

**PIMA COUNTY JUVENILE COURT
TUCSON, ARIZONA**

This report was prepared for the National Council of Juvenile and Family Court Judges by Susan Parnell, Court Mediator, many years ago. Updates to bring it current to June 2011 have been added in red.

Dependency Mediation Program	
Program Goals	Our program goals were defined as increasing parental compliance and participation, improving the relationships among case involved family members and others, and reducing the number of contested hearings. These remain the overriding goals of our program
Development process begun	The court waited until the mediator was hired to begin the development of the court-based mediation program. The requirements for the first mediator hired: MSW degree, work history in child welfare and extensive mediation experience. Susan Parnell was hired.
Inception date	May of 1998. Mediator hired to begin development of program, policies, protocols, and forms. Funding was provided by a two year grant from the Governor's Office for Children, Youth, and Families.
Development and implementation team	Initially Ms. Parnell worked together with the lead dependency judges and her supervisor on the preliminary development of the program. When it became apparent that other voices wanted and needed to be heard, we convened a Mediation Advisory Committee composed of the various stakeholders. We worked together to review and refine program protocols and procedures. Once the program was implemented, this committee remained in place to address mediator and stakeholder concerns and to make recommendations to the court on how problems might be addressed. The committee was eventually dissolved when it was no longer deemed necessary to meet on a regular basis. For well over twelve years now, mediation program related issues are addressed at the ongoing Model Court Working Committee meetings. This group meets once a month to

	address any and all issues pertaining to dependency cases.
Lessons learned throughout the process?	<ul style="list-style-type: none"> ❑ Involve all the stakeholders from the very, very beginning. Be clear on the goals of your program. Be sure they are shared goals. ❑ Be sure you match the ideology of your program with the philosophy and orientation of your mediators. If you're looking for a settlement-oriented and evaluative mediation program, seek out a settlement-oriented and evaluative facilitator. If you're looking for a process-oriented mediation program, seek out a mediator who works from a process-oriented framework and philosophy. The program developed here in Pima County embraced the process orientation framework in part because the first mediator worked from that orientation and secondly, the court was looking to implement a program that focused on parent and family engagement before settlement. ❑ Be prepared for the challenges that the literature clearly indicates will be present. Using dependency mediation requires a paradigm shift and making such a shift is not easy for everyone. The difficulties need to be respected and addressed. ❑ Train, train, train. Help all involved attain a better understanding of the process of mediation and the role of the mediator. Don't assume that because the words 'mediation' and 'mediator' have been around for awhile that everyone is sharing the same meaning. Most likely they are not.
Was anyone initially excluded from the program development who should have been included?	<p>Representatives from:</p> <ul style="list-style-type: none"> ❑ the Attorney General's Office ❑ the contract attorneys who represent parents and children ❑ Administration level staff from the Agency ❑ Supervisory level staff from the Agency <p>As mentioned earlier, a Mediation Advisory Committee was created which included all of these stakeholders. This committee functioned for about two years and then was disbanded. Since that time, mediation-related concerns or reports are addressed at the monthly Model Court Working Committee Meeting.</p>
Mistakes made during the development?	<ul style="list-style-type: none"> ❑ Didn't convene the advisory group early

	<p>enough.</p> <ul style="list-style-type: none"> ❑ Didn't anticipate that the timing of the implementation would be so problematic for the stakeholders. It coincided with the full implementation of the Model Court Process for all petitions county wide. ❑ Underestimated the strength of the response to the additional time demands for attorneys and case managers. ❑ Over the years the understanding that spending an hour in mediation can save many hours in the courtroom has grown and is generally accepted. That then led to the growth of the program in scope of what the mediator is allowed to address in sessions and in the number of sessions requested. Ms. Parnell was the sole mediator for the first seven years. The second and the third mediators were added as the benefit of ADR became apparent and the demand for ADR services grew.
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MEDIATORS

<p>How many mediators?</p>	<p>One full-time court-based mediator was hired in May 1998. A second was hired in August of 2005 and a third in June of 2008. We anticipate that the three will be able to handle the workload for the foreseeable future. We all have our own mediation room/office spaces with round tables.</p>
<p>Are the mediators only involved in dependency mediation?</p>	<p>At this time, the mediators continue to work almost exclusively on dependency and private severance cases. On occasion, a judge will refer a delinquency case for mediation but that is fairly rare. Given that over 60% of the judges' bench time is spent hearing dependency cases, it is likely that this will remain the situation.</p>
<p>Mediator qualifications</p>	<p>The first mediator was required to have a Master of Social Work degree; be an experienced mediator; have experience in child welfare; and knowledge of child abuse and neglect dynamics. The second two mediators are both JDs. Both had mediation backgrounds and knowledge of the child welfare system.</p>

<p>Is there special training for the mediators?</p>	<ul style="list-style-type: none"> ❑ The first mediator was provided a site visit to an established program shortly after being hired by the Court. This was invaluable and I encourage it for any new program. ❑ Mediators are encouraged to attend to their ongoing professional training. To that end, the court provides some assistance for the mediators if funding is available. In several instances, the mediators and the court have shared the costs. ❑ NOTE: The mediators also <u>provide</u> informational trainings for the juvenile court community, i.e., new judges, attorneys, child protective service workers, and CASAs.
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MEDIATION PROCESS

