



# MediateBC

Collaborative Decision-Making in Child Welfare

The logo for MediateBC, featuring the word "Mediate" in a dark blue font and "BC" in a lighter blue font. Above the letter 'i' in "Mediate" is a decorative arc of seven small green dots.



MediateBC

Mediate BC is a registered non-profit organization whose mission is transforming approaches to conflict through the development and delivery of accessible, inclusive, trauma-informed, and innovative conflict resolution services.

In carrying out this mission Mediate BC is committed to reconciliation and the application of UNDRIP principles in conflict resolutions.

# What is collaborative decision-making in child welfare?



-  CDM processes are facilitated, out of court meetings of families, social workers, and other support people (e.g., mediation, family group conferencing, and traditional decision making) where participants discuss child welfare concerns and plan how to move forward
-  These processes are voluntary and confidential as described in the **CFCSA**



# Why use CDM for child welfare matters?



Permitted as a means of dispute resolution under S.22 of the CFCSA

- ✓ Builds more trusting and less adversarial relationships
- ✓ Improved participation (families, support people, child(ren))
- ✓ Increased control on outcome
- ✓ Results in agreements and safety plans that are more likely to be kept
- ✓ Cost effective
- ✓ Faster
- ✓ Confidential
- ✓ Can customize processes to make them culturally specific and comfortable
- ✓ Little to no court involvement
- ✓ Can go back and forth between CDM processes and/or work alongside court processes



# Effect of CDM processes on court proceedings?



## Extension of time

- The court may adjourn proceedings for up to 3 months (s. 23 of the CFCSA)

## Legally binding agreement

- Written agreements made in some CDM processes may be filed in court (s. 23 of the CFCSA)

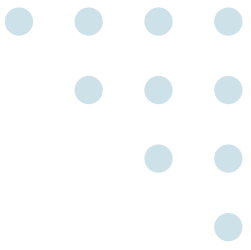
## Confidentiality

- Cannot disclose information obtained during a CDM process, except:
  - with the consent of participants
  - to make or implement an agreement
  - if disclosed in an agreement filed under s. 23, or
  - if necessary to ensure someone's safety or if required under s. 14 (s. 24 of the CFCSA)



<b>CDM Process</b>	<b>Key Features</b>	<b>Purpose</b>	<b>Facilitator</b>	<b>Length</b>	<b>Outcome</b>
<b>Mediation</b>	Families, social workers, and other support people work through identified issues and create plans.	Helpful at any stage.	Impartial mediator trained in conflict resolution. Does not work for MCFD* or an ICFSA.**	As long as needed.	Written agreement that can be filed in court and become legally binding.
<b>Family Group Conferences</b>	Families and their support people create long-term plans.	Helpful when creating long-term plans.	Collaborative Practice Facilitator. May work for MCFD* or ICFSA.**	Approximately 6-8 hours.	Written plan to address child welfare concerns.
<b>Family Case Planning Conferences</b>	Families and social workers share information and create short-term plans.	Helpful when a few issues need to be addressed quickly.	Collaborative Practice Facilitator. May work for MCFD* or ICFSA.**	Approximately 1.5-2 hours.	Written plan to address child welfare concerns.

CDM Process	Key Features	Purpose	Facilitator	Length	Outcome
<p><b>Youth Transition Conferences</b></p>	<p>Youth-driven planning for success on leaving foster care.</p>	<p>Helpful when a youth is leaving foster care or other supports.</p>	<p>Collaborative Practice Facilitator. May work for MCFD* or ICFSA.**</p>	<p>Approximately 3-5 hours.</p>	<p>Written plan to support the youth.</p>
<p><b>Traditional Decision-Making Processes</b></p>	<p>Families participate in Indigenous decision-making practices. <b>Hybrid options can be created with other processes*</b></p>	<p>Helpful for Indigenous families who benefit from connection to culture.</p>	<p>Facilitator varies. May work for an ICFSA.**</p>	<p>Varies.</p>	<p>Written or oral agreement on how to move forward.</p>



## What is the Collaborative Decision Making Navigator Project?

The Collaborative Decision-Making (CDM) Navigator Project supports and guides Indigenous and racialized families who are engaged with:




-  Ministry of Child and Family Development
-  Indigenous Child and Family Service Agency
-  Nations who are exercising jurisdiction in child welfare





## What is a CDM Navigator?



-  Works to educate and build capacity in the sharing of CDM process information
-  Provides information and connections to resources about CDM processes available to parties navigating child welfare matters
-  Short-term, no-cost, impartial services to families throughout BC
  - Needs Assessment for The Collaborative Decision-Making Navigator Project
    - Focus on serving Indigenous, racialized, immigrant, and rural communities





## The Project aims to widen access to CDM processes

### Public Education

- Provide information sessions and workshops to community service providers and legal advocates about:
  - the Navigator position
  - CDM processes

### Direct Family Service

- Help connect families to local resources
- Help engage families into a CDM process early and meaningfully



## Referring a family to a CDM Navigator



- Who can contact a Navigator?
  - Youth, family members, concerned loved ones, social workers, lawyers, advocates, service providers, Indigenous representatives, or others connected to families
- Why refer?
  - Want to ask questions
  - Need assistance with the process
  - Need assistance making a referral
  - Lack of engagement with the social worker
  - Want someone to follow up



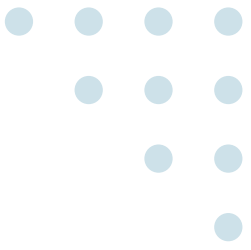
## When can you request mediation?

- ✓ At any stage of a child welfare matter from first concerns through to adoption or rescindment of a permanent order
- ✓ May be used several times
- ✓ The earlier mediation is used, the better the outcomes

Who can request mediation?

