and Hours**

When mediation was held, an average of 2.2 sessions occurred, for an average of 3.8 hours. However, some cases were lengthier: 20 percent involved four or more sessions and 16 percent lasted more than 6 hours.



**Agreement Rates in Mediation**

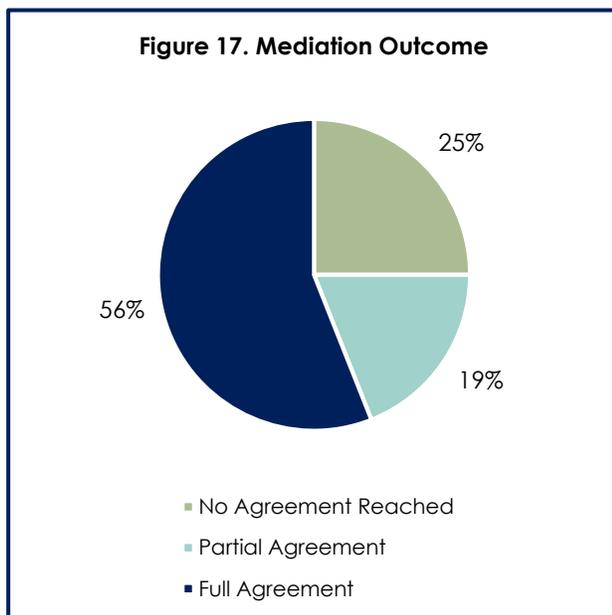


Figure 17 shows the outcome in those cases where mediation occurred. Over half (56%) reached full agreements (an agreement on all issues), 19 percent reached a partial agreement, and 25 percent reached no agreement.

In most instances (72%), the mediator described the agreement that was reached as a “basic parenting plan.” However, nine percent were described as “safety plans” and another nine percent were long-distance parenting plans. A few plans were described by the mediators as “other” types of plans, which included plans to reintroduce a noncustodial parent who had been absent for some time (See Table 15).

**Table 15. Type of Outcome in Successful Mediation Cases**

Mediator describe agreement as:	
Basic parenting plan	72%
Safety-focused parenting plan	9%
Long distance parenting plan	9%
Other (e.g., plan to reintroduce the noncustodial parent)	10%
	(57)

Just over a third of the time, the mediator did not know whether the parents planned to file their agreement with the court. When the mediator did know their filings plans, Table 16 shows parents were evenly divided between those who planned to file their agreement with the court (43%) and those who did not (47%). In a few cases, the mediator indicated the parents wanted to file but could not afford the filing fee, or the parents disagreed about whether to file (See Table 16).

**Table 16. Plans to File with the Court**

Mediator reports parents:	
Do not want to file the agreement with the court	47%
Want to file with the court, but cannot afford to	4%
Disagree about whether to file with the court	6%
Plan to file the agreement with the court	43%
	(57)
Mediator does not know if parent plans to file the agreement	36%

**Case** The mother complained the father sometimes drank beer with his male friend who rented the second bedroom in his apartment. The mother did not want eight-year-old Maria spending the night at dad's, due to safety concerns. Through mediation, dad agreed to ask his house-mate to move out and dad agreed not to drink alcohol around his daughter. Dad also agreed for mom to come over and inspect his home with prior notification. Both parents agreed to communicate openly in front of their daughter and create a friendly atmosphere for Maria's future.

**Case** Not having regular visitation with his children, Dad has chronic frustration and sadness. Mom has sole custody of the two children, with Dad's home being 150 miles away. Both parents agreed to meet halfway at a restaurant for the child exchange. Both parents agreed that during the winter months, driving conditions could be difficult and they will keep in touch through "texting". They will alternate even and odd years for holidays, birthdays, and school vacations with their children. Even though mom has sole custody, dad is grateful for mediating a "Long Distance" parenting plan, giving him the first and third weekend of each month with his kids.

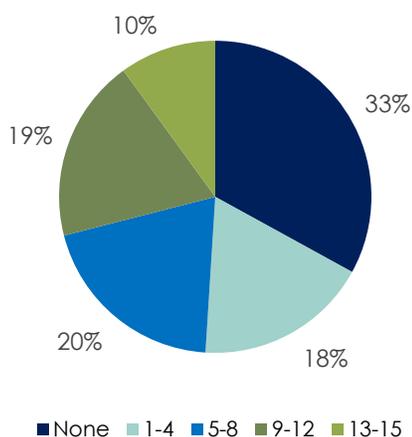
### Characteristics of Mediated Parenting Plans

As shown in Table 17, when parents reached an agreement in mediation, they typically designated the father as the noncustodial parent (88%).

**Table 17. Parenting Time Conditions of Successful Mediations**

Which parent is considered the noncustodial parent?	
Mother	11%
Father	88%
Other	1%
	(74)

**Figure 18. How Many Overnights Will Child Spend With the Noncustodial Parent in an Average Month? (n=55)**



Agreements varied widely with respect to the number of overnights the child would spend with the noncustodial parent in an average month. While a third of the agreements called for no overnights, 29 percent called for 9 or more overnights.

Per mediator reports, most custodial mothers (72%) and noncustodial fathers (72%) would describe the agreement as increasing the amount of time the noncustodial parent spends with the child either “a lot” or “a little” (See Table 18).

**Table 18. Parents’ Assessments of Changes in Parenting Time Allocation by Custody Status (Successful Mediation Cases)**

	Custodial Mother	Noncustodial Father
Time spent with the noncustodial parent will...		
Increase a lot	40%	34%
Increase a little	32%	38%
Stay about the same	25%	23%
Decrease a little	2%	3%
Decrease a lot	2%	2%
	(63)	(64)

Finally, mediators were asked if they provided any referrals to parents for services they might need. As shown in Table 19, almost a quarter of the mediators reported making a referral. Typically, the referral was related to domestic violence or supervised visitation. Referrals were more common in cases that did not reach an agreement (34%) than in cases that were resolved (19%).

**Table 19. Referrals by the Mediator  
(Cases Where At least One Session Was Held)**

Mediator made at least one referral...		No	77%
		Yes	23%
			(115)
If a referral was made, nature of the referral			
Related to domestic violence			35%
Supervised visitation			31%
Supervised exchange			15%
Counseling			15%
Other			31%
			(63)
Did Mediator Make Any Referrals by Mediation Outcome			
		No Agreement	Partial or Full Agreement
No referrals		66%	81%
Made referrals		34%	19%
		(29)	(82)

## Child Support Workers' Experiences with PTOC

### Profile of the Workers

As shown in Table 20, the child support workers responding to an online survey were from a variety of offices. However, two offices, Salem and Medford, accounted for a quarter of the responses.

**Table 20. Office in Which Child Support Workers  
Responding to Survey Are Located**

Office	
Salem	13%
Medford	11%
Roseburg	10%
East Portland	9%
Hillsboro	9%
Albany	7%
Eugene	7%
Oregon City	7%
Pendleton	7%
Portland	7%
Bend	6%
DA's Office	5%
State Recovery Unit	1%
	(189)

A third of the workers reported handling child support cases for more than 10 years, and nearly all the workers reported handling both establishment and enforcement cases (See Table 21).

<b>Table 21. Characteristics of Child Support Workers Responding to Survey</b>		
Years worked in child support		
Average		8.4
Median		7.0
Range		1 – 38 years
In child support 1-5 years		42%
6-10 years		27%
11-15 years		16%
More than 15 years		15%
		(190)
Type of cases handled		
Establishment		1%
Enforcement		1%
Both		97%
Other		1%
		(183)

**Worker Communication with the Parents**

Most of the responding workers said they communicated with both noncustodial and custodial parents via telephone calls or the mail. However, about half said they met with both noncustodial and custodial parents in-person. Virtually none of the workers indicated they do not communicate with noncustodial or custodial parents.

