

CHILD PROTECTION COLLABORATIVE DECISION MAKING NETWORK

SUMMARY OF THINK TANK III MAY 27, 2009

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INTRODUCTION

Over the past thirty years there have been many chapters in the development of child welfare mediation and decision making programs. Programs have been developed, altered, improved, and re-invented. There are many programs that began strong and continue to thrive. Others have faced hard challenges, lost funding and been discontinued. In an effort to consolidate the wisdom that has been gained, the lessons that have been learned, and questions that remain to be addressed, a group of organizations and individuals concerned about child protection decision-making organized a two-day conference of experienced practitioners, administrators, researchers, and policy makers in 2007. Prior to this meeting, a survey of child protection decision-making programs was conducted, supplemented by a series of in depth interviews. A paper summarizing the results of this survey served as the working paper for the first think tank. One year later, a 2nd Think Tank took place that allowed participants to further share information related to their programs and be updated on several research projects. The 3rd Think Tank, for which this document serves as summary, took place the following year on May 27, 2009 in New Orleans. At this meeting, participants discussed several challenging issues related to the establishment and development of successful programs.

Seventeen judges, mediators, program administrators, researchers, and policy experts attended the Think Tank, which was held immediately prior to a regional conference of the AFCC in New Orleans, Louisiana. Attendees came from all parts of the United States and Canada, and brought a wealth of expertise and wisdom about child welfare mediation and family group decision-making processes.

This summary provides an overview of the discussion that occurred at the Think Tank. We also summarize the main points in each section, but we hope the diversity of input and the richness of the interchanges. This process, nor the resulting summary, is meant to illustrate consensus recommendations for programs or mediators on how to do their work. Instead, the hope is to provide an opportunity for professionals to engage in meaningful conversation and to capture a glimpse of what is happening in the world of child welfare collaborative decision making.

EXECUTIVE SUMMARY

Seventeen individuals gathered for the third iteration of the Child Welfare Collaborative Decision Making Network Think Tank. Researchers, policy advisors, program administrators, mediators, judges, and professional organization representatives all took part. Participants attended the 3rd Think Tank to roll up their sleeves and discuss substantive issues in more depth than at the previous Think Tank meetings. The other Think Tanks, while allowing for a great deal of information sharing on other items, did not provide opportunities for participants to discuss pertinent issues at this level of depth. This meeting did share a common goal with the previous two meetings though. People flew from all over Canada and the United States (one participant even took Amtrak) to learn from each other about issues that really mattered in their work. The Child Welfare Collaborative Decision Making Network provides this opportunity to its participants and allows them to have a sense of community in their work, work which can feel a bit lonely at times.

Topics for the 3rd Think Tank were identified prior to the meeting and were ripe for discussion at the Think Tank. They included the prospect of a Best Practices Initiative, attorneys in mediation, participation of children and youth, and mediator quality assurances. Each of these topics warranted a conference of their own, but each topic was allotted approximately one hour for participants to share how their program functioned in relation to the specific topic, any challenges they have had, ideas for what is working, and thoughts about improvement.

Participants are committed to a Best Practices Initiative (a placeholder name) in order to further the use of collaborative decision making in child welfare programs and, ultimately, cases. Since the beginning of the Think Tank process, there has been interest in developing best practices standards or a statement of standards for practitioners. In this 3rd Think Tank, there was consensus that now is the time to begin the process of forming this group. Prior to this point, the collaboration was so fresh that participants were not entirely ready to dive into a best practices discussion. The conversation focused on the most effective process for selecting Best Practices group members (the Think Tank has too many participants), selecting relevant topics, determining the best organizational/institutional framework, and finding the right balance between standards and an evolving area of practice.

The first substantive topic addressed at the Think Tank was the involvement/participation of attorneys. This topic has been introduced at the previous Think Tanks, but the 3rd Think Tank provided an opportunity to dive deeper into these important topic. The issue of attorneys in child protection cases is significant and, at times, controversial. Whether you believe attorneys should be involved at all levels of the program and process or not, this issue clearly is one that cannot be neglected when talking about the development of sustainable, effective decision making programs and processes. According to this group of participants, programs vary widely on the involvement of attorneys (almost no active involvement to always present at the mediation). After participants had a strong sense of the different roles attorneys were in fact playing, the discussion focused on *how* to

involve them in the best way and other ways in which progress can be made on this issue in individual jurisdictions. There was an unstated agreement among this group of participants that attorneys needed to be engaged in the establishment of a program for it to have Bench and BAR support and continuous use from both. The concept of early involvement, no matter the degree of involvement, helped the general success of cases. (It seems, 'early' is a general criterion for effective mediation programs and sessions.) The conversation was rich and introduced many questions for the group to consider in their future encounters.

