

**EVALUATION OF THE  
SURREY COURT PROJECT:  
FACILITATED PLANNING MEETING**

**FINAL REPORT**

for

**Dispute Resolution Office  
Ministry of Attorney General**

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## EXECUTIVE SUMMARY

This is the final evaluation report of the Surrey Court Project's Facilitated Planning Meeting, which is referred to as the Facilitated Planning Meeting Project (FPMP) throughout this document. The FPMP was a pilot mediation project in the Ministry of Children and Family Development's South Fraser Region to shorten the time frame required to make effective decisions for children in protection cases, and to reduce the proportion of cases which proceed to contested protection hearings. Although the project is still ongoing, its formal duration as a pilot project was from June 2001 through August 2002. The methodologies for this report consisted of analysis of a range of quantitative data extracted from the FPMP database, and a comparison between FPMP cases and a baseline set of protection cases from the same offices, in terms of the time for cases to reach various milestones and a final disposition.

On June 17, 2002, an interim evaluation report presented – among other content – qualitative feedback about the FPMP process based on interviews with a sample of social workers, parents, lawyers, mediators and judges who had been directly involved with FPMP cases. This feedback is for the most part not repeated in the current report.

### Project Description

The key elements of the FPMP process during the pilot period were:

- A Court Work Supervisor who identified potential cases, received referrals, attended Orientation Sessions with the social worker, and attended the Planning Meeting.
- FPMP Administrative Coordinator, who assigned a mediator to the case and scheduled all meetings
- Orientation Sessions held between the mediator and each party to determine issues, interests and logistics for the Planning Meeting.
- A Planning Meeting facilitated by the mediator, in which all parties meet to attempt to resolve key issues.

### Quantitative Findings for all FPMP Cases

Key quantitative findings are as follows:

- 86 cases were referred to the project from four primary MCFD offices in the Surrey Provincial Court region. A fifth office did not fully participate, but did refer a few cases. This represented approximately 28% of removal cases from May 2001 to February 28, 2003. Some offices began referrals in June and others in October of 2001.
- Seven cases were discontinued at the beginning of or during the orientation sessions.
- Of the 79 cases where orientation sessions were completed, 77% (61/79) of cases involved two or three orientation sessions, and 23% (18/79) four or five. The average combined time of the sessions was 4.9 hours.
- 89% (70/79) of cases were completed in one planning meeting. The average number of participants in planning meetings was 5.5, and the average length of meetings was 5.3 hours (including combined times if more than one meeting was held).

- In the 78 cases, 378 issues were dealt with in the planning meeting. Of these, 92% (348) were resolved. This represents a slight increase over the 90% rate reported for the first 42 cases in June 2002. Issues concerned access, behaviour and parenting, communication, residence, services/resources and return of the child. The highest resolution rate (97%) was for issues concerning services and resources; the lowest resolution rate (83%) concerned behaviour and parenting issues.
- Overall, 83% of cases (65/78) had all issues resolved; 12% (9/78) had some issues resolved; only 5% (4/78) had no issues resolved. This resolution rate is even higher than those reported for the first 42 cases (79% fully resolved).
- 69% (54/78) of cases were completed in less than 40 days from referral. This statistic, in combination with the high degree of resolution of issues identified in the two previous points, is a strong indicator of the success of FPMP to date. However, in the June 2002 interim evaluation, which assessed cases to February 2002, the comparative figure was 77%. It was also pointed out in that report that the elapsed time would likely increase in the future. This was because an essential part of the model is that the Court Work Supervisor participates in both the orientation meeting with the social worker and in the planning meeting. As the overall caseload has increased, it has been more difficult to schedule the necessary meetings expeditiously. Although not a factor in the demonstration period, the loss of a full-time Administrative Coordinator to schedule all meetings could also affect overall elapsed time.
- Although numerous barriers to settlement were identified by mediators, the two most frequently mentioned were a parent's inconsistent or unrealistic expectations of what MCFD could agree to, and parent no-shows at meetings.
- A wide array of services were stipulated in the mediated agreements, sometimes as many as six. The three most common forms of service were some sort of personal counselling or support, counselling on parenting, and alcohol drug counselling, assessment, testing or support groups.

## Baseline / FPMP Comparisons

The primary objectives of the baseline / FPMP comparison analysis was to ascertain differences, if any, between the samples in terms of the percentage of overall cases that result in contested protection hearings, and in terms of the length of time from removal to significant events or number of proceedings involved.

Criteria for drawing the baseline sample were created to develop as close a fit with FPMP cases as possible, as follows:

- The CFCSA file was in the court system between July 1, 1999 and September 30, 2000. The FPMP sample was also drawn from a 15 month period.
- The child had been removed and the director was intending to keep the child in custody or under a supervision order for a period.
- The MCFD office was Guildford, Langley or White Rock. The FPMP intake expanded to include two other offices, but cases from these offices were not included in the comparative analysis.
- The parent is contesting an order being sought by the Ministry in regard to the removal. This was the most difficult criterion to determine in baseline cases, and the issues involved are described in the main report.

There were four issues that impacted the number of cases in the analysis and the capacity to provide a final analysis at this point in time:

- "Duplicate" cases.  
Some FPMP cases were treated as separate intakes (i.e. two cases) by FPMP, if they were resolved in the mediation but came back to the project. This could happen if an order agreed to in the first mediation was about to expire, but the Ministry wanted to extend it for another six months. If the parents disagreed with certain conditions, it might be referred back to the project. To be comparable to baseline cases which frequently would come back to court, the FPMP cases needed to be combined for purposes of the analysis.
- Acceptance of FPMP cases from more offices than originally planned.  
As noted above, cases from other offices were not included in the analysis.
- Acceptance by FPMP of cases which had already been in the court system for many months or years.  
To make an equal comparison, these cases were excluded from the analysis, as FPMP could have had no way of impacting the overall duration of the case prior to referral to the project.
- Three baseline and 15 FPMP cases had not reached a final disposition.  
Since this circumstance would mean that the FPMP sample did not include its longest running cases, the results of the analysis can only be seen as provisional at this point, and should be seen as understating the average length from removal to final disposition for FPMP cases.

The main findings of the comparative analysis are as follows:

*Cases which go to protection hearing.*

- Whereas all the baseline cases (47/47) went to a protection hearing, only 14% (5/37) of FPMP cases did so. Instead, in the vast majority of cases where agreements were reached in a planning meeting, the social worker needed only to appear in court for a few minutes on the originally scheduled date, in order to confirm the agreement. This outcome clearly represents a savings in court and social worker time in FPMP cases.

*Duration of Cases.*

- The average time from removal to a substantive presentation hearing, i.e. one at which a section 35 order is made, is approximately 50% longer for FPMP cases than for baseline cases (48.0 days versus 32.3 days).<sup>1</sup> This is primarily accounted for by the time taken to hold the orientation and planning meetings. Even though this period of time extends this initial phase, two factors deserve emphasis. First, the parents are not left in limbo during this period. They are actively engaged in the orientation meetings with the mediator, and in the planning meetings with all parties. They are thus part of a process that is both providing them with information and moving the case towards a potential resolution. In fact, the vast majority of cases referred to mediation did result in agreement, with the result that a Section 35 order was made by consent. Secondly, in most instances, the ultimate effect of the orientation and planning meetings is to shorten overall case duration, as shown in the points which follow.
- The average time from removal to commencement of protection hearings is also longer for FPMP cases, but only by approximately 9%.

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<sup>1</sup> The FPMP was specifically designed to refer cases to mediation early in the court process; cases eligible for referral were intended to be contested matters between removal and the commencement of the substantive protection hearing. This design element was based on an assumption that there was a significant court backlog early in the court process, e.g. that the time between removal and the commencement of the substantive presentation hearing was typically 2 – 3 months duration. In fact, the average duration of 32.3 days for the baseline cases in this study suggests that this assumption was incorrect.



- The average time from removal to temporary order or supervision order is about 25% shorter for FPMP cases than for baseline cases.
- As of March 15, 2003 the average time from removal to final disposition is significantly shorter for FPMP cases than for baseline cases, but the extent of this difference will likely narrow when the remaining 15 cases (50% of the overall comparison sample) are complete.

*Number of court proceedings involved*

- As with the pattern for overall duration of cases, the average number of court proceedings in FPMP initially exceeds the average in baseline cases, but in the longer term there are fewer proceedings in FPMP cases.

Further analysis of the 22 completed FPMP cases reveals several streamlining effects of the mediation process which contribute to fewer court dates and also fewer demands on social worker time:

- In approximately half the cases a Section 41 order is made in the first proceeding shortly following the planning meeting, or is combined with a Section 35 order in a "stacking" of orders, or the case is simply withdrawn. This is clear evidence of the streamlining effect the mediation has had. This was true even with seven cases that were referred to FPMP after up to two years in the court system (excluded from the time analysis above).
- Almost half the cases ultimately involve only 1 – 3 proceedings after the mediation to bring the case to a final disposition. Frequently only one temporary order or supervision order is required after the planning meeting.
- Approximately a third of cases involved the striking or vacating of trial dates from the court list.

**Qualitative Findings**

Sections 5 and 6 of this report contain findings from interviews undertaken in May 2002 and reported in the Interim Report of June 17, 2002. The satisfaction data reported below were based on a sample of cases to February 28, 2002.

- combined satisfaction ratings for parents, social workers, lawyers and judges concerning the following issues are indicated on a 7 point scale, where 1= very dissatisfied and 7= very satisfied:
  - speed with which appropriate parties were brought together to address issues: 5.6
  - FPMP's success in reaching appropriate outcomes: 5.9
  - opportunity FPMP affords parties to be heard: 6.2
  - respect shown by the mediator to parties: 6.8
  - ability of FPMP to determine the best interests of the child: 5.8
  - ability of the project to facilitate a family's access to necessary resources: 5.9
  - overall satisfaction with the FPMP: 6.2
- The average parent, social worker and lawyer ratings for all items were 6.2, 6.1 and 6.0 respectively.

Selected observations about the FPMP process made in interviews in May 2002 by the mediators, Court Work Supervisor and Director's Counsel include the following:

- Although there was some evidence that mediators may be able to reduce the length of the planning meeting below the current average of 5.1 hours, it could not come close to the 2 hours originally envisioned in the planning stages. A number of factors which affect length are described in the report.

- Although a more detailed comparative analysis of court versus FPMP time in cases will be presented in the final evaluation report, preliminary indicators are that the FPMP process is superior both in the speed of resolution of cases and in the time expended in meetings (versus court hearing time) for comparable resolution outcomes.
- The orientation sessions are critical to the success of the FPMP, allowing both parties to reframe their issues and arrive at the planning meeting more prepared and less defensive.
- The Court Work Supervisor role was praised by all parties. Several aspects that are central to this role are described in this report, the key one being that it is a collaborative rather than adversarial function.

### **Future Research**

Future research of the facilitated planning meeting process should include analysis of:

- Trial days vacated following completion of planning meetings.
- CCO cases to explore issues addressed in mediation, reasons for discontinuance or non-success, substantive issues addressed in orientation and planning meetings, factors and issues involved if partner(s) are mentally handicapped or emotionally fragile, and the way resources or services differ in CCO cases compared to temporary order cases.
- The use of planning meetings at more than one point in a case history (i.e. where there are issues around subsequent extensions of temporary orders).
- The impact that involvement in planning meetings has on the culture and practice of protection social work, and in regard to CCO cases, adoption social work.

In general, a case study approach would be more appropriate to address the qualitative dimensions implicit in these issues.

## 1.0 BACKGROUND

This is the final evaluation report of the Surrey Court Project's Facilitated Planning Meeting, which will be referred to as the Facilitated Planning Meeting Project (FPMP) throughout this document. The FPMP is a project dealing with child protection cases from the Surrey Provincial Court registry. Although the project is still ongoing, it acted as a pilot project from June 2001 through August 2002. The FPMP was designed by the Dispute Resolution Office (DRO) of the Ministry of Attorney General (AG) and the Ministry of Children & Family Development (MCFD), in consultation with the Legal Services Society, Legal Services Branch (AG), Court Services Branch (AG), and the Office of the Chief Judge of the Provincial Court. Its primary objectives are to shorten the time frame required to make effective decisions for children and to reduce the proportion of cases which proceed to a contested protection hearing, by using a mediation process described in section 3.