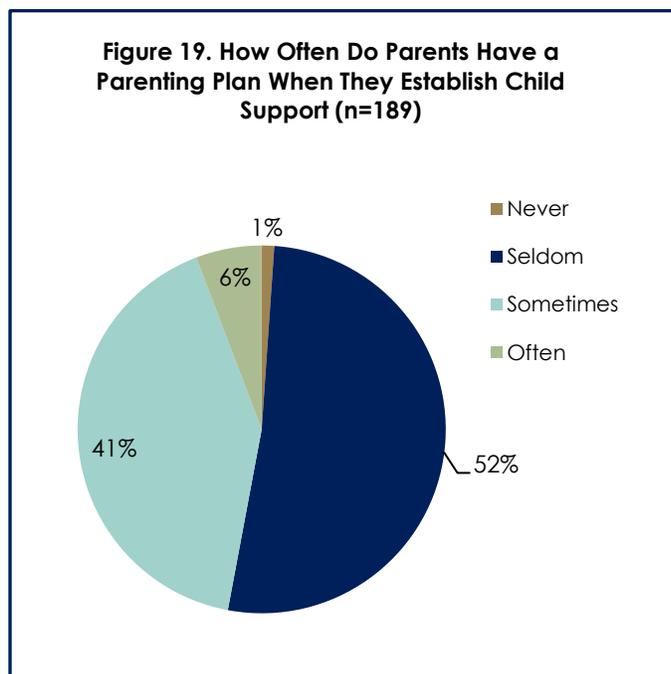
<b>Table 22. Communication with Parents</b>		
Do you usually communicate with parents by...? (may be more than one answer)	Noncustodial Parent	Custodial Parent
Mail	79%	78%
Telephone	86%	91%
In-Person	48%	52%
Not at all (do not communicate with them)	6%	3%
	(190)	(190)

**Worker Reports of Parenting Time Issues**

Workers report that in about half of the cases they handle, the noncustodial parent raises the issues of not having enough time with the child and not being allowed to see the child. About a quarter of the workers say that custodial parents report that the noncustodial parent “often” does not show up for visits when planned. (See Table 23.)

**Table 23. Access Issues Raised by Parents**

How often does the noncustodial parent mention not having enough time with the child?	Never	1%
	Seldom	15%
	Sometimes	39%
	Often	45%
		(182)
How often does the noncustodial parent mention not being allowed to see the child?	Never	1%
	Seldom	4%
	Sometimes	41%
	Often	54%
		(182)
How often does the custodial parent say the noncustodial parent doesn't show up when planned?	Never	3%
	Seldom	17%
	Sometimes	56%
	Often	24%
		(182)



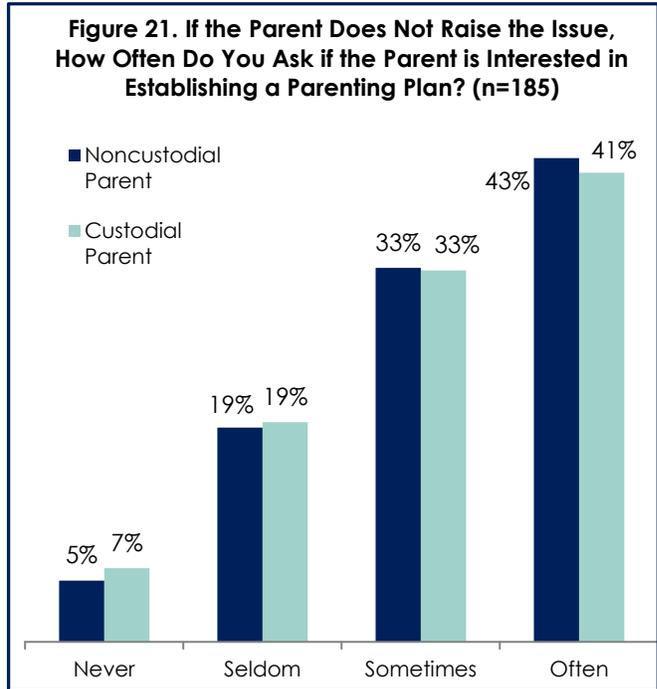
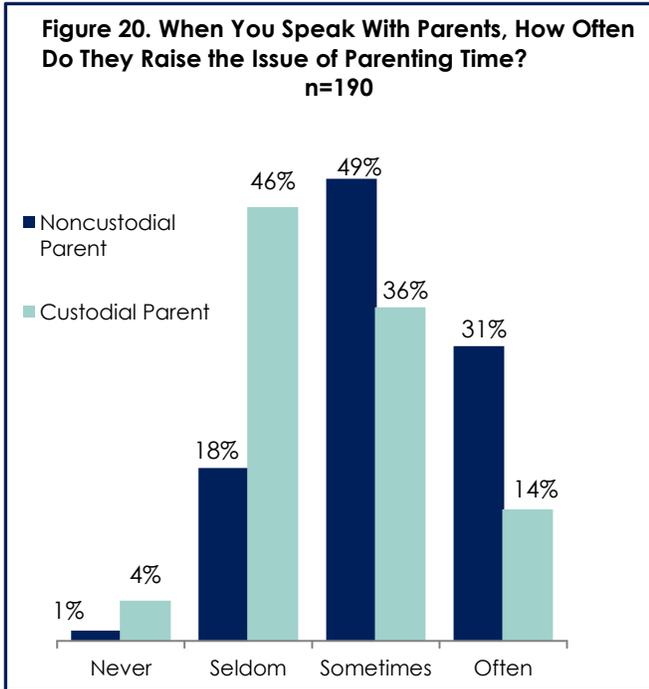
As shown in Figure 19, most workers (52%) said parents seldom had a parenting plan in place when they were establishing a child support order.

Workers generally said custodial parents “never” or “seldom” raised the topic of establishing a parenting time agreement (49%). On the other hand, 90 percent of the noncustodial parents reportedly brought up the need for a parenting time agreement “sometimes” or “often.” (See Figure 20.)

If one of the parents did not raise the issue, approximately 40 percent of the workers said they “often” asked the noncustodial parent if he or she would be interested in setting up a parenting time plan (Figure 21).

A comparable percentage said they asked custodial parents as well.

Just over half (51%) of the child support workers who have been in the agency for five years or less reported “often” asking the custodial parent about parenting time if the CP did not raise the issue. Among those in the agency for more than 15 years, the figure was 38 percent. However, there was not a comparable difference when asked how often they initiated questions about parenting time with the noncustodial parent. Of those in the agency five years or less, 49 percent said they “often” asked about parenting time compared to 43 percent of those in the agency for more than 15 years.



However, as shown in Figure 22, most child support workers report spending little time discussing parenting time with custodial parents. Over two-thirds say they spend five minutes or less discussing this with custodial parents. Workers report spending slightly more time discussing parenting time with noncustodial parents, however, 48 percent say they spend 10 minutes or less discussing the issue with noncustodial parents.

Workers report noncustodial parents are evenly divided between those who do and do not understand how the amount of parenting time can affect the child support order. Workers estimate about half of the noncustodial parents understand this “pretty well” or “very well” while 48 percent understand it “not very well” or “not at all.”

Figure 22. Amount of Time the Worker Reports Spending Discussing Parenting Time with

