

What is child protection mediation?

MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT

Child welfare workers work closely with families and communities to protect children from abuse, neglect and harm. At all times, their number one concern is to ensure the child's safety and well-being.

Once that's done – whether the child remains at home, lives with a relative or a caregiver with significant ties to the child, or comes into care - the family, extended family, community, child welfare worker, caregiver, and others work together to plan for the child's future.

Mediation is one option available to help families through this planning process. Mediation services are available to families who are working with the Ministry of Children and Family Development, or a delegated Aboriginal Child and Family Service Agency. Mediation can help people to agree on what's best for children, without having to go to court.

WHAT IS MEDIATION?

Mediation is a process for working out disagreements with the help of a trained, neutral person (a mediator). Mediation is a process that helps people to focus on the best interests of the child, and work towards a solution that is acceptable to the people involved.

WHEN CAN MEDIATION HELP?

Mediation is an option that may be tried at any time when there are concerns about a child's safety, even before the child is removed or after a court hearing. Mediation can be used to work through a number of issues, including:

- what services the family will receive and participate in as part of the plan of care;
- the contents of a support services agreement to ensure the child or youth's safety and well-being in the parent's home;
- the length of time a child will be cared for by someone other than his or her parent;
- developing a plan for a child to be returned to a parent's care;
- how and when a parent or others may have access to a child;
- terms and conditions of consent or supervision orders;
- resolving a dispute that would otherwise have to be settled in court; or,
- other matters relating to the care or welfare of a child.

WHO CAN TAKE PART?

Child protection mediation typically involves the child's parent(s) or guardian, a child welfare worker and mediator. Other people who have significant ties with the child or family can also be involved. The mediator will work with the parents and child welfare worker to decide who will attend. This may include:

- the child;
- other family or extended family members;
- a lawyer
- friends and advocates; or,
- if the child is Aboriginal, representatives of the Aboriginal community or Delegated Aboriginal Child and Family Services Agency.

HOW CAN THE CHILD OR YOUTH BE INVOLVED?

Sometimes the child or youth will give their thoughts and views to someone to bring to the mediation, or may want to participate in mediation. The mediator may meet with the child or youth to explain the process and ask for their input and if appropriate, arrange for the child or youth to participate at the mediation in a way that is comfortable for them.

WHO WILL BE THE MEDIATOR?

Mediators are trained, skilled professionals. Their job is to help people reach agreements. Mediators are neutral; they're not on anyone's side and their job does not involve judging or making decisions for others. They help parents, child welfare workers, and others involved in mediation (the parties) reach decisions to help ensure the child's safety and well being. Either the parent or worker may recommend a mediator, but everyone must agree on who is selected. The Roster of Mediators is available at: www.mediator-roster.bc.ca/select_cp.cfm

Parents can ask their child welfare worker or lawyer to provide a list of child protection mediators in their area. Mediators may be asked questions about their experience and training if this would help to make a choice. Both the child welfare worker and parent may talk to the mediators about the process. Once the parties have agreed on a mediator, they contact the mediator to start the process.

WHAT HAPPENS IF I CHOOSE MEDIATION?

Once a mediator has been contacted, the mediator will meet separately with each party to gather information and help prepare for the mediation. During this orientation meeting, the mediator will meet with each of the parties to discuss the needs and best interests of the child, and to identify the concerns, needs and interests of those participating in the mediation. Then, the mediator will set up the mediation session with you and the child welfare worker (and others, if they're involved).

At the mediation session, the mediator will make sure each person has a chance to speak and everyone's ideas and concerns are heard. The mediator may also make suggestions for you to consider, but won't make any decisions. Once you reach an agreement, the mediator will work with you, the child welfare worker and your lawyer to put the agreement in writing. If mediation does not work for you, or you are not satisfied with the outcome, you always have the option of going to court.

HOW LONG WILL IT TAKE?

Mediators can usually be available to start mediation within a week or two after they have been contacted. Often people reach an agreement after just one joint mediation session with all parties, facilitated by the mediator. That meeting can take anywhere from 2 to 7 hours, depending on the matters to be discussed and settled together. Sometimes, more than one meeting may be needed, in which case the mediator arranges for all parties to meet again. Mediation is an opportunity for all parties to meet and collaborate, with the assistance of the mediator, towards solutions that meet the child's best interests.

IS THERE A CHARGE FOR THIS SERVICE?

No. There is no cost to you.

DO I NEED A LAWYER?

You do not need a lawyer for mediation, but you may bring one if you like. You may also consult a lawyer at any time during the mediation process. Legal advice is important to help you understand your rights and responsibilities.

ARE INTERPRETERS AVAILABLE?

Yes. If an interpreter is needed, one will be provided at no cost to you.

ARE THERE OTHER WAYS TO PARTICIPATE IN CHILD WELFARE DECISION-MAKING?

Yes. Mediation is only one way for families to share in child welfare decisions. Depending on your needs, you may want to learn more about:

- **Family meetings:** family members meet with a child welfare worker to agree on things like goals and supports.
- **Family group conferences:** parents, children, extended family and anyone else who is important to the child meet to work out a plan to keep the child safe. A neutral coordinator helps out, but the family makes its own decisions.
- **Traditional decision-making:** family members follow community or cultural traditions to work through their problems; for example, in an Aboriginal community, elders might lead families and child welfare workers through a traditional problem solving process to guide decision-making.

Mediation is one of the preferred methods of making child welfare decisions. A mediation, family group conference or other dispute resolution process should be tried before going to court.

INFORMATION

Mediation can help in situations where family members and child welfare workers disagree on the best way to meet a child's individual needs. For more information, please visit our website at: www.mcf.gov.bc.ca/child_protection/mediation.htm