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## **EXECUTIVE SUMMARY**

In FY 2013, the Children's Court Mediation Program (CCMP) received 710 referrals. The majority (585) of referrals were for Time Limited Reunification (TLR) mediations which includes 59 Pre-legal referrals. One hundred and twenty-five (125) referrals were for Open Adoption mediations.

In July 2012, new Regional Coordinators were hired to manage Regions 2 and 3. Each of them met with judges, court personnel, CYFD staff, Court Appointed Special Advocates (CASA), and other professionals in their regions to get to know the professionals who refer and attend mediations and to determine the need for abuse/neglect mediations in their regions. Both Regional Coordinators have made successful transitions to their positions, continue to participate in professional meetings both regionally and statewide, and work closely with the district courts and CYFD county offices to maintain consistency and quality of mediation services.

Three projects were initiated and completed in FY 2013. The Regional Coordinators produced a Coordinator Handbook detailing the policies and procedures for effective coordination of regional mediation programs. Secondly, the program received a New Mexico Children's Justice Act Advisory Group (CJAAG) grant to produce an educational brochure for professionals who participate in mediation. The purpose of the brochure is to help participants understand the benefits of mediation for themselves and their clients as well as how to maximize participation in the mediation sessions. Finally, we contracted with an outside trainer to develop new Participant Training. CCMP has provided Participant Training for all professional participants within each county. Participant training is an introduction to abuse/neglect mediation, includes suggestions on how to prepare for participating in mediation, and clearly explains the referral process. This year, our budget will preclude delivering Participant Trainings, at least initially. However, with the new training in hand, CCMP will deliver training to separate professional groups such as court-appointed attorneys who represent parents and children in CCMP mediations in FY 2014. At such time as funding can be located.

In May, CCMP expended all the TLR funding, resulting in cancelling some scheduled mediations in June and declining to take new referrals for June. There were 19 cancellations due to lack of funds and another approximately 23 cases that were turned down due to lack of funding. Because the county offices of the Children, Youth and Families Department (CYFD) and courts stopped referring cases, there was an indeterminate number of possible referrals that did not get to mediation. CCMP could have possibly served as many as 42 additional families if funds had been available. In FY 2014, the program will maintain a reserve of state general funds through January 2014 as a precaution to make sure there are sufficient funds to cover mediation services through June 30, 2014.

## **CHILDREN'S COURT MEDIATION PROGRAM (CCMP) PROFILE**

The New Mexico Administrative Office of the Courts (AOC) has partnered with the Children, Youth and Families Department (CYFD) to mediate child abuse and neglect cases since 2000. Abuse and neglect mediation exists in all judicial districts and CYFD county offices. The Children's Court Mediation Program offers mediation services in twelve judicial districts (2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup> and 13<sup>th</sup>) and provides support for the 1<sup>st</sup> judicial district's in-house program. Over 6,000 cases have been referred to the program over the past thirteen years.

The primary purpose of the Children's Court Mediation Program is to assist in meeting the Adoption and Safe Families Act (AFSA) 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 approach to helping CYFD and the courts work together with families facing long-term issues such as substance abuse, domestic violence, poverty and mental illness.

Cases are mediated at all stages of an abuse and neglect case, from investigation to reunification or termination of parental rights (TPR), including post adoption contact agreements until an adoption is finalized. A trained professional mediator meets with the parents, attorneys, case workers and other interested parties and assists in reaching agreements regarding placement, visitation, treatment and permanency for children.

The flexible organization of the program allows for centralized coordination through the AOC with local autonomy by the district courts and local CYFD offices. During FY 2013, the Statewide Coordinator oversaw Regional Coordinators and a case manager who worked directly with the implementation teams comprised of judges, respondent's attorneys, guardians ad litem (GAL), youth attorneys, CYFD staff and attorneys, Court Appointed Special Advocates (CASA), and other interested parties. The teams are a decision-making body responsible for developing a protocol that meets the needs of each judicial district.

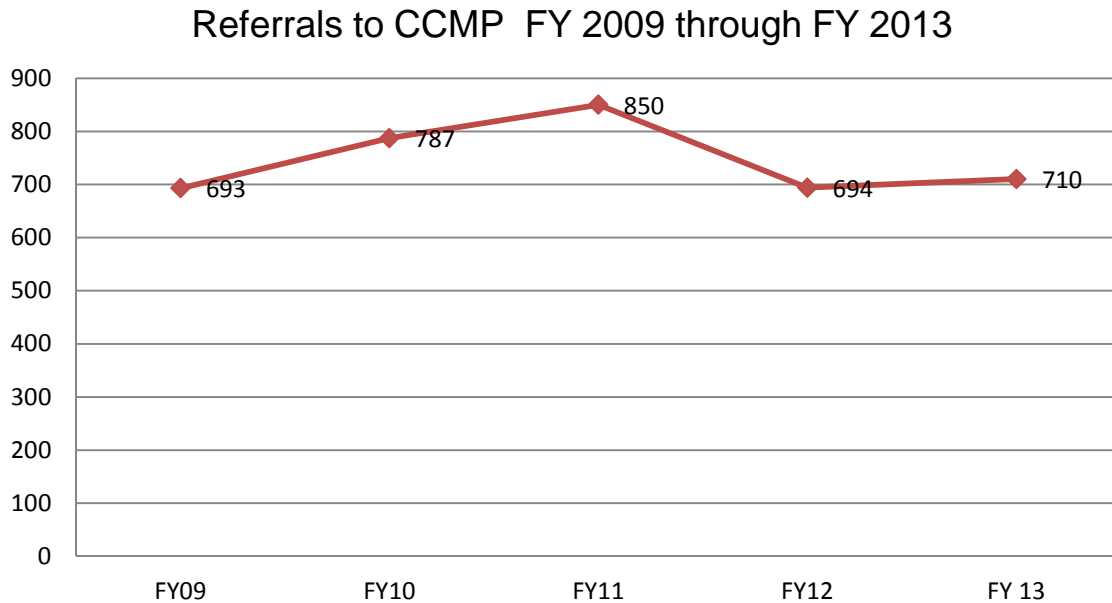
The Statewide Coordinator also supports quality assurance in each site by coordinating training and education for mediators, professionals and families and oversees program evaluation, as funds permit.

The mediation program collaborates with the judiciary, CYFD and the legislature to create and maintain a balanced fiscal plan. The program is currently funded by state recurring funds and an ongoing grant of Title IV-B and Title IV-E funds from CYFD.

## CCMP TRENDS IN REFERRALS

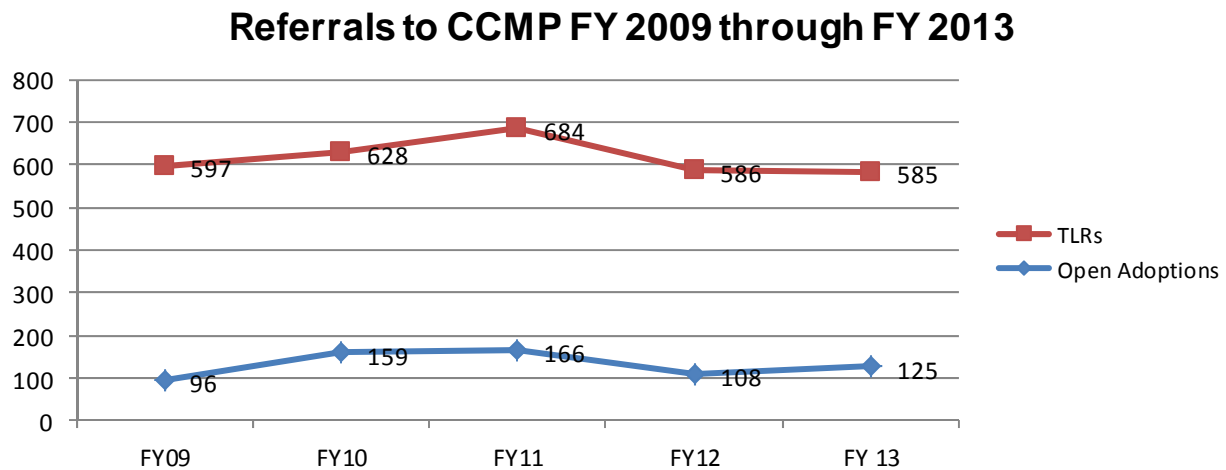
The Children's Court Mediation Program staff monitors the long-term trends in number and types of referrals received. Monitoring long-term trends provides CCMP with the information needed to make budget requests to the legislature, seek outside funding for training and evaluation, and develop priorities on both an annual and long-term basis.