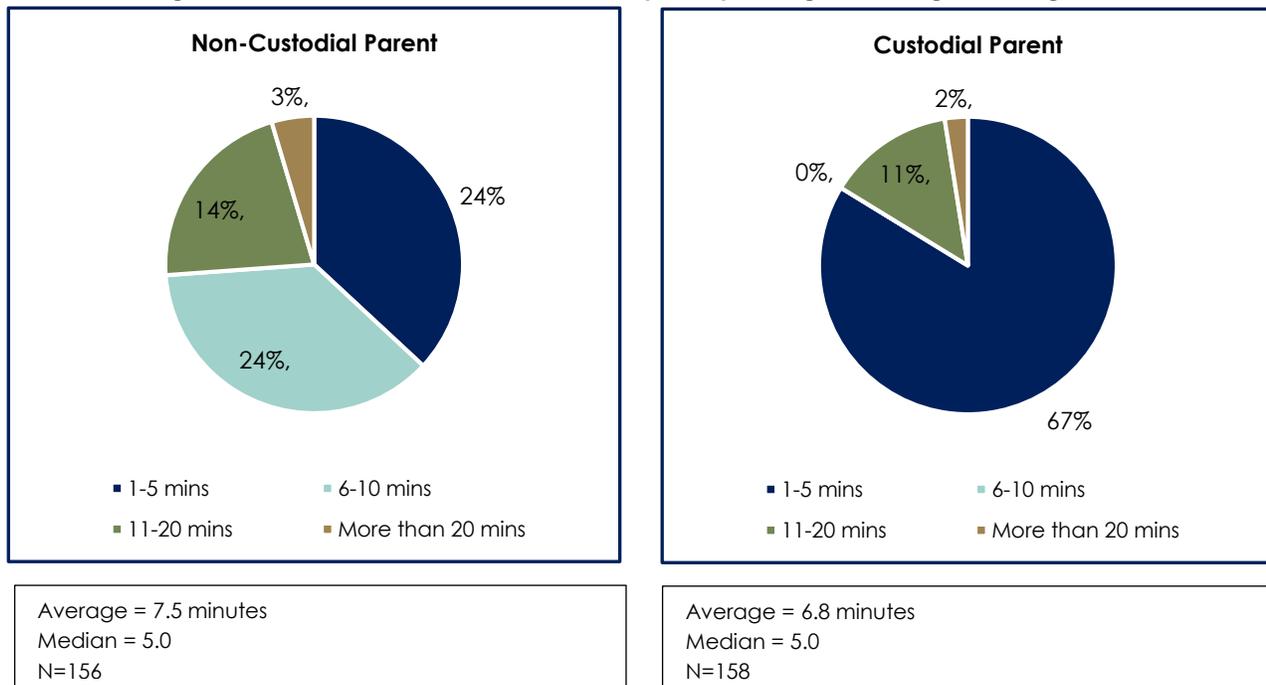
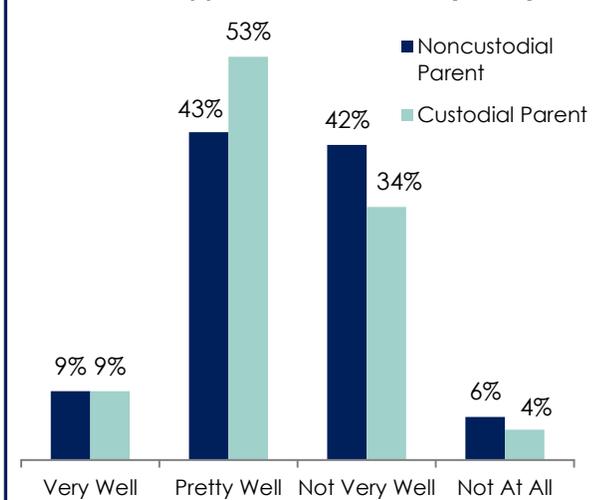


Figure 23. How Well Do the Parents Understand How the Amount of Parenting Time Affects the Child Support Order Amount? (n=182)



The workers report custodial parents are somewhat more likely to understand the interaction of parenting time and child support levels. Workers say 62 percent of custodial parents understand this “very well” or “pretty well” and 38 percent understand it “not very well” or “not at all” (See Figure 23).

Workers report they hear requests to reduce or increase parenting time to influence the amount of the child support order. However, less than 20 percent of the workers say this is “often” done by noncustodial parents and the same percentage report it is “often” done by custodial parents (See Table 24).

**Table 24. Using Parenting Time to Influence the Child Support Order Level**

How often do parents ask for parenting time arrangements to reduce or increase the child support order?	Noncustodial Parent	Custodial Parent
Never	7%	17%
Seldom	29%	30%
Sometimes	44%	36%
Often	19%	17%
	(174)	(171)

Most workers said they “often” (52%) or “sometimes” (30%) told parents about the mediation program if the parents did not have a parenting time agreement (See Table 25).

**Table 25. Worker Report of Telling Parents About Mediation**

When you speak to a parent who needs a parenting plan, how often do you tell them about mediation?	
Never	4%
Seldom	14%
Sometimes	30%
Often	52%
	(182)

Workers reported noncustodial parents understood what mediation is about either “pretty well” (37%) or “somewhat” (61%). For custodial parents, the comparable figures were 39 and 59 percent (See Table 26).

**Table 26. Worker Assessment of Parents’ Understanding of Mediation**

How well do you think parents understand what mediation is about?	Noncustodial Parent	Custodial Parent
Do not understand at all	3%	2%
Understand somewhat	61%	59%
Understand pretty well	37%	39%
	(153)	(110)

If they spoke to parents about mediation, most workers said noncustodial parents were typically “very” (38%) or “somewhat” (60%) interested. For custodial parents, the comparable figures were 6 percent and 77 percent.

**Table 27. Worker Assessment of Parents’ Reactions to the Idea of Mediation**

If you talk to the parents about mediation, how do they react?	Noncustodial Parent	Custodial Parent
Not interested	2%	17%
Somewhat interested	60%	77%
Very interested	38%	6%
	(164)	(162)

When asked why mediation was not attempted, most workers said the custodial parent was not interested (76%), or one parent could not be contacted (33%). However, 27 percent said the noncustodial parent was not interested, 24 percent said the parents did not understand what

mediation was about, and 29 percent said the amount of time mediation would require was an issue.

**Table 28. Worker Assessment of Why Parents Are Not Interested in Mediation**

When parents don't try mediation, why do you think that's the case? (may be multiple answers)		
One parent could not be contacted		33%
The custodial parent was not interested		76%
The noncustodial parent was not interested		27%
One or both parents didn't really understand mediation		24%
The amount of time mediation requires was a problem		29%
		(162)

Table 29 shows the reasons child support workers may not mention mediation. Common reasons included: workers not actually talking to parents when an order is established, parents not raising the issue, and workers forgetting to ask if the parent doesn't raise the issue. Few mentioned lack of time, or the amount of work involved.

**Table 29. Reasons Why Child Support Workers May Not Mention Mediation**

Workers often don't talk to parents when establishing an order		
Not a Reason		39%
Minor Reason		32%
Major Reason		29%
		(167)
Parents don't bring up the issue of parenting time		
Not a Reason		39%
Minor Reason		32%
Major Reason		29%
		(175)
Child support workers don't have time to ask about parenting time		
Not a Reason		56%
Minor Reason		32%
Major Reason		12%
		(169)
Making mediation referrals is too much work		
Not a Reason		44%
Minor Reason		39%
Major Reason		16%
		(167)
Workers forget to bring it up if parents don't mention it		
Not a Reason		17%
Minor Reason		43%
Major Reason		40%
		(166)

## Reactions to the PTOC Program

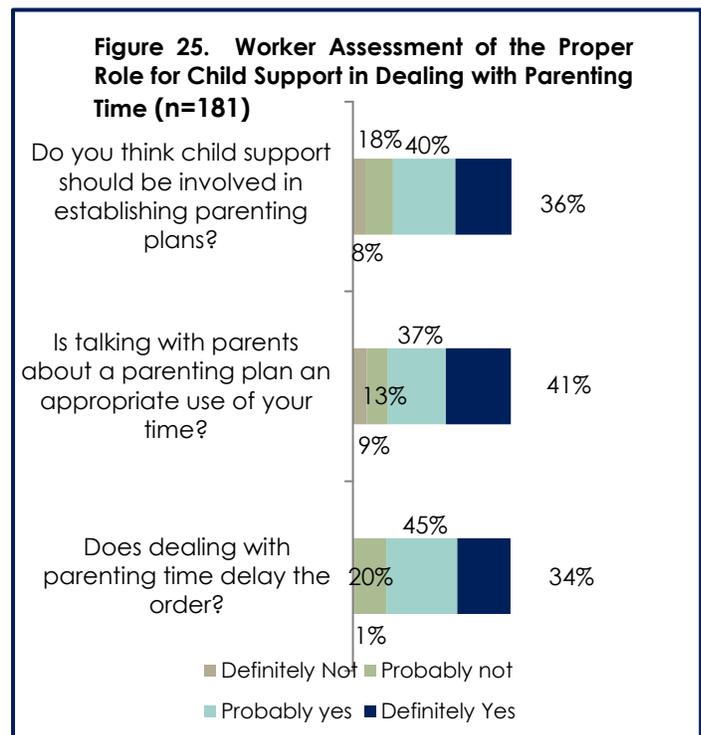
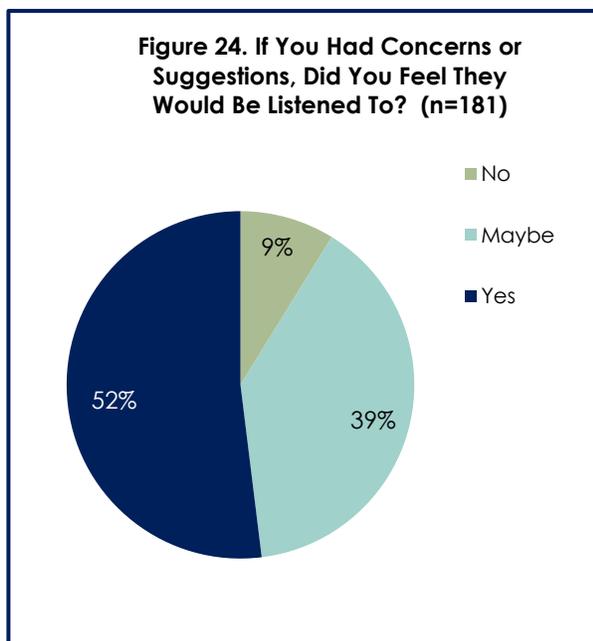
### Child Support Workers

As shown in Table 30, most workers (62%) said they understood very well how the mediation services provided through the grant would operate.