Participants upheld the premise that children and youth should be able to participate in decisions that will affect them. More important to these participants was *how* to appropriately involve children and youth in mediation sessions. Sometimes, this means that the child will participate in the mediation session for all or just portions of it. In some cases, the children will be represented and given a voice by a guardian ad litem or children's attorney. Ultimately, no matter the level of active involvement, it is important to include the voice of children at the mediation table. Participants felt strongly that the safety of the child or youth is the critical factor in any decisions about their involvement. Safety must be upheld. Another factor that weighed into the conversation was youth involvement and empowering parents. This was another line that should not be crossed; children should not strip their parents of power. At the Think Tank, participants felt strongly that children and youth should be able to participate, but there is far too much grey area to take a stand on their all-or-nothing involvement.

A key ingredient to successful mediation programs is the mediators themselves. While quality assurance can mean many things within an individual program, the Think Tank participants took this hour to discuss the quality assurances of mediators. This "brainstorming session" led to many great ideas that were shared. One participant would share an idea, and others would build upon it with a fresh perspective and ideas of their own. While most of the ideas were relevant for nearly everyone in the room, some assurances were more difficult to implement in some jurisdictions. For example, a program may not be able to implement a mentoring program for its contract-for-hire mediators as there are no permanent ties or obligations between the two. Nevertheless, the discussion at the Think Tank prompted new ideas for hiring and maintaining a cadre of well-trained and self-reflective mediators that do great work and strive for improvement.

At the end of the meeting, Think Tank participants were eager to establish next steps and determine the next meeting opportunities. Questions/topics were identified for future conference calls, meetings, and blogs. The next meeting was set, which is a conference call for July 21st at 1:00pm EST.

AGENDA

**Child Welfare Collaborative Decision Making Network
Think Tank III
Wednesday May 27, 2009**

in Conjunction with

The Association of Family and Conciliation Courts 46th Annual Conference

Sheraton New Orleans, Louisiana

8:30 Registration and Continental Breakfast

9:00 Welcome and Introductions

9:30 Year in Review

- Updates from the Steering Committee (Karen and Marilou)
- Updates from Participants

10:00 Discussion of Best Practices Initiative

- Bernie Mayer

11:00 Large Group Discussions

I. Attorneys in Mediation

- What is the role of attorneys in mediation in your jurisdiction/program? How are they prepared for the mediation process?
- What is the impact of having attorneys present?
- What is happening when an attorney is participating effectively? What does a mediator do to promote effective participation by attorneys?
- What other issues impact whether attorneys participate and how they do it?

12:00 Lunch on your own

1:00 Continue Large Group Discussion

II. Engaging Child/Youth Participation in Collaborative Decision Making

- What does “participation” mean for children and youth in your jurisdiction/program?
- What are the impacts of children and youth participation on the process (from assessment to orientation through the mediation and debrief)?

- What do mediators do to promote the most effective participation from children and youth? Do any, and if so what, modifications need to be made when they participate?
- What other issues impact whether children and youth participate and how they do it?

III. *Elements of Quality Assurance in Programs*

- What quality assurance models exist in various jurisdictions and programs? What are the elements of quality assurance in child protection/dependency/permanency mediation programs?
- How are these models functioning currently? What successes and challenges do we have?
- What is a desirable model for quality assurance?

3:30 **Continuing Large Group Discussion Topics Beyond the Think Tank**

- What questions do we still need to address on the three discussion topics?
- What is the best venue for addressing these topics (web-based discussion, conference calls, and/or face-to-face meetings)?