The chart below shows the 5-year trend in referrals from FY 2009 through FY 2013 to the Children's Court Mediation Program. The data show that:



- Referrals increased steadily between FY 2009 and FY 2011. Program expansion as well as an increase in referrals from individual judicial districts accounted for the increase.
- The number of referrals decreased in FY 2012, however referrals increased slightly, 2%, in FY 2013.
- CCMP had to cancel 19 referrals to mediation in June because the annual TLR allocation was expended by the end of May 2013. Another 23 additional mediations would have been scheduled and mediated in June, resulting in a higher number of referrals (42) than reported here. Instead they were scheduled for mediation in July 2013. Please see the next page for the additional information.

The chart below shows the 5-year trend in TLR and Open Adoption referrals from FY 2009 through FY 2013 to the Children's Court Mediation Program. The trend lines are similar to the overall trend shown above. However, in FY 2013, Open Adoption referrals showed an increase over last year's numbers.



In May, CCMP expended all the TLR money. This resulted in TLR mediations that were scheduled for June being cancelled (19). The Regional Coordinators also turned down some requests for mediations for June. Another consequence of expending the TLR funds was that mediations that would have been scheduled (26) for June 2013 were pushed into the next fiscal year.

Given the (19) scheduled mediations that were cancelled due to lack of funds, and the additional 23 cases moved into July, our total referrals would have included an additional 42 cases. It is also impossible to know how many cases were not referred once CYFD learned that the program could not take new mediations. If we were able to factor in this indeterminate number, we could better assess how many additional families CCMP would have been able to serve.

- In Region 1, 12 scheduled mediations in June were cancelled due to lack of funds. Over 18 referrals for TLR mediations were pushed into July instead of being mediated in FY 13 due to lack of funds. In other words, due to the high demand for mediation but the exhaustion of our funds, our referral data would reflect an additional 18+ mediations.
- In Region 2, 7 of the reported cancellations were due to lack of funds. Additionally, at least 4 referrals were pushed into July, FY 2014, which would have been part of the CCMP caseload, if the funds had been available.
- In Region 3, the Regional Coordinator had to refuse a mediation in the 8<sup>th</sup> judicial district due to lack funds.

## REFERRALS RECEIVED SUMMARY

### Referrals Received, Statewide and by Judicial District

As seen in Table 1, during the FY 2013 grant period (July 1, 2012 to June 30, 2013), 710 cases were referred to the program. The FY 2013 referrals include 585 Time Limited Reunification (TLR) referrals and 125 Open Adoption referrals. Out of the TLR referrals, 526 were from legal cases and 59 were pre-legal referrals. The 710 referrals received during FY 2013 came from the following judicial districts:

TABLE 1: CCMP Referrals – FY 2013								
Judicial District	Open Adoption	%	Legal (TLR)	%	Pre-Legal (TLR)	%	Total	% of Total
2 <sup>nd</sup>	25	14%	154	86%	1	1%	180	25%
3 <sup>rd</sup>	7	5%	132	90%	7	5%	146	21%
4 <sup>th</sup>	3	19%	0	0%	13	81%	16	2%
5 <sup>th</sup>	16	33%	31	63%	2	4%	49	7%
6 <sup>th</sup>	4	5%	72	95%	0	0%	76	11%
7 <sup>th</sup>	3	12%	23	88%	0	0%	26	4%
8 <sup>th</sup>	6	23%	5	19%	15	58%	26	4%
9 <sup>th</sup>	18	78%	1	4%	4	17%	23	3%
10 <sup>th</sup>	2	67%	1	33%	0	0%	3	0%
11 <sup>th</sup>	10	14%	48	69%	12	17%	70	10%
12 <sup>th</sup>	6	17%	26	74%	3	9%	35	5%
13 <sup>th</sup>	25	42%	33	55%	2	3%	60	8%
<b>TOTAL</b>	<b>125</b>	<b>18%</b>	<b>526</b>	<b>74%</b>	<b>59</b>	<b>8%</b>	<b>710</b>	<b>100%</b>

- The majority of referrals come from the largest judicial districts, the 2<sup>nd</sup> and 13<sup>th</sup> judicial districts. Twenty-five percent (25%) of the referrals came from the 2<sup>nd</sup> and 21% of the referrals came from the 3<sup>rd</sup> judicial district.
- The 6<sup>th</sup> and the 11<sup>th</sup> judicial districts each contribute approximately 10% of the referrals.
- Few referrals come from either the 4<sup>th</sup> or the 10<sup>th</sup> judicial districts.
- TLR's comprise 74% of all cases referred; 18% of all referrals are Open Adoption referrals; and Pre-legal cases comprise 8% of all referrals.
- The judicial districts that refer mostly Time Limited Reunification cases include the 2<sup>nd</sup>, 3<sup>rd</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup> judicial districts.

- While the number of referrals is relatively small, the 9<sup>th</sup> and 10<sup>th</sup> judicial districts refer cases that are primarily ready for Open Adoption mediation.
- In the 4<sup>th</sup> and 8<sup>th</sup> judicial districts, referrals are typically made at the Pre-legal stage.

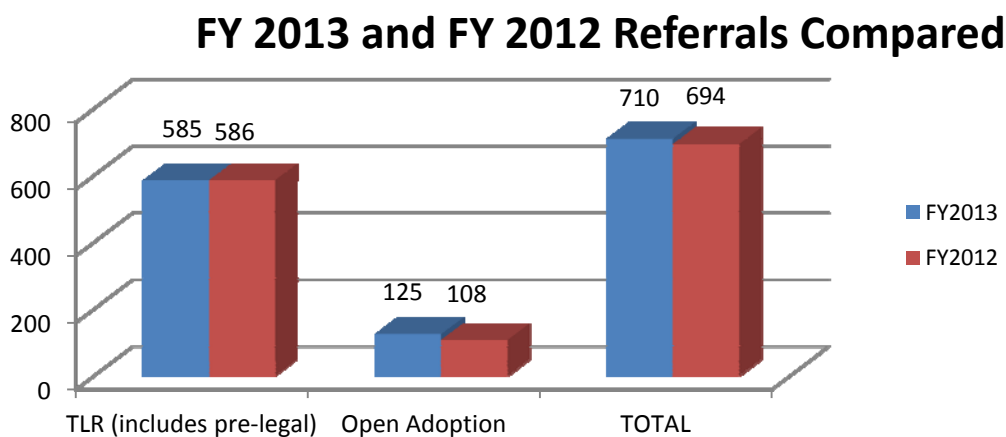
As noted above, in May, CCMP had expended all of our TLR money. As a result, we had to cancel some scheduled mediations. The Regional Coordinators also had to turn down some requests for mediations for June. Another consequence of expending all of our TLR funds was that mediations that would have been scheduled for June 2013 were pushed into the next fiscal year. If TLR funding had been available, CCMP would have received and mediated, at a minimum, an additional 23 cases.

### Statewide Comparative Data: FY 2013 and FY 2012

As seen in both Table 2 and the chart below,

- In FY 2013, the number of TLRs remained stable.
- There was an increase in the number of Open Adoption referrals (17) which accounted for a 16% increase in this referral type.
- Overall, referrals increased by a little over 2%. Given that CCMP had to turn away referrals, our absolute numbers would have included at least 23 additional referrals in FY 2013.

TABLE 2: Number and Type of Referrals, Statewide			
	FY 13	FY 12	% Change
<b>TLR (includes pre-legal)</b>	585	586	-0.2%
<b>Open Adoption</b>	125	108	15.7%
<b>TOTAL</b>	710	694	2.3%



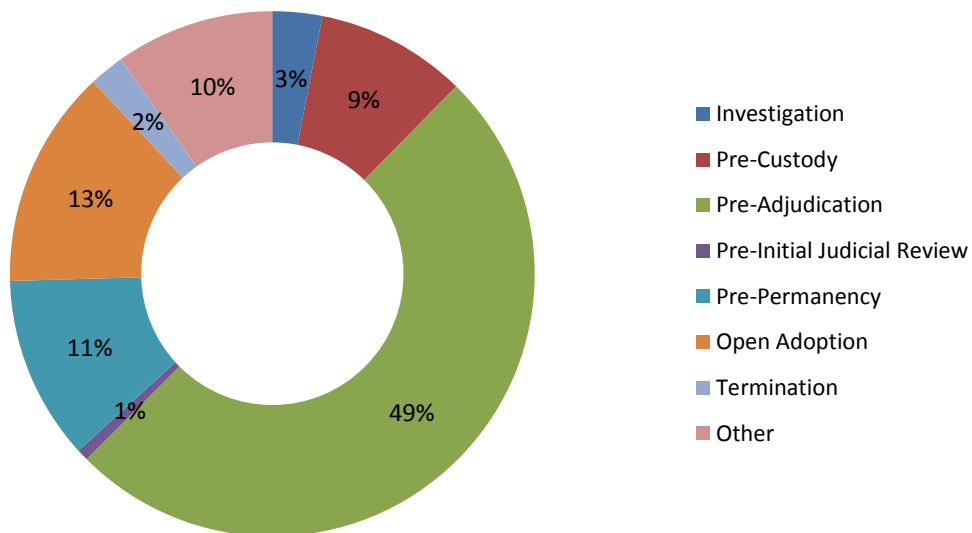


## CASE CHARACTERISTICS

### Timing: Stage at Which Case Was Referred

Cases are referred to mediation at different points corresponding to the AFSA timeline. Some cases are referred to CCMP prior to the formal filing of a case. In FY 2013, nearly half of the cases were referred at Pre-adjudication; 13% were referred for Open Adoption mediation; and 11% were referred at Pre-permanency.