Project implementation was overseen by an inter-ministry Working Group initially comprised of: Jean Macdonald (Community Services Manager, Langley), Linda Hays-Newington (Community Services Manager, Surrey), Catherine Pritchard (Team Leader, Guildford), Sheila Zeiner (Team Leader, Guildford), and Elizabeth Winkler (Team Leader, Langley). Initially Phil Schwartz represented Regional Operations, Headquarters, MCFD; however, Julia Northrup later assumed this responsibility and chaired the Working Group's meetings. Irene Robertson (Senior Policy Analyst) represented the DRO. Jackie Christofferson, Barrister and Solicitor and Director's Counsel, assisted the Working Group.

In 2001, both shortly before FPMP began and in its early stages of operation, the DRO contracted with Focus Consultants to develop an evaluation framework for FPMP. As part of this contract a sample of cases was drawn of comparable protection files which were in the court system in the period July 1, 1999 to October 31, 2000. These cases are used in the current report in a comparison with FPMP case outcomes. In conjunction with the evaluation framework, Wenco Systems Ltd. developed a database and report system for FPMP, both for operational & evaluation purposes. It was hoped that the system would also be able to serve as a prototype for similar types of initiatives, and could be adopted by other programs if the FPMP model is applied in other court and MCFD regions.

On June 17, 2002, an interim evaluation report presented quantitative data on cases referred to the FPMP between June 7, 2001, and February 28, 2002, and reported qualitative feedback about the FPMP process based on interviews with a sample of social workers, parents, lawyers, mediators and judges who have been directly involved with FPMP cases.

This final report brings together all available evaluation data from the project since its inception in several forms:

- An updated analysis of all FPMP cases referred to the project from June 7, 2001, through February 3, 2003 (Section 3).
- A comparative analysis of time data between baseline and FPMP cases (Section 4).
- An analysis of satisfaction of parties that was originally presented in the interim report (Section 5). The analysis was not repeated in the second half of the evaluation, but is included here so that all data are in one report.
- Observations about the mediation process (Section 6). Although originally presented in the interim report, some observations contained in that report have been updated or expanded in the current report.

Supplementary materials which are not a formal part of this evaluation nor developed by Focus Consultants, but which are relevant to the activities and outcomes are included in three appendices:

- Cost data related to FPMP developed by MCFD (Appendix 1).
- A brief presentation of supplementary cases that were dealt with under the provision of Section 22 of the Child, Family and Community Service Act rather than through the FPMP. Although handled

in the same way and by the same staff and mediator as FPMP cases, they involved continuing care order applications, which at the time were not part of FPMP referral targets (Appendix 2).

- Feedback from social workers who have used the FPMP, gathered by Elizabeth Winkler (Team Leader, Langley) for a visit to FPMP by the Minister of Children and Family Development in January 2003 (Appendix 3).

## 1.1 METHODOLOGICAL CHALLENGES

There are a number of specific methodological issues and/or limitations that are essential to an understanding of the sets of data presented in Sections 3, 4 and 5 of this report. Rather than being part of a methodology section, these issues are discussed within the respective sections. However, in more general terms, it is important to identify a number of overarching challenges involved in making methodologically sound comparisons of case duration between a court-based process and a mediation process in child protection issues:

- The two processes are not mutually exclusive.
  - All cases that go through mediation continue on to court, even where complete agreement between parties occurs. Court activity may be limited to formalizing (as a court order) an agreement that has been made in mediation, or may involve numerous proceedings and subsequent orders. If a dispute arises over whether, for example, an order should be extended, the case may be referred back to mediation or may involve numerous subsequent hearings in court.
  - This lack of mutual exclusivity means that any comparison of the duration of the two types of cases must take into account the fact that the length of mediated cases may still be profoundly affected by the court process.
- It is often extremely difficult to determine when a protection case has ended.
  - Family relationships are dynamic and constantly in flux. Unlike a commercial or criminal case which is determined on the basis of a set of facts at one or more moments in the past, protection cases are continually being re-assessed in the present as new conditions arise. This situation requires the researcher to make consistent rules for determining case closure, even though dealing with a moving target.
- A fair comparison cannot be made until all cases in both mediation and court samples are complete.
- The notion of a “contested” case seems essential for an effective comparison of cases by type, but in reality is an elusive concept.
  - There is no consistent identifier of a “contested” case in court proceedings, and there are several reasons an individual or family may engage in proceedings which have little to do with contesting the facts of a case (e.g. lack of understanding, need for information, anger, desire to delay making a decision, etc.). Ways in which this issue was approached are described in Section 4.2.1.
- There are numerous limitations in conducting accurate file-based research in child protection cases.
  - These include the lack of any systematic way to extract files for a set time period, differences in the way proceedings are notated from case to case, and occasional incomplete, unavailable or transferred records
  - It is also difficult to establish systematic criteria for treating cases when different children in the same family are removed at different times.

## **2.0 A SUMMARY DESCRIPTION OF THE FPMP**

This section briefly reports the key elements of the FPMP, as described in the June 17, 2002, Interim Evaluation Report.

### **2.1 LOCATION**

The MCFD offices participating in the project are all in the Ministry's South Fraser Region, and include:

- Guildford – cases assigned to the Child Protection (CP) or Family Services (FS) team.
- Langley – CP, FS or Youth teams.
- Surrey North – CP or FS teams.
- Newton – CP or FS teams.

A fifth office, White Rock, referred a small number of cases to the project, but was not a fully participating partner.

### **2.2 REFERRAL PROCESS**

In all cases removal of a child has occurred under the Child, Family & Community Services Act (CFCSA). A referral to the project may be made by a social worker on one of the participating teams, the FPMP Court Work Supervisor, a parent, the lawyer of a parent, MCFD Director's Council, or a Judge. The aim of FPMP is to make such referrals as early in the court process as possible.

### **2.3 NATURE OF DISPUTE**

A dispute is defined as a case in which parents do not agree with the steps the Ministry wishes to take, the terms of an order or the entire order it intends to seek in court e.g. where a child will live on a temporary basis, or whether a child should stay in the Ministry's care. Alternately, the Ministry may disagree with the adequacy of a family's plan to ensure a safe environment for a child.

### **2.4 STEPS FOLLOWING REFERRAL**

Following referral of a case, there are two primary steps involved in the FPMP:

#### **2.4.1 Orientation Sessions**

Orientation sessions are held between the mediator and social worker (including the court work supervisor) on the one hand, and parents on the other. Depending on the relationship between the parents, their sessions may be held together or separately. Sessions with other parties are possible as well. Legal counsel may attend these meetings.

The purpose is to prepare parties for the planning meeting by discussing logistics and clarifying parties interests, issues and concerns. Information relevant to the safety of the child(ren) is also exchanged. An Agreement to Participate in the planning meeting may be signed at this stage.

Orientation sessions and planning meetings (as discussed in the next section) are scheduled by the FPMP Administrative Coordinator.

## 2.4.2 Planning Meetings

The planning meeting is a mediated session which includes one mediator, the immediate parties (e.g. parents and social worker), and the Court Work Supervisor, and can include parents' counsel, counsel for the child(ren), Director's counsel, and other relevant parties. The original expectation was that the meeting would take about 2 hours, and that in some cases a second meeting may be necessary.

When all or some issues are agreed to, a written agreement is created and signed. In some cases this agreement becomes the basis of a consent order. If no issues are resolved, the mediator confirms that the matter will proceed to a hearing.

This meeting is also scheduled by the Administrative Coordinator.

## 2.5 COMPARISON WITH SECTION 22 MEDIATIONS UNDER THE CFCSA

Section 22 of the CFCSA allows child protection disputes to be referred to mediation for resolution. A Child Protection Mediation Program was established in 1997. The main differences between the FPMP process and other Section 22 mediations are:

- The role of the Administrative Coordinator is unique to FPMP and provides critical, time-consuming scheduling services to mediators. In Section 22 mediations, mediators are responsible for scheduling all mediation services. (See note concerning the impact of the reduction of this role in Section 2.4.1.) (Note: the Administrative Coordinator position was full-time throughout the life of the demonstration project, and was essential to the timely completion of cases. It also allowed mediators and the Court Work Supervisor time to prepare for the meeting. The Court Work Supervisor reports that the reduction of this position to half time in April 2003 has seriously impacted her preparation time.)
- The role of the Court Work Supervisor is essential to the FPMP, but is not a feature of Section 22 mediations. This role is described in Section 6.3. The Court Work Supervisor is an experienced social worker whose position is dedicated solely to the FPMP process. She participates in both the orientation meetings with the social worker and in the planning meetings, acts as a mentor or "process interpreter" to the social worker, and is knowledgeable about and has authority to approve services.
- Section 22 mediations are strictly voluntary. While participation in FPMP is also voluntary, the Court Work Supervisor systematically reviews all eligible cases for referral.
- Orientation sessions are optional in Section 22 mediation, but are an essential component in FPMP cases.
- Section 22 mediations can occur at any time when MCFD is involved with a family under the CFCSA, even before a child is removed or after a hearing. The original conception of FPMP cases was that they would normally begin shortly after the court process has been initiated. However, a significant percentage of cases were referred to the project at more advanced stages in the court process.
- Section 22 mediations can occur anywhere in the province, while the FPMP is restricted to the South Fraser Region offices identified in Section 2.1.<sup>2</sup>

While these differences are true in general terms, in the Section 22 mediations discussed in Appendix 2 of this report, the mediations were conducted by the same players and in the same manner as FPMP cases.

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<sup>2</sup> In September 2002 a similar project was implemented in the Simon Fraser Region.

### 3.0 FINDINGS IN RELATION TO ALL FPMP CASES

This section presents findings on all cases referred to the FPMP between June 7, 2001 and February 3, 2003. The focus here is on the various events and issues that relate to the referral, orientation meeting(s) and planning meeting(s). Data related to the time between significant events are presented as part of a comparative analysis with baseline cases in Section 4.

#### 3.1 REFERRALS

Table 1 shows the origin of all child removals and the number referred to FPMP from the MCFD offices with which the FPMP was associated, for the periods defined in the sub-notes. The table shows that overall 28% of removals were referred to FPMP. This is a slight decrease from the 31% figure reported to the end of February 2002. The 86 total cases represent approximately 4.3 cases per month over the 20 month period of this analysis.

Reasons for non-referral were not recorded. However, the following factors are considered relevant:

- case may not have been eligible, e.g. child was removed, but returned to parents, or there was no dispute between the social worker and the parent as to what steps would be taken
- parents did not agree to participate
- parents' counsel did not wish to participate
- social worker did not wish to participate
- there is a criminal charge directly related to the case, (e.g. spousal assault, child abuse)

Table 1: Referrals to FPMP as Percentage of Overall Removals, by Office

Originating Office	Total # of Removals	# of Referrals	% Referred
Guildford	91	31	34%
Langley	76	22	29%
White Rock	15	3	20%
Surrey North	79	20	25%
Newton	49	10	20%
Total	310	86	28%

Note: The list of removals was begun in June 2001 for Guildford, Langley and White Rock, and October 2001 for Surrey North and Newton. Data is for cases with removals prior to the end of January 2003.

### 3.2 ORIENTATION SESSIONS

Although there were a total of 86 referrals to FPMP, seven cases were discontinued at the beginning of or during the orientation session because of a change of mind on the part of the parent(s) or, more frequently, because a parent simply did not show up at the meeting or was not home at a scheduled time for the meeting, and it was not possible to reschedule the meeting. The total number of non-discontinued cases for orientation meetings was therefore 79.

Table 2 shows that the principal persons involved in orientation sessions are parents, social workers and the Court Work Supervisor. In interpreting this table it is important to note two things:

1. The orientation sessions never combine social workers and parents. The usual pattern is one meeting involves both the social worker and Court Work Supervisor together, and one or more other meetings include parents, either together or separately, and with or without other parties such as lawyers or children.
2. Although the number of orientation sessions is 230, the number of cases is 79. Thus in all cases an orientation session was held with the social worker, and the Court Work Supervisor was present in all of these cases. Orientation sessions were held with at least one parent in all cases, and in approximately 50% of cases a second parent was involved in a session. A lawyer attended an orientation session in approximately 19% of cases (15/79), down from 25% in the Interim Report.

**Table 2: Participants in Orientation Sessions (June 2001 – February 2003)**

Attendee Role	# of Sessions	% of Sessions
Parent / Step Parent	126	55%
Court Work Supervisor	82	36%
Social Worker	79	34%
Other Family Member	13	6%
Lawyer for Parent	13	6%
Child	11	5%
Foster Parent	7	3%
Advocate	5	2%
Interpreter / Translator	4	2%
Lawyer for Child	2	1%

Note: Total # of sessions is 230. All percentages are therefore based on a potential total of 230.



Table 3 shows that while 77% (61/79) of the cases involved two or three orientation sessions, slightly under a quarter of cases included four or five sessions.

