



MEDIATION BASICS

Basic principles of Mediation:

- **Voluntary** – You don't have to do it if you don't want to and you can stop when you want.
- **Informed Consent** – You should understand the mediation process, your legal rights and options.
- **Confidential** – What you say won't be shared unless you give permission and nothing said can be used at a future trial.
- **Impartial/Neutral** – The mediator does not take sides.
- **Self-Determination** – You get a voice in what is decided and won't be forced to agree to anything.

Special features of Permanency Mediation:

- **Child Centered** – The focus is on what is in the child's best interest, not the adults involved.
- **Parties work together and initial relationships begin to develop.**
- **The mediator comes to you and works around your schedule**

COOPERATIVE PERMANENCY PLANNING APPROACH TO PERMANENCY MEDIATION

Cooperative Permanency Planning approach to Permanency Mediation is used for cases referred when the goal is no longer reunification. This approach recognizes that parents play a key role in planning for the future of their child even though they may not be able to parent full-time. The mediator focuses on establishing a relationship between the birth family and the family where the child will be raised. During the process a cooperative plan is designed for the child, allowing the child the stability of his/her placement, while honoring the child's relationship with his/her birth family.

The Cooperative Permanency Planning model allows the parties most connected to the child to have a voice in the plan. The model brings together the birth parents and the permanent parents. The mediator helps the parties' focus on the best interest of the child, the child's safety needs as well as the child's need for continuity of relationships.

The result of the cooperative permanency planning approach is often an open adoption agreement or a guardianship/visitation agreement.

FREQUENTLY ASKED QUESTIONS ABOUT PERMANENCY MEDIATION

Do I have to pay anything for mediation services?

No. Permanency Mediation services are paid for by the court.

If I decide not to do mediation or decide to withdraw from mediation will it be held against me in court?

No. Parties referred to mediation are required to meet with the mediator to hear about mediation but after the initial educational session your decision to participate in mediation or withdraw from it at a later date is totally voluntary. There is no penalty for deciding not to participate or to withdraw after mediation begins. In fact, the court is not informed which party withdrew from mediation.

How long will mediation take?

Typically, mediation can take anywhere from 3 to 5 months to reach an agreement. Permanency Mediation encourages the people involved to build a relationship. Additionally, Permanency Mediation asks parties to consider making very important decisions on behalf of a child. This child centered planning can only be done successfully in a careful and informed manner.

Will my social worker be told if I admit to having doubts about parenting my child?

No. Mediation is confidential between the mediator and the client. However, the mediator will report any new abuse or neglect that is disclosed.

If I get involved in mediation, does it mean I'm giving up on getting my child back?

No. Mediation is a voluntary process to help parents get all the information possible about their child's needs and to empower parents to make decisions that are in their child's best interest. Mediation can be ended at any time, for any reason without penalty.

What happens if we are unable to reach an agreement during mediation?

The case continues forward in the court even after a referral to mediation is made. In that way if mediation is not successful in reaching an agreement the case has not been delayed and continues on to the next court date.

What is my attorney's role in the mediation?

Your attorney's role is to represent your legal interests and advocate for you as well as assist in the introduction of mediation. Attorneys are invited to attend the screening conference with their client. One of the principles of mediation is informed consent. You will have access to your attorney at any time throughout the process. Your attorney should review

with you any draft agreements that are written by the mediator to ensure that you understand the agreement.

Will my attorney know what is happening in the mediation?

You may speak with your attorney about the progress of mediation at any time. The mediator will always get your permission first before speaking with your attorney about the mediation. Typically the mediator will want to keep your attorney informed of the general progress of the case as well as significant developments that arise during the mediation process. Attorneys receive copies of all court progress reports sent to the court.

Who are the mediators?

MFFK mediators are professionals specially trained to help people focus on what may be in the best interest of the child or children involved.

Your Mediator is:

He/she can be reached at:

For more information please call:
617-989-9425 (Roxbury Office)
978-640-0089 (Tewksbury Office)
508-791-3871 (Worcester Office)
413-586-2303 (Northampton Office)

Children's Services of Roxbury, Inc.
Massachusetts Families for Kids

PERMANENCY MEDIATION SERVICES



A Guide for Parties Referred to Permanency Mediation

**Cooperative
Permanency Planning**

**Alternatives to
Reunification**