<p>What types of cases are referred to mediation?</p>	<p>All issues are referred to mediation. Visitation, placement, services, permanent plans, post-adoption contact agreements, post-guardianship visitation agreements, custody and parenting time plans* for divorced or never married parents and private severances are all issues routinely referred to mediation.</p> <p>*A local rule was established here in Pima County that recently became a statewide rule. It supports the goal that every dependent child will depart the Juvenile Court with a valid custody order and child support order in place. The Juvenile Court judge consolidates the family law case with the dependency case and enters any needed custody and child support orders (with the exception that child support in the IV-D cases are heard downtown by the IV-D commissioners). These sessions take place prior to adjudication if a custody order to an appropriate parent could avoid a dependency or at the conclusion of a case just prior to dismissal.</p>
<p>What types of cases are excluded if any?</p>	<p>We have no policy for specifically ruling out any specific cases. We do have a domestic violence policy that is implemented if the parties involved in the upcoming session have a history of domestic violence.</p> <p>Incarcerated parents are either transported to the courthouse for ADR sessions or arrangements are made for the parent to participate telephonically.</p>

<p>When in the dependency court process does mediation occur?</p>	<p>In the beginning, the mediator was only allowed to mediate visitation issues and cases with certain characteristics were ruled out. Over time, confidence in the process, the program, and the mediator grew so that ADR sessions are now used at any point in the proceedings and for almost any purpose</p>
<p>More than one mediation session per case?</p>	<p>Yes. Cases may return to continue mediation of a specific issue or may be referred to mediation later in the case for a completely different issue.</p>
<p>Who can request mediation?</p>	<p>Any party to the dependency case can request mediation.</p> <p>Cases can also return to mediation after dismissal of the dependency to address post- permanent guardianship or post-adoption visitation issues. These cases contact the mediation services office directly to arrange for a mediation session.</p>
<p>Are mediation sessions court ordered?</p>	<p>Some are and others are not. Originally all mediations were court ordered and were entered on my calendar through the court's computerized calendar system. In late 2000, however, we added a self-referral method. Any party to the case can request mediation and does so by filling out a request form and submitting it to the mediation office. The mediation office contacts all parties and if all are willing, the mediation session is set. If, however, any party objects to the mediation, the mediation will not be set and the parties must address the question in court.</p>
<p>Is participation voluntary or mandatory?</p>	<p>We have an interesting way of doing things here. Mediation may be court-ordered but participation is voluntary. In the orientation, the mediator informs the participants that they have met their obligation to the court by appearing for the session but to really mediate, to fully participate is a truly voluntary endeavor. While we had early skepticism over this approach, this is now the accepted approach because over 12 years and thousands of cases later, <u>only a handful of</u> sessions have not been conducted because an essential party was unwilling to participate.</p>

<p>Parties present in the mediation session:</p>	<p>Determination of who must attend a session is made on a case by case basis and is determined by the issues to be mediated. Parents, caregivers, therapists, case managers, other relatives, CASAs, other service providers, and children* are all parties who might be ordered (or requested) to attend session.</p> <p>*Extremely rare, older children only, and the mediator determines how the child will participate.</p>
<p>Is there an identified coordinator for the mediation program?</p>	<p>The Lead Mediator functions as a program coordinator although we do not have that designation here. The Lead Mediator serves as the conduit between the mediators and the support staff's supervisor and is the go-to person for the bench or consumers if there are problems or concerns that need to be addressed. All three mediators and the Office Supervisor are supervised by the Children and Family Services Division Director. This is a unique unit construction that came about from the Mediation Unit starting with one person and growing across the years one person at a time.</p>
<p>Who oversees the mediation program? Who oversees the mediators?</p>	<p>The Mediation Unit, composed of three full time mediators, an office supervisor and two fulltime support staff, is located in the Child and Family Services Division of the court. The Division Director is the mediators' and office supervisor's immediate supervisor.</p> <p>As reported elsewhere in this report, we also have the ongoing Model Court Working Committee meetings at which any concerns related to the mediation program can put it on the agenda for the stakeholders' group to address.</p> <p>Another ongoing method of oversight: As part of each mediator's annual performance evaluation, consumer satisfaction surveys are sent out to professionals who have participated in mediation sessions. The survey also includes questions on the program and the process. In addition, family members who have attended mediation are also surveyed as to their satisfaction with the mediator and the mediation process.</p>

Are there special protocols?	A domestic violence protocol is in place.
Special statutes?	<p>ARS 8-809. <u>Child welfare mediation program</u></p> <p>ARS 8-844. <u>Dependency adjudication hearing: settlement conference or mediation</u></p> <p>ARS 8-116.01. <u>Agreements regarding communications</u> (This is in regards to post-adoption contact.)</p>

EVALUATION

Evaluation? Evaluation on a regular basis?	We conduct satisfaction surveys on an annual basis for each of the mediators . We have not conducted a formal evaluation of the effectiveness of mediation in attaining the goals originally identified as the purpose for implementing a dependency mediation program.
Who are the evaluators? Who is conducting the evaluation?	N/A
Funding for the evaluation?	N/A

FUNDING

How is it funded?	The mediators and the support staff are all County funded positions.
How is the program being sustained? (e.g. continuing source of funding?)	County funding.