**Table 3: Number of Orientation Sessions Per Case**

<u>Number of Sessions Per Case</u>	<u># of Sessions</u>	<u>% of Sessions</u>
Two Orientation Sessions	26	33%
Three Orientation Sessions	35	44%
Four Orientation Sessions	17	22%
Five Orientation Sessions	1	1%
Total Cases	79	100%

The overall length in hours of the combined orientation sessions in each case is presented in Table 4. Approximately half of the cases took less than 5 hours, and half over 5 hours. The longest combination of sessions in a single case totaled 9.2 hours. The average combined time of the sessions was 4.9 hours, slightly less than the average of 5.2 for the first 42 cases.

**Table 4: Length of Combined Orientation Sessions Per Case**

<u>Length of Combined Sessions per Case</u>	<u># of Cases</u>	<u>% of Cases</u>
Less than 2 Hours	1	1%
2 to 2.9 Hours	6	8%
3 to 3.9 Hours	11	14%
4 to 4.9 Hours	26	33%
5 to 5.9 Hours	14	18%
6 Hours or more	21	27%
Total Cases	79	101%

Note: Percentages do not total 100% due to rounding.

### 3.2.1 Discontinued Cases

It should be noted that discontinued cases still involved considerable time expenditure on the part of FPMP staff and attendees at the meeting. The seven cases that were discontinued involved 19 sessions, a similar ratio of attendees, and the same amount of combined case time as cases that continued. It is thus in the interest of the staff to ascertain with the referral agent as fully as possible that the parents are indeed likely to go ahead with the process. Overall, the ratio of discontinued cases to overall cases has remained constant at slightly under 10%.

### 3.3 PLANNING MEETINGS

Table 5 shows that the vast majority of cases were completed in one planning meeting.

Table 5: Number of Planning Meetings Per Case

Number of Meetings Per Case	# of Cases	% of Cases
One Planning Meeting	70	89%
Two or More Planning Meetings	9	11%
Total Cases	79	100%

Table 6 shows that the Court Work Supervisor, a parent and the social worker have been at all 88 meetings, a lawyer for the parent has been present in four-fifths of the meetings, and that other parties attend with lesser frequency. The average number of participants in the meetings has been 5.5, with 18% of meetings (16/88) having 7 or more participants.

Table 6: Attendees in Planning Meetings

Participant Role	# of Meetings where at Least One Participant of this Kind was Present	% of Meetings
Court Work Supervisor	87	99%
Parent / Step Parent	86	98%
Social Worker	83	94%
Lawyer for Parent	70	80%
Director's Counsel	16	18%
Other Family Member	11	13%
Advocate or Aboriginal Representative	10	11%
Child	4	5%
Interpreter/Translator	4	5%
Foster Parent	3	3%
Lawyer for Child	2	2%

Note: Total # of planning meetings is 88 (for 79 cases). All percentages are therefore based on a potential total of 88.

Table 7 shows the length of the combined planning meetings per case (i.e. including 9 cases that involved two meetings). The average length of the combined meetings has been 5.3 hours; the longest has been 16.8 hours (over two sessions), and the shortest 2 hours.

**Table 7: Length of Combined Planning Meetings Per Case**

<u>Length of Combined Meetings per Case</u>	<u># of Cases</u>	<u>% of Cases</u>
1 to 2.9 Hours	7	9%
3 to 3.9 Hours	11	14%
4 to 4.9 Hours	10	13%
5 to 5.9 Hours	11	14%
6 Hours or more	40	51%
Total Cases	79	101%

Note: Average length of all planning meetings reported was 5.3 hours. Percentages do not total 100% due to rounding.

Table 8 shows that 69% (54/78) of cases are completed in less than 40 days from referral. This statistic, in combination with the high degree of resolution of issues shown in Tables 9 and 10, is a strong indicator of the success of FPMP to date. However, in the June 2002 interim evaluation, which assessed cases to February 2002, the comparative figure was 77%. It was also pointed out in that report that the elapsed time would likely increase in the future. This was because an essential part of the model is that the Court Work Supervisor participates in both the orientation meeting with the social worker and in the planning meeting. As the overall caseload has increased, it has been more difficult to schedule the necessary meetings expeditiously. Although not a factor in the demonstration period, the loss of a full-time Administrative Coordinator to schedule all meetings (see Section 2.5) could also affect overall elapsed time.

**Table 8: Number of Days Between Referral and Conclusion of Planning Meetings**

<u>Number of Days</u>	<u># of Cases</u>	<u>% of Cases</u>
1 to 10 Days	8	10%
11 to 20 Days	16	21%
21 to 30 Days	15	19%
31 to 40 Days	15	19%
41 to 50 Days	9	12%
Over 50 Days	15	19%
Total Cases	78 *	100%

\* The number of total cases in this table is one less than in Table 7, as one family dropped out at the planning meeting.

Two types of resolution measure are presented in Tables 9 to 11: resolution of issues and resolution of overall case. Table 9 lists all issues that were involved in the 78 FPMP cases and describes the frequency and timing (whether in the first meeting) of their resolution. Overall, 92% of all issues (348/378) were resolved; furthermore, 87% of all issues (329/378) were resolved in one meeting.

Table 9: Frequency of Occurrence and Resolution of Issues In Planning Meetings

ISSUE DESCRIPTION	# of Cases In Which Issue Exists	% of Total Cases (N=78)	# of Cases in Which Issue Resolved	% of Cases In Which Issue Resolved	# of These Cases in Which Issue Resolved in First Meeting	% of These Cases in Which Issue Resolved in First Meeting
<b>ACCESS ISSUES</b>						
Access to Child by Mother	44	56%	42	95%	41	98%
Access to Child by Father	32	41%	30	94%	28	93%
Access to Child by other Family Members	11	14%	11	100%	11	100%
Access to Child by Foster Family	2	3%	2	100%	2	100%
Access to Child by Others	1	1%	1	100%	1	100%
Supervised Access of Child	18	23%	17	94%	15	88%
Other Access Issues	12	15%	10	83%	9	90%
<b>BEHAVIOUR &amp; PARENTING ISSUES</b>						
Behaviour of Mother with Child	13	17%	10	77%	10	100%
Behaviour of Father with Child	13	17%	12	92%	12	100%
Quality of Care for Child	10	13%	9	90%	8	89%
Other Parenting Issues	9	12%	7	78%	6	86%
Co-Parenting Plan	1	1%	1	100%	1	100%
Behaviour of the Child while with Parent	2	3%	1	50%	1	100%
<b>COMMUNICATION ISSUES</b>						
Communication between Parent(s) and Child	14	18%	12	86%	12	100%
Communication Between Family and Ministry	23	29%	20	87%	19	95%
Communication Between Natural Parents / Foster Parents / Child	8	10%	8	100%	7	88%
Other Communication Issues	8	10%	6	75%	5	83%

ISSUE DESCRIPTION	# of Cases In Which Issue Exists	% of Total Cases (N=78)	# of Cases in Which Issue Resolved	% of Cases In Which Issue Resolved	# of These Cases in Which Issue Resolved in First Meeting	% of These Cases in Which Issue Resolved in First Meeting
<b>RESIDENCE ISSUES</b>						
Where / with whom the Child will Reside While in the Care of the Ministry	14	18%	14	100%	12	86%
Where / with whom the Child will Reside if Not in the Care of the Ministry	10	13%	9	90%	9	100%
Other Residence Issues	10	13%	9	90%	7	78%
<b>SERVICES / RESOURCES ISSUES</b>						
Services / Resources the Child will have access to	13	17%	13	100%	12	92%
Services / Resources the Parents / Family will have access to	47	60%	45	96%	44	98%
Other Service / Resource Issues	11	14%	11	100%	10	91%
<b>RETURN OF CHILD ISSUES</b>						
Terms and Conditions under which a Child will be Returned	21	27%	19	90%	19	100%
Terms and Conditions under which a Child will be Returned Under Supervision of the Director	23	29%	21	91%	21	100%
Other Returning The Child Issues	8	10%	8	100%	7	88%

Notes: Total number of issues in the 78 cases :378  
 Total number of issues resolved: 348  
 Total number of issues resolved in first meeting: 329  
 Percentage of total issues resolved : 92%  
 Percentage of total issues resolved in first meeting: 87%

Table 10 summarizes the data from Table 9 to show the quantum and resolution rate of six issue categories. Although resolution rates are high for all categories, issues related to behaviour/ parenting and communication appear more difficult to resolve. Nonetheless, it is clear that overall, the FPMP process has been able to resolve a wide range of protection issues with considerable success.

The second measure of resolution is resolution of the overall case. FPMP's outcomes for cases with referrals up to February 3, 2003, are shown in Table 11. Overall, in 83% (65/78) of cases all issues were resolved, and in another 12% (9/78), some issues were resolved. Three of the 9 cases in which some or no issues were resolved nonetheless involved a written agreement that could alleviate some tensions and help the case to progress. The case resolution performance in the FPMP process has been highly consistent. In fact, the results reported here are slightly higher than in the Interim Report results.

**Table 10: Resolution of Issues by General Category**

Category of Issue	# of Issues in this Category in 78 Cases	# of These Issues Resolved	Resolution Rate as a %
Access	120	113	94%
Behaviour and Parenting	48	40	83%
Communication	53	46	87%
Residence	34	32	94%
Services / Resources	71	69	97%
Return of Child	52	48	92%

**Table 11: Case Resolution**

Degree of Resolution	# of Cases	% of Cases
Cases in which all issues were resolved	65	83%
Cases in which some issues resolved	9	12%
Cases in which no issues resolved	4	5%
	78	100%

### 3.3.1 Barriers to Settlement

Upon conclusion of the mediation, the mediator identified barriers to settlement, either where settlement was not achieved or where it was difficult. These barriers were quite diverse. Of 11 types of barriers identified, only the first two in the following list were identified more than three times:

- Parent(s) inconsistent/unrealistic in expectations of what they or the Ministry could do.
- No show or unable to locate a parent for the meeting (one mediator emphasized the need for multiple contacts to ensure parents' participation, especially for parents with addiction problems).
- Clearer statement of Ministry's expectations required.

- Social worker unaware of potential resources to address issue.
- More time needed for doing treatment.
- Difficulty/unwillingness of parties to meet together (e.g. where history of violence).
- Cramped facilities.
- Lack of opportunity to get needed information to or have contact with a party before the planning meeting (e.g. father incarcerated).
- Need, but lack of opportunity, to schedule second meeting.
- Departure of one party from meeting prior to agreement.
- Inability to fax agreement for signing following completion of teleconference (because facilities would not stay open).

### 3.3.2 Support Services Provided

Feedback from participants reported in the Interim Report was that the FPMP was a good mechanism for identifying resources that are needed in a particular instance, helping parties reach agreement on the need for the resources, making the necessary decision (via a written agreement) to access the resource, and having the authority to approve or gain approval for the resource quickly.

Table 12 lists several categories of service that were stipulated in the mediation agreements and described in 39 cases. There were from one to six services identified in each case. The three largest categories were some form of personal counseling (group, family, couples or individual), parenting course or counseling, and alcohol and/or drug assessment, counselling or support groups.

**Table 12: Types of Support Services Accessed**

Type of Service	Frequency
Various types of personal counselling or support (assaultive men, female victim, domestic violence, family therapy, sexual abuse, anger management) in individual or group formats.	24
Parenting course and/or counselling.	22
Alcohol drug counseling, assessment and/or support group.	18
Other assessments (mental health, parenting capacity, child medical).	10
Specific individual supports (child care worker, pre-school/daycare, shelter, transportation, ESL course, pre-employment program).	8
Drug screening/random checks.	7

Note: Total number of cases where services recorded = 39.

### 3.4 CONTINUING CARE ORDER MEDIATIONS

During the time frame of the pilot project, FPMP staff were directed to take referrals of cases only for which a removal had recently taken place and an interim (Section 35) order was being sought. This was in part to avoid cases which had been in the court system for months or years, inclusion of which would have made a time-based comparison with baseline (court) cases impossible (see next section).

Nonetheless, there was a perception that a mediated approach could also be effective with cases for which a continuing care order was being sought. Six such cases were referred to a planning meeting, all except one of which occurred between the end of the pilot project period (August 2002) and March 2003. All issues were resolved in five of the six cases, and in the sixth case they were partially resolved. This resolution rate for these six cases closely mirrors the high resolution rate for all cases reported in Section 3.3. Although these six cases were the only ones recorded in the data system to March 2003, the Court Work Supervisor feels that there have been approximately 20 through to August 2003, all with the same high rate of resolution.