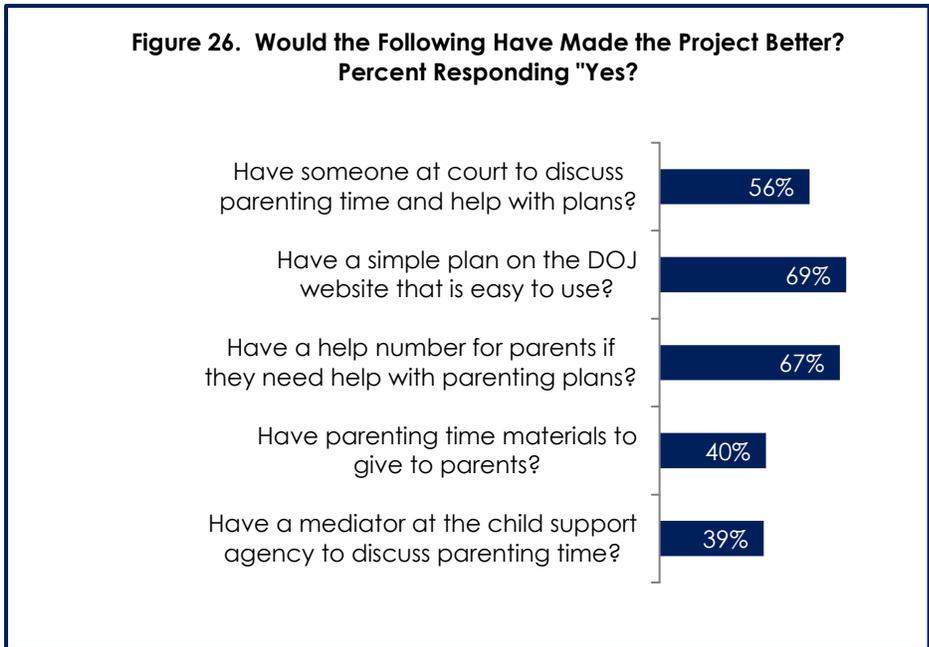
Table 30. Mediation	
How well do you understand the mediation services provided under the grant?	
Not very well	3%
Somewhat	34%
Very well	62%
	(183)

As shown in Figure 24, most workers (52%) said their concerns would be heard and less than 10 percent said their concerns would not be heard. Most child support workers who took part in the survey said they “definitely” (36%) or “probably” (40%) thought the child support agency should be involved in establishing parenting plans. Similar percentages agreed that talking with parents about parenting time was an appropriate use of their time.

At the same time, most workers reported dealing with parenting time probably does delay the establishment of a child support order (See Figure 25).



Finally, 69 percent of the workers said the program could be improved by having an easy to use interactive parenting plan on the court website, and 67 percent said having a help number for parents to call if they need assistance completing the plan would be useful. Just over half said it would be helpful to have someone at court to discuss parenting plans and help parents complete a plan. About 40 percent of the workers said having parenting time materials to give to parents would be helpful as would having a mediator at the child support agency to discuss parenting time.



**Mediators**

Mediators who participated in the survey were generally positive in their assessment of the PTOC Program. Most felt the Program was well explained. All the mediators said they felt any concerns they might have about the Program would be heard and addressed. The mediators generally viewed child support workers as supportive of mediation and PTOC and workers were also generally cooperative in helping mediators to reach parents. All the mediators said the child support workers cooperated if they needed more time to reach a settlement in mediation. Mediators either felt child support should “definitely” or “probably” be involved in encouraging parents to establish parenting time.

**Table 31. Mediators Assessment of PTOC (n=12)**

How well was PTOC explained to you	Not very well	0%
	Somewhat well	42%
	Very well	58%
Did you feel your concerns would be heard?	Yes	100%
Was child support generally supportive of mediators?	Not supportive	0%
	Somewhat	50%
	Very	50%

<b>Table 31. Mediators Assessment of PTOC (n=12)</b>		
Was child support cooperative in helping you to reach parents?	Not very	9%
	Somewhat	55%
	Very	36%
Was child support cooperative if you needed longer to reach a settlement?	Very	100%
Do you believe child support should be involved in encouraging parents to establish parenting time?	Definitely not	0%
	Probably not	0%
	Probably should	42%
	Definitely should	58%

Figure 27 shows how mediators feel the cases mediated under the PTOC grant were similar to or different than other cases they mediate. At least 40 percent of the mediators rated PTOC cases as “much more difficult” on the following items:

- Being able to contact the parents
- Getting the order filed with the court
- Scheduling mediation
- Parents willingness to mediate

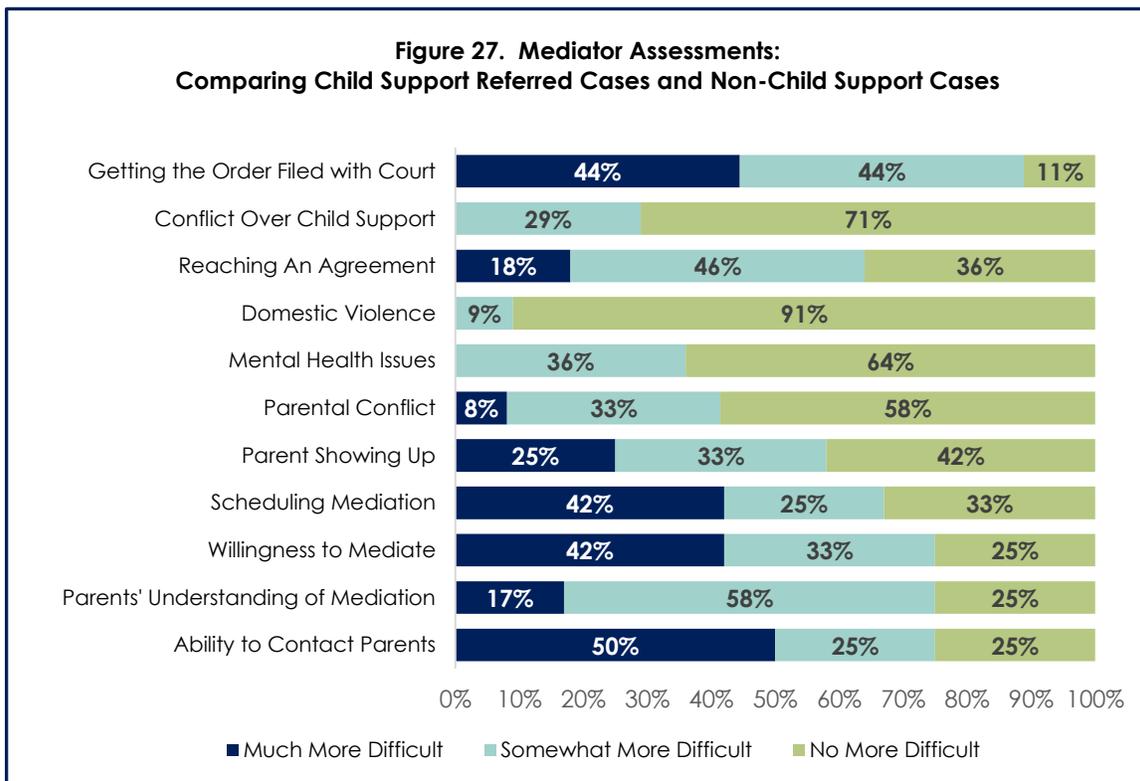
At least 60 percent of the mediators said PTOC cases were no different than most cases with respect to:

- Conflict over child support
- Domestic violence
- Mental health issues

**Parents**

Twenty-five noncustodial parents were interviewed approximately eight months following their referral to mediation. As shown in Table 32, most of these parents had only one child with the other party referred to mediation and nearly 90 percent of the noncustodial parents had never been married to their custodial partners.

<b>Table 32. Parents' Relationship</b>		
Number of children respondent had with the other parent	One	84%
	Two	16%
		(25)
Ever married to the other parent?	No	88%
	Yes	12%
		(25)



Most noncustodial parents reported they did not have a parenting plan at the time they were seen at the child support office.

