

**ADMINISTRATIVE OFFICE OF THE COURTS  
STATE OF NEW JERSEY**

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ACTING ADMINISTRATIVE  
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[Questions or comments may be  
directed to: (609) 984-4228.]

**Directive # 11-09**

**TO: Assignment Judges  
Family Presiding Judges  
Trial Court Administrators**

**FROM: Glenn A. Grant, J.A.D.**

**SUBJECT: Family -- Child Welfare Mediation Program Procedures Manual --  
Statewide Implementation**

**DATE: November 6, 2009**

This Directive mandates the statewide implementation of mediation in child welfare cases in the Family Part, as approved by the Judicial Council. The affected case types are child placement review (FC docket), abuse and neglect (FN docket), termination of parental rights (FG docket) and kinship legal guardianship (FL docket). Attached are a procedures manual and forms, the main elements of which are outlined below.

**Background**

In May 2005, then Administrative Director Philip S. Carchman authorized a statewide pilot program to mediate child welfare matters. All vicinages were offered the opportunity to participate in this program. Ten vicinages did so.

In November 2006, participating vicinages began collecting data necessary to evaluate the pilot program. A comprehensive evaluation report was completed in September 2008. The evaluation showed that mediation produces high settlement rates, saves the court time, helps parents understand their situation more clearly, permits parties to develop creative solutions, and produces a higher rate of parental compliance with visitation and with accepting and participating in services. Almost all stakeholders expressed positive responses to the mediation program; all judges surveyed were satisfied with mediation and would refer future cases to mediation.

**Mediation Protocol**

The attached procedures manual establishes policies and procedures for referring cases to mediation and conducting mediation. The manual mandates the following key elements:

1. Mediation must occur post fact-finding;
2. Mediation has the same priority as other court events:
  - a. Judges cannot call attorneys out of mediation sessions to appear in court, and attorneys will not be permitted to leave the mediation session to attend other court appearances;
  - b. All participants ordered to mediation must attend the session and be authorized to make decisions in the case;
3. A judge must be available for the participants to enter a Mediated Consent Order on the record immediately following a mediation;
4. Mediation will not be ordered if an active domestic violence restraining order exists between the parties; and
5. Mediation will not be ordered if a party is found to be incompetent (e.g., person is intoxicated or has severe psychological/mental impairment).

### **Procedures Manual and Forms**

The procedures manual details the case processing steps of the mediation program to assist judges and staff implementing the program.

Standard forms are to be used. New Family Automated Case Tracking System (FACTS) codes have been created to record proceedings and documents. These codes are noted in some of the forms where necessary to guide staff in properly entering the information in FACTS. The following documents are appended to the procedures manual:

- The Referral Form (CN 10746), to be completed by court staff, is an internal document that contains participant information: addresses and telephone numbers, whether participants were noticed in court, the need for an interpreter, the need to obtain a writ for incarcerated parties, brief domestic violence history, if any, issues for mediation and the next court date.
- The Referral Order (CN 10748) is the court order for mediation. This order is used for out-of-court requests for mediation, which may originate from the parties, the attorneys, child placement review board or the Court Appointed Special Advocate (CASA).
- The Mediation Checklist (CN 10747) lists tasks to complete to assist court staff when the court orders child welfare mediation.
- The brochure (CN 10742) is a one page tri-fold pamphlet provided to parents and caregivers explaining child welfare mediation.
- The Child Welfare Mediation Notice (CN 10745) is mailed to the mediation participants advising them of the mediation date or any scheduling changes. The notice also advises that:
  - Participants must arrive on time

- Failure to appear at the mediation will be reported to the judge
  - Participants should expect the mediation session to last up to three hours
  - Participants may not bring children to the mediation session unless specifically ordered by the court
  - A DYFS representative with knowledge concerning the case and authorized to make any case-related decisions for DYFS must be present at the mediation.
- The Confidentiality Agreement (CN 10743) sets forth the terms of the mediation. All participants must sign it before starting the session.
  - The Mediated Consent Order (CN 10744) contains the terms of any agreement regarding the substantive issues addressed during the mediation. This document is signed by the parties and is given to the attorneys and parties. It must be reviewed by the court immediately after the session and placed on the record.
  - The Mediation Case Status Report (CN 10749) is completed by the mediator indicating the outcome of the mediation.

