

2016

Children's Court Mediation Program

Annual Report: July 1, 2015 - June 30, 2016



ADMINISTRATIVE OFFICE OF THE COURTS

TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
PROGRAM PROFILE	2
PROGRAM COORDINATORS.....	3
STATEWIDE, REGIONAL AND LOCAL OPERATIONS.....	4
Collaboration Between The Executive and Judicial Branches.....	4
Regional Operations Management	7
Local Implementation Teams	8
Coordinator Meetings	9
Networking and Program Promotion	9
STATEWIDE QUALITY ASSURANCE ACTIVITIES.....	10
Retain Highly Qualified and Experienced Mediators	10
Provide Participant Support & Education.....	14
STATEWIDE QUANTITATIVE DATA & ANALYSIS.....	16
Family Participant Data.....	16
Stage at Which Case Was Referred.....	18
Program Referral Trends	19
Case Disposition: Closures and Cancellations.....	20
JUDICIAL DISTRICTS - DATA & PROGRAM ACTIVITIES	21
Referrals to the Children’s Court Mediation Program	21
District Court Summaries and Activities	22
STATEWIDE QUALITATIVE DATA & ANALYSIS	29
Family Participant Assessments	29
Participant Comments	30
APPENDICES	31

EXECUTIVE SUMMARY

This was the sixteenth year of operation for New Mexico's Children's Court Mediation Program. The Program is operated and administered by the Administrative Office of the Courts with federal funding and support by the Children, Youth and Families Department. The Program provides mediation services to families and professionals in 12 judicial districts at every stage in a child abuse and neglect cases. The services vary by mediation type: Time Limited Reunification (which includes a sub-category of Pre-Legal) mediations, and Open Adoption mediations. Regardless of the type, the process is designed to assist everyone involved to work together and to make decisions that are in the best interest of the child(ren). Mediation participants may include a variety of professionals such as social workers, attorneys, child advocates, potential adoptive families, as well as the family members in crisis. The Program's mediators are highly educated and skilled, and many have served the Program since its inception. Oversight is provided at both regional and statewide levels, with training and educational opportunities for participants, promotional activities, responsiveness to local needs, budget management, administrative operations, as well as qualitative and quantitative reporting.

In FY16, the Program experienced a small drop in the number of referrals from the Children, Youth, and Families Department ("CYFD"). A total of eight hundred and twelve total (812) referrals were processed in FY 2016, reflective of a decline of just 40 referrals (4%) statewide from the prior fiscal year. As in all prior years, the majority of referrals were for Time Limited Reunification ("TLR") mediations (654, includes 30 Pre-Legal referrals), which were down 10% from the prior year. The category of greatest utilization -- the TLR (Legal) mediations -- experienced a statewide decline of 7%, following last year's increase of 5%. TLR Pre-Legal referrals remained steady. However, Open Adoption referrals increased across the state to 128, up ten percent. The overall decline (4%) in referrals is primarily attributed to a 23% decline in referrals for Time Limited Reunification mediations in the 3rd Judicial District, which experienced an increase of 15% in the prior fiscal year. There was a previous spike in the number of TLR Legal referrals in the 3rd Judicial District in FY14 (20% increase) and FY15 (16% increase), so those numbers now appear to be stabilizing.

Changes in the most populated districts have the greatest influence on the Program's statistics because they account for over 60% of the total referrals. At the local level, the large metro areas of the state experienced declines in referrals: the 2nd Judicial District, which accounts for 30% of the services in the state, was down by 4%; as mentioned above; the 3rd Judicial District, which accounts for approximately 18% of the services statewide, was down significantly (23%); and the 13th Judicial District, which accounts for approximately 13% of the services statewide, was down by just 1% overall.

Urban and urban/rural mix areas experienced significant changes and dynamic shifts in referrals: the 5th Judicial District was down by 16%, after the prior year's decline of 16%; the 11th was up by 14%, after the prior year's decline of 20%; and the 12th was up 104%, after a steep decline in the prior year of 39%. The 4th, 8th and 10th Judicial Districts are rural areas that traditionally receive fewer than 10 referrals per fiscal year. Other rural areas experienced

changes in referrals worth noting: the 9th Judicial District, which increased by 6% in the prior fiscal year experienced a 17% decline in this fiscal year; the 7th Judicial District, which increased 76% in the prior fiscal year remained steady, with no change in overall referral numbers. Finally, the 6th Judicial District declined by 8%, but consistently has the highest number of Program referrals of the rural districts and, remarkably, accounted for almost 10% of the Program referrals statewide.

The family participants expressed a high level of satisfaction with the mediation services. Over 99% of family participants reported that the mediator was fair, that the process helped them to feel heard (90%) and to understand others (87%), and that they would use mediation again if offered (90%). The mediators are specially trained to manage a highly conflicted environment with families that, in addition to dealing with the child abuse and neglect case, may be affected by complex issues including homelessness, substance abuse, and/or domestic violence.

The Program is committed to providing quality mediation services for child welfare cases and deserving of the enduring support provided by the citizens of New Mexico.

PROGRAM PROFILE

The Administrative Office of the Courts (“AOC”) partners with the CYFD to administer the mediation program to serve the interested parties in child abuse and neglect cases. The program is funded by both state recurring funds and some federal Title IV-B grant funds received by AOC through a contract with CYFD.

Child welfare mediation is available in all judicial districts and CYFD county offices. The Children’s Court Mediation Program offers mediation services in twelve judicial districts (2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th and 13th). The counties of Santa Fe, Los Alamos and Rio Arriba are served by the First Judicial District’s in-house mediation program, for which the Children’s Court Mediation Program provides support.

The primary purpose of the Children’s Court Mediation Program is to assist in meeting the Adoption and Safe Families Act (“ASFA”) goals of permanency, child safety and child well-being. As a resource for families, CYFD staff and the courts, the Program provides a non-adversarial, collaborative approach to assist CYFD and the courts to work with families facing long-term challenges, including substance abuse, domestic violence, poverty, low educational levels and mental illness. Trained professional mediators meet with the parents, attorneys, case workers and other interested parties and assist in reaching agreements regarding placement, visitation, treatment and permanency for children.

Cases are mediated at all stages of an abuse and neglect case, from investigation to reunification and/or termination of parental rights (“TPR”), as well as post adoption contact agreements (“PACA”) in open adoption mediations. A PACA is an agreement between the prospective adoptive family and the family of origin that, if in the best interest of the child, allows

for some level of contact between the families after the adoption has been finalized. Consistent with New Mexico statute, section 32A-5-35, the PACA is filed as part of the final Open Adoption Decree and is enforceable by the Court.

The flexible regional organization of the Program, described in the regional operations management section of this report, allows for centralized coordination through the AOC with local autonomy by the district courts and local CYFD offices. The Statewide Alternative Dispute Resolution (“ADR”) Coordinator oversees the statewide operations, maintains continuity and provides accountability for the Program. At the district court level, the contracted Regional Coordinators work directly with the local implementation teams comprised of judges, respondent attorneys, guardians ad litem (“GAL”), youth attorneys, CYFD staff and attorneys, Court Appointed Special Advocates (“CASA”), and other interested parties. The implementation teams are a decision-making body responsible for developing a protocol to respond to the unique needs of each locality. The Regional Coordinators report to the Statewide ADR Coordinator on the local activities and concerns, as well as on program utilization. Towards the end of the fiscal year, the local plans were consolidated into a unified *Manual for Professional Participants*, as only the scheduling protocols and locations vary at the local level.

[Appendix A, List of Acronyms](#)

[Appendix B, Manual for Professional Participants](#)

PROGRAM COORDINATORS

The AOC’s Statewide ADR Coordinator provides statewide oversight of the Children’s Court Mediation Program and works closely with two contracted Regional Coordinators. The Regional Coordinators work closely with the contracted mediators throughout the state and respond to the specific needs of each district court and of the CYFD offices.

- **Elizabeth Jeffreys** oversees the statewide operations of the Children’s Court Mediation Program as well as the Magistrate Court Mediation Program and serves as staff for the New Mexico Supreme Court’s Statewide ADR Commission. Ms. Jeffreys started in her position as Statewide ADR Coordinator with the Administrative Office of the Courts in March of 2015. Prior to assuming the Statewide ADR Coordinator position, she served as in-house counsel for the Human Services Department on various administrative, civil and policy matters. She also served on the NM Governor’s Alternative Dispute Resolution Council. As the Human Services Department’s ADR Coordinator, she surveyed, assessed, and reported on the use of ADR within all divisions. Ms. Jeffreys obtained both a juris doctor (law) degree and a master’s degree in public administration from the University of New Mexico, and obtained her undergraduate degree from the Pennsylvania State University.
- **Susan Laughlin** is the Regional Coordinator for Regions I and III. She oversees the 2nd, 4th, 8th, 9th, 10th, 11th and 13th judicial districts. Ms. Laughlin has over eighteen years of

experience in conflict resolution management providing services as a professional mediator, facilitator, trainer and coach. She has over 500 total hours of formal training in workplace/EEO mediation, advanced facilitation, health care ethics, the Americans with Disabilities Act, and land use facilitation. She's conducted mediations for the U.S. Postal Service REDRESS Program, the U.S. Department of Energy, the National Nuclear Security Administration, the N.M. Special Education Bureau, and the state courts of New Mexico. In addition, she serves as an alternative dispute resolution advisor to FEMA and serves on the Statewide ADR Commission pursuant to her appointment by the N.M. Supreme Court.