About two-thirds of parents remembered the child support worker asking if they had a parenting time agreement and two-thirds remembered the worker asking them if they were interested in developing a parenting time agreement.

Parents generally felt the child support workers understood the mediation process, and most noncustodial parents were either very or somewhat satisfied with the help the child support worker gave them related to parenting time (67%).

**Table 33. Parent Report of Parenting Time Assistance**

When you talked with the child support worker, did you have a parenting plan?	No	88%
	Yes	12%
		(24)
Did the child support worker ask if you had a parenting plan?	No	36%
	Yes	64%
		(22)

<b>Table 33. Parent Report of Parenting Time Assistance</b>		
Did the child support worker ask if you wanted a parenting plan?	No	35%
	Yes	65% (23)
How clear was the child support worker about what mediation is?	Very unclear	29%
	Somewhat unclear	0%
	Somewhat clear	13%
	Very clear	58% (24)
Overall, how satisfied were you with the parenting time help you received from the child support agency?	Very dissatisfied	25%
	Somewhat dissatisfied	8%
	Somewhat satisfied	13%
	Very satisfied	54% (24)

Nearly all (88%) of the noncustodial parents said the child support worker provided them with a referral to a mediator. Most parents (77%) were either somewhat or very satisfied with the referral they received and most (86%) said they asked for, or agreed to, have a mediator call to see about working on a parenting plan.

<b>Table 34. Parent Report of Mediator Referrals</b>		
Did the child support worker refer you to a mediator?	No	12%
	Yes	88% (24)
Overall, how satisfied were you with the parenting time referrals you got?	Very dissatisfied	23%
	Somewhat dissatisfied	0%
	Somewhat satisfied	23%
	Very satisfied	54% (22)
Did you ask for, or agree to, have a mediator call you?	No	14%
	Yes	86% (22)

Nearly all non-custodial parents reported receiving a call from the mediator, and nearly all (92%) said they appreciated the information the mediator shared with them. However, about 20-25 percent of the parents reported being unprepared for the call and were generally unaware that the other parent thought there were parenting time issues to resolve.

Table 35. Parent Report of Mediator Contact		
Did the mediator call you?	No	12%
	Yes	88%
		(25)
If you were called, how did you feel about getting called?		
Appreciated the information the mediator provided		92%
I didn't know there was a problem with parenting time		21%
I was confused that I was offered mediation		8%
It took me by surprise, I wasn't expecting it		25%
I was upset that the other parent would tell someone about our parenting problems		21%
		(24)
How helpful was the first contact you had with the mediator?		
Very unhelpful		16%
Somewhat unhelpful		0%
Somewhat helpful		8%
Very helpful		76%
		(19)
Overall, how satisfied were you with your first contact with the mediator?		
Very dissatisfied		4%
Somewhat dissatisfied		4%
Somewhat satisfied		28%
Very satisfied		64%
		(25)

About 20 percent were upset the other parent would share information about parenting time issues with another party.

Nearly all (84%) of the parents said the first contact with the mediator was either somewhat or very helpful, and over 90 percent said they were somewhat or very satisfied with this contact.

Parents who took part in the telephone survey were asked about the issues related to parenting time needing to be resolved at the time they were contacted by the mediator. As shown in Table 36, most parents said they needed a plan to follow. Three-quarters indicated they had disagreements about the amount of time the noncustodial parent should have with the child. Over half said there were problems with contact not taking place as planned. Half also indicated needing a parenting time figure (e.g., # of overnights) to complete their child support calculation. Just over a third were concerned about their child's safety when in the other parent's home.

**Table 36. Parent Report of Parenting Time Issues**

When you spoke with the child support worker about mediation and a parenting plan, were any of the following problems for you?		Percent responding "Yes"
	Needed a plan or visitation schedule to follow	79%
We had disagreements about when or how much time each parent would have with the child		75%
	There were problems with contact or visitation not taking place when it was supposed to	56%
	Needed parenting time for a child support calculation	50%
	There were concerns about your children's safety	37%
	There were other reason or problems	29%
	There were concerns about your safety	4%
		(24)

**Table 37. Parent Report of Safety Concerns**

Did the mediator talk with you about any safety concerns you might have in mediating with the other parent?	No	17%
	Yes	83% (24)
Did you have any safety concerns?	No	96%
	Yes	4% (25)

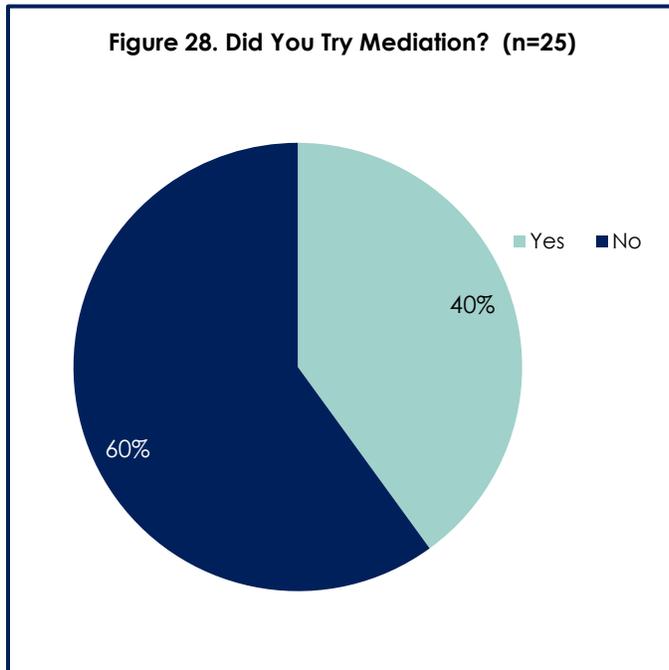
Most of the noncustodial parents who were interviewed remembered the mediator asking if there were any safety concerns. However, only four percent had concerns.

After speaking with a mediator, parents were divided regarding how difficult or easy they thought it would be to produce a parenting time plan using

mediation. Approximately 40 percent of the noncustodial parents thought it would be somewhat or very difficult, while about 60 percent thought it would be somewhat or very easy. Regardless of how difficult they thought it might be, most parents (96%) said they were somewhat or very interested in mediation (Table 38).

**Table 38. Parent Interest in Mediation**

After you first spoke with a mediator, how easy or hard did you think it would be to mediate a parenting plan?	Very hard	33%
	Somewhat hard	8%
	Somewhat easy	21%
	Very easy	38%
		(24)
After speaking with a mediator, how interested were you in mediating a parenting plan?	Not at all interested	4%
	Somewhat interested	4%
	Very interested	92%
		(23)

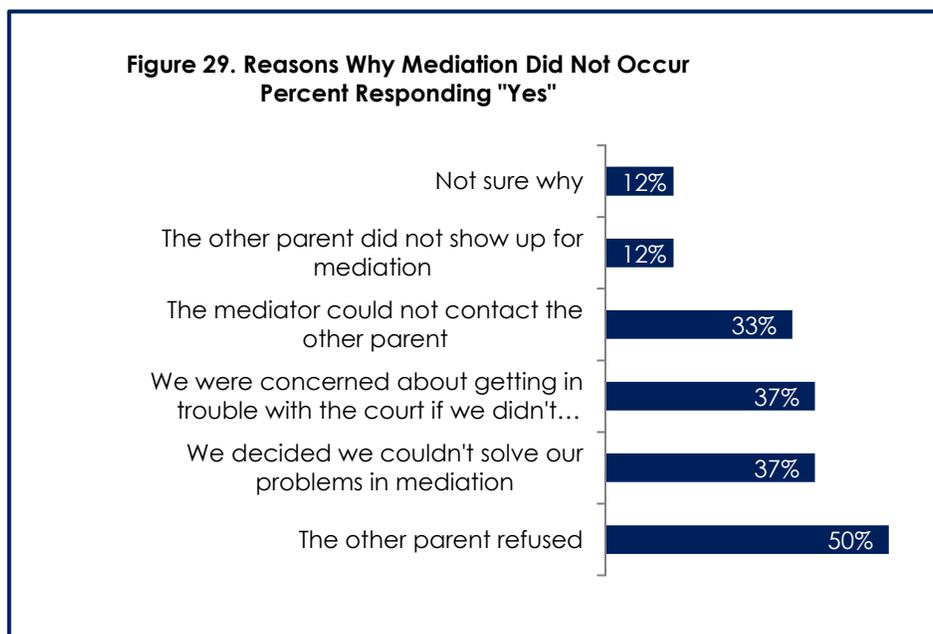


Although most noncustodial parents said they were interested in mediation, only 60 percent participated in the process.