### **Procedures Training**

Five vicinages (Atlantic/Cape May, Camden, Hudson, Mercer and Middlesex) will be establishing child welfare mediation as a new program. AOC Family Practice Division staff will provide training on the child welfare mediation procedures. These vicinages must contact Joanne Dietrich, Chief, Family Practice Division, to schedule this training. This training is to take place during local Children in Court Advisory Committee meetings to ensure that all child welfare stakeholders receive the information.

### **Substantive Mediation Training**

All child welfare mediators must have completed the Basic and Family Mediation training programs coordinated by the AOC, lasting 18 and 22 hours respectively. Mediators in the 10 vicinages with established programs have already received multi-day child welfare mediation training.

#### **1. Refresher Training for Child Welfare Mediators -- May 2010**

There will be a statewide multi-day child welfare mediator training event in May 3-5, 2010. This training will include instruction on basic skills and advanced skill development. All child welfare mediators must attend.

#### **2. Interim Training for Atlantic/Cape May, Camden, Hudson, Mercer and Middlesex**

Mediators who will be conducting child welfare mediations in Atlantic/Cape May, Camden, Hudson, Mercer and Middlesex vicinages must receive adequate training to handle these matters. In addition to receiving the Basic and Family mediation training, inexperienced child welfare mediators will receive training in the form of observing child welfare mediations conducted by experienced mediators and mentoring from

experienced child welfare mediators. Such observation and mentoring will be necessary only if the mediators have had no experience in conducting child welfare mediation. The AOC Family Practice Division staff also will provide individualized training of only the mediators on mediation procedures.

### 3. Sustainability of Child Welfare Mediation Program

Ongoing training of mediators is necessary because of normal turnover of personnel. A statewide child welfare mediation training program will be implemented to ensure that the mediation programs are sustainable. This training program will include observation, mentoring and review of training materials. It also will include individualized training of only the mediators on court procedures by AOC Family Practice Division staff. All child welfare mediators will be required to meet twice yearly to discuss mediation challenges and solutions. The semi-annual meetings will be arranged by the AOC Family Practice Division and will include training. In addition, the AOC Family Practice Division and experienced child welfare mediators may provide refresher training at local CIC Advisory Committee meetings as needed.

### **Implementation Plans**

**By January 15, 2010, each vicinage should provide me with a written plan for the vicinage's implementation of the procedures manual at the local level.**

#### *New Programs*

For Atlantic/Cape May, Camden, Hudson, Mercer and Middlesex vicinages, your implementation plan should include:

- Name(s) of mediators who will be conducting the mediations;
- Target start date for program referrals;
- Whether you have met with the stakeholders to discuss implementation, and if not, then when you plan to do so; and
- Names of judges who will be referring cases to mediation.

#### *Existing Programs*

Each vicinage that has an established program should review its original implementation plan. If necessary, the plan should be updated to include all items listed above and resubmitted. If the vicinage's existing implementation plan requires no changes, please advise me of that fact. It may be necessary to revise the plan to address sharing of resources among vicinages or any other changes to the plan. You may contact Joanne Dietrich, Chief, Family Practice Division, with any questions regarding this Directive.

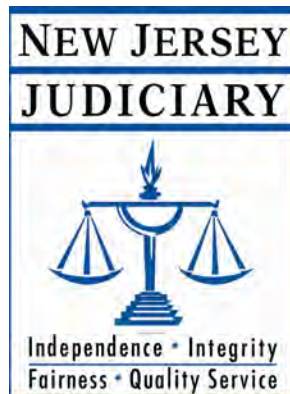
Questions concerning this Directive may be addressed to Harry T. Cassidy, Assistant Director, Family Practice, at 609-984-4228 or Joanne M. Dietrich, Chief, Family Practice at 609-943-5984.