- **Dr. Nancy Garcia Tafoya** is the Regional Coordinator for Region II. She oversees the 3rd, 5th, 6th, 7th and 12th judicial districts. She has a doctorate in curriculum and instruction, is a practicing anthropologist and received her training in basic mediation and family law mediation from the University of New Mexico School of Law. Dr. Garcia Tafoya has five years of domestic mediation facilitation in the 3rd Judicial District and served as the coordinator of an access to justice component in a United States Agency for International Development (USAID) Rule of Law Project in Mexico from 2007 to 2010. Within the project, she directed alternative justice programs in five Mexican states which included establishment of mediation centers; development and implementation of training programs in mediation, conciliation, and restorative justice; and provided support for building capacity in rural indigenous communities to incorporate traditional conflict resolution approaches.

STATEWIDE, REGIONAL AND LOCAL OPERATIONS

COLLABORATION BETWEEN THE EXECUTIVE AND JUDICIAL BRANCHES

The CCMP is unique in that it is a joint undertaking of two branches of government: The Children, Youth and Families Department ("CYFD") of the Executive Branch and the Administrative Office of the Courts ("AOC") of the Judicial Branch. The CYFD and AOC have entered into agreements over the past 15 years to provide quality services to the families of New Mexico. The CYFD is primarily responsible for providing the federal funds, referring families in the child welfare system to mediation services, effectively participating in mediations, and assisting with related trainings. The AOC contributes state general funds and maintains staffing for the administration and provision of the services. The staffing includes the Statewide ADR Coordinator position, two contracted Regional Coordinators, and approximately 15 highly-qualified contracted mediators located throughout the state. Similar to the mediation process itself, this elaborate undertaking requires an awareness of shared goals, collaboration, open communication, flexibility, and responsiveness at all levels of operations.

CYFD Site Visit

On August 13-14, the CYFD performed a second annual site visit, to review the Program's FY15 compliance with the contract. AOC fully complied with all requests for information and documents, and provided suitable facilities for the review. The CYFD audit report was not provided, nor was the AOC given an opportunity to review or respond to the findings. Since the findings of the report were not made available to inform the Program's FY16 operations, some of the undisclosed FY15 findings may remain unaddressed. Throughout FY16, the Coordinators and AOC's Court Services Division Director were available and responsive to the concerns and requests of CYFD. As always, the AOC will continue to cooperate with the CYFD to ensure the Program operates effectively to meet the needs of families in New Mexico.

CYFD Personnel and Caseload Issues

In spite of recent accelerated hiring efforts, CYFD personnel continue to deal with heavy caseloads, frequent turnover and difficult clients and issues. The turnover affects the professional as well as the support staff, and can lead to mistakes in referrals, oversights, errors in notices, double scheduling, and other problems that can be costly to the Program. Persistent efforts are made by the Regional Coordinators to assist CYFD with locating and accommodating the families, training and educating new hires, adjusting schedules to accommodate unexpected changes in staffing, and providing emotional support.

The Regional Coordinators frequently attend children's court hearings to stay abreast of the issues affecting the families and stakeholders, and to assist in the process of providing information and services. In the busier districts, the Coordinator may attend up to 20 hearings a month. These include custody hearings, adjudicatory hearings, permanency hearings, initial judicial reviews, termination of parental rights and adoption hearings. At the courthouses, the Coordinators also seek opportunities to discuss issues with respondent attorneys, GALs, CASAs, and various CYFD personnel, so that any problems are quickly addressed. In addition, over the course of the year, the Coordinators are responding to thousands of emails and phone calls from stakeholders regarding referrals, scheduling, and other issues.

Program Budget

Both the AOC and the CYFD contribute to the Program's Budget. In FY 16, the Children's Court Mediation Program began operations with a \$324,709 budget which included AOC's state general funds of \$139,709 and \$185,000 contracted funds from CYFD's Title IV-B federal funds. Unfortunately, the Program suffered a \$1,391 cut to the state general funds before the fiscal year ended, as an across-the-board cut responsive to the state's poor revenue performance.

AOC's statewide general funds covered the cost of the Statewide ADR Coordinator's position, who oversees the Children's Court Mediation Program. Statewide general funds are also used for regional coordination, mentoring, promotion, supplies, recruitment and training, as well as for direct services. In FY16, \$15,600 of the state general funds was contributed towards mediation

services. In addition, the AOC provides the assistance of two support staff for CCMP administrative duties.

Preparations to Operate with Decreased Funds

The Program was informed by CYFD early in FY16 to anticipate budget cuts as the result of decreased federal grant fund availability. A tremendous amount of activity by AOC ensued as a result. Multiple efforts were made initially by AOC to discern the amount of the decrease, so that corresponding efforts could be made to secure state general funds. The AOC, as a judicial entity, is subject to different timeframes than the CYFD, as an executive entity. The AOC must plan approximately two years in advance of any anticipated needs in order to receive the approvals necessary to seek state general funds. The CYFD was delayed in a response, but eventually indicated that a \$50,000 cut was contemplated. Accordingly, the AOC sought \$50,000 in state general funds from the Legislature. When the AOC was ultimately unsuccessful in this attempt, the CYFD decided on a less severe reduction of \$35,000 (approximately 20%). Unfortunately, the state then suffered a decline of revenues and required additional cuts (\$5,500) to state general funds from the Program, as well as an immediate cut of \$1,391 from the Program's FY16 state general funds.

As a result of these unfortunate events, and barring any further cuts to state funds, the Program expects to operate in FY17 with a total decrease of \$45,000 (12%). The CYFD allocated the \$150,000 in federal funds in such a manner that the cuts will have a greater impact on the Open Adoption mediations: \$120,000 is designated for Time-Limited Reunification mediations (a 13% decrease as compared to FY16), and just \$30,000 is designated for Open Adoption mediations (a 40% decrease from the prior year). Where the demand for Open Adoption mediation services has increased, the cuts will have an even greater impact as cases must be turned away solely for lack of funding. Ironically, in the prior contract CYFD required the Program to promote the use of Open Adoption mediation. As part of that effort, and also in response to requests by professional participants in the prior year, a new brochure was developed and broadly distributed at the start of FY16 entitled, "Ideas for Post Adoption Contact Agreements."

Appendix C: Brochure, *Ideas for Post Adoption Contact Agreements*

The CYFD insisted that the cuts were not in any way related to the Program's performance, and expressed no concerns regarding service quality. However, new leadership at the CYFD directed an assessment and comparison of the effectiveness of the various services funded by the agency. Accordingly, a review was conducted of the Program, which included a summary of the annual reporting as well as a survey of stakeholders across the state regarding their impressions of the Program. The CYFD and AOC worked together to design a survey instrument and to distribute the survey. The results were reassuring, and perhaps a factor in the determination by CYFD to ultimately reduce the severity of the contemplated budget cuts: Open Adoption mediations were reported as effective by 83% of those surveyed; Time-Limited Reunification mediations were reported as effective by 80%, with similar number reporting that mediation helped clients to resolve issues outside of court and to comply with their treatment

plans; and only 53% of those surveyed reported that pre-legal/pre-custody mediations were effective. In part, the survey results led to the decision to discontinue pre-legal mediation services going forward.

Appendix D: Summary Report and Survey Results, Program Stakeholders

The Program Coordinators reviewed the survey results, and met regularly to discuss how to proceed in light of the budget cuts. It was determined that, in order to manage the decreased funding and preserve the quality of services, the following policies would be implemented:

1. Preservation of services statewide, in every county and district (with the 1st Judicial District providing in-house services);
2. Reasonable efforts will be made to provide services throughout the fiscal year;
3. Pre-legal mediations (prior to the filing of a case) will be discontinued;
4. Mediation service hour limits will be enforced, with few exceptions, to provide services to the greatest number of families;
5. Referrals will only be accepted from CYFD and Court order; and,
6. Referrals may be denied entirely on the basis of security or capacity concerns for participants or for budget limitations.