This resolution rate suggests that there can be an important role played by a program such as FPMP in cases in which a continuing care order is being sought. Parents are not always implacably opposed to any consideration of giving up their child, but nonetheless have serious concerns that must be addressed before they are willing to come to such a decision. For example, the issues in the six cases mentioned above included:

- Rights of access/visitation/interaction with child and future adoptive parents. (In these cases, the Court Work Supervisor arranged for the parents to meet with an adoptive mother before the planning meeting to discuss the parameters of an openness agreement. She also arranged for an adoption worker to be "on call" for consultation on such issues during the planning meeting.)
- Communication of information about prospective or actual adoptive parents.
- Consultation in the selection of adoptive parents.
- Services or resources needed by parents who are relinquishing their child (e.g. with drug problems).

These issues are amenable to resolution through mediation, which can save further months or years of litigation during which the child is in limbo. The six cases had been in the courts for periods ranging from seven to 22 months prior to referral to the FPMP. For the five cases fully resolved in mediation, the final court order for a CCO was made within three days after the planning meeting for three cases, within three weeks for the fourth case, and within five weeks for the fifth case. In addition to resolution of parents' concerns and a reduction in the period of indeterminacy for the child, such sudden conclusion to CCO cases likely results in significant savings due to the vacating of trial days involving court personnel, social workers and legal aid staff, and due to the reduced period of time that foster care or similar payments have to be made.



## 4.0 BASELINE / FPMP COMPARISON

As noted in Section 1.0, a sample of baseline protection files in the Surrey court system from July 1, 1999 to October 31, 2000 was drawn for use in a comparison with FPMP case outcomes. This section describes the objectives of these comparisons, the significant methodological problems encountered, and the results of the comparison that can be reported at this time.

### 4.1 OBJECTIVES OF A BASELINE – FPMP COMPARISON

Table 13 presents the original program objectives and corresponding evaluation objectives that were the basis of the data comparisons. One program focus was on reducing the number of cases going to contested hearings, the other was to achieve a final disposition. Both these terms - a "contested hearing" and a "final disposition" – have proven problematic, as is discussed in Section 4.2.

Table 13: Program and Evaluation Objectives for Comparison Study

Program Objective	Evaluation Objective
1. To create conditions that lead to a smaller proportion of protection cases going to contested hearings.	<ul style="list-style-type: none"> <li>• To compare baseline cases with FPMP cases in terms of percentage of overall cases that result in contested protection hearings.</li> <li>• To determine whether particular variables of baseline and FPMP cases are associated with achieving a disposition prior to a protection hearing.</li> </ul>
2. To reduce the time from removal to final disposition of the application.	<ul style="list-style-type: none"> <li>• To compare baseline cases with FPMP cases in terms of the average length of time from removal to significant events, and number of proceedings from removal to significant events.</li> </ul>

### 4.2 METHODOLOGY

This discussion of methodology describes two sets of issues. The first concerns the method of drawing a baseline sample in a way that permits a sound comparison with the FPMP sample. The second concerns issues that have arisen in conducting the analysis itself and which, at this point, preclude a final analysis of some of the critical time data. Although this discussion is an extended one, it is important for an understanding of the difficulties of doing research involving child protection cases. It should also be seen in the context of the broad methodological challenges outlined in Section 1.1.

#### 4.2.1 Criteria for Drawing the Baseline Sample

The methodology for drawing a baseline sample for the above comparison involved a search of Child, Family and Community Service Act (CFCSA) files that met the following criteria:

- The CFCSA files were in the court system between July 1, 1999. and September 30, 2000.  
This length of time (15 months) was the same as for the first 15 months of referrals to the FPMP program. Since it was not possible to extract a sample of baseline files that were only opened in this period, it was necessary simply to take any cases that were active in this 15 month snapshot as the closest basis for a comparison. Another consideration was that the baseline period needed to be significantly earlier than the FPMP start-up date, so that the majority of cases had passed through the system. The few baseline cases that were subsequently referred to the FPMP were removed from the sample.
- The child(ren) had been removed and the director was seeking an order to keep the child in custody or under supervision order for a period, or permanently.  
This distinction was made by the type of form filed with the presentation report.
- The MCFD office involved was Guildford, Langley or White Rock.  
Although subsequent to the drawing of the baseline files two other offices (Surrey North and Newton) were added into the FPMP's referral catchment area, only FPMP cases from the three original offices are included in the comparison.
- The parent is contesting the order being sought in regard to removal.  
The reason for this criterion originally was that the intent of the project was to deal with cases in which the issues were substantial and might therefore lead to protracted proceedings if no alternative resource was available. Thus, if a parent was "contesting" the removal, it would be beneficial for FPMP to be involved as early in the process as possible. This logic, in turn, led to the initial structuring of FPMP as a program which only took cases immediately after removal, rather than cases that had been in the court system after the commencement of a protection hearing or had been to even later hearings. (As we shall see, this practice was not followed in all cases.)

In terms of the baseline sample, the difficulty in drawing cases based on the criterion of "contesting" the removal is that there is no single reliable indicator in the court documents that a case is being contested. The legal focus on the Presentation Hearing is to determine if the ministry has complied with the CFCSA in removing the child, yet contested matters at this stage are ones of a child's care or residence until the time of the Protection Hearing. The real issue of whether the parent is intending to contest the case at the protection hearing stage only gradually becomes clear as that date approaches. Thus for this criterion we worked on the assumption that parents were contesting the removal, unless there was a consent on a section 35(2)(a) order at the Presentation Hearing Stage (i.e. an order that the child remain in temporary custody) and a consent on a section 41(1)(c) (remain in the temporary care of Director) or 41(1)(d) (continuing custody to Director). This combination suggests that the parent really had no intention of opposing the removal.

Because of the close involvement of the Court Work Supervisor with the parents and the social worker, it was easier to determine at the outset whether parents had issues that would amount to "contesting" the case if mediation was not available. All FPMP cases were therefore considered to be "contested".

#### 4.2.2 Issues in the Analysis

There were four issues that impacted the number of cases in the analysis and the capacity to provide a final analysis at this point in time.

- “Duplicate” cases

From the standpoint of the FPMP, a “case” is each independent referral to the project. For example, if a family goes through mediation and reaches an agreement which results in a temporary custody order, that is one case. If six months later the case is reviewed prior to expiration of the order and the Ministry applies for an extension of the order, the family might contest this application. If the case is referred back to FPMP, this constitutes a second “FPMP” case.

From the standpoint of the court system, no matter how many times a protection case returns to court, it is still only one case. Thus, for comparison purposes, the “two” FPMP cases would be combined into one.

- Acceptance of FPMP cases from more offices than originally planned.

The baseline sample comprised applicable cases from three offices within the South Fraser Region: Guildford, Langley and White Rock. This was because, at the point when the baseline sample was drawn, only those offices were included in the FPMP. Subsequently, Newton and Surrey North were added to the FPMP referral base. While these cases were included in the analysis in Section 3.0 of this report, they could not be included in the baseline comparison.

- Acceptance by FPMP of cases already in the court system.

Originally target cases for the FPMP were only going to include cases where a child had just been removed, suggesting there had been no significant previous court proceedings to do with the removal. This was because the original objective was to impact the earliest proceedings (Presentation Hearing) in protection cases. The intent was not to include continuing care order applications or cases that were well underway in the court system.

Despite this intention, a number of FPMP cases did, in fact, include referrals with a significant prior court history that were not referred just after removal. These had to be excluded from a baseline/FPMP comparison of time from removal to final disposition (or other benchmark) because their inclusion would have biased the results. This is because the FPMP could have no impact on case time in courts prior to receiving the referral. The need to exclude these cases reduced the final comparison number of cases with final dispositions from 22 to 15.

- Time period for cases to reach a final disposition.

A statistically sound comparison between baseline and FPMP cases that concerns elapsed time between events can only be undertaken when all baseline and all FPMP cases have reached a final disposition. As of March 15, 2003, 44 of the 47 baseline cases had reached a final disposition, but only 15 of a potential 30 FPMP cases had done so. Therefore, any comparison of elapsed time from removal to final disposition is biased in favour of FPMP cases.

Protection cases typically are active for a long time, as interim orders become temporary orders, and temporary orders may be extended one or more times. Even the definition of “final” disposition” is problematic. For purposes of this study, a case is considered to have reached a final disposition if the last order on a file has run its course, and there has been no further court activity for six months. For example, if a six month temporary order is dated February 22, 2002, it would be deemed to expire on August 22, 2002. If no further proceedings occur within six months of August 22<sup>nd</sup> (i.e. February 22, 2003), a final disposition is considered to have been reached as of February 22, 2002, the date of the temporary order.

### 4.3 BASELINE / FPMP COMPARISON FINDINGS TO DATE

The issues discussed in the previous section are reflected in the qualifications which are made in presenting the findings which follow.

#### 4.3.1 Comparison of Cases Which Go To Contested Protection Hearings

As explained in Section 4.2.1, the notion of a contested protection hearing became moot in relation to interim (Section 35) orders, insofar as the hearing is largely one of determining whether the Ministry social worker has complied with the CFCSA in removing the child. A consent order does not necessarily indicate a non-contested hearing (rather it may have been resolved by consent after initial opposition). It is not possible therefore to conclude reliably from court records that a hearing is contested.

A second level of question then becomes whether the case went to a protection hearing at all. Table 14 shows a dramatic difference between baseline and FPMP cases in this outcome. Whereas all of the 47 baseline cases went to a protection hearing, only 14% (5/37) of FPMP cases did so. Although in virtually all instances the Ministry social worker in FPMP cases is required to appear in court on the day originally scheduled for a hearing, this involves – except for the five cases – only a few minutes simply to confirm that the agreement was reached. This outcome clearly represents a savings in court and social worker time in FPMP cases.

**Table 14: Proportion of Cases that Proceed to a Protection Hearing**

	Baseline	FPMP
Proceed to Hearing	47 (100%)	5 (14%)
Do not proceed to Hearing	-- (0%)	32 (86%)
Total Number of Cases	47 (100%)	37 (100%)

- Notes:
- (1) Includes all cases from same locations, even if cases have not reached a final disposition. Analysis of outcomes only of FPMP cases that had reached a final disposition showed identical results.
  - (2) FPMP cases do not include discontinued cases, nor cases that were in the court system for a significant period prior to referral to the program.
  - (3) In a couple of instances in both the FPMP and baseline samples, matters were contested in a case conference, and then a consent order was filed. These cases are included here as "proceed to hearing", insofar as they involved a significant use of court time.

#### 4.3.2 Variables Associated with Achieving a Disposition Prior to a Protection Hearing

Although a large number of variables were entered into the database to explore associations with early achievement of dispositions, the low number of FPMP cases that proceed to a hearing (as per Table 14) precludes meaningful statistical analysis of this issue.

### 4.3.3 Average Length of Time and Number of Proceedings from Removal to Significant Events

Tables 15 – 18 present data available to March 15, 2003, in regard to the average time from removal to various court events and the average length of proceedings involved. As pointed out in the notes to each table, there are limitations to the comparability of these data, most significantly in regard to time or proceedings from removal to final disposition. This is because half of the FPMP cases (15/30) have not yet reached a final disposition, so the data for elapsed time or number of proceedings will increase when final results are available.

This said, the pattern in Table 15 is fairly clear:

- The average time from removal to presentation hearings where an order is made is, for FPMP cases, significantly longer (approximately 50 %) than for baseline cases.  
This is to be expected, insofar as the presentation hearing in FPMP cases usually occurs after the intervening orientation and planning meetings. As was seen in Table 8, the average time from referral to completion of planning meetings is between 30 and 40 days.
- The average time from removal to commencement of protection hearing is also longer for FPMP cases, but only by approximately 9%.  
The same factor applies here in that the overall time period for both groups is slightly over two months, so FPMP cases still have had to use at least half that period with the orientation and planning meeting process.
- The average time from removal to a temporary order or supervision order is about 25% shorter for FPMP cases than for baseline cases.  
At this point in the trajectory of cases, the benefits of reaching agreements through mediation (which as noted in Section 3.3 is 83% of cases and 92% of issues) also include that they are reached in a shorter time than baseline cases.
- Comparisons cannot be made in regard to time from removal to continuing case orders, because there has been only one FPMP case to date in the comparison group that has involved such an order.
- To date, the time from removal to final disposition is significantly shorter for FPMP cases than for baseline cases, but the extent of this difference will likely narrow when all cases are complete.  
Based on only 15 of 30 eligible FPMP cases and 44 of 47 eligible baseline cases, the average time of FPMP cases is 43% that of baseline cases. These figures are for cases completed to March 15, 2003. If the final disposition date for all 15 remaining files were June 30, 2003, the overall average time for all 30 FPMP cases would be 323.1 days, or 70% as long as baseline cases (whose average will also increase marginally with its remaining four files). If a date of December 31, 2003, is substituted for the 15 remaining files, the overall average would be 415 days, or 90% of the baseline overall average.

