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To: Jim Greiner
From: Chelsea Simpson
RE: Frances Margolin, *Counseling in Contested Custody and Visiting in a Court Setting*, 8 Family Court Law Review 11 (1970).
Date: September 28, 2018

Title: Counseling in Contested Custody and Visiting in a Court Setting
Authors: Frances M. Margolin
Location: Conciliation Court of San Diego, California
Sample: 30 couples
Timeline: N/A
Target group: Couples in visiting and custody disputes following a divorce action
Intervention type: Counseling
Research papers: <https://doi.org/10.1111/j.174-1617.1970.tb00707.x> (last visited September 28, 2018)
Partners: The Conciliation Court of San Diego and the Conference of Conciliation Courts

Abstract

At the time of this study, while some Conciliation Courts offered counseling services to help resolve family legal disputes, there was little data available about the rate of use or effectiveness of such services. In this study, researchers first gathered information via a questionnaire about the counseling services offered by other Conciliation Courts, then ran a pilot study in which they offered thirty couples counseling and measured how many of them proceeded to litigation. It is not possible to draw any conclusions about Conciliation Courts because the researchers did not test the results of their quasi-experiment for statistical significance, and the descriptive data collected from surveyed Conciliation Courts may not be generalizable.

I. Policy Issue

A primary goal of Conciliation Court services was to protect minor children involved in difficult family proceedings, including visitation and custody disputes following a divorce. While some Conciliation Courts offered counseling to couples to help resolve such disputes, the overall frequency, timing, and nature of this counseling was unknown.

The study also did not cite any past research that had studied the effectiveness of the counseling. The researcher's key question was: how often did Conciliation Courts offer counseling in custody and visitation disputes, and how effective was it?

II. Context of Evaluation

Judges from across the Conference of Conciliation Courts responded to the questionnaire on counseling practices. However, the study did not specify the respondents' jurisdictions and it is unclear whether the sample was representative. The pilot program offering counseling to thirty couples took place at the Conciliation Court of San Diego. All participants were couples involved in custody or visitation disputes, but the researchers did not provide any further characteristics about the participants or the population within the Court's jurisdiction.

III. Details

In the questionnaire phase, researchers sent questionnaires to all sixty judges of the Conference of Conciliation Courts. The questionnaire contained seven questions asking whether the Court offered counseling to families in child custody disputes, the number of cases that had received counseling, when it occurred in the proceedings, and whether the court had ever discontinued the practice. In the trial phase, the San Diego Conciliation Court offered counseling to thirty couples in visitation and custody disputes following a divorce action. Researchers then counted the couples who proceeded to litigation. The researchers did not state how they selected couples for the trial, nor did they include a control group or any follow-up measures.

IV. Results and Policy Lessons

Forty-four of the sixty judges returned the questionnaire, although researchers noted that some of the questionnaires were incomplete. They did not exclude these questionnaires from the data, but included this information in a footnote to explain the discrepancy in some of the response numbers. Researchers found that approximately half of all courts offered counseling in child custody disagreements, and a further sixteen planned to engage in such counseling in the future. Additionally, they found that an "overwhelming majority" of Courts that engaged in counseling said that they would like to continue it, and no court that offered such counseling had ever discontinued it. In the trial phase, the percentage of couples that received counseling and proceeded to litigation was not analyzed for statistical significance, so it is impossible to determine whether or not it was a result of chance.

V. Quality of the Study

There are some significant limitations in this study that call into question the strength of its findings. In the trial phase in particular, the researchers did not include a control group of couples in custody disputes that did not receive counseling. Therefore, there is no baseline data against which to compare the success rate of the counseling group. The researchers also offered no details on how they selected couples for the trial—including whether they were volunteers or randomly selected by researchers. Because the study

also provided little information about the participants or the population within the Court's jurisdiction, it is unclear how broadly these findings may apply across income level, ethnicity, age, and other factors. It is also unclear whether the Conciliation Courts surveyed are representative of Conciliation Courts in general, since the authors did not explain how the surveyed courts were selected.