G.A.G.

Attachment: Child Welfare Mediation Procedures Manual

c: Chief Justice Stuart Rabner  
Robert W. Smith, Director  
Harry T. Cassidy, Asst. Director  
Family Division Managers  
Joanne M. Dietrich, Chief  
David Tang, Family Practice Division  
Steven D. Bonville, Special Assistant  
Francis W. Hoeber, Special Assistant

**Directive # 11-09  
New Jersey Judiciary  
Family Division**



**CHILD WELFARE MEDIATION PROGRAM**

**PROCEDURES MANUAL**

**As Approved by the Judicial Council, 2009**

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## **SCOPE**

Child Welfare Mediation is an alternative approach to the court process used to resolve identified issues in child welfare cases. After making its fact-finding determinations, the court decides whether this non-adversarial approach will more effectively dispose of the case or will remove obstacles to the achievement of statutory goals and requirements. Attendance is court-ordered and mandatory, but agreements entered into by the participants are voluntary.

A trained, neutral mediator structures and guides the discussion. The mediator helps the participants clarify issues and generate possible solutions. Mediation provides an opportunity for participants to be heard and to understand the roles of the other participants in the child welfare process. Participants must make a good faith effort to discuss and resolve issues in mediation.

### **1. CASE SELECTION**

#### **a. Case Screening**

Any interested party involved in an FN (Abuse and Neglect), FG (Guardianship), FC (Child Placement Review) or FL (Kinship Legal Guardianship) case may request mediation. The following cases **will not be considered appropriate for mediation and will be screened out:**

- Cases with an active domestic violence (DV) court order (See c. below for policy on dismissed/not active DV cases.)
- Cases in which a party is incompetent (e.g., person is intoxicated or has severe psychological/mental impairment)

The mediator may subsequently decide that a case is not appropriate for mediation if:

1) domestic violence issues become known; or 2) a party is suspected of being under the influence of



alcohol or drugs at the time of the session; or 3) some other concern becomes known. For procedures on the mediator's role under these circumstances, see *Problems Arising During the Mediation* below.

## **b. Screening For Domestic Violence Cases**

If a case is being considered for mediation, court staff will screen parties to the case on FACTS for any active domestic violence orders. If one party has an active temporary restraining order (TRO) or an active final restraining order (FRO) as to another party, **the case is not appropriate for mediation.**

## **c. Policy on Domestic Violence Cases**

If there is no active restraining order, but the parties have a DV history, court staff should advise the judge. Based on the history, the judge may decide that the case is inappropriate for mediation. If the case is being recommended for mediation during a Child Placement Review Board (CPRB) hearing, the Child Placement Review (CPR) Coordinator should bring the DV history to the Board's attention. The Board may then decide not to make the recommendation.

If there is a prior DV history (but no active restraining order) and the case is referred to mediation, the mediator should review the DV history on FACTS, as well as the DV file (if available), prior to the initial mediation session. If there has been a previous DV filing between the parties, and the court file is unavailable, the mediator shall caucus with the appropriate participants and their attorneys prior to the start of the mediation session to determine whether it is suitable to proceed with mediation.

The mediator may conference any questionable cases with the judge. The judge should decide whether mediation is appropriate. If the judge decides to cancel mediation prior to the scheduled mediation date, court staff or the mediator (depending on county) will notify the participants, complete a Child Welfare Mediation Notice regarding the cancellation, and mail it to all participants.