4:00 **Next Steps**

5:30 **Adjourn**

Please bring materials to distribute and demonstrate at the Think Tank. Some of the following were suggestions for materials to bring, but feel free to bring others:

- Attorney Guidelines
- Protocols/requirements for the attendance of attorneys at mediation sessions
- Any training materials designed to educate attorneys about participating in the mediation process
- Formal descriptions of attorney responsibilities vis a vis the process. (writing up agreements, presentation to the court about mediation, etc)
- Exit Surveys
- Oversight policies
- Practice review mechanisms
- Standards of conduct
- Complaint resolution processes

THINK TANK PROCEEDINGS

INTRODUCTIONS

Each participant at Think Tank III (Think Tank) introduced themselves to the larger group. People shared their names, their jurisdictional locations, and the purpose(s) for their attendance at the Think Tank. People participated in the meeting to:

- Converse about more substantive issues related to mediation/meditation programs
- Obtain strategies for integrating mediation into court processes
- Find ways to maintain programmatic and process-oriented integrity in the face of challenging times
- Discuss ways to encourage support and buy-in from stakeholders
- Share ideas for how to gain the support of legal professionals (particularly judges and attorneys)
- Get tips on starting or restarting a program
- Discuss ways to engage families living in remote areas (specifically mentioned in pertinence to aboriginal communities in remote areas of Canada)
- Learn tips and strategies for continuing a healthy, rejuvenated program
- Gather ideas for how to best infuse mediation into other dispute resolution systems/approaches
- Determine ways in which the Child Welfare Collaborative Decision Making Network can be a part of a systemic change in and within the child welfare community in order to have a consistently collaborative relationship amongst all parties/stakeholders

UPDATE FROM THE STEERING COMMITTEE

Marilou Giovannucci and Karen Largent updated Think Tank participants on what has occurred since the 2nd Think Tank that occurred in May 2008. They expressed gratitude to Peter Salem and the Association of Family and Conciliation Courts (AFCC) for supporting the Think Tank process. Marilou and Karen indicated that phone meetings amongst Steering Committee members have occurred on an approximately monthly basis. In January 2009, a special issue of the Family Court was published, *Mediation and Conferencing in Child Protection Disputes*. Find the January 2009 *Family Court Review* at: <http://www3.interscience.wiley.com/journal/121591152/issue>

At the AFCC Annual Conference in 2008, a number of breakout sessions were offered on mediation/family group conference/family group decision making in child welfare cases. At the 2009 Annual Conference, there were a number of sessions as well. Topics included: integrating a child protection collaborative processes into judicial proceedings and maintaining financial resources. Finding breakout session opportunities, like these, are important to the promotion of child protection collaborative decision making processes.

Although Think Tank participants have made significant progress in the two years since its inception, there are a number of tasks that need to be accomplished.

They include:

- Finding a permanent “home” for the Child Protection Collaborative Decision Making Network
- Expanding the membership/collaborators to include members of other stakeholder groups (e.g. attorneys, child welfare agency staff, mental health professionals, etc)
- Writing/locating additional resources to supplement the existing January 2009 *Family Court Review* and make it feasible as a book
- Infusing collaborative decision making into child welfare at a systems level, not just within the mediation/family group conference/family group decision making program

SUCCESSES FROM PARTICIPANTS

Participants were asked to share their own successes with the larger group. Highlights include:

- In **New York**, a pilot program was initiated and has expanded into Central New York. By planting a seed in various counties, neighboring counties became “jealous” and the program started to replicate because of this. The key ingredients for this success: a central staff person, an appropriate quantity of experienced mediators, mediator mentors, and continuously introducing the program to judges in different counties so that *they* want access to the program. Programs have been able to offer more services with only a slight increase in cost.
- In **New Mexico**, mediation has become more ingrained in state law. A welcome surprise.
- In **California**, a Blue Ribbon Commission recommended that every court should have a mediation program. Additionally, there is a pledge to continue mediation services despite the significant state budget cuts.
- In **New Jersey**, an evaluation has shown that there is a shorter time in placement when a case is mediated versus court ruled.
- In **Connecticut**, there were a number of innovations in the court system based on the benefits of child protection mediation.
- In **New York, Connecticut, New Mexico, Ohio, Nebraska and Vancouver** (specifically mentioned, but there are others), programs are using/looking to use web/teleconferencing services to make mediation more accessible.
 - These newer technologies can eliminate the need for travel expenses
 - Useful tool when translation services are needed
 - Alternatives to court appearance
 - Service providers for web/teleconferencing
 - ◆ Elluminate
 - ◆ WebEx
 - Unanswered questions/concerns regarding teleconferencing/web conferencing
 - ◆ Is it hard to build rapport?
 - ◆ Is it ethical?
 - ◆ Is it viable?
 - ◆ Can the process be disrupted technologically speaking, which may have impacts on the mediation process itself?