Parents were asked why mediation did not occur, if it was of interest. The results, shown in Figure 29, indicate the most common reasons were:

- The other parent refused to participate (50%).
- The parents decided they could not solve their parenting time problems in mediation (37%).
- The parents were concerned that developing a plan with specific times for each parent to be with the child would result in the parents getting in trouble with the court if they deviated from the plan.
- The mediator could not contact the other parent.
- The other parent did not show up for mediation.

Most parents who did not mediate said they did not receive any further referrals or suggestions from the mediator (60%). However, 40 percent said the mediator recommended looking at the online parenting time forms.



**Table 39. Parent Reactions to the Mediation Process**

The mediator explained the mediation process	Strongly disagree	0%
	Somewhat disagree	0%
	Somewhat agree	13%
	Strongly agree	87%
		(15)
The mediator explained the confidentiality of mediation	Strongly disagree	0%
	Somewhat disagree	0%
	Somewhat agree	13%
	Strongly agree	87%
		(15)
The mediator gave me enough information ahead of time so that I was fully prepared for mediation	Strongly disagree	7%
	Somewhat disagree	0%
	Somewhat agree	13%
	Strongly agree	80%
		(15)
The mediator spent enough time mediating our parenting plan	Strongly disagree	0%
	Somewhat disagree	0%
	Somewhat agree	33%
	Strongly agree	67%
		(15)

The parents who took part in mediation were asked several questions about what the process was like. The results are shown in Table 39.

All the parents felt the mediator did a good job explaining the process and explaining the confidential nature of mediation.

Parents also felt the mediator did a good job providing them with information about the process prior to the first session.

Parents agreed the mediator spent enough time trying to help them develop a parenting time plan.

Table 40 shows parents' assessments of what the mediation process felt like. The table demonstrates:

- Almost 90 percent of the parents said they "felt heard" during mediation.
- Just over 90 percent felt treated fairly.
- A minority of the parents felt they, or their opinions, were ignored during the process (13%), and 20 percent said they felt dismissed.
- All the parents said they felt safe in mediation, although 20 percent said they felt scared.

**Table 40. Parent Assessment of the Mediation Process**

During mediation, I felt heard	Strongly disagree	13%
	Somewhat disagree	0%
	Somewhat agree	27%
	Strongly agree	60%
		(15)

Table 40. Parent Assessment of the Mediation Process		
During mediation, I felt like I was treated fairly	Strongly disagree	7%
	Somewhat disagree	0%
	Somewhat agree	13%
	Strongly agree	80%
		(15)
During mediation, I felt ignored	Strongly disagree	80%
	Somewhat disagree	7%
	Somewhat agree	13%
	Strongly agree	0%
		(15)
During mediation, I felt dismissed	Strongly disagree	67%
	Somewhat disagree	13%
	Somewhat agree	13%
	Strongly agree	7%
		(15)
During mediation, I felt safe	Strongly disagree	0%
	Somewhat disagree	0%
	Somewhat agree	20%
	Strongly agree	80%
		(15)
During mediation, I felt scared	Strongly disagree	80%
	Somewhat disagree	0%
	Somewhat agree	7%
	Strongly agree	13%
		(15)

Table 41 provides information about the mediation sessions that took place. Parents reported spending, on average, 3.6 hours in mediation. Half spent 2.5 hours or less. However, nearly a quarter reported mediation lasted 5 hours or more.

The average number of sessions held was reportedly 3.7, with a median of 1.5. Over half (56%) had only one or two sessions, but almost 20 percent had 7 or more.

Just over 80 percent of those who tried mediation reached an agreement on parenting time issues. Three-quarters of those reaching an agreement said this agreement covered all the issues outstanding, while 25 percent said it covered some issues. All of those who reached an

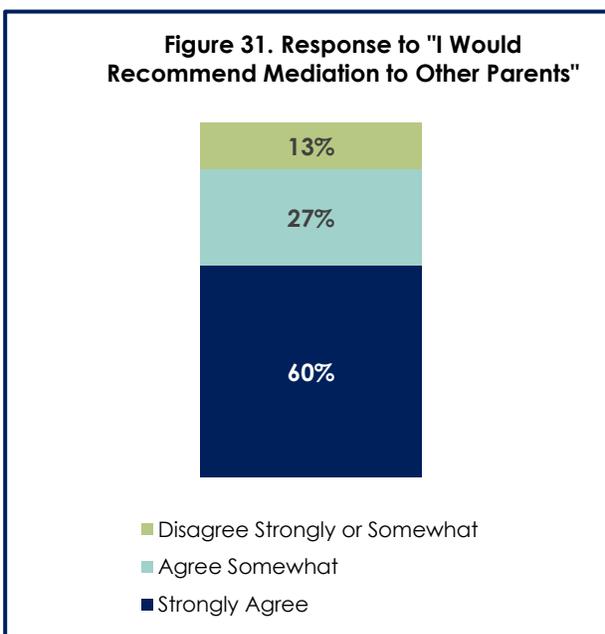
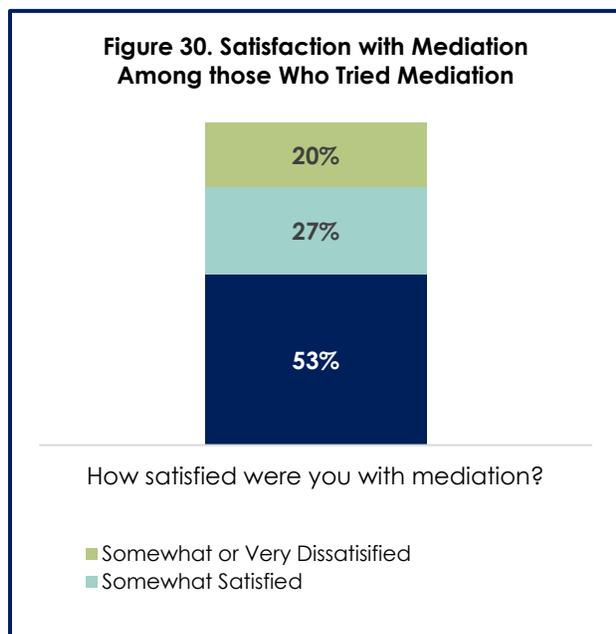
agreement said the mediator wrote it up, but only 46 percent reported the agreement was being entered with the court.

Finally, among those who produced agreements in mediation, all parents said these agreements felt safe.

**Table 41. Characteristics of the Mediation Session(s)**

If you mediated, how many hours did you spend in mediation?		
Range		1 – 15 hours
Average		3.6 hours
Median		2.5 hours
1-2 hours		18%
2- 4 hours		61%
5 or more		21%
		(16)
If you mediated, how many sessions did you attend?		
Range		1-20
Average		3.7
Median		1.5
1 – 2 sessions		56%
3 – 4 sessions		24%
5 – 6 sessions		0%
7 or more		18%
		(16)
Did you reach an agreement in mediation?		
No		19%
Yes		81%
		(16)
If you reached an agreement, was it on all or some of the issues?		
Some issues		25%
All issues		75%
		(12)
If you reached an agreement, how safe does the agreement seem?		
Fairly safe		31%
Very safe		69%
		(13)
If you reached an agreement, did the mediator write it up?		
Yes		100%
		(13)
Is the agreement going to be entered with the court?		
No		54%
Yes, the mediator is entering it with the court		46%
		(13)

Parents who tried the mediation process rated it highly. Over half said they were very satisfied, and 27 percent were somewhat satisfied. When asked if they would recommend mediation to other parents, 60 percent agreed strongly they would, while 27 percent agreed somewhat.



## Outcomes: Comparing Parents Who Mediated and Those Who Did Not

### Contact with Children

The 25 noncustodial parents who were interviewed were asked whether the amount of time they spent with their child increased, decreased, or stayed the same in recent months. There were no statistically significant differences between parents who mediated (n=15) and those who did not (n=9), although the small sample sizes make the likelihood of observing differences unlikely even if they existed. Just over 20 percent of those who did not mediate, and just over 30 percent of those who did mediate, said the amount of time increased. A third of each group reported decreased contact, and the remainder said there had been no change.

