

# Mediation in ARY/CHINS Cases to Reduce Family Discord & Avoid Litigation

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# Contents

- ▶ Purpose of project
- ▶ Roles
- ▶ Overview of intake & assessment process
- ▶ Overview of mediation
- ▶ Redacted mediated case plan
- ▶ Examples of agreements reached
- ▶ Demographics
  - ▶ Agreed to mediate
  - ▶ Participated in mediation
- ▶ Participant feedback
- ▶ Early findings
- ▶ Questions from audience

# Purpose of Project

- ▶ The intent of the project is to provide families in conflict - specifically those who have filed an At-Risk-Youth or Child-In Need-of-Services petition - with an alternative to judicial intervention.
- ▶ The ARY/CHINS Mediation Pilot provides a venue for safe, structured, and confidential dialogue between youth and parent/caregiver/custodian to address the issues that prompted the filing of their petition.

# Roles

- ▶ Mediators: convene and facilitate the dialogue, provide structure, challenge assumptions, capture agreements reached
- ▶ Case managers: make connections to and recommendations of services, participates in mediation, monitors mediation case plans, and point of contact for family
- ▶ Defense counsel: participates in mediation, reviews agreements and *possible orders*, reality tests best alternative to settlements reached

# Intake process

- ▶ Review case history
- ▶ Review petition
- ▶ Family Reconciliation Services (FRS)-- family assessments
- ▶ Review current services
- ▶ Consider future services, even ones not being asked for
- ▶ Prior contact with the petitioner before court e.g. orientation

# Mediation?!

## ▶ It is:

- ▶ Dialogue with the help of a trained neutral third party to
  - ▶ Increase communication
  - ▶ Facilitate listening and understanding
  - ▶ Design their own solutions and outcomes
- ▶ Confidential and voluntary (RCW 7.07)

## ▶ It is not:

- ▶ Counseling, case management, or a prescriptive process

## ▶ Benefits

- ▶ Increases buy-in and accountability
- ▶ Reduces time spent in court
- ▶ Creates uniquely tailored solutions
- ▶ Retains access to court resources without judicial intervention



**King County**

FCS Mediation Case # \_\_\_\_\_

Court Case # \_\_\_\_\_

### Facilitated Mediation Case Plan

We, \_\_\_\_\_

1. We participated in a facilitated mediation session on: May 23, 2019, (date)
2. and developed the following fair and reasonable action plan which will end on \_\_\_\_\_ (date)
  1. Mom will provide positive reinforcement with \_\_\_\_\_ attends school.
  2. Mom will give \_\_\_\_\_ a verbal reminder when he has missing assignments at school.
  3. \_\_\_\_\_ will attend summer school on campus.
  4. \_\_\_\_\_ can earn his phone back by attending school every day for the next two weeks. If \_\_\_\_\_ misses one class mom will give him a verbal reminder that he needs to attend each class. If \_\_\_\_\_ misses additional school he will lose his phone for one week.



Parties agree to continue Fact Finding to monitor their action plan. Fact Finding is continued to: 6/19/19 (date).

In an ARY matter, a parent may ask to reconvene mediation or schedule a Fact Finding Hearing at any time. In a CH NS matter, either party may request to reconvene mediation or schedule a Fact Finding Hearing at any time.



Parties agree to the entry of an ARY or CH NS Fact Finding order. This Facilitated Mediation Case Plan will be submitted through entry of the Fact Finding order and will be monitored by King County Superior Court.



No further action required. Parties agree to dismiss petition.



