

CHILD PROTECTION MEDIATION (3) THE PROCESS

Mediation is a process for working out disagreements with the help of a trained person, the mediator who does not judge on who is right or wrong. You can use mediation any time that you and the social worker from the Ministry of Children & Family Development (MCFD) are unable to resolve an issue relating to the child's plan of care. The Ministry may provide limited financial assistance, which may include transportation, child care expenses, or other related costs.

Where do I contact a mediator?

A mediator can be contacted from the mediator roster which has been established by the Ministry of Attorney General and the MCFD. Because it is very important that mediators be neutral, and not take any one side in the dispute, the Dispute Resolution Office contracts with private mediators.

How does a mediation process work?

Below are some of the general steps in the mediation process:

1. In the pre-mediation meeting, the mediator will discuss what will happen at mediation, what the issues are, the fact that mediation is a confidential process .
2. Agreement of all parties to mediate - all parties must sign the form "Agreement to Mediate" before mediation can begin.
3. At the first mediation meeting, the mediator describes the process, states the ground rules

for conduct, and makes sure every one is still committed to mediation. The mediation might take place over one or more sessions.

4. Each party then gives his or her side of the facts of the dispute.
5. Interests identified - the mediator then by using questions shifts the focus from the different positions of the parties to their interests.
6. The parties reach a settlement regarding the issues.
7. The agreement is written - the mediator will write the agreement reached in mediation using a standard form provided.

Do I need a lawyer ?

Usually you do not need a lawyer during mediation. However, you may need a lawyer at the end of the process when you are ready to sign the agreement. It is important to get independent legal advice before signing any agreement reached at mediation to make sure you understand your rights and responsibilities.

For More Information

You can find a mediator from the mediator roster at: www.ag.gov.bc.ca/dro/child-protection/index.htm

MCFD: www.gov.bc.ca

Fact Sheets: Child Protection Mediation (1) and (2) www.nscr.bc.ca