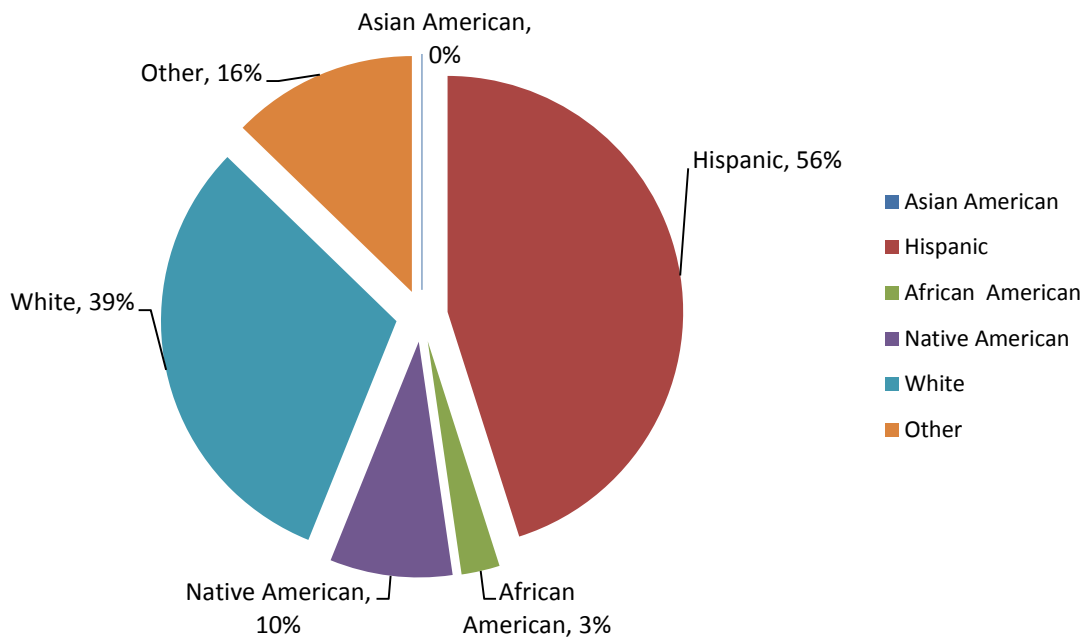
### Stage At Which Case Was Referred - FY 2013



## Family Ethnicity

In FY 2013, the majority of families participating in mediation were Hispanic (56%). White families comprised 39% of the participants. Native Americans are 10% of the population participating in CCMP mediations. African Americans comprised 3% of our families, while FY 2013 no Asian families participated.

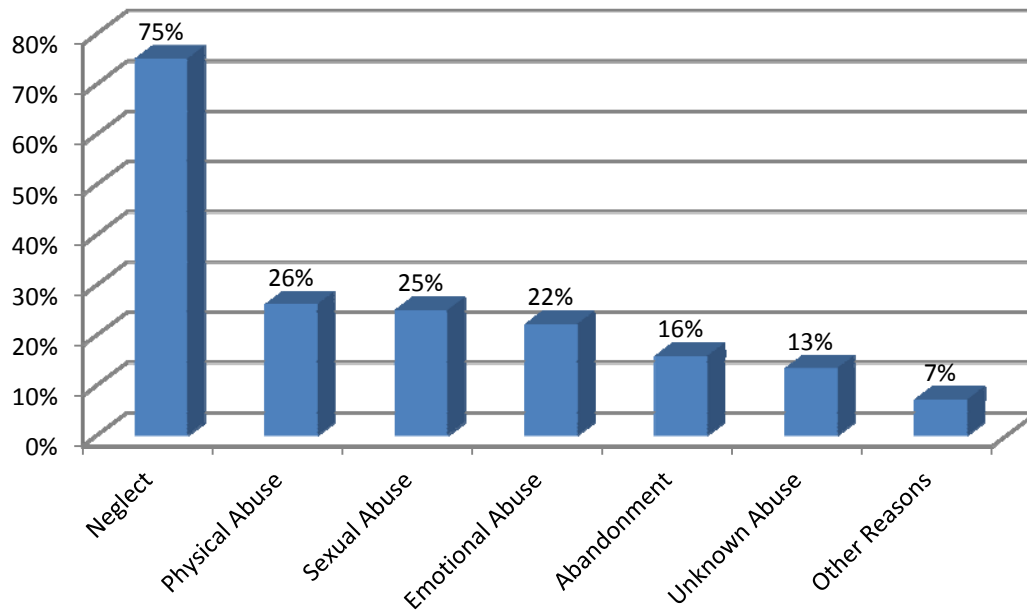
### Mediation Participant Ethnicity - FY 2013



## Reasons for Referral

Families who participate in mediate come with histories of problems, challenges, and obstacles. A primary characteristic of families in abuse/neglect mediations is a history of neglect (75%). Families are also referred because of the reporting of physical abuse (26%), sexual abuse (25%), emotional abuse (22%), and abandonment (16%). The percentages do not total 100% because almost all families come into the program with more than one problem or obstacle.

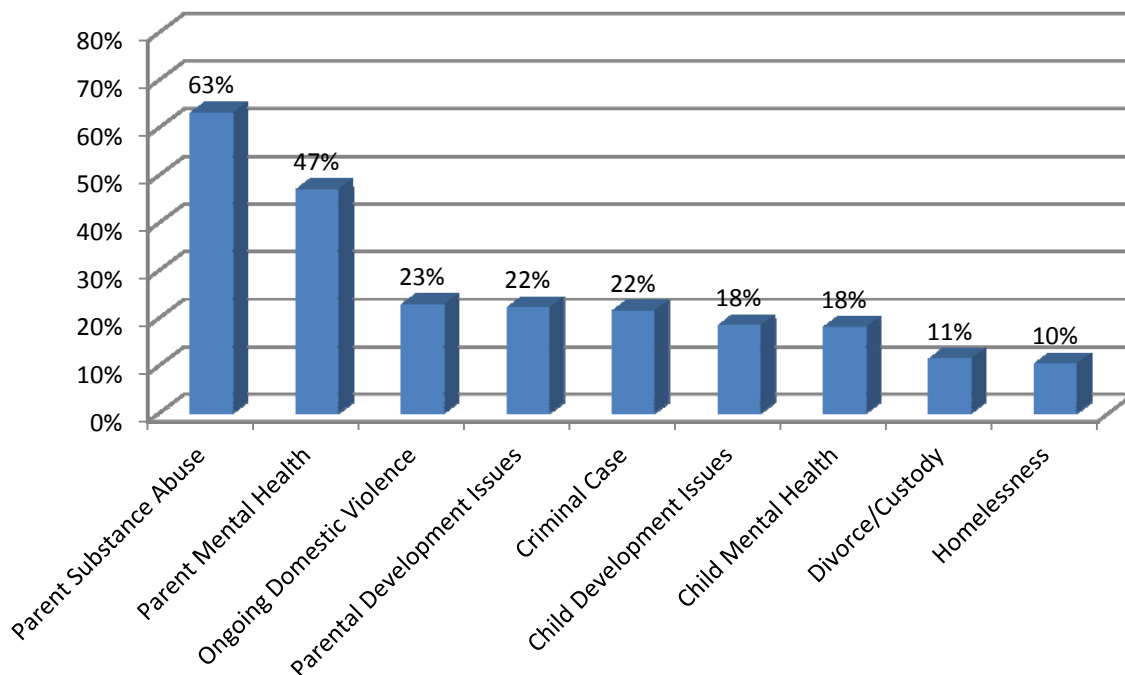
### Reasons for Mediation Referral - FY 2013



## Family Characteristics

In addition to the challenges of abuse and neglect, families who participate in mediation have histories of additional social problems. Children often live with parents who have substance abuse problems (63%), mental health issues (47%), and ongoing domestic violence (23%). The percentages will not total 100% because each family enters the system with more than one presenting problem.