Any party including the child or youth





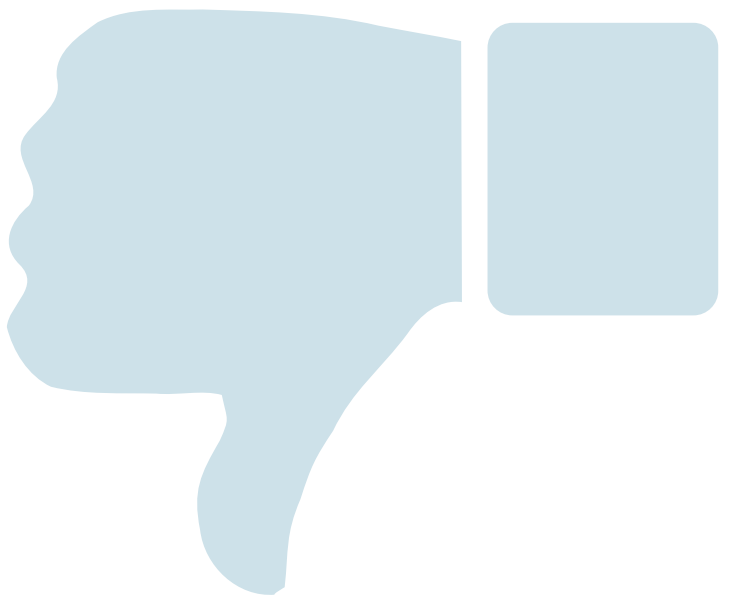
# Who is the facilitator?



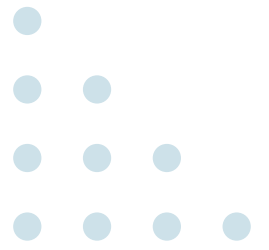
An impartial mediator

Mediators are independent contractors who do not work for:

- Ministry of Child and Family Development
- Indigenous Child and Family Service Agency
- Nations exercising jurisdiction in child welfare



- ✗ Arbitrate
- ✗ Provide counselling/therapy
- ✗ Guarantee reconciliation
- ✗ Provide legal advice or advocacy



## Is participation in mediation voluntary?



- ✓ Yes, all parties must agree to participate before you can start
- ✓ However, even after mediation has started, if a party feels like mediation is not the right fit, they can leave

## Who can participate?



- Mediators work with parents and the social worker to decide who will attend
- Child protection mediation can include:
  - Parents/Guardians
  - Child/Youth
  - Social worker
  - Band/Indigenous representatives
  - Counsel
  - Caregivers
  - Extended family
  - Foster Parents
  - Support people
  - Elders
  - Service providers
  - Other Professionals
  - Friends





## Can you choose the mediator?

Yes, but everyone must agree on who is selected

What to consider when choosing a mediator?

- ✓ Compatibility
- ✓ Convenient location
- ✓ Special Skills







Meditators are responsible for creating and maintaining safe, respectful, and inclusive environments



Mediators screen for:

- power imbalances
- domestic/family violence
- abuse



Mediators can meet the needs of participants by:

- Offering online or shuttle mediation
- Adjusting the process to meet the family's cultural needs
- Inviting elders to participate
- Having a prayer or customary foods at the mediation
- Holding the mediation at a long house, friendship centre, or other traditional place

Are  
participants  
**SAFE?**



## Orientation Meetings

The mediator meets one-on-one with the parties involved to:

- ✓ Discuss any questions or concerns prior to mediation
- ✓ Talk about their side of the disagreement
- ✓ Help them list things that they want to discuss at mediation
- ✓ Explain how mediation works

## What issues can be mediated?



- Resources and programs for the parents and/or child(ren)
- Where/with whom child(ren) will be reside
- Visits with parents, siblings, and/or extended family
- Cultural plan
- Communication issues
- Co-parenting plan
- Permanency planning
- Adoption
- Rescindments
- Issues with service providers
- **Family Law Act** issues if related to the protection issues
- Other matters relating to the child's care or welfare



## How long is mediation?

- The length of time and number of sessions required can vary based on number of factors (e.g., number and complexity of issues, relationship history, number of participants, etc.)
- For family mediations completed in 2016:
  - 78% completed in 3 or fewer sessions
  - Average duration: 8 weeks

## What is the outcome?



- ➔ Mediators can help draft documentation outlining the resolutions or plans:
  - Agreement
    - May be filed in court and become binding
  - Memorandum of Understanding (MOU)
- ➔ Agreements or MOUs are:
  - Voluntary - prepared with the mutual consent of the parties
  - Confidential - discussions cannot be used as evidence in court



## Referral process at Mediate BC



- 1 Complete and submit the CPMP Referral Form
- 2 CPMP identifies a mediator that is available and the right fit, or you can choose the mediator
- 3 The mediator contacts the parties for scheduling

## Ask a Mediator Clinic



- Anyone can schedule an appointment for a free, online, 30 minute session with a mediator to ask questions, get non-legal advice about their situation, and discuss options and resources





## Contact Information

**Lori Frank**, Director of Child Welfare Initiatives

E: [lori.frank@mediatebc.com](mailto:lori.frank@mediatebc.com)

T: 604-684-1300 ext. 107

**Pawan Sran**, CDM Navigator

E: [pawan.sran@mediatebc.com](mailto:pawan.sran@mediatebc.com)

T: 1-877-656-1300 ext. 104

**Hannah Stanley**, CPMP Coordinator

E: [cpmediation@mediatebc.com](mailto:cpmediation@mediatebc.com)

T: 1-877-656-1300 ext. 102

**Talia Holy**, CDM Navigator Admin

Assistant

E: [talia.holy@mediatebc.com](mailto:talia.holy@mediatebc.com)

T: 1-877-656-1300 ext. 104

*Thank you!*