BEST PRACTICES INITIATIVE

Since the beginning of the Think Tank process, there has been interest in developing best practices standards or a statement of standards for practitioners. In this 3rd Think Tank, there was consensus that this is a good task for participants. The discussion focused around the best process for selecting Best Practices group members (the Think Tank has too many participants), selecting relevant topics, determining the best organizational/institutional framework, and finding the right balance between standards and an evolving area of practice.

The following are highlights from the discussion:

- **Name of the Initiative:** Think Tank participants were not comfortable with ‘Best Practices Initiative’ and would like to explore other names.
- **Institutions/Organizations:** Both AFCC and American Humane Association are interested in coordinating with these efforts. NCJFCJ and NCSC also are interested in being a part of the initiative. Werner Institute is another possible partner in the process. Casey Center for Effective Child Welfare Practice is another possibility. Others?
 - **American Humane:** They are recently interested in mediation. It could be mutually beneficial to work together on this initiative in order to get Best Practices for mediation, and for collaborative decision making as a whole.
 - **NCJFCJ:** It is possible that researchers with NCJFCJ could become perform research for the initiative. It also is possible that the Board would be willing to endorse and final product(s).
 - **Canadian Organizations:** Equivalent Canadian organizations need to be identified and involved appropriately. For example, the Child Welfare League of Canada should be involved. AFCC is a good international organization to be involved because of the Canadian involvement.
- **Staff Support:** It is important that the Best Practices Initiative have support from existing staff at a partner organization. American Humane has offered support in this area.
- **Best Practices Initiative Design Committee:** A small group of interested individuals will design the process for what the Best Practices Initiative Committee will look like. A rough outline should be ready by October (in anticipation of the American Humane meeting).
- **Other Stakeholders:** Throughout the Best Practices Initiative Process, other stakeholders (child welfare agency staff, attorneys, judges, etc) should be integrated into the conversations. This doesn’t necessarily mean, and is quite unlikely, that they will be directly involved in the process. One suggestion is to create a draft document with the core group and then go to these other stakeholder groups. A dialogue among the disciplines can take place.
- **Opportunities as an Outreach Tool:** A Best Practices Initiative provides an opportunity for members of the Think Tank and the smaller Best Practices Initiative to develop relationships and have discussions with other stakeholder groups.
- **Research Component:** Good data and research is important to the process and to the future of collaborative decision making, and should be the backbone to this process.

- **Use Existing Resources:** In terms of research, there is no need to start from scratch. Many resources are already available (for both content and structure) and they should feed into this process. One example is the AFCC’s parenting coordination guidelines. Ohio also indicated that they have some useful tools that could assist in the Best Practices Initiative.
- **Spectrum of Decision Making Processes:** One suggestion included designing the Initiative as one for the general topic of ‘collaborative decision making’ in an effort to involve other organizations and as a way to model the process the Think Tank promotes. A concern about this is switching from a term that people are comfortable with (mediation) to one they might not be (collaborative decision making). Some of the document must be specific to mediation, if the route is chosen to be a collaborative decision making document (rather than just one on mediation). The hope in approaching the Initiative in this “umbrella” fashion is to change the way the entire child welfare system behaves – being more collaborative more of the time.
- **Possible Structure to Group:** One suggestion is to have a core committee for the Best Practices Initiative and to convene smaller working groups that are topic-related (e.g. mediator training).
- **Convener Group:** Think Tank participants decided to have a convener group that will identify the core group for the best practices initiative and provide other guidance to this core group. The convener group should identify best practices categories, figure out who wants/needs to be involved, engage directly with American Humane, determine what support the core group will have, and work with other organizations who might be interested in partnering on the core group’s work. Both groups should have diverse geographical representation.

ATTORNEYS IN MEDIATION

The role of attorneys in mediation has been mentioned at both of the previous Think Tank meetings. It is clearly a topic that cannot be neglected when talking about the development of sustainable, effective decision making programs and processes. A portion of the conversation centered on the actual participation of attorneys in the different jurisdictions represented at the meeting. After participants had a strong sense of the different roles attorneys were, in fact, playing, the discussion focused on *how* to involve them in the best way and other ways in which progress can be made on this issue in individual jurisdictions.