### Family Characteristics - FY 2013



**MEDIATION CASE OUTCOMES: MEDIATED & CLOSED, CANCELLED & CLOSED, AND TOTAL CLOSED**

<b>TABLE 3: CCMP Closed Cases</b>						
<b>Case Type</b>	<b>Mediated &amp; Closed</b>		<b>Cancelled &amp; Closed*</b>		<b>Total Closed (Mediated &amp; Cancelled)**</b>	
<b>TLR (Legal)</b>	477	80%	27	44%	504	77%
<b>TLR (Pre-Legal)</b>	30	5%	20	32%	50	8%
<b>Open Adoption</b>	87	15%	15	24%	102	16%
<b>TOTAL</b>	594	100%	62	100%	656	100%
* Percentage cancelled out of each case type.						
** Percentage of each case type out of the total cases.						

As of June 30, 2013, there were a total of 656 referred cases closed. Of these 656 cases, 594 were mediated and 62 were cancelled. For budgeting purposes, the cancellations are included because mediators bill for all related services. In FY 2013, the number of cancellations was slightly higher than in FY 2012: there were 62 cancellations in FY 2013 compared to 53 cancellations in FY 2012, a difference of 9 cases.

A high demand for mediation coupled with increased mediator travel to meet that demand resulted in CCMP spending its allotted monies prior to June. As a result, Regional Coordinators had to turn down TLR referrals which under normal circumstances would have been mediated. Included in the cancellation data are some already scheduled referrals which had to be deferred until July 2014 while a considerable number of referrals for June were turned down. The expending of TLR funds impacted all three regions:

In FY 2014, the program will maintain a reserve through January 2014 as a precaution to make sure there are sufficient funds to cover mediation services through June 30, 2014.

## PROGRAM STAFFING AND ACTIVITIES

### Staffing

- **Marsha Lichtenstein** is the Statewide Coordinator for the Children's Court Mediation Program as part of her role as Statewide Alternative Dispute Resolution Coordinator. Marsha started in her position for the AOC on August 22, 2011. She is a professional mediator and trainer and has worked in the field of conflict resolution for over fifteen years. Her areas of expertise include family and workplace mediation. Marsha has mediated in the NM Children's Court Mediation Program; Bernalillo County's Metropolitan Court; and the City of Albuquerque's Workplace Mediation Program. Marsha began her mediation career mediating small claims cases in Quincy (MA) district court and then moved back to New Mexico to join the New Mexico Center for Dispute Resolution (NMCDR) as a program manager where she oversaw the Juvenile Restorative Justice, Public Schools and the Parent/Teen mediation programs. Marsha received her mediation training from the University of Massachusetts' Graduate Program in Dispute Resolution. She has a doctorate in sociology from Rutgers University. Marsha is an active member of the Association for Conflict Resolution, the New Mexico Mediation Association, and the ADR Committee of the State Bar of New Mexico.
- **Susan Laughlin** is the Regional Coordinator for Regions 1 and 3. She oversees the 2<sup>nd</sup>, 4<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup> and 13<sup>th</sup> judicial districts. Susan has over fifteen years of mediation, facilitation, case management and project coordination experience, interdisciplinary consultation, mediator recruitment and evaluation, and program documentation. Susan is an honorary graduate from Husson College in Bangor Maine and holds a BS in Business Administration. She is also certified in Healthcare Ethics from the University of New Mexico. In addition to her work with the Children's Court Mediation Program, Susan currently provides mediation and case management services for various public and private organizations, including the United States Postal Service and the New Mexico Public Education Department.
- **Nancy Garcia Tafoya** is the Regional Coordinator for Region 2 overseeing the 3<sup>rd</sup>, 5<sup>th</sup>, 6<sup>th</sup> and 12<sup>th</sup> judicial districts. Nancy has three years of domestic mediation facilitation in the 3<sup>rd</sup> judicial district and served as the coordinator of an access to justice component in a USAID Rule of Law Project in Mexico from 2007 to 2010. Within the project, Nancy 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 with the rule of law. Nancy 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 Law School.

## Statewide Activities

- A New Mediator training was conducted in Las Cruces in July 2012, and several were selected for follow-up mentoring. One new mediator was put on contract as a result.
- CCMP produced and distributed 3 Newsletters.
- The Statewide Coordinator and Susan Laughlin, Regional Coordinator, participated in the Child Protection Mediation Working Group.
- Quarterly Regional Coordinator meetings for FY 2013 were held on October 10, 2012; January 8, 2013; April 15, 2013, and July 8, 2013.
- Program staff reviewed the proposed Statewide ADR Commission proposed rules and provided comments relevant to CCMP programming and services.
- The Statewide Coordinator met with the CYFD Children's Court Attorneys on November 14, 2012, and discussed Open Adoption protocols, and asked for input regarding judges' interests in mediating prior to the custody hearings.
- The Statewide Coordinator, Regional Coordinators, and mediators attended the 2013 Children's Law Institute. CCMP was one of the Exhibitors at the CLI, and 'manned' a table during the entire event. Having a table at CLI was an opportunity for many of the professional participants to stop and informally share their experiences, concerns and satisfaction with the program.
- The Regional Coordinator for Regions 1 and 3 and several mediators attended an ADR Symposium in Albuquerque at UNM on October 18-19, 2012.
- The Regional Coordinator for Regions 1 and 3 and several mediators attended a training on Domestic Violence in December 2012 in Valencia County.
- Regional Coordinator for Region 2 presented with mediator Ruth Archer on Open Adoptions at CYFD Regional Caseworker's meeting at the request of CYFD Regional Coordinator, Shari Cosentino, in August 2012.
- The Statewide Coordinator co-presented a workshop at the 2013 Association of Family and Conciliation Courts (AFCC) Annual Conference (May 30 – June 1, 2013): "Taking the Plunge into Child Protection Mediation: A Life Jacket for Attorneys."
- CCMP produced and distributed a report in June 2013 to Court Executive Officers (in the district courts we serve) on yearly CCMP activities and budget.
- The 2013 – 2014 Mediator Manual and forms were reviewed and revised, distributed to mediators who received FY 2014 contracts, and put on the website.
- Mediator Meetings were held for Region 1 and 3 mediators on October 11, 2012 in Albuquerque. Mediator Meetings were held for Region 2 mediators on August 27, 2012

and November 16, 2012. An all-Regions Mediator Meeting was held on January 9, 2013 in Albuquerque in conjunction with the Children's Law Institute.

- Mediator assessments, discussed below, were conducted as per CCMP Best Practices.
- The Regional Coordinators produced a Coordinator Handbook detailing the policies and procedures for effective coordination of regional mediation programs. A copy of the Coordinator Handbook will be delivered upon request.
- The program received a New Mexico Children's Justice Act Advisory Group (CJAAG) grant for \$3000.00 to produce an educational brochure for professionals who participate in mediation. The purpose of the brochure is to help participants understand the benefits of mediation for themselves and their clients as well as how to maximize participation in the mediation sessions. A brochure is attached to this report.
- We contracted with an outside trainer to develop new Participant Training. A copy of the Training Manual will be delivered upon request.

### **Regional Coordination**

CCMP has one full-time employee, the Statewide Alternative Dispute Resolution Coordinator, who also serves as and carries out the responsibilities of the Statewide Children's Court Mediation Program Coordinator. The position is based in the Administrative Office of the Courts in Santa Fe, and the Statewide Coordinator travels when appropriate to program sites to meet with district court judges, CYFD personnel, mediators and the Regional Coordinators.

For the purposes of program management, CCMP is organized into three regions. The three regions are:

- Region 1 comprised of the 2<sup>nd</sup>, 7<sup>th</sup>, 11<sup>th</sup> and 13<sup>th</sup> judicial districts.
- Region 2 comprised of the 3<sup>rd</sup>, 5<sup>th</sup>, 6<sup>th</sup> and 12<sup>th</sup> judicial districts.
- Region 3 comprised of the 4<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup> and 10<sup>th</sup> judicial districts.

The Regional Coordinators manage the day-to-day activities of the program including:

- The referral process;
- Local mediation budgets;
- Assigning and assessing mediators;
- Meeting with all stakeholders and participants such as judges, respondent attorneys, CYFD personnel, CASAs, and others to explain, educate, and address concerns and complaints as they arise; and
- Assists the Statewide Coordinator with decision-making and policy planning.

CCMP trains experienced mediators to work with families and professional participants engaged in the child protection system. The mediators provide direct services by conducting pre-mediation conversations, facilitating mediations, providing written documents and follow-up after



the mediation. Our FY 2013 mediator roster included 18 mediators from communities around the state including Albuquerque, Farmington, Hobbs, Las Vegas, and Silver City. Generally mediators will receive assignments in courts close to home, however all mediators have agreed to travel to meet the fluctuating needs of our courts.

When budget allows, the CCMP team has included a mentor to work with new mediators and serve as a resource for experienced mediators, an outside evaluator, and advanced training for the mediators provided by a contractor.

The Regional Coordinators meet with the Statewide Coordinator and the AOC Court Services Division Director on a quarterly basis. The meetings were held on October 10, 2012; January 8, 2013; April 15, 2013; and July 8, 2013.