## **2. PARTICIPANTS**

### **a. Court-ordered Participants**

**Parties:** Parents, parents' attorneys, Law Guardian, Division of Youth and Family Services (DYFS) caseworker and/or supervisor and Deputy Attorney General (DAG). Participants must have thorough knowledge of the case and the authority to consent to mediation agreement. *No court-ordered participant will be excused from attending mediation.*

**Others if ordered by the court:** For example Court Appointed Special Advocate (CASA) volunteer, resource family, therapist, teacher, clergy, or support person (e.g., friend or family member). Children may participate if ordered by the judge or at the mediator's discretion unless otherwise prohibited by the court. Resource family members' attendance is mandatory if ordered by the court to attend the mediation session. The mediator has discretion to conduct part of the session in the absence of the resource family to address issues not relevant to the resource family. *No court-ordered participant will be excused from attending mediation.*

### **b. Discretionary Participants**

Any other person who wishes to participate in mediation may do so with the unanimous agreement of all court-ordered participants.

## **3. REFERRALS/SCHEDULING**

Cases may only be referred to mediation **post fact-finding** and can be referred as follows: at a court hearing, by the Child Placement Review Board, or by an out-of-court request (writing to the judge who is hearing the case or contacting the Children in Court (CIC) Team). The fact-finding or stipulation must be completed before mediation can be scheduled. Attorneys must be appointed to represent the parties. The

court decides whether a case is appropriate for mediation and determines who must attend the mediation session.

**a. Cases Ordered to Mediation at a Court Hearing**

If the judge orders mediation while the participants are in court, court staff will look on the mediator's calendar and will choose the date and time of the mediation in consultation with the participants.

Court staff shall notify the mediator of the selected date immediately to avoid conflicts in scheduling. The FN/FG/FC/FL Order shall specify the date, time and location of the mediation session and the individuals ordered to attend.

Once mediation has been ordered, court staff or the mediator (depending on county) shall:

- 1) Complete the Child Welfare Mediation Referral Form while all participants are in the courtroom. Court staff must obtain name, address and telephone number information of all court-ordered participants. This information is essential for proper notice to participants.
- 2) Distribute a copy of the Child Welfare Mediation Brochure to parents.
- 3) Distribute a copy of the Child Welfare Mediation Brochure to resources families (if ordered to participate in the session).
- 4) Prepare a Writ/Notice to Produce (if applicable), Request for Security letter (if applicable) and Interpreter Request form (if applicable). If a party is incarcerated, appropriate staff should work with the County Sheriff's Department to arrange for transportation and onsite security.
- 5) Prepare and send a copy of the Child Welfare Mediation Notice to all individuals ordered to mediation. **\*\*\*Do Not Use Resource Families' names on the Notice\*\*\***. Include a copy of the Child Welfare Mediation Brochure to parents and resource families.

- 6) Prepare the mediation packet using the Child Welfare Mediation Checklist. Copies of the following documents shall be provided to the mediator at least one week prior to the scheduled session: Child Welfare Mediation Checklist, FN/FG/FC/FL Order referring matter to mediation, last substantive order (if different from order referring to mediation), Child Welfare Mediation Referral Form, Child Welfare Mediation Notice, FN Complaint (and FG Complaint or FL Petition), Writ/Notice to Produce (if applicable), Request for Security letter (if applicable), and Interpreter Request form (if applicable).

**b. Cases Referred to Mediation by Out-of-Court Request**

If a request for mediation is made out of court (including CPRB recommendations), court staff or the mediator (depending on county) shall:

- 1) Contact the judge for approval to mediate the case.
- 2) If the judge approves, schedule the mediation session. The person responsible for scheduling the mediation shall contact the attorneys to select a date. If scheduled by court staff, court staff shall notify the mediator of the selected date immediately to avoid scheduling conflicts. Since Mediated Consent Orders are to be reviewed by the court at the conclusion of the mediation session, court staff or the mediator should ensure that a CIC judge is available on the day of mediation.
- 3) Complete the Child Welfare Mediation Referral Order for the judge's signature.
- 4) Complete the Child Welfare Mediation Referral Form. The Child Welfare Mediation Referral Form must include name, address and telephone number information of all court-ordered participants. This information is essential for proper notice to participants.
- 5) Prepare and send a copy of the Child Welfare Mediation Notice and the Child

Welfare Mediation Referral Order to all individuals ordered to mediation. **\*\*\*Do Not Use Resource Families' names on the Notice\*\*\***. Include a copy of the Child Welfare Mediation Brochure to parents and resource families.