Other: \_\_\_\_\_

Dated this 23rd day of May, 2019

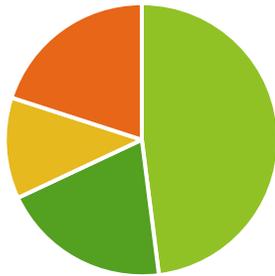
# Examples of agreements reached

- ▶ Parties agree youth may attend (alternative school) if accepted. If not accepted to (alternative school) she shall attend (parents' preferred school). If at parents' preferred school mom agrees to request a 504 plan.
- ▶ Josh agrees to attend school every day unless he is sick or has a doctor appointment. If he is missing school for counseling, he agrees to return to school at 11:30 AM or within 30 minutes of the counseling session ending.
- ▶ Mom will reach out to Josh to ask if Josh wants to visit. Josh may also initiate visits. Visits should be two Saturdays each month at first, with possibility to increase upon mutual agreement. Josh agrees to let his mom know if there is a conflict in scheduling. Mom and Josh agree that mom could bring the other kids to visits as necessary.
- ▶ Josh agrees that if he is hospitalized or in crisis his mother should be notified.
- ▶ Mom and stepdad agree that Josh can stay in contact with Kendy. Parties agree that if contact with Kendy interferes with Josh's ability to comply with this agreement, contact with Kendy can be limited by mom and stepdad.
- ▶ Josh will attend GED programs at the local community college Monday-Thursday for two hours each day (8 hours/week). Josh will work on obtaining his GED and can pursue an AA or other certification along with his GED.
- ▶ Josh agrees to participate in individual counseling for three months. Josh will notify mom if he feels the counselor is not a good fit for him. Once he finds a counselor he is compatible with, he will meet with that counselor for three months minimum.
- ▶ Mom and stepdad agree to attend family counseling at the recommendation of the individual counselor.
- ▶ Josh agrees to submit to one UA per month at mother's request. If the UA is positive for anything other than marijuana Josh will take a second UA in two weeks. If a second UA is positive for anything other than marijuana, Josh will complete a drug/alcohol assessment and follow and treatment recommendations. UAs will occur for 6 months but will extend for an additional 3 months if there is more than one UA positive for marijuana.
- ▶ Curfew is 9:00 PM Sunday through Thursday and 11:00 PM Friday and Saturday unless otherwise agreed.

# Demographics: Agreed to mediate

N=25

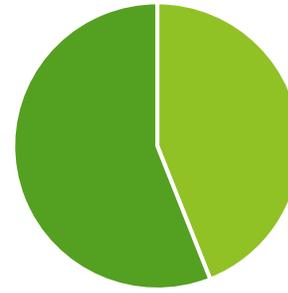
### Race



- White/Caucasian
- Black/ African American
- Hispanic/Latinx
- Asian/Pacific Islander

White/Caucasian: 12  
Black/African American: 5  
Hispanic/Latinx: 3  
Asian/Pacific Islander: 5

### Gender



■ male ■ female

Male: 11  
Female: 14

### Age



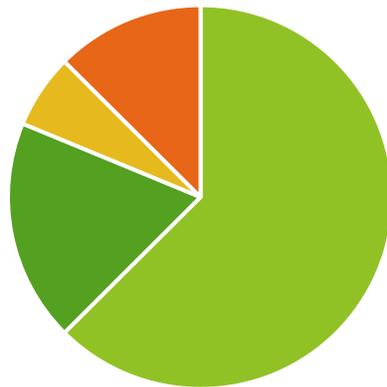
■ 12 ■ 13 ■ 14 ■ 15 ■ 16 ■ 17

12: 2  
13: 5  
14: 5  
15: 2  
16: 7  
17: 4

# Demographics: participated in mediation

N=16

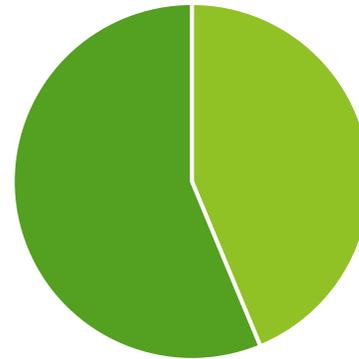
### Race



- White/Caucasian
- Black/African American
- Hispanic/Latinx
- Asian/Pacific Islander

White/Caucasian: 10  
Black/African American: 3  
Hispanic/Latinx: 1  
Asian/Pacific Islander: 2