The Children's Court Mediation Program provided local coordination services for each judicial district. The Statewide ADR Coordinator oversaw the Regional Coordinators and case managers who worked directly with the implementation teams and other interested parties. The AOC contracted with Regional Coordinators for Region 1 (2<sup>nd</sup>, 7<sup>th</sup>, 11<sup>th</sup> and 13<sup>th</sup> judicial districts), Region 2 (3<sup>rd</sup>, 6<sup>th</sup>, 5<sup>th</sup> and 12<sup>th</sup> judicial districts), and Region 3 (4<sup>th</sup>, 8<sup>th</sup> 9<sup>th</sup> and 10<sup>th</sup> judicial districts) who facilitated and managed the day-to day activities at the local level. The Statewide Coordinator and Regional Coordinators bring a broad range of experience and skills to the Children's Court Mediation Program. The roles held by each coordinator and case manager are described below as they were during FY 2013.

The Regional Coordinators and case manager work closely with their Implementation Teams to provide quality mediation services in child protection cases, from Investigations through TPR, including post adoption contact agreements until adoption is finalized. They coordinate mediation referrals, supervise mediators and work with the teams to address any ongoing issues related to the mediation program. They also organize and provide some of the training at the participant trainings held periodically in each county. Regional Coordinators also provide quarterly reports and summary reports to the Statewide Coordinator and assist with program evaluation and monitoring of local budget, as required.

Each of the following tables (Table 4 through Table 16) shows the difference between FY 2013 and FY 2012 referrals. Below each table is a summary of activities specific to that judicial district. (For these tables, please note that when FY 2012 referrals are reported as zero (0) and a number larger than zero (0) is reported for FY 2013, there is no meaningful indicator of a percent increase.)

## Comparative Data and Program Activities by Judicial District

### 2nd Judicial District

Referrals remained fairly steady in the 2<sup>nd</sup> judicial district, with an increase of 4% in total referrals. Despite a big percentage drop in Pre-legal referrals, the absolute number difference was not significant: the total number referred in FY 2012 was 3 compared to 1 case referred in FY 2013.

TABLE 3: 2nd Judicial District Mediation Referral Data			
	FY13	FY 2012	% Change
<b>TLR (Legal)</b>	154	149	3%
<b>TLR (Pre-Legal)</b>	1	3	-67%
<b>Open Adoption</b>	25	21	19%
<b>TOTAL</b>	180	173	4%

#### *FY 2013 Activity Summary*

- Regional Coordinator attended hearings.
- Regional Coordinator worked with the Implementation Team to review program status, address ongoing concerns. Implementation Team meeting was held on 10/1/12 in Bernalillo County.
- Regional Coordinator met with the new Judge, Judge Sheppard, in Albuquerque on February 15<sup>th</sup>, 2013 to discuss the mediation program.
- Kim Montgomery, a mediator, attended a brown bag meeting with Respondent attorneys on October 13<sup>th</sup> in Albuquerque.

### 3rd Judicial District

The total number of referrals remained constant; however the numbers reflect a decrease in Open Adoption referrals balanced by an increase in Pre-legal referrals, and a slight increase in TLRs.

TABLE 4: 3rd Judicial District Mediation Referral Data			
	FY13	FY12	% Change
<b>TLR (Legal)</b>	132	127	4%
<b>TLR (Pre-Legal)</b>	7	0	
<b>Open Adoption</b>	7	17	-59%
<b>TOTAL</b>	146	144	1%

### *FY 2013 Activity Summary*

- The Regional Coordinator met with Chief Judge Douglas R. Driggers and the other judges, along with Norm Osborn, Staff Attorney.
- The Regional Coordinator participated in several Brown Bags for children's court participants. She provided mediation program updates at request of Judge Macias.
- The Regional Coordinator attended Monday morning court hearings.
- The Regional Coordinator met with new CCA's (Michelle Pickette and Annamarie De Lovato at CYFD) and with Maria Vallejo, CYFD contact for coordination of referral intakes.
- The Regional Coordinator met with CASA Coordinator Brandie White.

### **4th Judicial District**

In FY 2013, referrals decreased by around 50%. Each type of referral was affected. Plans for FY 2014 include meeting with the judge and holding an Implementation Team meeting in the judicial district.

<b>TABLE 5: 4th Judicial District Mediation Referral Data</b>			
	<b>FY13</b>	<b>FY12</b>	<b>% Change</b>
<b>TLR (Legal)</b>	0	2	-100%
<b>TLR (Pre-Legal)</b>	13	21	-38%
<b>Open Adoption</b>	3	10	-70%
<b>TOTAL</b>	16	33	-52%

### *FY 2013 Activity Summary*

- A Participant Training was held in Las Vegas in October, 2012 with 23 staff members from CYFD.
- The Regional Coordinator met with Judge Sandoval's TCAA in Las Vegas.

### 5th Judicial District

There were 8 more referrals in the 5th judicial district this year, with an overall increase of 20% in the CCMP caseload. The increase was due to more TLR referrals.

<b>TABLE 6: 5th Judicial District Mediation Referral Data</b>			
	<b>FY13</b>	<b>FY12</b>	<b>% Change</b>
<b>TLR (Legal)</b>	31	22	41%
<b>TLR (Pre-Legal)</b>	2	3	-33%
<b>Open Adoption</b>	16	16	0%
<b>TOTAL</b>	49	41	20%

#### *FY 2013 Activity Summary*

- In October, The Regional Coordinator met with CYFD personnel and Judge Currier;
- The Regional Coordinator attended the FSTR (First Steps toward Reunification) training in October 2012.
- The Regional Coordinator traveled to Hobbs to meet with CYFD.
- The Regional Coordinator had a telephonic meeting with Judge Henry Quinero regarding circuit rider mediators.

### 6th Judicial District

The total number of referrals remained stable. The percent decrease in Open Adoption referrals, 33%, represents a numerical decrease of 2 referrals.

<b>TABLE 7: 6th Judicial District Mediation Referral Data</b>			
	<b>FY13</b>	<b>FY12</b>	<b>% Change</b>
<b>TLR (Legal)</b>	72	72	0%
<b>TLR (Pre-Legal)</b>	0	0	0%
<b>Open Adoption</b>	4	6	-33%
<b>TOTAL</b>	76	78	-3%

#### *FY 2013 Activity Summary*

- The incoming Regional Coordinator attended the June, 2012 Implementation Team meeting as part of her orientation.
- The Regional Coordinator met with professional participants.

- The Regional Coordinator met with professional participants in Deming (Luna County).
- The Regional Coordinator attended hearings.

#### **7th Judicial District**

There was a 26% decrease in the number of TLR referrals in the 7th judicial district.

<b>TABLE 8: 7th Judicial District Mediation Referral Data</b>			
	<b>FY13</b>	<b>FY12</b>	<b>% Change</b>
<b>TLR (Legal)</b>	23	31	-26%
<b>TLR (Pre-Legal)</b>	0	0	0%
<b>Open Adoption</b>	3	3	0%
<b>TOTAL</b>	26	34	-24%

#### *FY 2013 Activity Summary*

*Coordination and monitoring of CCMP activities is going smoothly, and no additional activities are reported for FY 2013.*

#### **8th Judicial District**

The total number of referrals was constant in the 8th judicial district. The district primarily refers Pre-legal cases to the program. In meeting with the judge, it was noted that she is interested in referring TLR cases, and the Regional Coordinator will follow up in FY 2014.

<b>TABLE 9: 8th Judicial District Mediation Referral Data</b>			
	<b>FY13</b>	<b>FY12</b>	<b>% Change</b>
<b>TLR (Legal)</b>	5	3	67%
<b>TLR (Pre-Legal)</b>	15	17	-12%
<b>Open Adoption</b>	6	6	0%
<b>TOTAL</b>	26	26	0%

#### *FY 2013 Activity Summary*

- The Regional Coordinator held a meeting in in Raton in November 2012.
- The Regional Coordinator met with Judge Paternoster's TCAA Francis Sullivan numerous times this quarter to try and schedule a meeting with the Judge and was not successful.
- The Regional Coordinator met with Judge Backus in Taos in April, 2013 and discussed how to order legal cases to mediation.

### 9th Judicial District

The 9th judicial district primarily refers Open Adoption cases to CCMP, and this year the Open Adoption referrals increased by nearly two-thirds.

TABLE 10: 9th Judicial District Mediation Referral Data			
	FY13	FY12	% Change
TLR (Legal)	1	2	-50%
TLR (Pre-Legal)	4	6	-33%
Open Adoption	18	11	64%
TOTAL	23	19	21%

#### *FY 2013 Activity Summary*

*Coordination and monitoring of CCMP activities is going smoothly, and no additional activities are reported for FY 2013.*

### 10th Judicial District

The 10th judicial district refers few cases to CCMP. This year, the district referred 3 cases, compared to 5 cases in FY 2012.