Some adjustments required some implementation at the end of FY16 in order to prepare for the programmatic changes in FY17, including the closure of all pre-legal mediation cases, the closure of many open adoption cases, and the denial of some referrals due to lack of sufficient funding to even permit scheduling in the first month of the new fiscal year. The Coordinators met and communicated at all stages with the various stakeholders to alert them as to the upcoming budget limitations and responsive policy changes. The larger districts are particularly frustrated with the inadequate funding devoted to mediation services that are universally perceived by the stakeholders to be effective in both resolving complex issues outside of court and improving parental compliance with the treatment plans.

REGIONAL OPERATIONS MANAGEMENT

The Administrative Office of the Courts contracts with Regional Coordinators to provide individualized attention and service to each of three regions:

- **Region I** is comprised of the 2nd, 11th and 13th Judicial Districts. Region I includes the counties of Bernalillo, San Juan, McKinley, Cibola and Valencia. Region I is located in the central and northwest part of the state. The 2nd and 13th Judicial Districts are highly populated areas located in the central corridor of the state. The 11th Judicial District is also a primarily urban region containing heavily populated municipalities.
- **Region II** is comprised of the 3rd, 5th, 6th, 7th and 12th Judicial Districts. Region II includes the counties of Dona Ana, Chaves, Eddy, Lea, Socorro, Catron, Sierra, Hidalgo,

Grant, Luna, Lincoln and Otero. Region II is located in the southern portion of the state. The 3rd Judicial District is a heavily populated, single-county district in the central corridor of the state. In contrast, the 6th and 7th Judicial Districts are sparsely populated rural areas. The 5th and 12th Judicial Districts are a mix of urban and rural areas.

- **Region III** is comprised of the 4th, 8th, 9th and 10th Judicial Districts. Region III includes the counties of Mora, San Miguel, Guadalupe, Taos, Colfax, Union, Curry, Roosevelt, Harding, Quay and De Baca. Region III is located in the northeast portion of the state and is predominately rural.

The Regional Coordinators manage the AOC-contracted mediators, monitor the provision of services, assist with scheduling and referrals, collaborate with court and CYFD professionals, and oversee the submissions for the budgeting process. They provide administrative, professional and emotional support by immediately responding to problems and concerns. Specific examples of the excellent work Ms. Laughlin and Dr. Garcia Tafoya provided regionally in FY 2016 are:

- Assisted with budget expenditures, invoicing and forms, and other routine administrative processes;
- Coordinated mediation referrals including assistance with scheduling, interactions with court personnel, notifications, distribution of informative brochures and booklets, addressing security concerns (ex. inmate transfers), room assignments and intake preparations;
- Attended Children’s Court proceedings, including custody hearings, adjudicatory hearings, permanency hearings, initial judicial reviews, termination of parental rights and adoption cases;
- Met frequently with CCMP mediators to monitor how things are going around the state. Discussions related to participant trainings issues, lack of legal referrals, the status of pre-legal referrals, and case debriefings;
- Reviewed, prepared, and presented at mediator and professional participant trainings; and,
- Worked with professional stakeholders to address ongoing issues including streamlining referrals, use of interpreters, and respondent attorney time constraints when attending mediations.

LOCAL IMPLEMENTATION TEAMS

In an effort to be responsive to each community’s unique needs, the Regional Coordinators work with a group of local professional stakeholders in each judicial district. These Implementation Teams are comprised of local judges, respondent attorneys, guardians ad litem (“GAL”), CYFD staff and attorneys, and other interested parties. Each locality varies in its cultural, geographic and demographic demands. There are densely populated areas in the central corridor of the state and vast rural areas in the northeast and southwest regions. New Mexico has the highest percentage of Hispanic residents of any state, as well as a significant population of Native Americans (mostly Navajo and Pueblo members). In addition, the judicial districts vary in court staffing, structure, preferences and resources. In order to provide for the unique needs of each community across the state, the Regional Coordinators routinely:

- Meet and collaborate with interested parties in each judicial district;
- Provide local, customized oversight of mediators, caseloads, referrals and services;
- Provide regional fiscal management;
- Provide routine needs assessment; and
- Monitor and adjust the available responsive resources.

COORDINATOR MEETINGS

The knowledge and experience gained at the local level is used to inform operations at the state level. Routine meetings with the Statewide ADR Coordinator allow the Regional Coordinators to assist with program evaluation and budgetary issues, participate in statewide decision-making and to recommend programmatic improvements. In FY 2016, formal meetings occurred frequently, as follows: July 27; August 17 and 24; September 9, 16, 25 and 29; October 6, 14, 16 and 30; November 4; December 8, 11 and 18; January 12, 14, 21 and 28; February 4, 11, 17 and 24; March 3, 17 and 31; April 7 and 14; May 10 and 26; and June 2. The budget reduction and responsive efforts were the primary concern of every meeting. In addition, the primary contract with CYFD as well as all the sub-contracts with AOC were due for revision, and terms regarding scope of work and compensation were reconsidered, negotiated and revised with frequent input from the Coordinators. In response to the attrition of the mediator pool, a collaborative effort resulted in the design of a new training system for mediators wanting to learn about child welfare mediations in order to contract with the Program. Furthermore, all of the forms and manuals utilized by the Program required review and some required updates and revisions with additional input from the mediators. Apart from the statewide meetings, the Regional Coordinators meet at least monthly to discuss issues, share solutions, provide each other with administrative and emotional support, and to collaborate on various statewide efforts.

NETWORKING AND PROGRAM PROMOTION

The Coordinators attend various functions as part of the Program promotion and networking efforts. Attendance at various professional events also helps the Program to monitor and respond to changes in other programs and services that may affect mediation participants. In addition, Susan Laughlin continues to serve as a Supreme Court appointed Commissioner on the Statewide ADR Commission, promoting the interests of the Children’s Court Mediation Program as the only statewide court-connected alternative dispute resolution program.

Program promotion is additionally accomplished through the dissemination of information regarding the available services and the benefits of mediation. The court has a newly revised website full of Program materials: <https://adr.nmcourts.gov/childrens-court-mediation.aspx>. Booklets and brochures primarily designed for participants are available in Spanish, and are provided in the meeting rooms. Written materials are also distributed at various professional meetings and events, including the Children’s Law Institute, the Corinne Wolfe Center for Child and Family Justice’s CORE Training for Child Welfare Cases, the General Services

Department's (GSD) Alternative Dispute Resolution (ADR) Symposium, and the New Mexico Supreme Court's Statewide ADR Commission.

Appendix E: Program Presentation, Children's Law Institute (January 2016)

Appendix F: Program Presentation, ADR Symposium (October 2015)

Appendix G: Program Presentation, Statewide ADR Commission (October 2015)

The Coordinators are concerned that additional efforts towards Program promotion will increase the frustration of professional participants by encouraging demand, when even the current level of services cannot be maintained given the recent budget cuts.

STATEWIDE QUALITY ASSURANCE ACTIVITIES

Quality is built in to the Children's Court Mediation Program through a systematic and disciplined approach of maintaining high standards for human capital, enforcing continuing education requirements, providing clear policies and procedures, statewide compliance monitoring, continuous improvement of activities, and routine assessments of programmatic and professional performance. As a result, the Program has successfully garnered the long-term support and commitment of professional mediators who continue to serve the needs of the constituents and to nurture the growth of the Program.

RETAIN HIGHLY QUALIFIED AND EXPERIENCED MEDIATORS

As direct service providers, the mediators have the greatest impact on the quality of the services provided. Thus the first line of quality assurance in the Children's Court Mediation Program is to set high standards in the initial selection of mediators. Those standards are maintained throughout the service period through the provision of specialized training, standardized continuing education requirements, mentoring opportunities, and periodic professional assessments of actual mediation sessions.

Recruitment and Training

After sixteen years of operation, the Program is suffering from a natural attrition of qualified mediators. Unfortunately, the Program was short two mediators when the year started, and lost two more mediators to retirement at the end of this fiscal year. Travel time expenses are high, and two mediators are attempting to cover the entire southern portion of the state. Recruiting efforts were prioritized to find qualified mediators, and particularly to serve the rural areas of the state. The Region II Coordinator met on November 11th with Teresa Bergin, Human Resources Services Director of the New Mexico State University's Center for Learning and Professional Development, who also serves as the ADR Director, to discuss possible training opportunities in Doña Ana County and surrounding areas for the development of mediators for the Program. She also met potential new mediators on January 17th in Doña Ana County and on 22nd in

Alamogordo to discuss interest, background and requirements. She participated and presented at various events to promote the Program, including the ADR Symposium in Santa Fe (October 2015), the ADR Bureau Mediator Roundtable in Roswell (December 2015), the ADR Bureau Coordinator Training in Roswell (December 2015), and she personally met with mediators who expressed interest at these presentations.