Overall, therefore, the picture that appears to be emerging is that the FPMP process initially involves more elapsed time than court cases because of the necessary steps required for mediation, but that over the longer term, the FPMP process contributes significantly to the overall reduction in time of protection cases. This is because, as will be shown in the discussion of Table 18, the presentation and protection hearings often became a confirmation of agreements worked out in the planning meeting. In some instances the hearing “stacks” (combines) Section 35 (interim) and 41 (temporary) orders, and in others just goes directly to a Section 41 order.

**Table 15: Mean Number of Days from Removal to Significant Events**

	To Presentation Hearing	To Commencement of Protection Hearing	To Temporary Order or Supervision Order	To Continuing Order	To Final Disposition
<b>BASELINE</b>					
No. of Cases	47	47	42	23	44
Mean # of Days	32.3 days	65.0 days	164.0 days	569.4 days	460.6 days
<b>FPMP</b>					
No. of Cases	26	21	24	1	15
Mean # of Days	48.0 days	71.4 days	122.2 days	441 days	197.2 days

Note: These data should be viewed as preliminary comparisons only, because they are based solely on cases in each sample group for which a particular stage or a final disposition is known. For baseline cases the total sample is 47, so only 3 cases remain incomplete. For the FPMP cases the total sample is 30, so in terms of final disposition 15 cases remain incomplete. Since incompleting cases are likely to be longer than those reported above, final results will likely show a significant rise in the mean number of days from removal to final disposition for FPMP cases.

Table 16 shows the distribution of time from removal to final disposition for completed baseline and FPMP cases as of March 15, 2003. As noted, when all data is complete, there will likely be more FPMP cases in the longer time categories.

**Table 16: Number of Days from Removal to Final Disposition, by Category**

No. of Days from Removal to Final Disposition	Baseline (N = 47)	FPMP (N = 15)
0 – 100	4	5
101 – 200	6	3
201 – 300	8	4
301 – 400	9	1
401 – 500	1	1
501 – 600	3	1
601 – 700	4	
701 – 800	3	
801 – 900	2	
901 – 1000	--	
1000 +	4	

Note: See note to Table 15; final results will likely show an increase in the number of cases in the categories over 500 days.

Table 17 addresses the issue of time in terms of the number of proceedings or appearances required in court. The pattern is similar to that in Table 15, in that there are on average more proceedings initially, but fewer over the longer term.

**Table 17: Mean Number of Proceedings from Removal to Significant Events**

	To Presentation Hearing	To Commencement of Protection Hearing	To Temporary Order or Supervision Order	To Continuing Order	To Final Disposition
<b>BASELINE</b>					
No. of Cases	47	47	43	23	44
Mean # of Proceedings	3.0	4.2	7.9	13.7	12.9
<b>FPMP</b>					
No. of Cases	26	21	24	1	15
Mean # of Proceedings	3.8	5.1	6.9	15	8.1

Note: See note to Table 15; final results will likely show a rise in the mean number of proceedings from removal to final disposition for FPMP cases.

Table 18 presents various procedural outcomes of each of the 22 FPMP cases that are currently completed. The table includes seven cases that are excluded from the analyses in Tables 15 – 17 because they involved referrals after the cases had been in the court system for up to two years. Several patterns are evident:

- In approximately half the cases a Section 41 order is made in the first proceeding following the planning meeting, or is combined with a Section 35 order, or the case is simply withdrawn. This is clear evidence of the streamlining effect the mediation has had.
- Almost half the cases ultimately involve 1 – 3 proceedings to bring the case to a final disposition. Frequently only one temporary order or supervision order is required after the planning meeting.
- Approximately a third of cases involved the striking or vacating of trial dates from the list. Further confirmation of this pattern was provided in a review of court lists of FPMP cases by the Court Work Supervisor in the period September 2001 to February 28, 2002. She found that the striking or vacating of trial dates for 34 cases referred to a planning meeting in this period saved 82 scheduled trial days.

While a cost savings analysis was not a formal component of this study, there are obvious savings inherent in the situations where trial days are vacated because of earlier and speedier settlement of issues. These include reduced costs for court personnel, for generation and service of documents, for defense lawyers, and for social workers. (MCFD cost savings are addressed in Appendix 2.) The satisfaction of parties is also an important outcome and, as shown in Section 5, is very high for all parties.

Table 18: Court Events Which Follow FPMP Planning Meetings in Comparison Cases

Case #	# of Proceedings Before Planning Meeting (PM)	# of Proceedings After Planning Meeting (PM)	# of Days Between Planning Meeting (PM) & Final Disposition	Types of Orders Made in Post Planning Meeting Period			# of Trial Dates Struck/Vacated (If Recorded)	Other Observations
				Interim	Temporary	CCO		
1.	11	9	329	--	44(3)	--	6	--
2.	1	7	155	35(2)a	41(1)c	--		Case withdrawn (WD)
3.	1	12	205	35(2)a	41(1)a			--
4.	3	9	483	35(2)a (x2)	41(1)a, 41(1)c, 44(3)	--		--
5.	3	2	60	35(2)b	41(1)a	--		S35 & 41 – 1 <sup>st</sup> & 2 <sup>nd</sup> proceeding after PM
6.	10	--	-44 **	--	--	--		Final disposition pre PM / Parent Issues
7.	11	2	134	--	--	--		Child deceased, case discontinued
8.	13	14	269	--	44(3), 41(1)a, 44	--		
9.	2	13	412	--	41(1)c, 44	49(5)	2	S44 1 <sup>st</sup> proceeding after PM
10.	*ROP incomplete	6	226	--	46(1)3, 42.2(4)a	--		S46 1 <sup>st</sup> proceeding after PM
11.	3	1	80	--	--	--		Case WD, 1 <sup>st</sup> proceeding after PM
12.	2	9	206	35(2)a	41(1)a	--	2	
13.	2	3	92	--	41(1)c, 46	--	1	
14.	3	1	7	35(2)b	41(1)b	--	1	S35 & 41 same day. 1 <sup>st</sup> proceeding after PM
15.	7	7	155	-	41(1)c	--	2 (case conferences)	Case WD
16.	4	1	1	--	--	--		Case WD day after PM
17.	3	5	73	--	41(1)c	--	2	Case WD
18.	4	1	9	--	41(1)c	--	2	S41, 1 <sup>st</sup> proceeding after PM
19.	2	7	135	--	41(1)c, 46	--	1	S41, 1 <sup>st</sup> proceeding after PM
20.	2	1	2	--	42.1(6)a, 42.2(4)a			S42.1, 42.4, 1 <sup>st</sup> proceeding after PM
21.	3	1	6	35(2)b	41(1)c	--		S35 & 41 same day, 1 <sup>st</sup> proceeding after PM
22.	16	1	3	--	--	49(5)		S49, 1 <sup>st</sup> proceeding after PM

\* ROP = Record of Proceedings

\*\* In this case the PM occurred after the last recorded court proceeding, but the matter did not return to court.



## 5.0 SATISFACTION OF PARTIES WITH FPMP PROCESSES

The findings in this section were originally presented in the June 17, 2002, Interim Report; they are reported again here for convenience only. All responses refer to the period from June 2001 to February 28, 2002. However, given the high resolution rate of cases and ongoing support from the courts for the project there is little reason to assume responses would be significantly different from a later period.

### 5.1 INTERVIEWS

Interviews were conducted with the following sets of respondents, all of whom except the judges had had direct involvement in one or more FPMP planning meetings.

- 10 parents
- 10 Social Workers
- 6 Lawyers
- 2 Judges
- 5 mediators

The questionnaire in Appendix 4 was used for the first four respondent groups; the interview theme guide in Appendix 5 was used for mediators. Exploratory interviews were also held with one MCFD's Director's Counsel and with the Court Work Supervisor. Selection of respondents was primarily based on availability, as a formal sampling procedure for these interviews was not feasible given the constrained timeframe for the preliminary report. Nonetheless, retrospective analysis of the representation within each group shown below, combined with the strongly consistent response patterns reported later in this section lend confidence to the results.

Data reported here refer to all FPMP cases between June 2001 and February 28, 2002:

Parents: 10 interviewed, representing:

- 9 of 42 cases (21%)
- 10 of 75 parents or step-parents involved (13%)
- all five referring offices.

Social Workers: 10 interviewed, including 9 social workers who attended meetings and one who was a team leader. These represented:

- 9 of 26 social workers who were directly involved in meetings (35%)
- 22 of 42 cases (52%)
- 4 referring offices
- participation ranging from 1 to 6 cases each

Lawyers: 6 interviewed, representing:

- 5 of 19 Lawyers involved in cases (26%)
- 15 of 22 cases involving lawyers (68%)
- participation varying from 1 to 7 cases each

Parents, Social Workers & Lawyers together represented participation in:

- 35 of 42 cases (83%)

Mediators: 5 interviews, representing:

- 5 of 11 mediators (45%)
- 29 of 42 cases (69%)

## 5.2 OVERALL SATISFACTION WITH FPMP PROCESSES

Table 19 presents satisfaction outcomes for all respondents interviewed in May 2002, using the questionnaire shown in Appendix 4. The overall satisfaction rating of FPMP averaged 6.2 on a 7 point scale, where 1= very dissatisfied and 7= very satisfied. There was a strong continuity of response between all respondent groups. Overall, although average ratings for all respondent groups were high, the highest rating (6.8) was for the respect shown by mediators to the participating parties, while the lowest average rating (5.6) was for the speed with which parties were brought together to address issues. Analysis of qualitative comments on each of the aspects rated is provided below.

**Table 19: Satisfaction of Parties With Aspects of FPMP Process**

Aspect Rated	Number of Respondents	Average Rating on 7 point scale 1= very dissatisfied 7= very satisfied	Range of Responses
1. Speed with which the appropriate parties were brought together to address issues.	25 (NA=2)	5.6	1-7
2. FPMP's success in reaching appropriate outcomes.	27	5.9	3-7
3. The opportunity FPMP affords parties to be heard.	26 (NA=1)	6.2	2-7
4. Respect shown by the mediator to parties.	26 (NA=1)	6.8	6-7
5. Ability of the FPMP to determine the best interests of the child.	24 (NA=3)	5.8	3-7
6. Ability of the project to facilitate a family's access to necessary resources.	19 (NA=8)	5.9	4-7
7. Overall satisfaction with the FPMP.	26 (NA=1)	6.2	4-7

Notes: Average parent rating for all items = 6.2  
Average social worker rating for all items = 6.1  
Average lawyer rating for all items = 6.0

## 5.3 SPEED WITH WHICH PARTIES BROUGHT TOGETHER

The perception of the speed with which FPMP was able to bring parties together was generally very positive; all but three of 25 respondents assessed the speed at 5 or better on the 7 point scale. Dissatisfaction of two respondents was related to specific problems that emerged in particular cases to delay the mediation. However, as one respondent noted, in relation to a court based process that can take 8 to 12 months to reach a decision, the FPMP record is outstanding.

Two respondents note that as the volume of referrals has increased, the speed with which mediation meetings can be held has decreased. The primary limitation is that insofar as the Court Work Supervisor is a key part both of the orientation session with the social worker and of the planning meeting, plus has a number of other key functions such as attendance at court on Thursdays to review cases for possible referral, there is a natural limit to the number of meetings that one person can accommodate. Other factors affecting scheduling are:

- Parents are often difficult to contact (in some cases they do not have phones)
- Lawyers' schedules are frequently difficult to accommodate
- Social workers' commitments are also extensive

- Planning meetings involve on average 5.4 participants. (Note: there was little change in the second half of the project, and the overall average was 5.5 participants.) The more people involved, the more difficult scheduling becomes.
- There is no assigned space for planning meetings, so they have to be booked anew for each case.

Note: in the June 17<sup>th</sup> Interim Report it was stated that as of June 6, 2002, the maximum number of cases that could be scheduled in one month was 11, and the earliest scheduling of cases possible was the last week of July, or 6 weeks from referral. It was felt, therefore, that although up to February 28, 2002, 77% of FPMP cases were resolved in less than 40 days, this period of time would likely become the minimum time in the future, unless this issue could be addressed. Section 3.4 of this report updates this issue in a discussion of Table 8.

#### 5.4 THE RESULTS OF THE PROCESS

Satisfaction with mediation results ratings was high, with only two respondents rating their satisfaction less than 5 on the 7 point scale. The single major criticism was that the follow-up by a social worker to the mediation was slow because of illness.