TABLE 11: 10th Judicial District Mediation Referral Data			
	FY13	FY12	% Change
TLR (Legal)	1	3	-67%
TLR (Pre-Legal)	0	2	-100%
Open Adoption	2	0	
TOTAL	3	5	-40%

#### *FY 2013 Activity Summary*

- The Regional Coordinator spoke to Judge Mitchell in August, 2012. No current interest in a participant training as there have been no major staffing changes since we did one in 2009.

### 11th Judicial District

There were significant increases in all three types of referrals in the 11th judicial district. Pre-legal referrals increased by 100%, and both TLRs and Open Adoption referrals increased by over 50%.

TABLE 12: 11th Judicial District Mediation Referral Data			
	FY13	FY12	% Change
TLR (Legal)	48	31	55%
TLR (Pre-Legal)	12	6	100%
Open Adoption	10	6	67%
TOTAL	70	43	63%

#### *FY 2013 Activity Summary*

- The Regional Coordinator held a Participant Training held in Gallup in October, 2012.
- Mediator Jan Culp spoke about CCMP at a New CASA training in San Juan County in October, 2012.
- The Regional Coordinator collaborated with the with Staff Attorney Robert Ionta and the 11<sup>th</sup> judicial district to develop a mediator contract for mediators to work in a domestic violence mediation program.

### 12th Judicial District

The total number of referrals decreased in the 12th judicial district. TLRs decreased by over one third. Three pre-legal cases were referred, however, compared to no referrals in that category in FY 2012.

TABLE 13: 12th Judicial District Mediation Referral Data			
	FY13	FY12	% Change
TLR (Legal)	26	39	-33%
TLR (Pre-Legal)	3	0	
Open Adoption	6	7	-14%
TOTAL	35	46	-24%

#### *FY 2013 Activity Summary*

*Coordination and monitoring of CCMP activities is going smoothly, and no additional activities are reported for FY 2013.*

### 13th Judicial District

The number of referrals increased by 15%. There was a significant increase in Open Adoption referrals between FY 2012 and FY 2013: a jump from 5 referrals in FY 2012 to 25 referrals in FY 2013.

<b>TABLE 14: 13th Judicial District Mediation Referral Data</b>			
	<b>FY13</b>	<b>FY12</b>	<b>% Change</b>
<b>TLR (Legal)</b>	33	39	-15%
<b>TLR (Pre-Legal)</b>	2	8	-75%
<b>Open Adoption</b>	25	5	400%
<b>TOTAL</b>	60	52	15%

#### *FY 2013 Activity Summary*

- An Implementation Team meeting was held in October, 2012 in Sandoval County.
- The Regional Coordinator with Children's Court Attorney Susan White to increase mediation's in the 13<sup>th</sup> judicial district, Valencia County.

In the 1st judicial district, case statistics are kept on a calendar year basis. These statistics are reported here to give a more complete statewide picture of abuse and neglect mediation, although the 1st judicial district mediations are not funded through the statewide program. For calendar year 2012, the 1st judicial district conducted 70 abuse and neglect mediations, and all of them were legal cases. In calendar year 2011, they mediated 40 cases. The 1st judicial district does not mediate pre-legal cases.

### **MAINTAINING A QUALITY PROGRAM**

CCMP addresses quality control with three separate strategies:

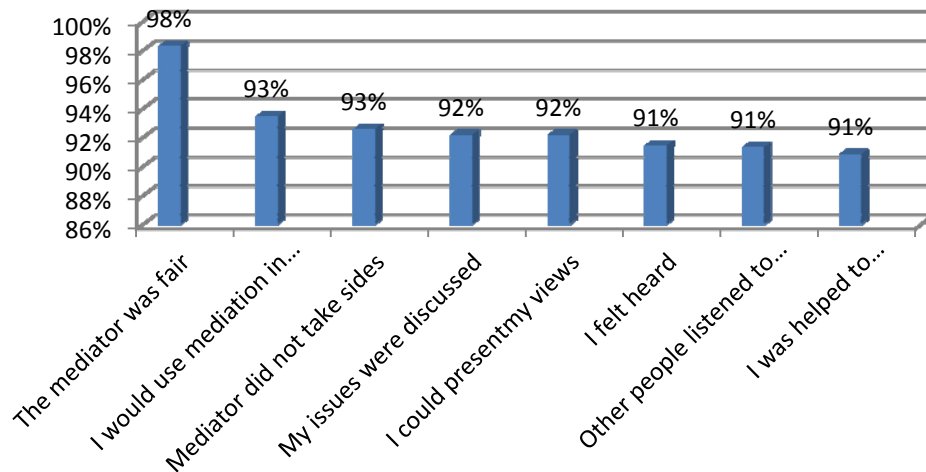
- By collecting feedback from parents who participate in mediation.
- By assessing mediators and requiring continuing education credits.
- By providing mentoring.

### **Parent Satisfaction: Results from Parent Feedback Forms**

All participants (and guardians) who attend mediation are asked to fill out a Feedback form at the end of the mediation session. Parents who attended CCMP mediation in FY 2013 were highly satisfied with their experiences. Almost all parents completing the feedback form felt the process was fair and 93% would be willing to use mediation again. In mediation, parents felt they were heard, were able to speak up and could understand others' points of view.



## Parent/Guardian Satisfaction with Mediation\* - FY13



\*Based on the numbers of parents who answered “Definitely” or “Mostly” to feedback questions. A Feedback form is found in the Appendix.)

Many of the parents filling out the Feedback form write comments about their experiences. Here is a representative sample of comments which illustrate the benefits of mediation as seen by parents:

- I understood what we have to do in order to get my son back and we have agreed and understood.
- Most is that CYFD sees me as who I am rather than hearsay and not on the facts when this all began.
- I understand everything that I need to do to get my life back and baby back with me.
- I feel relieved.
- We had the opportunity to visit with the adoptive parents and make plans for future contact with our grandchildren. It was a blessing.
- Hearing the views of certain parties made think about how it’s really imperative to make sure I do my part.

## **Mediator Assessment and Continuing Education Requirements**

As part of our commitment to provide high quality and consistent services in every judicial district, CCMP requires periodic assessments of all mediators, conducted by the Regional Coordinators with assistance from the mentor when budget allows. The program uses a standardized Assessment Form (see Appendix for copy) based on mediation best practices to ensure high quality services to CYFD, the courts, and families. The assessment follows a specific process: the Regional Coordinator observes the mediator conducting a TLR mediation and using the Assessment Form notes compliance with CCMP best practices. Once the mediation concludes, the Regional Coordinator meets with the mediator and reviews the Assessment Form. The mediator is asked to evaluate her own skills during the mediation. Together, they identify areas, if any, where the mediator can improve and determine training or mentoring that will address the need.

Additionally, CCMP raised the number of required continuing education hours from 8 hours to 12 hours beginning in FY 2014. Mediators are required to complete a Report Form (see Appendix for copy) with details and documentation of the training in order to receive their credits 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.

### **Mentoring: A Component of Mediator Quality**

Mediators receive mentoring from both Regional Coordinators and a CCMP mentor. Mentoring provides individualized training for mediators who request or are referred for one-on-one training. Mentoring services are delivered through one-on-one work sessions, pre-mediation and post-mediation consults, telephone meetings and email correspondence. Mentoring addresses the following topics: case specific questions, case management, case preparation, skills applications, process management and agreement writing.

In FY 2013, twelve mediators requested and received mentoring services.

In addition to mentoring the mediators who are part of the current mediator pool, mentoring is also provided as the second 8 hours of the 16 hour New Mediator Training.

From the July, 2013 New Mediator Training held in Las Cruces, six prospective mediators were referred to the mentoring program to complete the 8 hour mentoring component of the 16 hour New Mediator Training. Four of the six mediators completed the 8 hour mentoring component. One mediator was put on contract for FY 2013 as a result of completing the New Mediator Training and mentoring component.

In FY 2014, the Regional Coordinators will continue to provide mentoring. At this time, the budget does not allow CCMP to contract with a program mentor.

## **BUDGET**

### **FY 2013 Program Expenditures**

CCMP began FY 2013 with state general funds of \$227,000 (an increase of \$35,700 over the FY 2012 budget of \$191,300). Statewide general funds are used to cover the cost of personal services and benefits for a Statewide ADR Coordinator who also serves as Statewide CCMP Coordinator. Statewide general funds are also used for regional coordination, mentoring, and for TLR mediations.

AOC also received CYFD funds of \$185,000 from Title IV-B and IV-E Funds for mediation services only. Aside from federal funds, the AOC contributed \$9,200 for a total of \$5,000 in January 2013 and \$4,200 in May 2013 to cover the cost of TLR mediations. The program also acknowledges the in-kind contributions made by CYFD, the courts and others.

