

# what is child protection mediation?

**Child protection social workers in the Ministry of Children and Family Development work closely with families and communities to protect children from abuse, neglect and harm. At all times, their number one concern is to ensure the child is safe.**

Once that's done - whether the child remains at home, lives with a relative or a caregiver with significant ties to the child, or comes into ministry care-- the family, extended family, community, social workers, caregiver, delegated Aboriginal agency, if the child is Aboriginal and others work together to plan for the child's future.

Working in collaboration with others enhances the family's commitment to keep the child safe. Where agreement cannot be initially reached on how to achieve this mediation, family group conferencing and traditional dispute resolution processes are offered and promoted to support the involvement of the child's family and community in developing a plan to keep the child safe.

Mediation is one option available to help families through this planning process. It's part of the ministry's mandate of working with families and communities to provide the best care possible for children. Used effectively, mediation can help everyone agree on what's best for children, without having to go to court.

## What is mediation?

Mediation is a process for working out disagreements with the help of a trained, impartial person (a mediator).

Mediators do not judge who's right or wrong. Instead, they encourage people to focus on common interests, and work towards a mutually acceptable solution.

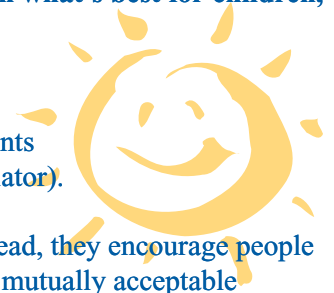
## When can mediation help?

Mediation can help in child protection cases where family members and social workers disagree on the best way to meet a child's individual needs. Mediation is an option that may be tried at any time when there are concerns about a child's safety, even before a child is removed or after a court hearing.

Mediation can be used to work through a number of issues, including:

- what services the family will receive and participate in as part of the plan of care;
- the length of time the child will be in a director's care;
- when there is disagreement about what must happen before a child is returned to a parent's care;
- to resolve a dispute that would otherwise have to be settled in court, including terms and conditions of consent or supervision orders;
- the contents of a support services agreement to ensure a child or youth's safety and well-being in the parent's home; or,
- other matters relating to the care or welfare of a child, including the amount and form of access the parent or others have with a child.

See the Internet at [www.mcf.gov.bc.ca/child\\_protection/](http://www.mcf.gov.bc.ca/child_protection/)



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## Who can take part?

Child protection mediation typically involves the child's parent(s) or guardian, a social worker and mediator.

Other people who have significant ties with the child or family can also be involved. These include:

- **the child, if he or she is old enough to take part;**
- **other family or extended family members; or,**
- **if the child is Aboriginal, representatives of the Aboriginal community or delegated agency.**

## Who will be the mediator?

Mediators are trained, skilled professionals. Their job is to help people reach agreements. Mediators are totally neutral; they're not on anyone's side and their job is not to find fault or lay blame.

They help parents, social workers and others involved in mediation reach decisions to help ensure the child's safety and well being.

All parties must agree to mediation. Either the parent or social worker may recommend a mediator, but everyone must agree on who is selected. Mediators may be asked questions about their experience and training if this would help to make a choice.

## How do I get started?

Once the parties agree to try mediation, they must select a mediator from the Roster of Mediators, available at:

[www.ag.gov.bc.ca/dro/child-protection/roster.pdf](http://www.ag.gov.bc.ca/dro/child-protection/roster.pdf)

Parents can also ask their social worker to provide a list of child protection mediators in their area.

Both the social worker and parent may talk to the mediators about this dispute resolution process. Once the parties have agreed on a mediator, they simply contact the mediator to initiate the process.

## What happens if I choose mediation?

First, the mediator will talk with you and decide if your concerns are suitable for mediation. (Sometimes, other options might be more appropriate. The social worker can tell you about those.) Next, the mediator will help you define exactly what you disagree on.

Then, the mediator will set up a meeting where you and the social worker (and others, if they're involved) will discuss your disagreements.

At the meeting, the mediator will make sure each person has a chance to speak and everyone's ideas and concerns are heard.

The mediator may also make suggestions for you to consider, but won't make any decisions. The process will continue until everyone reaches agreement.

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## How long will it take?

Often people reach agreement after just one meeting with a mediator.

Other times, it takes a number of meetings before you reach agreement, especially if there are a number of issues to be resolved.

It's best to think of mediation as a process, rather than an event. Each meeting will bring you closer to a settlement.

## Is there a charge for this service?

No. Child protection mediators are on contract with the Ministry of Attorney General. There is no cost to you.

## Do I need a lawyer?

Lawyers aren't usually involved in mediation, but you may have one with you if you like.

You may also consult a lawyer at any time during the mediation process.

Probably the most important time to have a lawyer involved is near the end of the process - when you've reached agreement but haven't yet signed it. Legal advice at this stage can help ensure you understand your rights and responsibilities before an agreement is finalized.

## What if it doesn't work?

Mediation is successful in most cases, but it doesn't work for all issues. If you don't think it's helping, you can stop at any time by telling the mediator or your social worker. Your social worker can tell you what other options are available.

What happens next depends on the issues involved. It may mean your disagreement will have to be settled in court.

## How can I get more information?

Talk to your social worker. If you like, arrangements can be made for you to speak with a mediator. Or ask for a list of child protection mediators and contact one of the people in your area to learn more about this dispute resolution option.



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