

MEDIATION IN CHILD PROTECTION CASES

(Child, Family and Community Service Act)

Information Sheet

An Upper Fraser Service for settling Child Protection Disputes is now available.

An opportunity to settle disputes about child protection cases is available to parents and social workers if:

- the case is from the Abbotsford, Mission, Chilliwack or Hope offices in the Ministry of Children and Family Development Upper Fraser Region
- the case will be heard at the Abbotsford or Chilliwack Provincial Court if the disagreement cannot be resolved

The opportunity is called a Facilitated Planning Meeting because independent mediators help parents and social workers talk about their disagreement and consider ways to settle the dispute.

The dispute could be about things such as:

- steps to take to ensure a safe environment for children
- where a child will live on a temporary basis
- if a child should stay in the ministry's care

On average a planning meeting takes approximately five hours. Before it starts, parents and social workers meet separately with the mediator to prepare for the meeting. At a planning meeting, one of the mediator's most important jobs is to make sure everyone has a chance to speak about the dispute.

Mediators are independent – they do not represent parents or social workers. They do not judge who is right or wrong, instead they help people work out a solution to a problem that is in the best interest of the child. They may make suggestions for people to think about, but they do not make any decisions about the disagreement.

Mediators are on contract with the Ministry of Attorney General and are highly skilled in managing and resolving conflict.

CONTACT INFORMATION If you are interested in participating in a planning meeting or want to find out more about the Upper Fraser Service, contact:

- for Abbotsford and Mission – Fred Brigham, **604 870-4031**
- for Chilliwack, Hope, Fraser Cascade – Ronna-Lee Bangay, **604 302-1106**

CHILD PROTECTION CASES

Questions & Answers

What cases can be referred to the project?

A referral can be made any time there is a disagreement between parents and a social worker about the care of a child after the court process has begun. A referral can also be made when a child has been taken into care and before a judge begins a Protection Hearing.

How do you define a 'dispute' that can be referred to the project?

If parents do not agree with the steps the ministry wishes to take or if the ministry does not agree with a family's plan to ensure a safe environment for a child, then there is dispute. Often the dispute comes about because the ministry is seeking an order from the court to take certain steps and the parents do not agree with the order or some of the terms of the order.

Do the cases have to be from the Abbotsford, Mission, Chilliwack or Hope offices?

Yes. At this time cases assigned to these offices in the Upper Fraser region are eligible for this service.

What if one of the parents does not want to participate?

If one of the parents involved in the case or another person entitled to be involved in the case does not want to participate, the case cannot be referred to the project. If one of the parents is not participating in the case (for example, his or her location is unknown), but the other parent wants to take part, the case can be referred.

Do parents need to have a lawyer to participate?

No, parents can participate without a lawyer. If parents hire a lawyer after they start participating in the project, their lawyer can participate with them if they want. In every case that goes to a planning meeting, mediators talk to parents about getting legal advice at any time during the planning meeting process.

What happens before the planning meeting?

The mediator meets with parents and the social worker separately to prepare everyone to participate. This is called an Orientation Session. Mediators will explain things such as what will happen at the planning meeting; when and where it takes place; what will happen if the disagreement is settled and what will happen if the disagreement is not settled. The mediator listens as people talk about the case from their point of view and helps them to list the concerns they want to talk about at the planning meeting.

What happens if a disagreement is settled at a planning meeting?

The dispute would not be heard in court if the disagreement were settled. The mediator writes out the agreement reached between parents and social workers and everyone signs it. Everyone is committed to carrying out the agreement. An agreement can also be the basis for a Consent Order or other order that is filed in court.