**Table 42. Post Referral Contact with Children by Mediation Status**

Compared to the months before mediation was suggested, would you say the amount of time you spend with your child has...	Did not mediate	Did mediate
Decreased (a little or a lot)	33%	33%
Stayed the same	44%	33%
Increased (a little or a lot)	22%	33%
	(9)	(15)

When asked if the regularity of time with the child changed, nearly 60 percent of the noncustodial parents in both groups reported no change. Those who mediated were somewhat more likely to report more regular contact (20%) relative to those who had not mediated (11%). However, the differences were not statistically significant.

<b>Table 43. Post-Referrals Regularity of Contact by Mediation Status</b>		
Compared to the months before mediation was suggested, would you say the regularity of visitation has become...	Did not mediate	Did mediate
Less regular	33%	20%
Stayed the same	56%	60%
More regular	11%	20%
	(9)	(15)

### Parental Relationship

The 25 noncustodial parents who were interviewed were also asked about changes in their relationship with the custodial parent in recent months. As shown in Table 43, those who mediated were more likely to say the relationship improved, while those who did not mediate were more likely to say the relationship worsened. However, differences were not statistically significant.

<b>Table 43. Post-Referral Parental Relationship by Mediation Status</b>		
Compared to the months before mediation was suggested, would you say your relationship with the other parent has...	Did not mediate	Did mediate
Become worse	40%	20%
Stayed the same	50%	50%
Improved	10%	33%
	(9)	(15)

### Child Support Payments

An extract from the automated child support system was generated in November 2016, 14 months after the last cases were referred to mediation by child support workers, and 31 months after the first referrals were made. The extract provided data on all cases that produced a parenting time plan, regardless of whether the parent went to mediation or produced a plan on their own using online parenting plans or other resources. The mediation column shows those cases with a parenting plan developed in mediation, while the “self” column refers to parents who worked out a parenting plan in some other way, either on their own, using downloadable forms from the court website, or some other method. (See Table 44.)

Background information about the cases showed few differences between those who produced their plan in mediation and those who did not. Most of those who mediated a parenting plan (81%) and those who worked out the plan in another manner (77%) were former TANF clients. In both groups, most parents had only a single child together and most had only a single child support order.

The only significant difference between those who mediated their parenting plans and those who did not was their status at the time of the mediation referral as either a case needing a new child

support order or a case with an existing order. Those who developed plans in mediation were more likely to be new order establishment cases, which was not surprising since free mediation services were only available for new cases.

**Table 44. Background Child Support Characteristics of those Producing Parenting Plans in Mediation or On Their Own**

		Mediation	Self
TANF Status	Current	11%	11%
	Former	81%	77%
	Never	8%	12%
		(118)	(255)
Number of children in target case	One	74%	68%
	Two	20%	21%
	Three	3%	10%
	Four	3%	1%
	Five	0%	1%
		(118)	(255)
Total number of child support cases	Average	1.2	1.1
		(118)	(255)
Existing Case or New Establishment Case	Existing	19%	32%
	New	81%	68%
		(118)	(255)
Chi square significant at .02			

There was also a difference between the two groups in their child support order levels. Cases with mediated parenting plans had somewhat higher child support orders, on average. However, the differences in order levels between the two groups were modest.

**Table 45. Child Support Orders Among Those Producing Parenting Plans in Mediation or On Their Own**

	Mediation	Self
Amount of first payment due post		
Zero-dollar order	14%	23%
Average (among cases with orders)	\$364	\$320
Chi square significant at .07		
Order amount among cases with orders		
Lowest thru \$200	21%	32%
\$201 through \$400	42%	37%
\$401 through \$600	25%	18%
\$601 through \$800	11%	9%
\$801 thru \$900	1%	2%
\$901 through highest	1%	1%
	(102)	(196)

Payment performance was calculated as the percentage of the amount owed paid in the 6 months, 12 months, 18 months, and 24 months following the mediation referral. Table 46 summarizes the results.

Among cases referred to mediation prior to the establishment of a child support order, the average amount of the obligation paid at each time point was in the range of 40 to 50 percent. There were no differences between those establishing a parenting plan in mediation and those establishing a parenting plan in another manner.

<b>Table 46. Referred to Mediation as a New Order Establishment for Those Producing Parenting Plans in Mediation or On Their Own</b>		
	Mediation	Self
Percent of amount due that was paid in...		
The first 6 months post	41%	42%
The first 12 months post	47%	46%
The first 18 months post	48%	51%
The first 24 months post	47%	42%
	(85)	(122)

There were also no differences in payment behavior between cases with parenting plans established in mediation versus some other setting, when the analysis is restricted to older cases that were referred to mediation with a child support order in place. On average, the percentage of the obligation paid for both groups ranged around 20 to 26 percent at each time point.

<b>Table 47. Referred to Mediation an Existing Order for Those Producing Parenting Plans in Mediation or On Their Own</b>		
	Mediation	Self
Percent of amount due that was paid in...		
The first 6 months post	18%	19%
The first 12 months post	19%	22%
The first 18 months post	24%	26%
The first 24 months post	27%	23%
	(19)	(77)

Interviews with 25 noncustodial parents provided an opportunity to ask why child support obligations were usually not met. The percent of child support paid ranged from 20% to 50% for all groups and all time points. As shown in Table 48, the most common reason for nonpayment given by about half of those who mediated and those who did not, was a perception that the order level was too high. Disagreements about parenting time and not being allowed to see the children were also common reasons, especially among those who did not mediate their parenting time plans. However, the number of cases is quite small and the differences are not statistically significant. Indeed, the only statistically significant difference was in the percentage citing having another family to support. Nearly two-thirds of those who did not mediate their parenting plans cited this as a reason for non-payment, compared to only 8 percent of those who did mediate their parenting plan.

**Table 48. Reasons for Non-Payment of Support by Mediation Status**

Are any of the following reasons why you may not have made a child support payment in the past...?	Percent responding "yes"	
	Did not mediate	Did mediate
The amount is too high	50%	54%
You are/were unemployed	38%	17%
You are/were injured and unable to work	12%	8%
There were disagreements about parenting time	63%	42%
The other parent does not need the support	14%	0%
The other parent does not let me see the child	62%	25%
★I have another family to support	62%	8%
	(8)	(12)

★Chi square significant at .02

## Key Findings

Under a Parenting Time Opportunities for Children (PTOC) grant from the federal Office of Child Support Enforcement (OCSE), the Oregon Department of Justice engaged 20 mediators throughout the state to provide free mediation services to parents served by the child support agency who lacked a parenting time order and were interested in developing one. Domestic violence awareness and safety planning were key themes in the PTOC awards. Through the PTOC grant, mediators received training on domestic violence and the child support agency stressed that, as one brochure says, "mediation is not a safe choice for everyone." Mediators were also encouraged to use Safety-Focused Parenting Plans as needed.

Typically, a referral to a PTOC mediator was made by child support workers to noncustodial parents (NCPs) who were establishing a child support order and were interested in developing a plan that spelled out when the children would spend time with each parent. Attempts to engage the other parent in mediation occurred in a variety of ways. In some instances, the parent who first heard about the mediation option would reach out to his/her co-parent to discuss mediating. Alternatively, mediators would collect information on the other parent and attempt to contact this parent to determine if she or he would be willing to mediate. If contact information was not available or the attempts to call were not successful, the child support office would send a letter to the custodial parent, explaining the project and noting the noncustodial parent was interested in mediation (this was known in the Program as a "Pass Through" letter). Despite the difficulties sometimes encountered in obtaining contact information, ultimately 80 percent of the mediators reported they were "often" able to contact the noncustodial parent, and just over 70 percent said they were "often" able to contact the custodial parent.

Between May 2014 and September 2015, 1,047 cases were referred to mediators by child support workers, mediators had contact with at least one parent in approximately 332 - 373 cases for potential development of a parenting plan, and mediation occurred in 130 cases.

The evaluation of PTOC involved design and analysis of information obtained from a variety of sources: data forms completed by mediators for each case in which at least one parent appeared for mediation (n=317), surveys completed by parents at the time of their initial mediation session (n=185), telephone interviews conducted with parents about their mediation experiences (n=25), and a data extract generated from the automated child support system for all cases where parents generated parenting plans either through mediation (n=118) or on their own (n=255). In addition, online surveys about PTOC were conducted with mediators (n=15) and child support case managers (n=191), and focus groups and interviews were also conducted with representatives of both groups.

Outlined below are key findings and conclusions.