The following are highlights from the discussion:

- **Attorney Involvement:** Throughout North American programs, attorneys participate at different levels, including:
 - **Active Participation:** In a number of jurisdictions, lawyers are present and participate in many mediation sessions. In some cases, this is found to reduce the number of sessions and provides legitimacy to the process and program. In some cases, attorneys have been noted as the “saving grace” of the mediation session. They were key to success.
 - **Sporadic Participation:** In some jurisdictions, there is a standing invitation to attorneys for all mediation sessions. They may or many not participate, depending on the particular attorney and the nature of the case.

- **Inactive Participation:** In some cases, attorneys are rarely or never present. They even might be discouraged from attending. In some jurisdictions, attorneys are seen as a hindrance in the success of mediations. Therefore, their presence is neither required nor encouraged.
- **Post Mediation Impacts of Attorneys:** When attorneys are not actively involved in the mediation session(s) and an MOU or MOA is distributed, lawyers have, in some cases, been known to sabotage the agreement. In order to combat this and gain trust from the attorneys involved, it is recommended to gain input from attorneys on the front-end and to obtain information directly from the attorneys about the case.
- **Right to Counsel:** Clients, and therefore families, have a fundamental right to counsel. Some argue that if mediation is about self-determination then clients should be able to make the choice as to the level of attorney involvement.
- **Promoting Effective Attorney Involvement:** A number of Think Tank participants argued that attorneys should be integral to the development of decision making processes and programs. This is one way to get effective attorney involvement. By designing a program with the involvement of all stakeholders, there often is stronger support for the resulting processes. The agreements tend to stand in court more often.
- **Paradox of Attorney Involvement:** One participant argued that there are two purposes for using mediation: 1) the rights based approach that allows people to hear from each other, and 2) the creation of a team to help families. Attorneys are essential to the first purpose and often get in the way of the second. This will always be a tension, and successful programs have made it work somehow.
- **Educating Attorneys and Redefining Role:** A key point in the discussion is the importance of educating attorneys early and often. Some of the suggested ways to educate attorneys and redefine their role within mediation include:
 - CLE credits
 - Partnering with legal organizations and local law schools
 - Actively involving attorneys in mediation and allow opportunity for clients to evaluate mediation in the presence of their attorney
 - (The above strategies can be helpful with child welfare professionals also.)
- **Programmatic Support:** Attorneys are advocates for their individual clients, but it is important for them to see the value in supporting mediation programs generally, and not just supporting mediation for a client or two.
- **Handling Emotion:** In mediations, emotions might be expressed that cause attorneys to become uncomfortable. It is important for attorneys to be prepared for this and for them to be able to handle emotions that may arise during the sessions.
- **Judicial Support:** In some cases, judges can be barriers to successful programs and specific cases. For instance, they may not have faith that families do not have the capacity to discuss and make decisions based on their own best interests. Strategies for obtaining judicial support included:
 - Involving them in program/process design
 - Calling agreements “proposals” before the court
 - Providing ongoing training on the benefits of mediation and when to use mediation

- **Chicken and Egg:** One participant questioned whether the legal field is going to change mediation or if mediators are going to change the legal field. Quickly, the answer was noted as “both”. There is an interrelationship between the two fields and they will continue to form and shape each other.

ENGAGING CHILD/YOUTH PARTICIPATION IN COLLABORATIVE DECISION MAKING

Among participants, it became clear that they believed children should be involved in whatever collaborative decision making process that was determining their fate. The definition of ‘participation’ was an important part of this discussion, as it set the tone for the rest of the discussion. The group did not discuss or argue about whether or not they should be in the room and at the mediation table. The discussion centered around how to include children and youth in the most active way possible, whether that is through the advocacy of a guardian ad litem or children’s attorney, a letter, or their presence for all or just a portion of the mediation. Finally, the safety of the children is a factor that must always be upheld, no matter their level of participation.