### Gender



- Male
- Female

Male: 7  
Female: 9

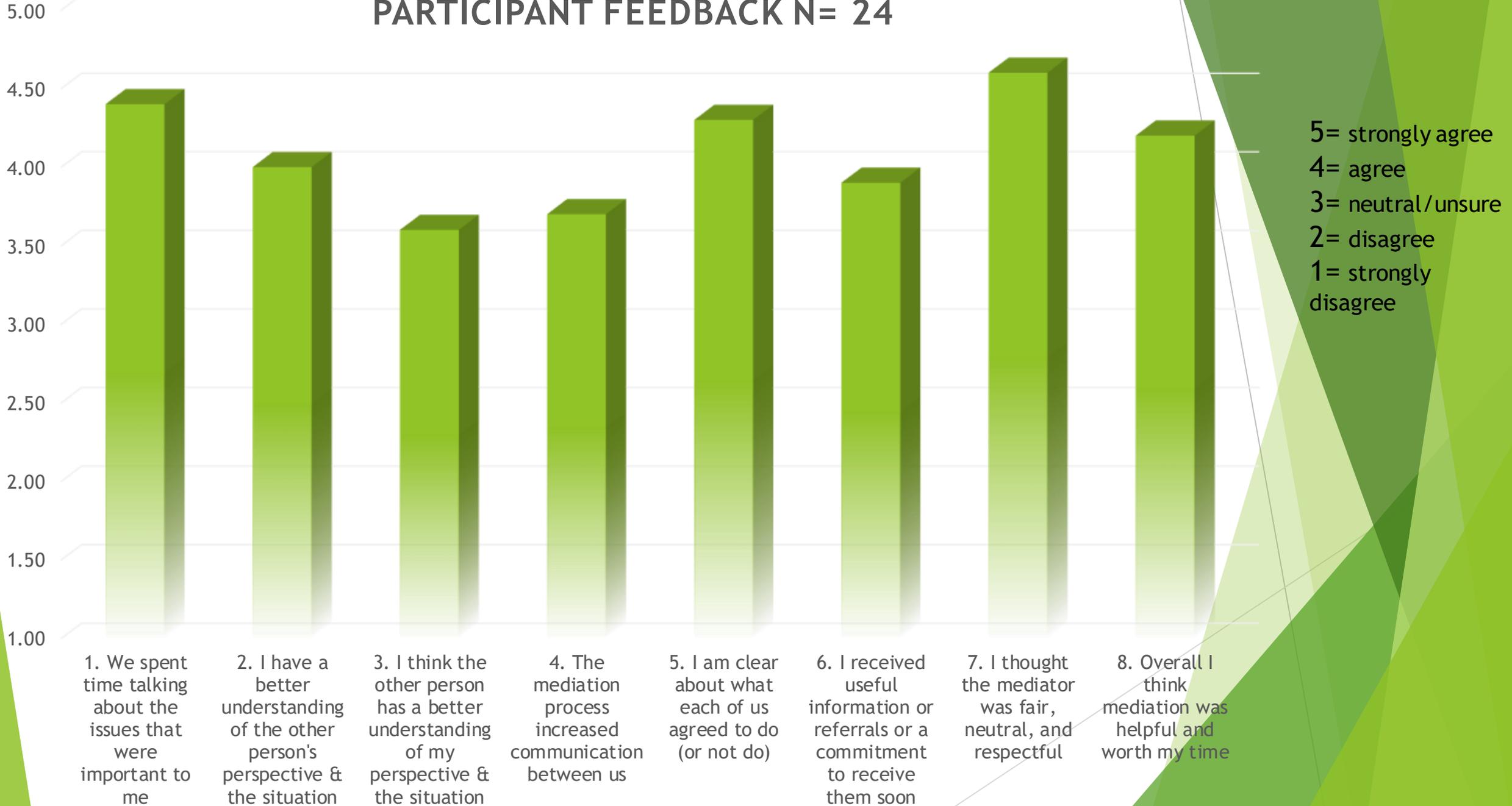
### Age



- 12
- 13
- 14
- 15
- 16
- 17

12: 2  
13: 2  
14: 3  
15: 1  
16: 6  
17: 2

# PARTICIPANT FEEDBACK N= 24



# Early Findings (February-October)

- ▶ Of the 16 families who participated in mediation:
  - ▶ 1 elected to return to Court
  - ▶ 2 voluntarily dismissed the petition
  - ▶ 13 are pending and monitoring their case plans (mediated agreements)
- ▶ Pilot project suggests:
  - ▶ Families choose mediation over traditional judicial intervention
  - ▶ Families who choose mediation spend less time in front of a judicial officer
  - ▶ Youth are more engaged in their outcomes
  - ▶ Access to services without judicial intervention
  - ▶ Parents and youth hear each other in a new and different way
  - ▶ Because they are recognizing each other's underlying interests, that is why their priorities shift
  - ▶ Youth are able to make decisions and recognize the value in interventions agreed to in mediation
- ▶ Higher motivation from a youth to:
  - ▶ Engage in services
  - ▶ Recognize a need for behavior change
  - ▶ Self-advocate

Questions?