In addition to recruitment efforts, the training program was redesigned to put greater emphasis on hands-on learning and specialized training on protocols and best practices for child welfare mediations with personalized instruction from several experienced program mediators. The new training included the development of a new application, mentor contracts, mentor guidelines, assessment forms, orientation protocols & other materials assembled.

Appendix H: Foundations Training (April 2016)

Appendix I: Practicum Training (May-June 2016)

Eight students completed the classroom training, and six were approved to work with mentors to complete the practicum training. At least five of those students are now interested in pursuing a contract to provide child welfare mediation services, but only two completed academic majors that CYFD defines as 'acceptable' under the new contract. Those two qualifying mediators reside in the most populated cities of the state so, in spite of the efforts and investment, there is still a need for mediators in the remote areas of the state. Prior Program recruitment efforts and training attracted 12 applicants, but resulted in just a single qualified mediator under contract. To further complicate the situation, four (4) of the program's experienced mediators are waiting in limbo with the remaining three (3) recruits for CYFD to grant an exception for their non-qualifying academic majors so that they may continue to provide mediation services. Absent CYFD's approval of these mediators' academic degrees, the mediator pool will be reduced by half, and access to services will be significantly impaired across the state.

Mediator Minimum Professional Requirements

Every mediator in the Program is an experienced professional with a minimum of a Bachelor's degree, forty hours of basic mediation training, sixteen hours of training in child abuse and neglect cases, and two years of mediation experience. Additionally, every mediator meets the specialized Children's Court Mediation Program requirements, including the ability to work with complex groups and an understanding of, or experience with, the emotional nature of child welfare work. Furthermore, the CCMP mediators receive at least twelve hours per year of continuing education credits to stay abreast of developments in the field as well as ethical obligations.

Mediator Continuing Education Requirements

Continuing education is an essential component to keeping abreast of all professional developments in the mediation and child welfare field and is required of all Children's Court Mediation Program professionals. Twelve hours of continuing education are required in the

specialized areas of mediation and child welfare. Mediators are required to submit detailed documentation of the training in order to receive credit from the Program. Mediators who do not complete the required number of continuing education hours are not reissued a contract for the upcoming fiscal year. All of the mediators with contracts for FY17 have satisfied the requirement of at least twelve (12) continuing education credits earned in FY16. The AOC maintains the continuing education forms and documentation to ensure that every specialized mediation professional meets the continuing education requirements. Specialized training for the mediators is provided several times a year, and some mediators participate in trainings by outside providers to further their own professional development.

The ADR Symposium

The state's Risk Management Division's Alternative Dispute Resolution (ADR) and Prevention Bureau hosts an annual ADR Symposium, last held at the Santa Fe Community College on October 8th and 9th, 2015. The Children's Court Mediation Program presented an introduction to the services and the complexities of child abuse and neglect cases across the state, including the stages of an abuse and neglect case, the benefits of mediation at each stage, the diversity of the participants and their interests and the unique challenges they face. Many of the attendees were mediators, and the Program was able to market the mediation services and generate interest for recruiting purposes.

The Children's Law Institute

On January 6th – 8th, 2016, the Regional Coordinators and several mediators attended the 23rd Annual Children's Law Institute in Albuquerque, NM. The Children's Law Institute focuses on new and emerging trends and best practices in child welfare. Attendees include attorneys, judges, tribal court members, social workers, mediators, counselors, and others working in child services. The Program offered a panel presentation at the event that discussed the hidden agendas, interests and reservations of mediation participants and how these challenges affect the mediator, the process and the outcome(s), and how to best address them during a mediation. The panel included family and professional representatives with knowledge and experience in children's court mediations: a biological parent, adoptive parents, mediator, children's court attorney, respondent attorney, guardian ad litem, CASA, and a CYFD permanency planning worker. The audience was surveyed afterwards by the event, and many reported being impressed by the presentation of the parents and affected by the strong and long-term relationship that developed between them as a result of participating in an Open Adoption mediation.

Other topics at the CLI included: understanding gender, sexuality and identity; reasonable and prudent parenting; innovations in juvenile detention; outcomes of adverse childhood experiences; how to stay sane while working with trauma; and preventing sex trafficking. In addition to course work, the Children's Law Institute provides a time and space for the multi-disciplinary community to come together, learn of new developments, recharge, and inspire one

another. The Program additionally uses the event as an opportunity to meet with the attending mediators from across the state.

Mental Health Issues Training

A 4-hour specialized training was provided to Program mediators by Shannon Driscoll, JD. The training included a presentation as well as a role play and addressed how to manage mediation participants who present with behavioral health issues, including any range of mental health disorders (anxiety, depression, PTSD, etc.), cognitive disorders and developmental delays, and addiction. The role play and discussion was specific to children's court mediation.

Mediator Assessments

As part of our commitment to provide high quality and consistent services in every judicial district, the Children's Court Mediation Program requires periodic assessments of all mediators, conducted by the Regional Coordinators. The program uses a standardized Assessment Form based on mediation best practices to ensure high quality services to CYFD, the courts, and families. The Regional Coordinator observes the mediator conducting a TLR mediation and notes compliance with Children's Court Mediation Program best practices using the form. Once the mediation concludes, the Regional Coordinator meets with the mediator and reviews the notes. In FY16, six mediators were assessed and each was determined to meet or exceed standards. Each mediator received feedback and recommendations for improvement, as well as evaluated his or her own skills and experience of the mediation.

Mediator Meetings & Communications

The Regional Coordinators maintain continuous contact with the Program mediators to provide the support required to provide extraordinary services to families and professionals. There are often challenges and questions regarding scheduling, training, professional needs, documentary and confidentiality requirements, specific concerns relative to mediation sessions, debriefing on mediations, and other issues that arise in providing services throughout the state.

In Regions I and III, the Regional Coordinator met with mediators on October 22 and November 5 to discuss regional issues, share program updates including promotional activities, and to discuss budget and invoice issues, winter travel, scheduling, use of the new PACA brochure, and the management of mediation participants presenting with increased agitation. Throughout the year smaller meetings were held with select mediators to hear concerns, receive input on presentations and planning for budget shortfalls, and address other issues. The Regional Coordinator attended a December 3rd training entitled, "Using Trauma-Sensitive Strategies to Support Family Engagement and Effective Collaboration". She later shared the materials with the mediators at a lunch meeting on December 10th.

In Region II, there was a mediator meeting held on November 16th in Ruidoso. The meeting addressed budget concerns, travel demands, billing and invoice accuracy, promotional activities and the distribution of new PACA brochure. Regional concerns were also shared and

addressed. In the first quarter, the newest Program mediator, Kim Rogers, was introduced to provide services in the 9th Judicial District with continued support from a co-mediator/mentor, Susan Malone. Smaller meetings with mediators were also held throughout the year in Region II to address concerns and discuss programmatic improvements.

Mediators from across the state joined together at the Children's Law Institute, and formally met on January 7th to discuss shared concerns and issues. The funding cuts were the predominate concern, and how to best respond. Mediators were encouraged to close out cases when participants are unresponsive rather than keep them open. Interest was expressed for training on capacity issues, and Shannon Driscoll, JD was contemplated as a trainer.

PROVIDE PARTICIPANT SUPPORT & EDUCATION

Mediation is a very specific dispute resolution process that utilizes knowledge, skills, and abilities that are often not tapped in other professional disciplines. In order to maximize the effectiveness of the mediation process, it is essential that all participants are educated about the mediation process, as well as its purpose and goals. Mediation participants include members of the family of origin and prospective adoptive family (at times including siblings or grandparents), guardians, and professional participants.

Professional Participants

At the start of the year, the Program Coordinators met with CYFD's Director of Training and Professional Development, Kathy Luker, as well as Trainer Vivica Meador to discuss a children's court mediation training for the new hires of CYFD. The Program was informed about the changes and improvements to CYFD's training program, the Foundations of Practice (FOP). CYFD provided a schedule of the FOP trainings, and in-person trainings were conducted by the Regional and Statewide ADR Coordinators in accordance with the schedule: 8/28/15, 11/20/15, 1/29/16, and 3/11/16. Class sizes varied from approximately 15 to 50 students. Although the in-person trainings were discontinued in April in anticipation of the budget cuts, Program materials continue to be provided in electronic form with the FOP training materials. In addition, the Program worked with the CYFD to develop an on-line training and assessment for new hires that is now presented in class by the CYFD. The training provides an overview of the Program, an introduction to the process and participants of mediation, and describes how to access services.

