

Legally speaking...

Did you know?

March 2006
Subject: Family

CHILD PROTECTION MEDIATION (1) GENERAL INFORMATION

In British Columbia, the Child, Family and Community Service Act (CFCSA) is the law that describes what steps must be taken if a child is not living in a safe environment or there are concerns about a child's safety or health. The CFCSA gives social workers with the Ministry of Children and Family Development (MCFD) responsibilities and powers to take action if a child is not safe. This can sometimes include removing children, for their protection, from their families.

The CFCSA also has provided for other steps in the court process that may be necessary if the parents and the Ministry cannot agree on ways to make sure a child lives in a safe and healthy environment. One of these steps allows social workers and families to choose mediation as a way to resolve disputes related to children's plans of care. This process is called child protection mediation.

How does the process work?

Mediation is a process for working out disagreements with the help of a trained, impartial person - the mediator. Mediators do not judge who is right or wrong. Instead, they encourage people to focus on common interests, and work towards a mutually acceptable agreement.

Do parents have a choice to try mediation?

Taking part in the child protection mediation is voluntary for parents. Mediation is an option that may be tried any time when MCFD is involved with a family under the CFCSA, even before a child is removed or after a hearing. Sometimes a judge may suggest parties to try mediation.

The parents or the Ministry can ask to take part in the mediation process and all parties must agree. The mediation process is free.

What issues can be resolved through mediation?

- What services the family will receive and participate in;
- The length of time the child will be in the director's care;
- The amount and form of access the parent or others have with the child;
- Other matters relating to the care or welfare of a child.

For More Information

The Child Protection Mediation Program at the Dispute Resolution Office:

www.ag.gov.bc.ca/dro

Ministry of Children and Family Development:
www.mcf.gov.bc.ca/child_protection

Fact Sheets: Child Protection Mediation (2) and (3) www.nscr.bc.ca



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