### **FY 2014 Proposed Budget Profile**

As a result of the 2013 Legislative Session, the mediation program will operate with an increased contractual budget in FY 2014. Current projected revenues of \$321,100 include state general contractual funds of \$136,100, an increase of \$6,400 over the FY 2013 contractual funds, and \$185,000 from CYFD Title IV-B and IV-E Funds. The program will maintain a reserve through January 2014 as a precaution to make sure there are sufficient funds to cover mediation services through June 30, 2014.

### **LOOKING TOWARDS FY 2014**

CCMP plans to address several important issues in FY 2014, contingent on time and availability of funding. The areas of interest include the following:

Pre-legal Referrals. A significant number of Pre-legal referrals involve working with parents who need help setting up or renegotiating parenting plans. CCMP plans to explore with CYFD the appropriate role for CCMP in parenting plan mediations. Our hesitation to continue to accept referrals for parenting plans is based on three factors. First, given our funding requirements, we do not have authorization to write parenting plans. Secondly, CCMP has neither protocol nor forms for conducting and completing parenting plan mediations. Thirdly, while some CCMP mediators are trained in domestic relations mediation, many are not, and CCMP would be obligated to insure that all mediators have this training. More importantly, other resources exist that provide mediation with trained domestic relations mediators, as every district court provides domestic relations mediation that is often without cost.

We also identified the need to develop guidelines and Best Practices in what can be referred, how much time should be spent in mediation, and the kind of paperwork and documentation that

should be used to resolve and conclude the mediation. CCMP plans to convene stakeholders to explore Best Practices for Pre-legal referrals in order to provide a consistent message state-wide and establish protocols and forms that would serve all agencies and parties involved.

Requests for Pre-custody Mediation: Several judges have expressed an interest in having CCMP provide Pre-custody mediations. Pre-custody mediations would be held prior to the custody hearings for the purpose of having families start with treatment earlier than they do now. The professional participants are reluctant to participate in Pre-custody mediations, because parents haven't had the time to understand their case and because it would be adding a mediation to already overloaded schedules. We would like to discuss with CYFD whether conducting Pre-custody mediations would be of any benefit to case management. Some topics to explore are costs, protocols, benefits, needs and potential results.

Open Adoption Protocols: CCMP has clearly written, well-developed Best Practices and protocols for conducting Open Adoption mediations. However, they are applied inconsistently throughout the state. In part, this variability is historical, with some judicial districts having home-grown practices that are inconsistent with CCMP Best Practices. An important goal for FY 2014 is to bring consistency to Open Adoption mediations by training mediators in the existing Best Practices and increasing Regional Coordinator oversight of OA mediations.

Additional Funding for TLR Mediations. CCMP is interested in researching possible new funding sources and exploring options for using existing funds to cover TLR mediations. A possible discussion topic with CYFD is whether CCMP could utilize some of the existing Open Adoption funds for TLR mediations.

Educational Brochure. As a result of receiving a \$3,000 CJAAG grant, CCMP now has an educational brochure that will assist the professional participants in preparing themselves and their clients for mediation. The brochure will be distributed to all 33 of New Mexico's counties including each CYFD county office, all 85-contract attorneys, each district court, and the CASA office in each judicial district. Other opportunities to distribute the brochure include CCMP attendance at county office CYFD staffings, statewide CYFD meetings, at the Children's Law Institute, at the Children's Law Center Core Training, and when working with newly assigned professional participants.

Parent Representation Conference in October, 2103, Albuquerque, NM: Parent representation is part of a national effort to improve legal representation for parents in the child welfare system. In collaboration with the Casey Family Foundation, Children's Law Center, the Court Improvement Commission, and many others, the Administrative Office of the Courts is holding a Parent's Representation Summit for all child welfare and tribal stakeholders. The Statewide Coordinator will participate as a resource at the Mediation session. Mediators are invited to attend; continuing education credits will be awarded for attendance. An important aspect of Parent Representation is providing support for attorneys. The 13<sup>th</sup> judicial district (Sandoval County) has a pilot program where social work interns are assigned to attorneys. The interns work with parents prior to adjudication to identify goals and work on treatment strategies to accomplish those goals. To help the interns understand the place of mediation, in August, 2013,

CCMP will provide Mediation Participant Training (see below) for the Parent Representative interns in the 13<sup>th</sup> judicial district pilot program.

Participant Training. Currently, the FY 2014 budget does not include funds for CCMP to conduct regularly scheduled Participant Trainings. In lieu of holding district-wide trainings, we will begin using the new training in August, 2013, with the Parent Representation pilot program in the 13<sup>th</sup> judicial district (Sandoval County.) Secondly, a training specifically for the Court-Appointed Attorneys will be planned with the AOC program manager for later this year. Thirdly, the Children's Law Center plans to integrate our modules into their Core Training. Additionally, when Regional Coordinators are invited to present at CYFD staffings, they will have ready-to-use consistent materials for their presentations. When funding allows, we will resume our scheduled trainings at CYFD county offices.

Mentoring/New Mediator Training. All contracts for mentoring and new mediator training are on hold as all funds are currently being directed toward meeting the need for TLR mediations. However, we are training a new mediator in the 5<sup>th</sup> judicial district where there has been an ongoing unmet need.

Program Evaluation. For the time being, CCMP will postpone a full program evaluation due to limited funds.

**APPENDIX:**

- a) Parent Feedback Form
- b) Mediation Assessment
- c) Continuing Education Report Form
- d) Participant Brochure

## Children's Court Mediation Program

Date of Mediation \_\_\_\_/\_\_\_\_/\_\_\_\_ Time \_\_\_\_\_ Mediator \_\_\_\_\_

Judicial District \_\_\_\_\_ County \_\_\_\_\_

### PARENT/GUARDIAN FEEDBACK

We would like your feedback about your mediation process. Please take a moment and respond to the items below. Your name is not needed on this form, and your responses will be kept confidential. **Thank you.**

**Please indicate your role in this case:** \_\_\_\_Parent \_\_\_\_Guardian \_\_\_\_Adopting Parent

---

**FOR EACH OF THE STATEMENTS BELOW, CIRCLE THE RESPONSE THAT BEST TELLS US WHAT YOU THINK.**

- |  |            |        |          |          |            |                |
|--|------------|--------|----------|----------|------------|----------------|
| 1. I received a good introduction to the mediation process.  | Definitely | Mostly | Somewhat | A Little | Not at all | Does not apply |
| 2. The mediator treated everyone fairly.   | Definitely | Mostly | Somewhat | A Little | Not at all | Does not apply |
| 3. I felt heard and understood.  | Definitely | Mostly | Somewhat | A Little | Not at all | Does not apply |
| 4. We talked about all the issues that were important to me.   | Definitely | Mostly | Somewhat | A Little | Not at all | Does not apply |
| 5. The mediators did not take sides.   | Definitely | Mostly | Somewhat | A Little | Not at all | Does not apply |
| 6. I had an opportunity to present my views in the mediation session.                                | Definitely | Mostly | Somewhat | A Little | Not at all | Does not apply |
| 7. Other people listened to me during the mediation session.   | Definitely | Mostly | Somewhat | A Little | Not at all | Does not apply |
| 8. The mediation helped me understand other people's points of view.                                 | Definitely | Mostly | Somewhat | A Little | Not at all | Does not apply |
| 9. We agreed on where my children will live.   | Definitely | Mostly | Somewhat | A Little | Not at all | Does not apply |
| 10. We agreed on services and treatment for me.  | Definitely | Mostly | Somewhat | A Little | Not at all | Does not apply |
| 11. We agreed on services for my children.   | Definitely | Mostly | Somewhat | A Little | Not at all | Does not apply |
| 12. We agreed on a visitation plan.  | Definitely | Mostly | Somewhat | A Little | Not at all | Does not apply |
| 13. I agreed with the decisions that were made today.  | Definitely | Mostly | Somewhat | A Little | Not at all | Does not apply |
| 14. I understand what I have to do next.   | Definitely | Mostly | Somewhat | A Little | Not at all | Does not apply |
| 15. The mediation helped me improve my relationship with one or more people in the room              | Definitely | Mostly | Somewhat | A Little | Not at all | Does not apply |
| 16. I would participate in mediation again.  | Definitely | Mostly | Somewhat | A Little | Not at all | Does not apply |
| 17. Tell us the most important thing that happened in the mediation today. Use the back of the form. |            |        |          |          |            |                |