It should be noted that although lawyer and social worker respondents were involved in the nine cases where none or only some of the issues were resolved, all parent respondents were from cases that were fully resolved. Thus from a parent perspective, one could have expected a slightly greater dissatisfaction with case results had the sample included, more representatively, two parents from unresolved cases.

#### 5.5 OPPORTUNITY FOR PARTIES TO BE HEARD

The opportunity for all parties to be heard was seen by almost all parties as one of the primary strengths of the FPMP process. Several factors were noted by various respondents as comprising this opportunity:

- The separate orientation sessions prior to the planning meeting allowed each party to express themselves fully, and in an unpressured interaction, consider & discuss their own and the other party's positions without being defensive.
- The simple factor of having a substantial amount of time to thrash out all the issues in the planning meeting(s) (averaging slightly over 5 hours per case).
- An atmosphere which, compared to court processes, felt less formal and more respectful to participants. As one parent stated "I felt I was important for the first time. People were listening, paying attention, really trying to make it work for us." Notwithstanding the generally positive response, one parent felt intimidated by the large number of people in the meeting, and another felt that particular circumstances made it difficult to fully discuss all concerns.
- Although a re-hashing of the events which precipitated the Ministry's decision to remove a child was generally not on the table, social workers were expected to provide justification or reasons for any specific requirements or expectations they had of parents. This gave most parents a sense that their concerns about the requirements could be heard, adjustments could be made, and a collaborative approach was possible.
- There were opportunities for breaks in the planning meeting if the situation was becoming excessively emotional.

## 5.6 RESPECT SHOWN TO PARTIES BY THE MEDIATOR

Without exception, respondents had high praise for the mediators. No one rated this item at less than 6 on the 7 point scale. Typical judgements were "excellent", "very professional", "respectful to all", "lots of assurance and support given", "made me feel comfortable", "good listener", "not judgmental", "was neutral" and "very courteous".

## 5.7 CONSIDERATION GIVEN TO THE BEST INTERESTS OF THE CHILD

Again, ratings were generally positive, with only two respondents rating this item less than 5 on the 7 point scale. Respondents almost always felt that the central purpose and focus of the meeting was the best interests of the child. Two parents felt that insufficient consideration was given to the impacts of the ex-spouse on the child and the necessity to keep the ex-spouse out of their lives.

## 5.8 ABILITY TO CONNECT RESOURCES TO PARENT(S) OR CHILD(REN)

There were fewer respondents for this item, either because resources were not an issue, or because FPMP was not seen as a vehicle to free up resources. This latter perception is correct, insofar as FPMP can't produce resources that are not available, or help parents jump queues for resources.

However, the FPMP process is seen as a good mechanism for identifying resources that are needed in the particular instance, helping parties reach agreement on the need for the resources, making the necessary decision (via a written agreement) to access the resource, and having the authority to approve or gain approval for the resource quickly. Several respondents noted that calls were made during the planning meeting to confirm the availability of resources.

A few respondents commented that waitlists prevented immediate access to resources, or that it was important to have more knowledge of resources for special groups (e.g. linguistic minorities).

## 5.9 OVERALL SATISFACTION WITH FPMP PROCESS

The overall satisfaction with the FPMP process is very high, with only 1 respondent rating the process lower than 5 on the 7 point scale.

Apart from comments that have been identified in relation to the previous ratings (e.g. opportunity to be heard, opportunity to spend significant time to problem-solve) positive comments centered on:

- The opportunity to discuss issues in a problem-solving, collaborative manner rather than an adversarial one.
- The fact that not just the parent, but also the Ministry (via the social worker) is held accountable for their positions and actions.
- The opportunity for social workers to be educated about new ways of relating to clients.

Critical comments, already identified in early sections, related to difficulty for a parent to feel confident about "opening up" in the planning meeting, or to understand aspects of the discussion, or to secure follow-through by the social worker after the meeting.

## **5.10 RELATIONSHIP BETWEEN PARENT(S) AND SOCIAL WORKER**

Parents were asked to compare the contacts they had with the social worker in the FPMP process with other contacts they had had with social workers in a problem situation. Of nine parents who felt they could answer, four felt the contacts were about the same, two "more positive", and three "much more positive". None felt the relationship was worse.

Of those who felt the relationship was the same, three described negative interactions, and one positive. Of those who detected a more positive relationship because of FPMP, the commonalities were the social worker's willingness to listen, to treat the parents respectfully, and to defend and explain her (the social worker's) position "rather than just laying down the rules".

Of the nine social workers who answered a similar question, three felt the relationship with their client was the same as in other situations (one negative and two essentially positive), five felt it was more positive, and one "much more positive." The main reason for feeling the relationship was more positive related to the ability to achieve mutual understanding and trust with the client, to be able to offer added support to the client, and to reach a quick agreement.

## **5.11 IMPACT OF FPMP ON CASE CONFERENCES AND PROTECTION HEARINGS**

### **5.11.1 Case Conferences**

If all issues are not fully resolved in the planning meetings, the case will revert to the courts. This may involve a case conference. Respondents were asked whether in these instances the planning meeting had helped narrow or simplify issues.

Of four respondents with experience of FPMP cases that subsequently went to case conferences, three felt the FPMP process had significantly simplified and clarified issues, and one felt that the mental health status of the parent precluded any easy resolution (Note: It is not possible at this point to determine whether the respondents were talking about the same or different cases). The main advantage in the three cases was that the FPMP process helped establish a positive relationship between the social worker and parents and greater understanding of what was feasible and what was not. Although these respondents indicated that the case conferences in the three cases were able to resolve the matter without trial, the final evaluation report will present a systematic follow-up of all unresolved FPMP cases to determine the frequency with which this outcome occurs.

### **5.11.2 Protection Hearings**

Unresolved FPMP cases may end up in a protection hearing. As noted in the previous section, follow-up data are not available for FPMP cases at this point, but four respondents felt they could comment on the impacts of cases which had gone through the FPMP process, but were not resolved. As with case conferences, we are not able to determine if they were talking about the same or different cases.

Two respondents felt the FPMP cases took less time in the protection hearing than non-FPMP cases, one the same time, and one more time. The two who responded "less time" felt that the FPMP process had resulted in better communication between parents and social worker. The two respondents who felt the protection hearing took the same or longer time stated that even if the parties are more respectful in their relationship, if the mediation has not been successful they may be more entrenched in their positions. As one respondent pointed out, "The Ministry must put forward all of its evidence to meet the burden of proof, and parents fight everything at this point."

## 5.12 RESPONDENTS' GENERAL COMMENTS ON THE FPMP PROCESS

All respondents contributed numerous thoughtful comments about the FPMP process. Comments that were frequently stated include the following:

- General laudatory observations about the overall experience, many of which reiterate positive ratings reported above. For example: "fantastic"; "loved the process"; "great process"; "have not heard one negative comment about FPMP"; "astounded by the excellent results"; "hope it becomes standard practice".
- FPMP as a cost-saving initiative. For example: "The resources spent on mediation are between one third and one tenth the cost of going to court"; "Mediation is the most effective use of resources and money that I have ever seen in 26 years of working in child protection"; "Mediation takes 8 hours up front, but that can save days of court time and thousands of dollars, not to mention the benefit of early resolution for the children".
- Positive role of the Court Work Supervisor. For example: "awesome"; "coordinated well, kept everything moving"; "having her right there in court to set up the mediation and resources has been excellent"; "(she is) well trained, skillful, non-judgement, understanding and highly respectful of people"; "her approach is to avoid fighting or nit-picking and to look directly at the children – she recognizes the need to help families and the need for resources to implement the mediated settlement"; "New social workers need to be supported during the process. Decisions can be made very quickly and new workers can feel insecure about how to respond."

Other comments, usually by one or two respondents, involved criticism of specific cases and/or made recommendations:

- More breaks should be scheduled during the mediations.
- If there is no resolution within three hours, then they should "call it quits"; set mediation in two categories 1) entrenched contested (1 day), and 2) simpler cases (half a day).
- To save time, do agreement by hand rather than typewritten.
- Do more education of social workers and lawyers about the mediation process.
- Have a more neutral setting for the mediation.
- Handouts (on each party's position) should be distributed before the mediation for discussion and disclosure.
- Criticism of the Ministry for reversing an agreement that had been made in a planning meeting.<sup>3</sup>
- Criticism that in some instances both mediation time and court time were scheduled for the same case; this does not save time, and can delay other possible court cases.
- Criticism of lawyers who insist on a court date, even if agreement was fully reached in the planning meeting; concern that the Legal Aid tariff should allow for more preparation time for lawyers participating in FPMP.
- Mediation should be made mandatory for permanent orders or whenever a child is going into care for the first time.
- Two parents were critical of the lack of social worker follow-up on agreements.

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<sup>3</sup> This occurred in one case and was an anomaly. Further inquiry about this case revealed that staff turnover and workload issues were factors. There would normally be no expectation that either party would amend terms and conditions negotiated in a planning meeting.

## 6.0 OBSERVATIONS ABOUT THE MEDIATION PROCESS

This section focuses on themes that were addressed in the five mediator interviews, an interview with the Court Work Supervisor, and with Director's Counsel for the Guildford, Langley and Whiterock MCFD offices conducted in May 2002 and reported in the June 17, 2002, Interim Report. As with Section 5, the content is included here for convenience with some updating of data where feasible. The primary intent of these interviews was to identify themes that relate to the effectiveness, uniqueness, or simply the importance of specific features of the process. An understanding of these themes is felt to be important if the FPMP model is being considered for application elsewhere in BC or in other jurisdictions.

### 6.1 LENGTH OF PLANNING MEETING

During the planning stages of the FPMP, the expectation was that planning meetings would take approximately 2 hours. As reported in Section 3.3 of the current report, the average for all cases to February 2003 has been 5.3 hours. This raises the issue of whether there are cost savings involved, as court hearings for an interim order under section 35 of the CFCSA are usually allotted 2.5 hours. However, in the majority of mediations, the process is used not only to resolve issues that would be part of a Section 35 order, but also to resolve the ultimate issues that would be part of a protection hearing and a temporary protection order. A temporary order can involve from 2-6 days, depending on the complexity of issues and number of witnesses involved. Trials for continuing orders can last 10-15 days. The Court Work Supervisor noted one case in which a consent order was obtained through mediation which would otherwise have involved approximately 15 trial days. Thus even if the planning meeting is over twice as long on average as anticipated, this greater time is unlikely to prove non-cost effective in comparison with the court process.

Notwithstanding these observations, mediators were asked to comment on factors which impact the length of the planning meetings, and ways in which it can be made shorter. Factors which are seen to make this type of mediation longer are:

- The focus is not just on conditions for the return of a child, but on building a parenting plan.
- There tends to be more sets of relationships and dynamics than in many mediation processes – e.g. between parent and social worker, between parent and parent, between parent and counsel, between Court Work Supervisor and social worker, between counsel and social worker, etc. While having all players at the table is a major strength in this process, it means that meetings take more time.
- The agreements tend to be very detailed and unique to each case. Detailed agreements are seen to raise the level of trust and security on both sides because they give clarity about what is expected. For example, a phrase such as “safe environment for the child” is meaningless to a parent if the social worker has not expressed in exact terms what actions will make the environment safe, or what situations need to be avoided. More detailed specifications also make any subsequent court processes (if necessary) more efficient because it is clearer if a condition has or has not been implemented. Since the conditions are unique to each case, they cannot be “drawn down” from a master list of possible conditions, and therefore take longer to negotiate and develop.
- Parents frequently are living apart, so the development of a plan can involve communication and access issues.
- Some participants lack functional literacy skills, may have difficulty understanding processes, and/or have cognitive impairments. Documents frequently have to be read to them.

Suggestions for reducing planning meeting time included:

- As mediators gain experience with this type of mediation they will likely be able to use time more effectively and keep parties on track.
- As social workers have more experience with FPMP, they will anticipate what is required and contribute more effectively to time management.
- Present a written summary of issues at the beginning of the planning meeting (developed from the orientation session) rather than have parties state their own (it appears that most mediators follow this practice in any event).
- (In contrast to the previous point) lessening information overload, so that the session does not get bogged down in explanations and thereby lose momentum.
- Avoiding excessive use of caucusing.

While mediators seemed confident that there can be some reduction in time, a 2 hour meeting was definitely seen as an unrealistic target. Furthermore, one mediator noted that the quality and durability of an agreement made in three hours may be quite different to that made in seven hours. The average length of time of mediations has remained constant through March 2003.