### It Proved Difficult to Provide Services

- **It is difficult to engage parents with new child support cases in free, voluntary, community-based mediation services.** Between May 2014 and September 2015, child support workers identified 1,047 child support cases involving new order establishment where at least one parent was interested in developing a parenting plan, spelling out when the children would spend time with each parent. Parents in these cases were offered free mediation services through the PTOC project. Per records maintained by the 15 community and court-based mediators affiliated with the project, at least one parent in 32 percent of these cases (n=332) followed up on the referral they received from the child support worker and contacted a mediator. Ultimately, mediation was attempted in 130 cases, which comprises only 12 percent of the 1,047 cases where a parent expressed interest in developing a parenting plan.
- **Parents in new child support cases are hard to contact and schedule for mediation.** Mediation did not occur in 60 percent of the cases where mediators actively attempted to reach out to parents and schedule a session (n=202). Mediators report the chief reason mediation did not occur was because one or both parents could not be contacted (31%), and the lack of good contact information was a challenge cited by most mediators in an online survey with them. In some cases, neither the noncustodial parent nor the mediator could contact the custodial parent, and the outreach to determine interest in mediation could only be done via a letter from the child support agency, which was rarely effective in eliciting a response. Among cases where the mediator contacted both parties, 48 percent participated in mediation.
- **Failure to appear for mediation was a problem.** Per mediators, other reasons why mediation did not occur included the parents choosing not to proceed (23%), and mothers (8%), fathers (3%), or both parents (2%) failing to appear. In general, mediators and child support workers viewed noncustodial parents as more interested in mediating than custodial parents, and most child support workers (76%) viewed disinterest by the custodial parent as the key reason why mediation was not tried more often.

### The Characteristics of Parents Who Participated Posed Some Special Challenges

- **PTOC provided mediation services for parents who were low-income and unmarried but fairly engaged with their nonresident children.** Most parents who mediated were never married (81%-84%), had either a GED or high school diploma (35%-36%), and annual earnings of \$20,000 or less for mothers (85%) and \$30,000 or less for fathers (72%). Nevertheless, a majority reported cohabitation with the other parent (68%-81%), and residential proximity of 30 miles or less (67%-71%). Nearly half of fathers (45%) and 37% of custodial mothers reported the nonresident father had at least weekly contact with their children. Noncontact, however, was a serious problem and per 28 percent of noncustodial fathers and 15 percent of custodial mothers, the nonresident father had not seen his children in the past six months.
- **Mediators view parents in child support cases as more difficult to serve in some respects, but comparable in others.** Compared with divorcing parents, mediators find parents in child support cases harder to contact and harder to engage and schedule for mediation. In their view, a chief barrier to mediation is the unwillingness of custodial parents to “work with the other parent.” It is also more difficult to get their parenting time orders filed with the court. To make their parenting time orders legally enforceable, parents in the child support system must pursue a separate legal filing with the family court. At least 60 percent of mediators said PTOC cases were no different than most of the cases they handle with respect to conflicts over child support, domestic violence, and mental health issues.
- **Safety is an issue for many parents in child support cases but is not an overwhelming barrier to mediation.** Nearly a third (31%) of mothers contacted by the mediators mentioned concerns about safety, but safety concerns were reasons for not mediating in only 11 percent of the cases, and another 5 percent were not mediated because of active restraining orders. More to the point, most mediators said PTOC cases were no different from other cases they handle with respect to domestic violence. And among those who developed a parenting plan, 72 percent had a basic plan and only 9 percent opted for a safety-focused plan.

### Mediation Was Effective When Used

- **Parents who mediated wanted to discuss the amount of time the nonresident parent spent with the children.** Mediators reported noncustodial parents wanted to address not being allowed to see the child(ren), wanting more time with them, and the poor relationship between the parents. Custodial parents wanted to address disagreements over how much time the nonresident parent should have with the children, concerns about the child's safety, and the noncustodial parent not showing up as planned.
- **Mediation is an effective way to produce a parenting plan among parents in the child support caseload who try it.** Ultimately, parents in 130 cases attempted to mediate and 91 reached a full (56%) or partial (19%) agreement. This translates into an agreement rate of 75 percent which is the industry average and comparable to agreement rates reached with divorcing couples and populations drawn from the non-child support caseload. Most mediation agreements (72%) called for basic parenting plans, 9 percent were safety-

focused plans, 9 percent were long-distance plans, and 10 percent involved other factors such as reintroducing the noncustodial parent to the lives of the children.

- **Some parents planned to file their parenting plans with the court while others wanted to keep them informal.** Parents were evenly divided between those who planned to file their agreements with the court (43%) and those who planned to keep them as informal agreements (47%). To create a legally enforceable parenting time plan, unmarried parents must file a custody/visitation petition with the family court and pay a \$260 filing fee, or apply for a fee waiver if they are at 100% of the Federal Poverty Level.
- **Most mediated parenting plans resulted in greater amounts of parent-child contact.** Based on mediator reports, most custodial mothers (72%) and most noncustodial fathers (72%) would describe their mediated agreement as increasing the amount of time the nonresidential parent would be scheduled to spend with the child either “a lot” or “a little.” Visitation terms in agreements varied with a third calling for no overnights and 29 percent calling for nine or more overnights per month.
- **In about a quarter of the cases, mediators referred parents for other services.** In the minority of cases (n=63) for which mediators made service referrals, they most commonly dealt with domestic violence (n=22) or supervised visitation (n=20). Mediators reported making no service referrals in 89 cases.

### Payment of Child Support Was Similar for Cases that Mediated and Those that Did Not

- **There were no differences in payment patterns among new order establishments based on participation in mediation.** Among cases referred to mediation prior to the establishment of a child support order, the average amount of the obligation that was paid at each time point (6-months, 12-months, 18-months and 24-months post mediation referral) was in the range of 40 to 50 percent. There were no differences between those establishing a parenting plan in mediation and those establishing a parenting plan in another manner.
- **There were no differences in payment patterns among existing order cases based on participation in mediation.** There were no differences between cases with parenting plans established in mediation versus some other setting, when the analysis is restricted to those cases referred to mediation with a child support order in place. Among these cases, the average percent of the obligation paid ranged around 20 to 26 percent at each time point.
- **Interviewed parents attributed non-payment of child support to financial considerations as well as parenting time.** The reasons for non-payment of child support given by interviewed parents included disagreements about parenting time and visitation denial as well as belief that order levels were too high, having another family to support, and being unemployed. Financial considerations were more prevalent among those who mediated. Conversely, those who did not mediate were more apt to attribute non-payment to disagreements about parenting time and not being allowed to see the children. While mediation can reduce the incidence of parenting time problems, it does not address the economic barriers to payment that many low-income obligors face.

### Child Support Workers Saw the Value of Offering Parenting Time Services

- **Child support workers agree that parenting time is an important issue for most noncustodial parents that usually goes unaddressed or is discussed only briefly.** Virtually all surveyed child support workers said noncustodial parents sometimes (41%) or often (52%) complain about not being allowed to see their children, and 52 percent said parents seldom had a parenting plan in place when they were establishing a child support order. At the same time, most child support workers only address this issue if it is raised by the parent. Fewer than half (40%) of workers reported they “often” asked the noncustodial parent about parenting time if it was not mentioned, an identical 40 percent said a “major reason” why workers did not discuss mediation was because they simply forgot to do so. Finally, when parenting time was discussed, workers estimated they spent an average of only 6.8 to 7.5 minutes talking about it with custodial and noncustodial parents, respectively.
- **Child support workers supported agency involvement with parenting time but did not always perform as requested and expressed some concerns.** Half of surveyed child support workers (52%) said they “often” mentioned mediation to parents who lacked a parenting plan and 30 percent said they “sometimes” did. Nearly half (40%) said a “major reason” why workers neglected to mention mediation more often was simply because they would forget to bring it up, rather than feeling they lacked the time (12%) or it was too much additional work (16%). Although a third of the workers said child support should (36%) or “probably” (40%) should be involved with establishing parenting plans, similar proportions felt it delayed the establishment of a child support order.
- **Child support workers strongly support a few recommendations to improve PTOC and help parents with parenting time but they do not expand the duties of child support workers.** The suggestions to improve PTOC that attract most support from more than half of surveyed child support workers were having a simple parenting plan on the Department of Justice website that parents could use (69%), having a telephone hotline or help number they could call if they had questions about parenting time or needed assistance with a plan (97%), and having someone at the court with whom they could discuss their parenting plan (56%). Far fewer workers favored the development of materials about parenting time they would distribute to parents (40%), or the engagement of a mediator at the child support agency to help parents with parenting time agreements (39%).