In addition, the Regional Coordinators actively engage all professionals involved in the Children's Court Mediation Program at the local level. The professional participants include the respondent attorneys, guardians ad litem (GAL), and CYFD staff and attorneys. Engagement of the professionals involved in the Program allows us to provide the best environment for families and professionals to collaborate. The Regional Coordinators address issues and concerns such as specific scheduling requirements and suggestions for improvement of scheduling, interpreters, and specific issues in mediation. Turnover of professional participants is all too common, and many professionals are managing heavy caseloads. The 5th, 6th, 7th and 12th

Judicial Districts all experienced a shortage of Respondent Attorneys, which made the scheduling of mediations difficult. In addition, the Children's Court Attorney who served the 5th, 6th and 7th Judicial Districts left the position for other employment, so another managing attorney was temporarily assigned to cover the area in addition to other duties.

Family Participants

The Children's Court Mediation Program assists CYFD to achieve their mission to improve the quality of life for children. Mediation is widely recognized as an invaluable service for engaging parents and extended families. Parents and families are often frightened, nervous, or angry. These emotional states are not optimal for achieving the best results for children. The specially trained mediators understand this dynamic and work extensively to provide a calm presence and environment to foster a productive atmosphere for the mediation.

Our mediators understand that while this may be a typical day for the professionals in the room, that this is not a typical, ordinary day for the families. The mediators recognize that while all of the professionals may understand the process and procedures and know what to expect, the families do not. Empathy is a requirement of being a mediator, so each has the ability to "step into" the families shoes and recognize that it can be a terrifying experience to be the only one in the room who doesn't know what to expect, what to do, or understand all of the terminology, processes, and timeframes decisions and actions were going to occur.

The Children's Court Mediation Program mediators arrive 30 – 45 minutes early to spend individual time with the families prior to the mediation session. This time is also used to address last-minute scheduling issues and other concerns. The mediators explain what to expect during the mediation process, who will attend, and answer any questions the families have about the mediation. This helps the families to have a better understanding of what is going to occur, which often eases nervousness, fear, and anger allowing parents and families to enter a better emotional state when mediation begins.

Further, our mediators realize that to maximize the effectiveness of mediation that it is critical to attend to all psychological components that may be impacting participants. At their own expense, mediators provide drinks and snacks for all participants. The results of this attention are felt on many levels. As illustrated by one attorney who stated that "it might be the only meal their client gets all day" and the professionals whose tight schedules often don't allow them time to eat. Our mediators strive to create an environment that is conducive to eliciting a sense of security and safety so that everyone involved in the mediation, especially the parents and families, are in the best frame of mind to have the absolutely best outcome from the mediation.

STATEWIDE QUANTITATIVE DATA & ANALYSIS

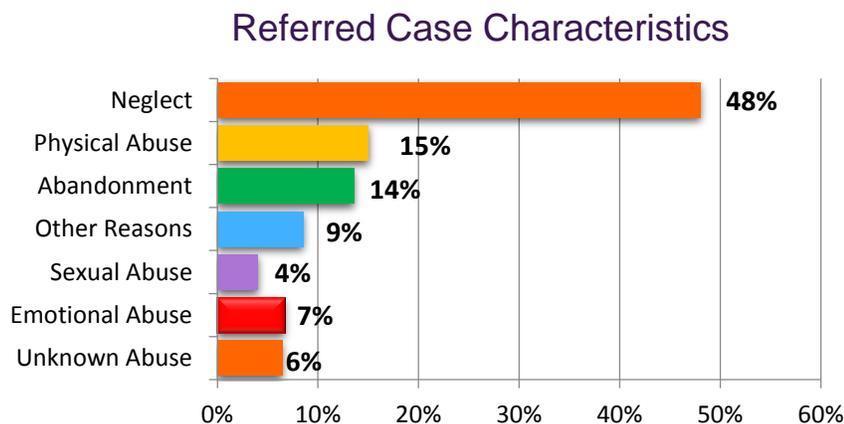
The statewide quantitative data tracks objective and comparable measures, including the stage at which a case is referred to mediation, the characteristics of the case, the characteristics of the family participants, and the cancellation and case closure rates.

FAMILY PARTICIPANT DATA

There was no significant change in the number of families served compared to the prior fiscal year. A total of 651 child welfare cases (“families”) were served in FY16 by the Program: The Open Adoption mediation services were provided to 68 families, and the pre-legal and Time Limited Reunification mediation services were provided to 583 families. The families utilizing the mediation services across the state come from diverse backgrounds, and some have complex challenges to surmount in addition to those raised by the abuse and neglect case.

Cases Involve Child Abuse and/or Neglect

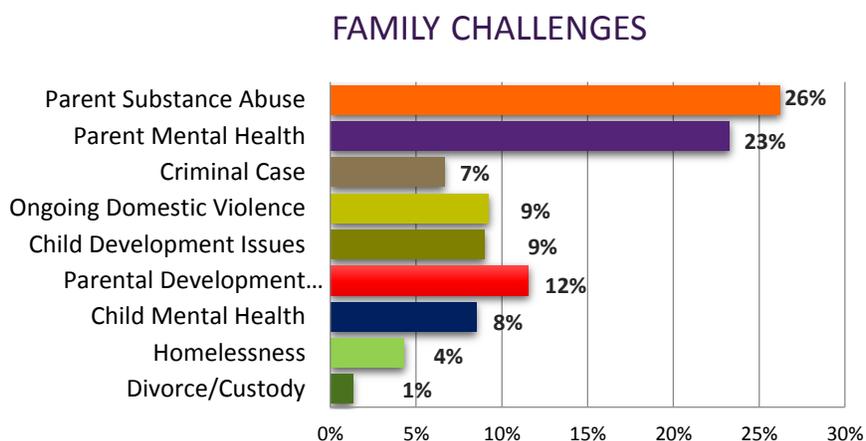
Families referred to the Program initially entered the child welfare and state court systems due to reports of child abuse and/or neglect. The New Mexico Abuse and Neglect Act (32A-4 et seq., NMSA 1997) provides the relevant definitions for physical abuse, sexual abuse and neglect. The primary problems underlying the cases that are referred to CCMP are recorded under categories of various types of abuse (sexual, emotional, physical, unknown), neglect (or abandonment), and “unknown abuse” or “other reasons”. The data recorded for the referred case characteristics changed only slightly as compared to FY15.



Neglect was the primary underlying problem recorded for 62% of the cases referred to the Program (neglect at 48% and abandonment at 14%). Physical abuse was recorded in 15% of the cases, sexual abuse was recorded in 4% of the cases, and emotional abuse was recorded in 7% of the cases referred to the Program. Fifteen percent (15%) of cases fell into the categories of “unknown abuse” or “other reasons”.

Psycho-Social & Economic Challenges

In addition to the challenges of abuse and neglect, roughly a quarter of the family participants in mediation struggle with psycho-social and economic challenges. There were only slight changes in the data as compared to the prior fiscal year. In FY 2016, the Children's court Mediation Program parent participants were reported to have substance abuse problems (26%), mental health issues (23%), criminal cases (7%), ongoing domestic violence (9%), child developmental issues (9%), parental development issues (12%), child mental health issues (8%), homelessness (4%) and divorce/custody issues (1%).

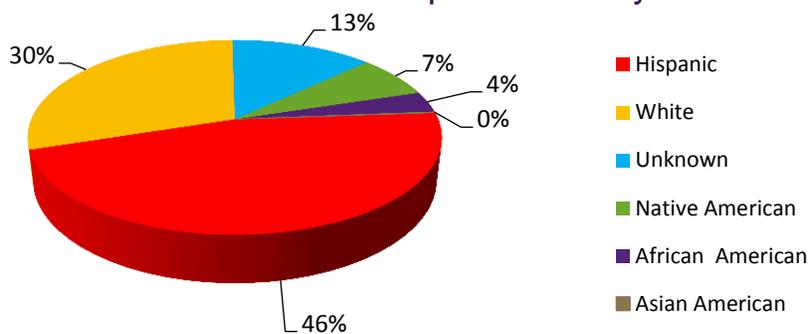


Ethnicity

The data on the ethnicity of family participants is unchanged from the prior fiscal year. The family participants' ethnicity is recorded within a limited set of categories: White, Hispanic, Native American, African American, Asian American, and Other. In FY 2016, the majority of families participating in mediation were reported as Hispanic (46%). Comparative US Census Data from 2010¹ reflects that 46% of New Mexico's population is Hispanic/Latino, so that group is equally represented in the CCMP participant group. Similarly, Native Americans represented 7% of the CCMP participants, which is roughly equivalent to their composition in the larger population (the 9% census figure also includes Alaskan Natives in this category).

¹ Available at: www.census.gov/2010census. Note that comparisons to US Census data are not entirely accurate where the comparative data is drawn from different years and the descriptive categories used by CCMP are slightly different than those used by the US Census.