The following are highlights from the discussion:

- **Meaning of Participation:** The group was interested particularly in gaining a sense of what participation “looks like” in different programs across Canada and the U.S. It varied widely from the active involvement of children and youth to mediator interviews with the child/youth to their voices being involved through guardians ad litem and children’s attorneys. Not one participant mentioned that children were not involved in any capacity.
- **Closing the Loop with Children/Youth:** One participant mentioned the importance of decisions being made in the mediation session(s) about who was going to inform the children and youth about the decisions made in their absence. Children often are keenly aware of what is going on in mediation, and should be made aware of the resulting agreements.
- **Interviewing the Children/Youth:** Interviewing the children can be an effective way to promote their participation and involve their voice at the mediation table. It was noted that Joan Kelly (British Columbia) offers training on interviewing children.
- **Attorney as Child Advocate:** In many jurisdictions, attorneys serve as the voice of the child.
- **Availability of a Child-Care Center:** The availability of a child-care center can play a role in the success of mediation sessions. For one, the children can/may be involved in portions and then be watched during portions of the mediation where they are not needed. Also, the parents do not have to worry about the safety or well-being of their child(ren) during the mediation session.
- **Empowering Children:** Some Think Tank participants believe that not including children may be a disservice to the children and the mediation itself. Children should be empowered to participate effectively in an active way. It is beneficial when the children “own” the agreement. That being said, the empowerment of the children should not take away from the empowerment of the parents. There is possible tension in this.

- **Endangering the Child:** It is critical to safeguard children throughout the mediation process. Their active participation should be brought into question if: the child is a victim of domestic or sexual abuse, they are pressured by any party to participate, and/or the child might be called to testify in a criminal case. Screening and other protections must be in place to protect the children.
- **Opinions of Children/Youth:** Children can be persuaded to make a statement in a mediation that they then say the opposite of at another mediation session. Their preferences, for example in regards to their future living situation, may change from day to day and depending on who they spent the night with last. It is important to test these statements and determine the best process for helping parties get to an acceptable agreement.
- **Feedback from Children/Youth:** Some programs struggle with obtaining meaningful feedback from youth participants. Interestingly, one program that uses the same feedback for all parties found that children were positive about the experience, but gave low ratings on questions about communication.

ELEMENTS OF QUALITY ASSURANCE IN PROGRAMS

While there are many elements to quality assurance in a mediation program, this particular discussion highlighted mediator quality assurance. Participants truly engaged in a dialogue in which ideas were shared and built upon by each participant. Not one of the ideas was meant with disagreement. Key elements for mediator quality assurance include training, some form of mentoring or supervision, and the promotion of reflective practitioners who obtain feedback from many avenues. The only issues introduced during this discussion related to the ability of a program manager to enforce some of these ideas. For example, in some areas that hire contract mediators to oversee a case, it is difficult to implement a supervisory or mentoring program because they are not officially employed by the program. Nevertheless, meaningful and effective suggestions were made for how to maintain quality assurance for mediators.

The following are highlights from the discussion:

- **Initial and Ongoing Training:** A key element in quality assurances of a mediator is training.
 - **Initial:** In many jurisdictions, mediators must have basic mediation training, family mediation training, and dependency and neglect mediation training. In most cases, you must have some or all of these to be listed on the mediator directory in a jurisdiction.
 - **Ongoing:** Opportunities to improve and relearn skills can be important for even seasoned mediators.
 - **Substantive:** Think Tank participants feel that it is critical for mediators to have the substantive knowledge to handle these cases. They should understand child welfare issues, family dynamics, legal issues, etc. Additionally, they need the process comprehension to be effective mediators. Other types of mediators and child welfare professionals can become effective child welfare mediators with the appropriate training. Though some

participants have sensed hesitation by child welfare professionals to become mediators.