## 6.2 ORIENTATION SESSIONS

Mediators feel the orientation sessions are critical to the success of the mediation. The mediators usually prefer to begin with the social worker meeting, which is always held together with the Court Work Supervisor. The key thrust of the meetings tends to be to get the social worker to step back from what they have been doing. Apprehensions usually take place in a crisis atmosphere when something has happened and parents have acted in a specific way. The mediator helps the social worker to reframe, assess the concerns and issues in the present, work towards specific requirements, and to think creatively.

With parents the process is parallel. The mediator helps them to move away from past events and concerns (usually whether the children should have been removed in the first place) in order to focus on what the parent feels is legitimate in the Ministry's concerns and how they are prepared to address these concerns. This also includes helping them identify what support they might need as parents for their children's well-being, totally apart from the Ministry's concerns. This process is not just one of developing a checklist of concerns, but of building support and trust. Elements of this process include:

- Being clear about what is not on the table (i.e. re-hashing the original apprehension).
- Clarifying that the mediator is not a Ministry representative.
- Assuring them that they will have a full opportunity to state their concerns and needs in the planning meeting.
- Not being judgmental. If the mediator does not express judgements, the parent is more likely to talk about drugs, alcohol or other worries they have about their lives or those of their children. These are issues that the Ministry is also worried about. If the parent reaches this point of acknowledgment, the mediator is more likely able to build a collaborative relationship between parent and social worker to jointly address the issues.



### 6.3 ROLE OF THE COURT WORK SUPERVISOR

As noted in section 5, strong appreciation was expressed for the role played by the Court Work Supervisor. The role is seen as an essential component in the FPMP process. There is concern that if the model is considered for replication elsewhere, the features that are central to the role should be fully understood. These include:

- The role is dedicated specifically to the task of child protection mediation.  
One mediator contrasted the role of the Court Work Supervisor in the FPMP context with that of supervisors in Section 22 mediations. In Section 22 mediations where a supervisor is present, their role in the mediation is peripheral to their main tasks. They often have scheduling problems, and urgent matters that tug at their time and might even pull them out of the meeting. The supervisor is often just as new to the mediation process as the social worker. In the FPMP role, the Court Work Supervisor devotes all her time to FPMP cases, has the authority to make decisions about resources, and can act as a mentor or “process interpreter” to the social worker.
- The orientation of the role is collaborative rather than adversarial.  
In an adversarial situation, clients tend to avoid contact with the social worker, not return calls, or even become threatening and intimidating to the social worker. If a collaborative approach is used, clients are more likely to talk about their own or their children’s problems or behaviours, identify ways in which a service may not be helping them, maintain regular contact and work with the social worker to revise plans for care. The essential elements of a collaborative approach are non-confrontational communication, inclusion of affected parties, respect to the client, and good listening skills.
- An experienced worker  
The role of the Court Work Supervisor involves – implicitly or explicitly – a significant degree of modeling and mentoring. The experience of the Court Work Supervisor helps relieve the emotional burden many younger workers feel, especially when involved in a mediation process for the first time, and permits the worker to feel safe in exploring a non-adversarial, non-defensive approach. Traditionally a protection social worker “gathers information” (from parents, neighbors, etc) and then makes a risk evaluation and takes a certain action. This is quite a different process from sitting down and planning collaboratively with a parent. The Court Work Supervisor gives the social worker latitude to change her mind and consider alternative solutions.
- Knowledge about and authority to approve services  
One mediator pointed out that clauses in Section 22 mediation agreements concerning services often are phrased in terms of “if available.” In the FPMP the Court Work Supervisor is fully knowledgeable about services. She will routinely check on the availability of a service following an orientation session, or if a new need is identified in the planning meeting, will check on and authorize it during a mediation session. In this way, parents (and social workers) can have confidence that a service will be in place, the mediation process can maintain momentum, and the agreement can be specific.
- Clarity about the mediator’s and the Court Work Supervisor’s roles  
One mediator felt that the Court Work Supervisor “actively” avoids interfering with the mediator’s role. The mediator’s role is to run each orientation session and the planning meeting, including who attends and when a meeting is needed. The Court Work Supervisor’s role in these meetings is to make decisions, together with the social worker, about what can be proposed or done in any given instance.

## 6.4 CAUCUSING

There are different orientations between the mediators about the role of caucusing. Some characterize its use as somewhat more central than in other forms of mediation, primarily to help de-escalate emotions, but also to constituency-build because many parties are involved. Typical consultation that might occur would be between a lawyer and client, the Court Work Supervisor and social worker, and/or between two parents.

Others use it less than, for example, small claims, human rights, insurance or other commercial mediations. They feel that the orientation sessions already have established the interests of parties. Furthermore, one mediator noted that unlike a mediation process that is geared towards a "one time" settlement, child protection mediation is quintessentially about improving communication, developing a collaborative approach and building trust. This mediator felt that for this reason direct communication should be nurtured within the meeting with all parties present.

All mediators distinguished between breaks, which don't necessarily involve interaction between a mediator and the party, and caucusing, which usually does. Smoke and lunch breaks are necessary in the relatively lengthy FPMP meetings. One mediator emphasized that if a client required a smoke break and the mediator was going to use the opportunity to talk to the social worker, she would explicitly tell the parent of her intentions and say she would debrief with the parent on his/her return. The transparency of all interactions is thus maintained and reinforced.

## 6.5 DIRECTIVENESS

Mediators were asked if they needed to be more directive than in other types of mediation. Instances when this was considered to occur were:

- **Summarizing results of orientation session**  
In other types of mediation, mediators often let the parties make opening statements, but in the FPMP process the mediator usually summarizes the results of the orientation sessions him/herself. This serves several functions, including saving time, letting parties know their concerns and issues have been "heard", tidying up language for clients who might otherwise start off in an awkward or brusque way, and establishing commonalities of approach between parties (e.g. "You all have made it clear you would like to see the child back in the care of his parent")
- **Encouraging the social worker to be more clear about requirements** (see comments about detailed agreements in section 6.1). At the same time, one mediator expressed the conviction that the mediation should not simply be seen as a vehicle for a consent order.
- **De-escalating emotions**  
Mediators at times have had to caucus with a parent to make clear that threatening behaviour would not be accepted and would be counter-productive.

## **6.6 ADJUSTMENTS FOR LITERACY OR COGNITIVE DYSFUNCTION**

Several mediators noted adjustments they make for persons who appear to have cognitive impairments or functional literacy problems. Their approach includes reading agreements aloud (preferably in private to save the client embarrassment), speaking more slowly, using plain language, and using diagrams to explain points (e.g. to clarify access arrangements when several parties' schedules are involved).

## **6.7 CONFIDENTIALITY**

While all mediators agreed that the preservation of confidentiality is an issue that needs to be made explicit in the planning meeting, there was less agreement on the specific issue of the management of social worker notes taken in the meeting. One viewpoint was that such notes should be destroyed at the end of the meeting - perhaps even in a ritualistic way - and that they should not become part of the social worker's file. The counter viewpoint was that notes may contain positive information which can benefit the client, that file information derived from the meeting should always be marked confidential, and that it gives a false sense of security for a client to imply that there is no way for information to emerge in a subsequent court appearance without reference to things said in a planning meeting. This issue needs clearer definition with reference both to social work and mediation practice.

## 7.0 DISCUSSION

Data and feedback gathered for this report indicates that the FPMP has been a highly successful demonstration project. It is now an ongoing project within the Fraser South Region of MCFD and has expanded to the Simon Fraser Region. It is being actively considered in other areas of the province as a way of expediting child protection cases, reducing court, MCFD and Legal Aid costs, and contributing to more satisfying outcomes for parents, children and social workers.

The primary conclusions that can be drawn at this point are as follows:

- The planning meeting process achieves a very high resolution rate, whether considered by overall case (83% fully resolved) or by issues involved (92% resolved). These high rates not only held up throughout the study period but actually improved. Considering the stakes involved and the highly charged nature of these cases, this is a highly significant achievement.
- Although mediation to achieve consent on a continuing care order was not an original objective in the demonstration project, preliminary evidence concerning post-demonstration period cases clearly points to the effectiveness of mediation of CCOs. These showed similarly high resolution rates to non-CCO cases.
- When provided with a dedicated administrative assistant to schedule orientation meetings and planning meetings the FPMP process is extremely efficient both in involving a large number of parties (average 5.4) and in expediting cases (69% of cases completed in less than 40 days from referral).
- Whereas all the baseline cases (47/47) went to a protection hearing, only 14% (5/37) of FPMP cases did so. Instead, in the vast majority of cases where agreements were reached in a planning meeting, the social worker needed only to appear in court for a few minutes on the originally scheduled date, in order to confirm the agreement. This outcome clearly represents a savings in court and social worker time in FPMP cases.
- Preliminary data suggests that FPMP cases take longer than comparable court cases to reach the presentation hearing and commencement of protection hearing stages; this is simply because FPMP cases involve orientation and planning meetings whereas court cases do not. However, over the longer term (i.e. to a temporary order and, especially, to final disposition) it appears that the FPMP process contributes to an overall reduction in case duration.

It will be necessary to await completion of all FPMP cases before the extent and significance of the time reduction can be determined. The main reason for this time efficiency is the FPMP's ability to resolve most matters up to the temporary order stage in the same meeting. This ability in turn springs from the fact that the planning meeting is not just another "milestone event" to be managed, as court appearances often tend to be. Rather they are mechanisms whereby all relevant issues and parties are addressed in a comprehensive and non-confrontational manner.

- Satisfaction of all major participants in the planning meetings – parents, social workers, lawyers – was very high in interviews conducted in the first half of the demonstration project. Given continued high resolution rates, it is likely that this level of satisfaction has been sustained.
- Although this study did not involve a cost analysis, data collected by MCFD and reported in Appendix 1 suggests that this process results in costs savings to MCFD. The fact that trial dates are vacated when cases are mediated also suggests that there can be significant savings to both the Court and Legal Aid systems.

Earlier sections of this report have identified the considerable difficulties involved in undertaking the file reviews and comparisons of case duration for baseline and FPMP cases which were essential elements given the original objectives of the project. Both the obstacles experienced in this type of research and the evolution of the project itself to include CCOs suggest new research objectives and methodologies that might expand our understanding of the planning meeting process and its impacts. These include analysis of:

- Trial days vacated following completion of planning meetings.
- CCO cases to explore issues addressed in mediation, measures for discontinuance or non-success, substantive issues addressed in orientation and planning meetings, factors and issues involved if parent(s) are mentally handicapped or emotionally fragile, and the way resources or services differ in CCO cases compared to temporary order cases.
- The use of planning meetings at more than one point in a case history (i.e. where there are issues around subsequent extensions of temporary orders).
- The impact that involvement in planning meetings has on the culture and practice of protection social work, and in regard to CCO cases, adoption social work.

In general, a case study approach would be more appropriate to address the qualitative dimensions implicit in these issues.

## Appendix 1: MCFD Analysis of Cost Savings Related to FPMP

A cost analysis of the FPMP was not part of the original evaluation design, nor was one undertaken for this study. However, preliminary analysis undertaken by Financial and Decision Support Services of the MCFD indicates that issue resolution obtained through facilitated planning meetings in Surrey on average reduces child days in care by 30% in the target population. This reduction translated into an average per child-in-care (CIC) cost reduction in the range of \$12,000 to \$14,000.

The methodology to arrive at these figures was as follows:

1. A list was obtained of all CICs who had gone through the FPMP since its inception, together with their child services number.
2. MCFD Data Services Branch ran a report which provided the average number of days in care for those who went through the FPMP process.
3. A second report was produced which showed the average number of days in care for CICs who did not go through FPMP but were from the Fraser Region.
4. To avoid biasing the data, all cases where the child was taken out of care for less than 30 days were excluded from the non-FPMP group. These were cases that would not have been referred to FPMP, as it was deemed that they should not have been taken into care.

The FPMP data was for cases from May 2001 through November 2002, and included only those removals that were discharged in this period. The sample was 40. The average days in care was 239.

The non-mediated cases in the Fraser Region were drawn for the period September 1999 through November 2002 and included only those removals that were discharged in this period. The sample was 4084. The average days in care was 353. The average reduction in time in care for the FPMP sample compared to the Fraser Region sample was, therefore,  $353 - 239 = 114$  days, or an overall reduction from the Fraser Region average of 32% ( $114/353$ )

There are two limitations in this analysis. First, the comparison included not only the non-FPMP cases from the 5 offices from which the FPMP cases were drawn within the South Fraser Region, (Guildford, Langley, White Rock, Surrey North and Newton), but also the non-FPMP cases from all the offices in the Fraser Region. Hence, there may be variations in average days in care between locations that need to be taken into account.