# CHILDREN'S COURT MEDIATION PROGRAM MEDIATOR ASSESSMENT

PRE-MEDIATION	YES	NO	DK				COMMENTS
Did mediator pre-mediate with family?							
Did mediator pre-mediate with professionals?							
<b>Scoring Rubric:</b> O: Outstanding; demonstrates exceptional skill & knowledge; E: Consistently Exceeds expectations; M: Consistently Meets expectations; is effective; I: Improvement needed; inconsistent; U: Unsatisfactory; below job duties; failed to demonstrate when opportunity existed. N: No opportunity to demonstrate skill.							
OPENING THE PROCESS	O	E	M	I	U	N	COMMENTS (please explain all scores that are not M)
Sets up room appropriately							
Facilitates introductions							
Explains the mediation process & purpose							
Provides information about the role of the mediator							
Provides information about confidentiality							
Provides information about mediation as voluntary							
Provides information about caucuses and breaks							
Checks with parties about time constraints							
Helps parties develop their own guidelines, if appropriate							
Helps parties set the agenda (define issues and decide order of discussion)							
Clarifies parties' expectations/outcomes							
DURING THE PROCESS	O	E	M	I	U	N	COMMENTS (please explain all scores that are not M)
Remains calm and centered							
Remains optimistic and encouraging							
Maintains neutrality and avoids taking sides							
Keeps issues focused on key issues, not personalities							
Avoids giving own views and/or advice							

Mediator \_\_\_\_\_ Date \_\_\_\_\_ Observer \_\_\_\_\_



# CHILDREN'S COURT MEDIATION PROGRAM MEDIATOR ASSESSMENT

	O	E	M	I	U	N	COMMENTS (please explain all scores that are not M)
Maintains control of the process							
Demonstrates patience in listening to all							
Assists others in listening patiently							
Uses open-ended questions appropriately							
Responds to non-verbal cues and communications							
Manages heightened emotions							
Keeps track of important information							
Accurately/Appropriately <b>reframes</b> what is said							
Accurately/Appropriately <b>reflects</b> what is said							
Accurately/Appropriately <b>summarizes</b> what is said							
Clarifies areas of agreement and disagreement							
Creates opportunities to discuss the issues							
Assists parties to solve problems creatively							
Helps participants summarize progress and recognize accomplishments							
Makes sure discussion is clear and understood by all							
Frames group decisions clearly							
Helps parties test the do-ability of their decisions							
<b>ENDING THE PROCESS</b>	<b>O</b>	<b>E</b>	<b>M</b>	<b>I</b>	<b>U</b>	<b>N</b>	<b>COMMENTS (please explain all scores that are not M)</b>
Reviews areas of agreement or any written agreement with participants							
Identifies unresolved areas							
Identifies and clarifies next steps							
Distributes/collects Parent Evaluations							
Thanks everyone for participating							
Restores room to original conditions							

Mediator\_\_\_\_\_Date\_\_\_\_\_Observer\_\_\_\_\_

# CHILDREN'S COURT MEDIATION PROGRAM MEDIATOR ASSESSMENT

**Additional observations:**

**Debriefing Questions:**

Of the mediations you have facilitated, how typical was today's mediation?

What did you do in this session that you think worked well?

In what areas do you think you could improve?

Discuss your sense of your progress and overall skills as a mediator.

Mediator\_\_\_\_\_Date\_\_\_\_\_Observer\_\_\_\_\_

**Children's Court Mediation Program (CCMP)**  
**Mediator Continuing Education -- Standard Reporting Form**

*Complete form and attach documentation.*

*I attended the following trainings/workshops (attach more sheets as needed):*

Training Provider (organization/agency; location; name of Trainer): \_\_\_\_\_

\_\_\_\_\_

Training Title: \_\_\_\_\_

Training Dates and Times: \_\_\_\_\_

# of training hours (CEU or CLE or actual training hours) \_\_\_\_\_

Training Provider (organization/agency; location; name of Trainer): \_\_\_\_\_

\_\_\_\_\_

Training Title: \_\_\_\_\_

Training Dates and Times: \_\_\_\_\_

# of training hours (CEU or CLE or actual training hours) \_\_\_\_\_

Training Provider (organization/agency; location; name of Trainer): \_\_\_\_\_

\_\_\_\_\_

Training Title: \_\_\_\_\_

Training Dates and Times: \_\_\_\_\_

# of training hours (CEU or CLE or actual training hours) \_\_\_\_\_

Training Provider (organization/agency; location; name of Trainer): \_\_\_\_\_

\_\_\_\_\_

Training Title: \_\_\_\_\_

Training Dates and Times: \_\_\_\_\_

# of training hours (CEU or CLE or actual training hours) \_\_\_\_\_

***I certify by my signature below that the information provided on this form is accurate.***

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Complete and sign by May 1 . Send to AOC at [aocmxl@nmcourts.gov](mailto:aocmxl@nmcourts.gov); fax 505 827-8091.**





## Mediation & Court Compared

Successful mediation requires a very different skill-set than what it takes to be successful in court:

Court	Mediation
System-centered	Family-centered
Formal	Informal
Restricted roles	Collaborative roles
Involuntary	Voluntary
Positional	Interest-based
Judge sets agenda	Parties set agenda
Feelings suppressed	Feelings validated
Options limited	Options expanded

### Other Useful Resources to Google

- NM Child Welfare Handbook
- Child Welfare Collaborative Decision Making Network
- Association of Family and Conciliation Courts (AFCC)
- New Mexico Child Abuse and Neglect Citizen Review Board

## Before You Get to Mediation

- Determine what information you need for the mediation (e.g. the plea, paternity tests, possible placements, recent home visit).
- Decide who needs to be at the mediation (e.g. grandparents, godparents, significant others, and other professionals).
- Ensure everyone understands that the process is confidential.
- Share as much information as you can – as professionals – prior to the mediation.
- Speak with your client about various options available to them – focusing on specific issues raised at each point in the process – so clients come to the mediation with some ideas in mind.
- Come ready to share new ideas and be receptive to creative solutions for all issues.



To maximize your participation in mediation, CCMP provides training on the mediation process to professionals in all judicial districts. Contact your Regional Coordinator if you are interested in attending.



## Children's Court Mediation Program

The Children's Court Mediation Program (CCMP) provides professionally trained neutral mediators who work with families and professionals to solve issues in abuse and neglect cases. Professionals report that mediation helps to:

- Empower professionals to provide the best possible solutions for their clients.
- Provide a wider range of solutions than are available in court.
- Better engage parents and youth in their treatment plans, leading to greater follow-through.
- Build rapport and trust among all participants.
- Reduce court time, as well as time to permanency.



For CCMP staff contact information and a variety of useful resources, please visit:  
<https://ccmediation.nmcourts.gov>



## Referring Cases to Mediation

All child abuse and neglect cases (from investigations to reunification, or the termination of parental rights and open adoption) may be referred to mediation.

After a legal filing, any interested party may request mediation. All mediation referrals are made directly to the Regional Coordinators by submitting a case-referral intake form.

## Coming to mediation?

Your role in the mediation is very different from your role in the courtroom.

**Please come ready to be: flexible, patient, creative and cooperative.**

**Leave behind the need for: ego, aggression, rigidity and a win/lose mentality.**

*And remember: the more professionals share key information beforehand – with each other and with their clients - the more successful the mediation will be...*



## Benefits of Mediation in Children's Court

### Pre-Legal

#### Prior to Formal Filing

*Should child remain in parent's custody?*

- Solving problems without having to step into a courtroom.
- Keeping children out of state custody.
- Having a wider and more creative range of solutions to problems than available in court.
- Handling both practical and emotional issues.

#### Pre-adjudication

*What treatment plan would best ensure reunification?*

- Developing a more customized treatment plan for the family.
- Empowering family members to be more engaged in their treatment plan.
- Discussing placements with relatives.
- Modifying pleas.
- Discovering information that may only be shared in mediation.

#### Prior to 1<sup>st</sup> or 2<sup>nd</sup> Initial Judicial Review

*Is everyone engaged in the treatment plan?*

- Ensuring services are culturally appropriate.
- Confirming that the treatment plan is complete.
- Identifying barriers and possible adjustments to the treatment plan.
- Helping parents understand how crucial it is to engage quickly and remain engaged.

#### Prior to Permanency

*Is reunification still the goal?*

- Exploring parents' continued commitment to their treatment plan.
- Making sure parents understand the limited timeline to secure reunification.
- Discussing the possibility of reunification and the family's role in achieving it.

#### Prior to Reunification or Termination of Parental Rights

*What is the ultimate decision: reunification or TPR?*

- Identifying post-reunification needs for the family, including continued and/or additional services.
- Weighing relinquishment counseling versus moving forward with the TPR hearing.
- Looking at the possibility of open adoption mediation.

#### At Guardianship or Open Adoption

*What, if any, contact will birth parents have with child?*

- Reassuring birth parents that the adoptive parents will take good care of their children.
- Sharing information about the birth family's medical background.
- Talking about cultural and religious beliefs, and (often) recognizing common ground.