- **Feedback:** It is important to obtain feedback from parties (families and professionals) in mediation to gain a sense of mediator strengths and growth opportunities.
- **Effective Application/Screening Process:** Think Tank participants mentioned the importance of effective screening during the application process. Having an effective process that sets the standard of a great, long-term mediator (standards mentioned here and others) can be the key to getting great mediators. One participant further mentioned how difficult it is to let a mediator go once he/she has been hired.
- **Mentoring:** A number of jurisdictions have mentoring programs in which more seasoned mediators will be placed with newer mediators to provide advice, support, and a listening ear. It may be helpful for newer mediators to have an individualized plan for their development that includes a progression of involvement. For example, a new mediator may have a co-mediator. As time goes on, the mediator may be able to handle a case on his/her own with the preparation assistance of their mentor. Finally he/she may be able to take cases solo.
- **Supervision:** In some jurisdictions, there is a supervisory program to oversee the quality of mediators and mediation sessions. Some have found that these supervision programs meet a great deal of resistance because mediators can become sensitive when hearing constructive criticism. (Mentoring programs have received similar push back, especially since they are not always required or cannot be required.) One participant posed the question: “How can we overcome resistance to supervision?” This may be a topic for future Think Tank meetings or calls.
- **Reflective Practitioners:** In addition to mentorship, it may be helpful to develop reflective practitioners. One way to encourage reflection is to ask mediators targeted questions that link theory and practice (i.e. why do an opening statement?).
- **Observation:** Direct observation of mediators is a way for program directors to get a glimpse of what is happening in the mediation room. In some cases, it has been found that even long-time mediators have not completed basic, yet important, steps in the mediation process (i.e. lack of an opening statement). These observations provide opportunities to view a mediator firsthand and may highlight the need for skills retraining
- **Group Case Consultation:** One support mechanism mentioned is the use of group case consultation. Confidentially, a small group of mediators could meet to discuss cases (closed or between sessions) to get advice and share techniques, tools, and strategies for current or future cases.
- **Monthly Conference Calls/Roundtables with Mediators:** Creating a venue similar to the Think Tank for mediators may be helpful in providing support and encouraging quality services.
- **Mediator Roundtables:** At roundtable sessions, mediators can share mediation process checklists. Basic conversations such as this or even the more challenging issues can be addressed and can encourage mediator improvement.
- **Maintaining an Ethics Advisory Board or Process:** By having a pre-established advisory group, a program can get guidance on ethical issues, such as ones related to child participation.

- **Oversight of Court Directory:** Additionally, participants would like to see better oversight on keeping these directories up-to-date. For example, if a person on the directory hasn't mediated a child protection case in x amount of time, then they may need to be removed from the directory. The keepers of the directory may need guidelines including: amount of time on list before a check-in, number of cases to stay on the list, and continuing education requirements.
- **Programmatic Guidance:** One participant expressed interest in developing programmatic guidance around the mediation style that is employed by the program. That way, mediators who do not approach mediation in the same way could be weeded out early in the application and screening processes. This might encourage mediator quality, and also the quality of the program itself.

TOPICS FOR FUTURE INTERACTIONS

Think Tank participants would like to discuss some of the following on either conference calls or face-to-face meetings:

- Should the January 2009 *Family Court Review* Special Issue be converted into a book? What else could be created to add more value – a video?
- Can a network website make information more accessible? If so, how will it operate? Who will operate it (Ohio)?
- What can happen when there is an imbalance in child protection mediations?
- How do you mediate when parties are struggling with addiction? Or cognitive impairment? Or violence?
- What is meant by confidentiality in the mediation? What does confidentiality mean legally?
- How can we make progress on approaching program development on a systems level (incorporating all stakeholders)?
- How can information from the Think Tank be accessed by others?
- How can the Think Tank meet more frequently? (One idea is to have a call each month that deals with a specific topic.)
- How can we advance research on the issues we identify as needing additional research?
- What resources do we need to keep the Think Tank far into the future?
- Who else could we partner with for the Think Tank?
- How do we educate the public about collaborative decision making services?

CLOSING REMARKS

As occurred at the previous two Think Tank meetings, people expressed their gratitude to one another. The Think Tank provides for a sense of community, support, and knowledge sharing amongst dedicated program directors and others who promote the use of child welfare collaborative decision making. The membership provides a space for collaboration and the exchange of new ideas.

PARTICIPANT LIST

The following participated in the Child Welfare Collaborative Decision Making Network Think Tank III meeting in New Orleans, LA. Contact information is available upon request.

Theresa Berry
Debra Brownyard
Susan Butterwick
Andrea Clarke
Liz Dunn
Karen Ehrlich
Beth Egle
Gregory Firestone
Catherine Friedman
Marilou T. Giovannucci
Judge Ernestine Gray
Jacqueline Hagerott
Honorable Nancy Amato Konrad
Karen Largent
Bernie Mayer
Susan Norwood
Joy Peacock
Jan Schloss
Crystal Soderman
Anita Stuckey
Frank Woods

Facilitator: Joan Kathol, CDR Associates
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