Mediation Participant Ethnicity

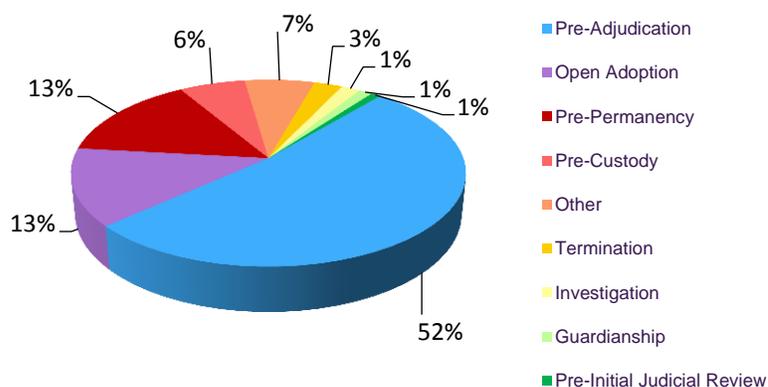


As was the case last year, White/Caucasian families are underrepresented in CCMP mediations, comprising 68% of the NM population but only 30% of the participants. African Americans, on the other hand, are overrepresented: They comprised 4% of participating families, but only 2% of the state’s population. While no families marked the Asian category, this group represents just 1% of the general population. Finally, thirteen percent of the participants were recorded in the “unknown” ethnicity category.

STAGE AT WHICH CASE WAS REFERRED

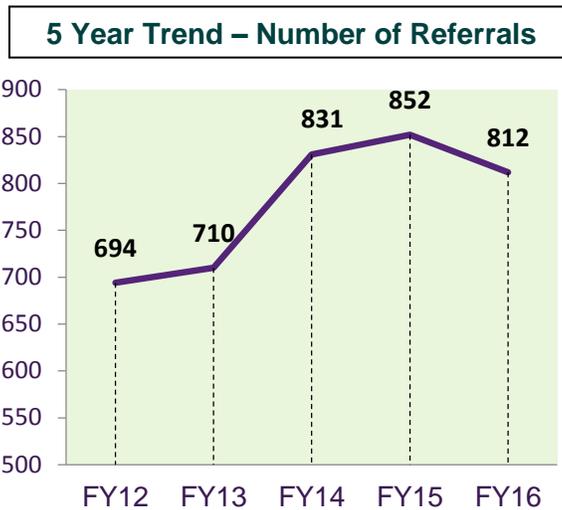
Compared to the prior fiscal year, there were only slight changes noted in the data reflecting the stage at which the case was referred to mediation. Referrals to mediation services can occur at any stage of an abuse and neglect case. The majority of the referrals continue to occur at the Pre-Adjudication stage (52%). Pre-Permanency (13%) and Open Adoption (13%) stages are also common stages of referrals.

Stage At Which Case Was Referred



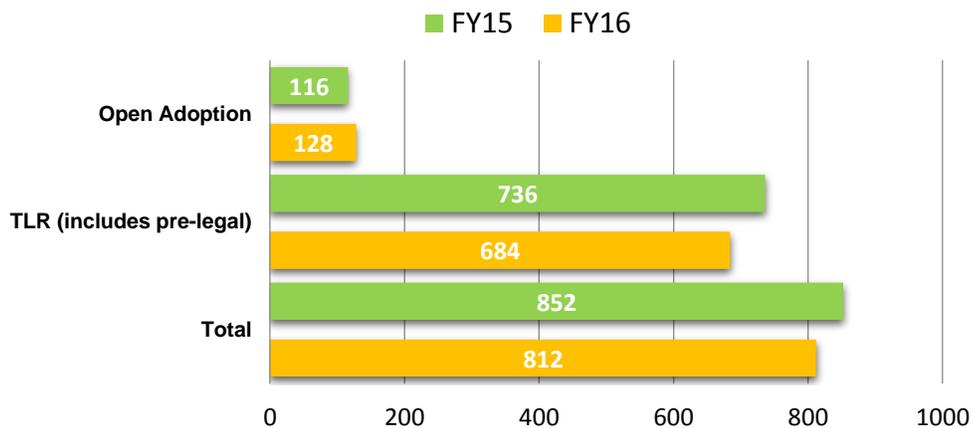
PROGRAM REFERRAL TRENDS

The Children’s Court Mediation Program records the number and types of referrals received to monitor short-term and long-term trends. Monitoring long-term trends provides the Program with the information needed to make budget requests to the legislature, seek outside funding for training and evaluation, and develop priorities on both an annual and long-term basis. The chart below shows the 5-year trend from FY12 through FY16 in overall referrals of cases:



Referrals increased from FY12 through FY15, with a sharp increase between FY13 and FY14. The number of referrals dropped slightly in FY16 compared to the prior year by 40 (4%).

CHANGE IN REFERRALS: FY2015 TO FY2016



The chart above provides insight into the slight decline in referrals from the prior year: referrals for Open Adoption services actually increased by 12 (10%), while referrals for Time Limited Reunification (TLR) and pre-legal services dropped by 52 (7%), for a total overall decline of 40 (4%) program referrals.

CASE DISPOSITION: CLOSURES AND CANCELLATIONS

CASE TYPE	MEDIATED & CLOSED		CANCELLED & CLOSED		TOTAL CLOSED	
OPEN ADOPTION	93	73%	35	27%	128	16%
TLR	624	95%	30	5%	654	81%
PRE-LEGAL	18	60%	12	40%	30	4%
TOTAL	735	93%	77	9%	812	100%

In FY16 there were a total of 812 cases that were referred to the Program and later closed: Of those, 735 were mediated and 77 were cancelled. The cancellations are tracked for budgeting purposes because mediators submit invoices for rendered services that were related to the (cancelled) mediation. Nine percent of the total referrals were not mediated, due primarily to the non-attendance of one or more of the essential parties to the scheduled mediation.

JUDICIAL DISTRICTS - DATA & PROGRAM ACTIVITIES

REFERRALS TO THE CHILDREN'S COURT MEDIATION PROGRAM

During the FY 2016 grant period (July 1, 2015 to June 30, 2016), a total of 812 cases were referred to the Program, including 654 TLR (Legal), 30 TLR (Pre-Legal), and 128 Open Adoption referrals. The chart, below, provides a breakdown of the referrals to the Program from each of the participating judicial districts.

Judicial District	Open Adoption	OA %	TLR	TLR %	PRE-Legal	Pre-L %	TOTAL	TOTAL %
2nd	19	2%	230	28%	0	0%	249	31%
3rd	8	1%	141	17%	1	0%	150	18%
4th	2	0%	0	0%	1	0%	3	0%
5th	11	1%	21	3%	0	0%	32	4%
6th	7	1%	66	8%	0	0%	73	9%
7th	8	1%	36	4%	0	0%	44	5%
8th	5	1%	3	0%	1	0%	9	1%
9th	9	1%	0	0%	6	1%	15	2%
10th	1	0%	0	0%	0	0%	1	0%
11th	25	3%	44	5%	11	1%	80	10%
12th	9	1%	38	5%	0	0%	47	6%
13th	24	3%	75	9%	10	1%	109	13%
Totals	128	16%	654	81%	30	4%	812	100%

Note: The 1st Judicial District provides its own in-house mediation services.

The table reflects the differences between the district courts in the types and numbers of referrals to CCMP.

- Just shy of half (49%) of referrals were in the Second (31%) and Third (18%) Judicial Districts, which serve large metropolitan areas located in the central corridor of the state.
- The Thirteenth Judicial District, which also serves a large metropolitan area, accounted for 13% of the referrals for the Program.
- The nine remaining districts (4th – 12th) each accounted for 10% or less of the total.
- Fewer than 10 total referrals were made in each of districts located in the northeast corner of the state (the 4th, 8th, and 10th), which is sparsely populated and largely rural.
- Of the cases referred to the Program in FY16, TLR (Legal) cases accounted for 81%, Open Adoption cases for 16%, and TLR (Pre-Legal) cases for just 4%.

Most of the differences noted above can be attributed to the demographics of the service area, where the highest concentration of the population is located within the central corridor of the state (2nd, 3rd and 13th Judicial Districts).

DISTRICT COURT SUMMARIES AND ACTIVITIES

2nd Judicial District

The 2nd Judicial District serves Bernalillo County, which is the home of the state’s largest city, Albuquerque. This district accounts for approximately one-third of the total CCMP referrals in the state. In FY15, there was a significant increase in referrals for OA cases:

	FY15	FY16	% Change
Open Adoption	26	19	-27%
TLR (Legal)	235	230	-2%
TLR (Pre-Legal)	2	0	-100%
TOTAL	263	249	-5%

The 2nd Judicial District serves the largest metropolitan area of the state, and continues to generate high demand for the Program’s services. Apart from her routine duties, the Regional Coordinator, Susan Laughlin, worked diligently to serve the stakeholders in this district by attending meetings and providing outreach trainings. She regularly attended the Abuse and Neglect Case Processing Committee (ANCP) monthly meetings in Albuquerque. These meetings involved discussions with judges and attorneys on the loss of respondent attorney contracts by Advocacy, Inc., the need for more CYFD Children’s Court Attorneys, heavy dockets and large caseloads, and the increased involvement by children in hearings and in some mediations. This year the group also discussed changes to hearings and case processing procedures.