The second limitation is more significant. Due to the FPMP being relatively new, the FPMP sample only included cases where children were discharged within the limited 19 month time span since its inception (May 2001 to November 2002). On the other hand, the Fraser Region sample include cases over a 38 month span (September 1999 to November 2002). By definition, therefore, the Fraser Region sample includes cases spanning longer timeframes than could have occurred in the FPMP sample. This dilemma about making judgments about the average overall length of FPMP cases before they have all reached a final disposition is discussed in Sections 4.2.2 and 4.3 of this report.

## Appendix 2: Summary of Data on Mediation of Section 22 Cases with FPMP Process

The Court Work Supervisor of the FPMP accepted referrals of cases that did not fit the FPMP criteria and many of which involved continuing care applications. These cases were handled as Section 22 cases under the CFCSA, and a limited database was maintained.

These data were not produced for this study, nor have they been systematically edited. However, they are summarized here as a supplementary source of information that speaks to the initial stages of the protection process.

Period of referrals:	May 5, 2002 – January 23, 2003.
Number of referrals:	28
Referring offices included:	Guildford, Langley, Surrey North, Newton
Number discontinued:	16
Reasons for discontinuance:	Party does not wish to continue, withdraws (9) Cannot mediate due to a trial (1) No show, can't reschedule (1) Consent obtained prior to mediation (2) No reason recorded (3)
Number of cases with record of mediation:	10
Average time of planning meetings:	6.15 hours
Resolution in planning meetings:	All issues resolved (7) Some issues resolved (2) No issues resolved (1)

Supplementary data on Section 22 mediations undertaken in MCFD's Simon Fraser Region were gathered for the Dispute Resolution Office in the period April 1, 2002 to March 31, 2003.

In this period, 69 cases involved completed mediations. In 48 (70%) of these cases all issues were resolved, in 16 (23%) some issues were resolved, and in 5 (7%) no issues were resolved. In five of these mediations a continuing care order was a central issue; four of these cases were fully resolved, and one was partially resolved.

## **Appendix 3: A Summary of Comments from Social Workers Regarding the Facilitated Planning Meeting Project.**

This summary was developed as feedback for a visit to the FPMP by the Minister of Children and Family Development in January 2001. The feedback was from six social workers representing several different teams (e.g. Child Protection, Family Services) from four different offices (Newton, Guildford, Surrey North, Langley) who have used the FPMP. The comments were collected by Elizabeth Winkler (Team Leader, Langley). Although not developed for this study, these observations complement much of the qualitative feedback presented in the June 17, 2002 Interim Evaluation Report of FPMP.

- 1) **Mediation improves the relationship between the family and the social worker:**
  - ◆ From angry and oppositional to respectful and cooperative;
  - ◆ Non- adversarial approach is often new for clients who have no trust in authority;
  - ◆ The whole experience can be 'therapeutic' in that it changes how the client perceives the ministry in general.
  - ◆ Strengthened relationship carries over into future meetings and new workers.
- 2) **Mediated agreements are empowering for clients:**
  - ◆ Clients are able to speak up and challenge comments made by others;
  - ◆ Clients feel heard;
  - ◆ When new children are born and come under CFCSA protection, clients ask for mediation.
- 3) **Mediated planning is a good forum for bringing extended family into the planning:**
  - ◆ Often many fathers involved and relationships are complicated;
  - ◆ Grandparents often feel very left out of court process and this helps keep them included even if not official "parties" to the proceeding.
- 4) **Children are returned earlier in mediated agreements**
  - ◆ Delays in planning are avoided
  - ◆ Orders are stacked and the clock starts ticking sooner
- 5) **Mediation improves the planning for the child and family; \***
  - ◆ Clients are more involved in creating the plans and thus we get improved "buy in" or ownership of the plan;
  - ◆ Time is taken to ensure plans understood and workable for all parties;
  - ◆ Good faith effort clearly demonstrated
  - ◆ Focus in on the "best interests and well-being" of the child not who is right or wrong.
- 6) **Mediation provides a record of agreement that is very useful for future reference:**
  - ◆ Both social workers and clients refer back to the wording on the agreements.
  - ◆ When social workers change or have to cover for one another, the record is helpful
  - ◆ Having the agreement in writing helps clients to take it seriously
  - ◆ Clients are aware that the record of agreement was made in good faith.
  - ◆ Agreements are filed with the court and this reinforces their power.
- 7) **Mediated agreements take and save time:**
  - ◆ Uninterrupted time with a neutral third party is necessary to resolve issues due to case complexities.
  - ◆ Many clients have learning barriers and need lots of time in order to really understand what is happening.
  - ◆ Clients don't feel heard unless time taken.
  - ◆ Social Work time is saved in relation to contested hearings with preparation time with counsel, disclosure time; preparing affidavits, endless court appearances for adjournments, and trial time.
  - ◆ Non-mediated consents can save court time but the client's lack of understanding can often result in lost planning and service time and delayed returns of children.



**8) Clients feel more assisted by counsel:**

- ◆ Parent's counsel see and hear the efforts made by the CP Social Worker on behalf of the children and family and encourage co-operation;
- ◆ Parents counsel get more involved in supporting the family to reach resolution;
- ◆ Parents have more access to counsel time and feel rights better protected.

**9) Parents are helped by the very sensitive approach of the mediators:**

- ◆ Compassion towards the client and his or her many losses has enabled clients to make very difficult decisions to let others care for their child;
- ◆ Clients have a "dignity door" opened that makes it possible for hard decisions to be made without overwhelming sense of shame or failure.

**10) Mediation settings are more client and worker friendly allowing both parties more control over the proceedings.**

- ◆ More control of proceedings ensures all necessary details are considered and better plans get made. Court is too cumbersome to deal effectively with nuances of case planning.

**11) Judges in Surrey Court support the project actively:**

- ◆ Often judges recommend matters go to the project for mediation.
- ◆ Clients respect judges' recommendations and work harder in mediation knowing judges want it to work.

**12) Project design with a designated supervisor has many advantages;**

- ◆ New Social Workers get mentoring help – including role modeling and teaching;
- ◆ Court Project Supervisor is immediately available for decision making that requires supervisor approval – i.e. decisions to return children, spending decisions;
- ◆ CPS provides balance to workers with different inclinations – i.e. can be more cautious questioning safety plans or supporting and encouraging calculated risk taking.
- ◆ CPS gets to know parent's counsel and can take them aside when they are not acting in good faith.
- ◆ CPS knows policies, procedures and legislation better than most workers and can give guidance on what is possible.

**13) Mediation has become an integrated part of case practice in the region.** Social Workers count on it to bring focus and resolution to case planning. Better plans are made.

**14) Mediation has not resolved issue of waiting lists though it has influenced how priorities for certain available spaces are made.** Timely access to the necessary service would improve all case practice.

## **Appendix 4:**

### **Key Respondent Questionnaire**

FACILITATED PLANNING MEETING PROJECT

Key Respondent Questionnaire

SATISFACTION WITH FACILITATED PLANNING MEETING PROJECT (FPMP)

Version 1: For lawyers, social workers, and judges only. See next page for parent version

Please indicate your satisfaction with the aspects of the Facilitated Planning Meeting Project listed below, and briefly explain the reason for your rating. Rate your satisfaction on a scale of 1 to 7 by checking the appropriate box.

Aspect of FPMP Rated	I am unable to rate this item (check if applicable)	Very dissatisfied ←				Very satisfied →			
		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
1. The speed with which the appropriate parties can be brought together to address issues.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reasons for rating: _____									
2. The FPMP's success in reaching appropriate outcomes.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reasons for rating: _____									
3. The opportunity FPMP affords parties to be heard.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reasons for rating: _____									
4. The respect shown by the mediator to all parties.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reasons for rating: _____									
5. The ability of the project to determine the best interests of the child.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reasons for rating: _____									
6. The ability of the project to facilitate a family's access to necessary resources	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reasons for rating: _____									
7. Your overall satisfaction with the FPMP	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reasons for rating: _____									

**SATISFACTION WITH FACILITATED PLANNING MEETING PROJECT (FPMP)**

Version 2: For parents only

How satisfied were you with the following things about the overall mediation process.? Rate your satisfaction on a scale of 1 to 7, where 1 is "very dissatisfied" and 7 is "very satisfied"

7.1.1 ASPECT OF FPMP RATED	I am unable to rate this item (check if applicable)	Very dissatisfied ←				→ Very satisfied			
1. How quickly they brought everybody together to discuss the issues and try to work out a solution.	○	○ 1	○ 2	○ 3	○ 4	○ 5	○ 6	○ 7	
Reasons for rating: _____ _____									
2. The actual results (outcome) of the process	○	○ 1	○ 2	○ 3	○ 4	○ 5	○ 6	○ 7	
Reasons for rating: _____ _____									
3. How much you were given the opportunity to be heard (to give your points of view, to talk about your concerns)	○	○ 1	○ 2	○ 3	○ 4	○ 5	○ 6	○ 7	
Reasons for rating: _____ _____									
4. The respect shown to you by the mediator	○	○ 1	○ 2	○ 3	○ 4	○ 5	○ 6	○ 7	
Reasons for rating: _____ _____									
5. How well the process considered the best interests of (your) child(ren) (or give names of children).	○	○ 1	○ 2	○ 3	○ 4	○ 5	○ 6	○ 7	
Reasons for rating: _____ _____									
6. How well the process helped to connect you up with resources that you or your child(ren) needed to make the agreement work	○	○ 1	○ 2	○ 3	○ 4	○ 5	○ 6	○ 7	
Reasons for rating: _____ _____									
7. Your overall satisfaction with the process (project)	○	○ 1	○ 2	○ 3	○ 4	○ 5	○ 6	○ 7	
Reasons for rating: _____ _____									

**IMPACT ON PARENT – SOCIAL WORKER RELATIONSHIP**

8. (For parents only). How would you describe the contacts you have had with your social worker in this process compared to other contacts with social workers when you've had to work through some sort of problem? (Note: these "problems" should usually refer to previous protection matters.)

- FPMP contacts much more negative
- FPMP contacts more negative
- FPMP contacts about the same
- FPMP contacts more positive
- FPMP contacts much more positive
- Not applicable / can't compare/not had to work through other problems

8.1 In what way have they been more positive or negative? (Also probe ways in which they have been the same, if applicable)

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9. (For social workers only). How would you characterize the relationship you have had with parents in the FPMP process compared to relationships you have had with parents in other situations where you've had to work through some sort of problem?

- FPMP relationship much more negative
- FPMP relationship more negative
- FPMP relationship about the same
- FPMP relationship more positive
- FPMP relationship much more positive

9.1 In what way has the relationship been more positive or negative? (Also probe ways in which they have been the same, if applicable.)

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### IMPACT ON CASE CONFERENCE

(Note: Questions 10-12 are for judges, social workers and lawyers only. Screen these questions by asking whether they have been involved in an FPMP case that has gone to a case conference. If not, go to question #14)

10. In situations where a facilitated planning meeting has been held but the case still goes to a case conference, do the planning meetings help to narrow or simplify issues?

no  yes

10.1 (If "yes") Please characterize the ways in which they are narrowed or simplified. (e.g., Are there typical issues that get resolved?)

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11. Do case conferences of unresolved FPMP cases involve more "difficult" cases than non-FPMP cases?

no  yes

11.1 (If "yes") In what way can they be characterized as more difficult? (e.g., Is it because of the parties, the issues or both?)

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12. Please describe any other impacts the FPMP has had on case conferences, regardless of whether or not cases were resolved by the FPMP.

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**IMPACT ON SUBSEQUENT HEARINGS OF UNRESOLVED FPMP CASES**

(Note: Question 13 is for judges, social workers and lawyers)

13. In general, would you say that protection hearings of unresolved FPMP cases take more time, less time or the same amount of time as non-FPMP cases?

- less time
- same amount of time
- more time

13.1 (If "less time" or "more time") Why do you think this is the case?

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**OTHER COMMENTS**

(Note: Question 14 is for all respondents)

14. Are there any other comments you would like to make about the role and impacts of the FPMP, and/or recommendations you would like to make for its improvement?

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## **APPENDIX 5: MEDIATOR INTERVIEW THEME GUIDE**

1. Time factors to shorten planning meeting and/or orientation session
2. Value of orientation sessions
3. Difference between FPMP and Section 22 mediations
4. Need for directiveness
5. Use of conference calls
6. Role of Court Work Supervisor
7. Role of caucusing
8. Issues around literacy / comprehension
9. Issues around confidentiality
10. Issues around participation of children



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Author: John Pringle  
Keywords:  
Comments:  
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