An Implementation Team meeting was held in Albuquerque on May 6th, to share budget updates, discuss issues related to referrals and scheduling, and address special matters including pleas and Indian Child Welfare Act Case. The Regional Coordinator also participated on a panel to review potential contractors for RA and GAL positions in this district.

3rd Judicial District

The 3rd Judicial District serves the urban area of Dona Ana County, which is home to the city of Las Cruces. This district experienced a significant decline (23%) in TLR referrals compared to the prior year:

	FY15	FY16	% Change
Open Adoption	8	8	0%
TLR (Legal)	184	141	-23%
TLR (Pre-Legal)	0	1	100%
TOTAL	192	150	-23%

The 3rd Judicial District is in Region II of the Program. The Regional Coordinator, Dr. Garcia Tafoya, attended Brown Bag meetings which include participants in Abuse and Neglect cases in Children’s Court in the Third Judicial District. Dr. Garcia Tafoya provided mediation program updates at these Brown Bag events at the request of Chief Judge Macias. She met with the Chief Judge independently at the start of the fiscal year, on July 9th, to report on FY15 activities for his district and to discuss the plan going forward, including expressing concerns for a decrease in federal funds for FY17. The Chief Judge is highly supportive of the Program and committed to assist in the efforts to secure additional funding.

On December 15th, two Doña Ana County Guardian ad Litemas met with the Regional Coordinator to discuss concerns related to the conduct of some local Respondent Attorneys. As some of the issues were previously reported by the mediators, the Program Coordinators had addressed the issues on October 16th with Hilari Lipton, the Supreme Court’s Statewide Child Welfare Attorney who oversees those contracts, so a protocol was in place to address the concerns. Some improvements were noted following the reports. Other professionals reported to the Regional Coordinator that personal stress was affecting their participation in mediation sessions. Mediators reported that both family and professional participants seemed to be more agitated in mediations than in prior years, although the reasons for this were not entirely known.

On February 18th, the Regional Coordinator met with various professional participants (GALs, CCAs, and RAs) to discuss changes and concerns for the anticipated budget cuts. She met with the CASA volunteer coordinator, Brandie White, for the same purpose two days later. Then she held a brown bag meeting with the Implementation Team, including Chief Judge Macias, who expressed concern about the impact of the budget cuts, and shared that he would not continue as a family court judge. In May, Judge Marcie Byers was assigned to that position. The Regional Coordinator attended many children’s court hearings with the newly appointed judge following her appointment. She also met with her on June 6th, following participation in a brown bag meeting, to discuss current issues and anticipated changes in response to budget cuts. Judge Byers encouraged the Coordinator to participate in the development of Family Services for Termination and Reunification, beginning in the next fiscal year.

On April 21st, a meeting was held with the professional participants to discuss the anticipated limitations on services due to budget cuts, and address how to allocate resources fairly and effectively, and reduce the number of no-shows to avoid unnecessary expense.

4th Judicial District

The 4th Judicial District serves the primarily rural counties of Guadalupe, Mora, and San Miguel. This district is part of Region III, and is located in the northeast part of the state. In this district CYFD referred a total of only three (3) cases to mediation. As in the prior year, this district reported the second lowest number of referrals in the state, and experienced a significant decrease (40%) in what were already low numbers of cases served by the Program:

	FY15	FY16	% Change
Open Adoption	1	2	100%
TLR (Legal)	1	0	-100%
TLR (Pre-Legal)	3	1	-67%
TOTAL	5	3	-40%

5th Judicial District

The 5th Judicial District serves a mix of urban and rural areas in the counties of Chaves, Eddy and Lea. It is home to five cities: Roswell, Lovington, Carlsbad, Hobbs and Artesia. This district is part of Region II, and is located in the southeast corner of the state. In FY16, the total number of referrals in this district decreased notably:

	FY15	FY16	% Change
Open Adoption	14	11	-21%
TLR (Legal)	22	21	-5%
TLR (Pre-Legal)	2	0	-100%
TOTAL	38	32	-16%

Dr. Garcia Tafoya, the Regional Coordinator, met with 24 affiliates of the CYFD Roswell Unit on July 30th to provide an overview of the Program, review the referral process and introduce the mediators, Carol Koppenstein and Kimberly Rogge-Rogers. She also met the same day separately with April de la Cerda, the new PPW Supervisor in Roswell. A similar meeting scheduled on July 31st for the Carlsbad/Artesia office but was cancelled by the CYFD. A telephonic meeting occurred on September 18th with Maria Caderon, CYFD County Office Manager for Carlsbad/Artesia, to promote referrals for TLR mediations. A follow-up meeting was held with Ms. de la Cerda on December 10th, to discuss attendance at unit meetings for the purpose of informing social workers about the benefits of mediation and the operations of the Program.

The 5th Judicial District continues to experience shortages of Respondent Attorneys, which affects the scheduling of mediations. In addition, the CCA who served this and other districts

left the position and a managing attorney was temporarily assigned to cover, and would sometimes be scheduled to cover two districts on the same day. Hobbs in particular experienced an unusually high number of cancellations. Frequent turnover of professional participants requires increased training and communication by the Program. In spite of the various efforts by the Regional Coordinator to support and assist efforts, the referrals dropped slightly in this district.

A meeting was held on July 31st with the Children’s Court Attorney, Jon Hendra, to discuss the referral process, the use of TLR and OA mediations, the role of attorneys in mediation, and to provide an overview of the use of mediations in Eddy and Chaves Counties. The next Implementation Team meeting was also discussed, so that coordinated efforts could be made to involve judges and attorneys.

On July 7th the Regional Coordinator met with the new Children’s Court Judge Kae Riggs and Theresa Kayer, Trial Court Administrator, to introduce and discuss the operations of the Program, as well as to provide promotional materials. A follow-up meeting was held with Ms. Kayer on December 9th.

6th Judicial District

The 6th Judicial District serves the primarily rural areas of Luna, Hidalgo and Grant counties, located in the southwest corner of the state. This district borders Mexico, and includes Deming, Lordsburg and Silver City. It is part of Region II. In FY16, the 6th Judicial District again had the highest number of referrals out of all the rural districts. However, there was a 7% drop in the number of referrals for TLR (Legal) services compared to the prior fiscal year:

	FY15	FY16	% Change
Open Adoption	7	7	0%
TLR (Legal)	71	66	-7%
TLR (Pre-Legal)	1	0	-100%
TOTAL	79	73	-8%

Dr. Garcia Tafoya continues to address scheduling issues in this district, where frequent travel between the three counties places heavy demands on the respondent attorneys and children’s court attorneys, as well as on the mediators. She met with professional participants in Luna County on June 10th, and in Grant County on May 12th, to discuss concerns and anticipated changes to the Program. Grant County expressed particular concern for the discontinuation of pre-legal mediation services, even though use of that service is low. The 6th Judicial District also experienced a shortage of Respondent Attorneys, which complicated the scheduling issues. In spite of all the difficulties this rural district faces, the number of referrals is nothing short of remarkable – over seven times the number seen in other comparative rural districts. The Program attributes this success to the two mediators who routinely serve this area.

Unfortunately, Ruth Archer, who is one of the Program’s most seasoned and beloved mediators, recently decided to retire from the Program.

7th Judicial District

The 7th Judicial District serves a rural area that represents the largest geographic region of all the districts in the state. It covers Catron, Sierra, Socorro and Torrance counties. In FY15, the total referrals increased by 76% due to a doubling of CYFD referrals for TLR cases, but in FY16 the total number of referrals remained steady:

	FY15	FY16	% Change
Open Adoption	4	8	100%
TLR (Legal)	40	36	-10%
TLR (Pre-Legal)	0	0	0%
TOTAL	44	44	0%

As with several other districts, the 7th Judicial District experienced a shortage of Respondent Attorneys which made the scheduling of mediations more difficult this year.

8th Judicial District

The 8th Judicial District serves the sparsely populated counties of Taos, Union and Colfax, in the northeast corner of the state. It is housed in Region III. This district again experienced the third-lowest totals in the number of referrals to the Program, but the overall referrals remained steady as compared to the prior year:

	FY15	FY16	% Change
Open Adoption	4	5	25%
TLR (Legal)	2	3	50%
TLR (Pre-Legal)	3	1	-67%
TOTAL	9	9	0%

Previously the 8th judicial district had primarily referred pre-legal cases to the program, but that changed in this fiscal year with an increase of referrals for both TLR (legal) and Open Adoption services. On August 12, the Regional Coordinator, Susan Laughlin, met with the CYFD staff in Raton to discuss staffing changes, distribute promotional materials, and to update the Implementation Team contact list.

9th Judicial District

The 9th Judicial District includes the rural areas of Curry and Roosevelt counties and contains the municipalities of Clovis and Portales. It is part of Region III.

	FY15	FY16	% Change
Open Adoption	11	9	-18%
TLR (Legal)	1	0	-100%
TLR (Pre-Legal)	6	6	0%
TOTAL	18	15	-17%

The 9th judicial district continues to primarily refer cases for Open Adoption mediation services.

10th Judicial District

The 10th Judicial District serves the rural areas of Harding, Quay and De Baca counties. It is housed in Region III. The area is so sparsely populated that only one judge is assigned to serve the entire district, and there are only a handful of court employees. It is not surprising that this district refers the least number of cases to the Children's Court Mediation Program. This year, the district referred just a single case to the program for Open Adoption services.

	FY15	FY16	% Change
Open Adoption	0	1	100%
TLR (Legal)	0	0	0%
TLR (Pre-Legal)	1	0	-100%
TOTAL	1	1	0%

11th Judicial District

The 11th Judicial District serves the primarily urban areas of McKinley and San Juan counties in the northwest corner of the state. This district is part of Region I.

	FY15	FY16	% Change
Open Adoption	19	25	32%
TLR (Legal)	40	44	10%
TLR (Pre-Legal)	11	11	0%
TOTAL	70	80	14%

Open Adoption referrals significantly increased (32%) in the 11th Judicial District. CYFD referrals for TLR (Legal) cases was also up by ten percent (10%). The Regional Coordinator held a meeting in McKinley County on February 25, to discuss local issues and concerns, and to communicate the changes contemplated to the Program in response to the anticipated budget cuts. Also at the end of February, a training was held in San Juan County to focus on the participation of Respondent Attorneys in Open Adoption mediations when the prospective adoptive parents participate without legal counsel. An Implementation Team meeting was held April 1st in Farmington to provide updates on the budget and policy decisions for next fiscal year, discuss mediation referrals and share training efforts for new Program mediators.

12th Judicial District

The 12th Judicial District serves the mixed urban/ruran areas of Lincoln and Otero counties, which contain Alamogordo, Carrizozo and Ruidoso. This district is part of Region II.

	FY15	FY16	% Change
Open Adoption	10	9	-10%
TLR (Legal)	13	38	192%
TLR (Pre-Legal)	0	0	0%
TOTAL	23	47	104%

A new Children’s Court Attorney was hired for this district prior to the start of the fiscal year, and the Regional Coordinator was assisting to acclerate him to the role of the CCA in mediations. This district experienced a shortage of Respondent Attorneys, so scheduling was more difficult for the mediators. A meeting was held with the professional participants on June 16th to discuss budget changes, which are anticipated have a greater impact on this district given the tremendous increase in referrals for time-limited reunification services.

13th Judicial District

The 13th Judicial District serves a primarily urban area neighboring Bernalillo County. It includes Cibola, and Valencia counties, as well as the rapidly growing Sandoval County. It is housed in Region I. In the prior fiscal year, FY15, the number of OA referrals had dropped by more than half; in FY16, the number not only recovered, but doubled.

	FY15	FY16	% Change
Open Adoption	12	24	100%
TLR (Legal)	96	75	-22%
TLR (Pre-Legal)	2	10	400%
TOTAL	110	109	-1%

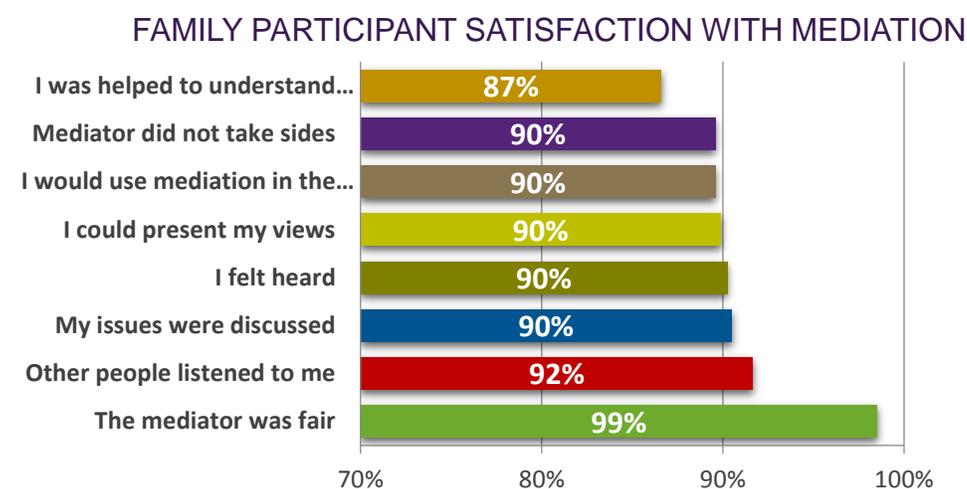
In response to the increased use of the Program, the Regional Coordinator provided a training in late February to professional participants in Cibola Co. regarding referrals and scheduling.

STATEWIDE QUALITATIVE DATA & ANALYSIS

Qualitative reports contain the subjective experiences and perceptions of the participants.

FAMILY PARTICIPANT ASSESSMENTS

Family participants including biological parents, adoptive parents, guardians, children/youth and grandparents are asked to fill out a feedback form at the end of the mediation session. These participants reported a high level of satisfaction with their mediation experience.



A central tenet of any court-connected alternative dispute resolution process, including mediation, is that participants be treated fairly and without bias. An overwhelming 99% of family participants reported that the mediation process was fair, which is a critical measure of effectiveness for any judicial proceeding. Similarly, 90% reported their perception that the mediator did not take sides in the process.

Equal access through inclusive participation is another essential measure for court-connected services. Family participants of the Program reported that: they were able to present their views (90%), their issues were discussed (90%), they felt heard (90%) and that other participants listened (92%). These experiences of validation and inclusion are not generally reported by participants of traditional adversarial court hearings.

Furthermore, the report suggests that mediation may improve the relationships between the participants: 87% reported that the process helped them to understand others, and that they would use mediation in the future. Through a process of mediation, the Program participants listen to one another and learn to better understand the experiences of others, so that fragile relationships can begin to heal.

FAMILY PARTICIPANT COMMENTS

At the end of every mediation session the family participants are given a feedback form and encouraged to include a comment about what was most significant to them about the session. The following are some of the comments received in FY16:

We are getting help with [the] mistakes we have made. We had time to talk.

A good line of communication was opened. It helped me to communicate more.

We were able to come to an agreement. We left feeling happy and positive.

[Mediation] has clarified what I need to do and what's going on. I liked that I got all my questions answered.

[Mediation was an] opportunity to at least hear their opinions & feelings. Even with the tension and animosity. [The mediators] did awesome at dealing with the high tensions.

[I found] out what I and [father] has to do to get us one step closer to getting our baby's back and getting ourselves back on the right track to living the lives the way we were suppose to be doing in the beginning. Thanks for all yals help on this.

We got to talk about both sides of this story and we are learning how to go forward with our mistakes.

Everyone got what they wanted without any issues. Everyone was happy with the outcome.

We came to an understanding of my treatment plan and that we all need better communication. Another important thing was that I got to hear how my children were doing.

The mediation today helped me to understand how helpful it is for me to participate and attend to all that is apply for me to do for my children to come to a safe home.

They gave me information that I needed about how things are looking for my children and what I need to be doing and the next steps to be taken.

Everything was addressed and specified and we all were able to agree and move forward. The mediator ... was awesome. Five stars.

I know I need to do what CYFD wants. This meeting helped me know what I need to do. I love my son.

I felt that with all of us coming together helps me know there is more support than I felt I had. Thank you to everyone!

For the first time in a long time people are proud of me. It's also a great feeling to know my daughter is in a safe home. Gives me time to work on me.

Someone finally listened to me and my husband. I didn't feel like a bad person.

APPENDICES

Appendix A: List of Acronyms

Appendix B: Manual for Professional Participants

Appendix C: Brochure, *Ideas for Post Adoption Contact Agreements*

Appendix D: Summary Report and Survey Results, Program Stakeholders

Appendix E: Program Presentation, Children's Law Institute (January 2016)

Appendix F: Program Presentation, ADR Symposium (October 2015)

Appendix G: Program Presentation, Statewide ADR Commission (October 2015)

Appendix H: Foundations Training, Presentation (April 2016)

Appendix I: Practicum Training, Materials (May-June 2016)