- 6) Prepare a Writ/Notice to Produce (if applicable), Request for Security letter (if applicable) and Interpreter Request form (if applicable). If a party is incarcerated, appropriate staff should work with the County Sheriff's Department to arrange for transportation and onsite security.
- 7) Prepare the mediation packet using the Child Welfare Mediation Checklist. Copies of the following documents shall be provided to the mediator at least one week prior to the scheduled session: Child Welfare Mediation Checklist, Child Welfare Mediation Referral Order, last substantive order, Child Welfare Mediation Referral Form, Child Welfare Mediation Notice, FN Complaint (and FG Complaint or FL Petition), Writ/Notice to Produce (if applicable), Request for Security letter (if applicable), and Interpreter Request form (if applicable).

**c. Failure of a Party to be Notified**

If a Child Welfare Mediation Notice is returned to the court, court staff or the mediator (depending on county) shall contact the parents' attorneys or the DYFS case worker and/or supervisor to obtain a current address and resend the notice immediately. If any notice problems exist, the mediator should be notified immediately.

**d. Mediator's Calendar**

The mediator will prepare a monthly calendar, which will indicate the dates and times available for mediation. Upon identifying a potential date for a mediation session, court staff shall inform the mediator as soon as possible so that the calendar may be updated to reflect the newly scheduled mediation. Ongoing

communication between the mediator and staff is important so that the mediator's calendar is kept updated and accurate.

**e. Interpreter Needed for Mediation**

If the mediation will require an interpreter, the appropriate staff will be responsible for completing the interpreter request procedures immediately. A copy of the Interpreter Request Form should be placed in the file and a copy should be provided to the mediator in the mediation packet.

**4. ADJOURNMENTS**

Court staff or the mediator (depending on county) shall handle requests for adjournments. The judge or his/her designee shall make the final decision regarding adjournment requests.

**5. THE MEDIATION SESSION**

**a. Priority**

Mediation sessions must be given the same priority as other court-ordered appearances. Judges cannot call attorneys out of mediation sessions to appear in court and attorneys will not be permitted to leave the session to attend other court appearances.

All participants ordered to mediation must attend the session and be authorized to make decisions in the case. The DYFS representative who attends the session must have the authority to make decisions on behalf of the agency, enter into an agreement, and sign a Mediated Consent Order.

**b. Location**

Security for the mediation participants should be provided as warranted. A telephone with speaker

should be in the mediation room.

**c. Length of Mediation**

Sessions may last up to three hours. All participants should be available for no less than three hours.

**d. Participants**

**1. Participants who fail to appear**

If a participant fails to appear, the mediator will discuss possible options with the individuals present to decide how to proceed. The length of time to wait for participants to appear will depend on county policy.

**2. Other individuals who wish to participate in mediation**

Any other person who wishes to participate in mediation may do so with the unanimous agreement of all court-ordered participants.

**3. Participation of Attorneys and DYFS**

The attorneys and DYFS representatives are expected to arrive for the mediation session on time and be prepared to participate in the process. There **must** be a DYFS representative present who has the authority to make decisions on behalf of the agency and the authority to enter into and sign any agreement. If a caseworker does not have this authority, the supervisor (or someone with authority) **must** accompany the caseworker to the mediation.

**4. Children**

Children participate if ordered by the judge or at the mediator's discretion, unless otherwise prohibited by the court.

**e. Initial Discussion**

The mediator describes the session, its ground rules, and explains the purpose of mediation and

possible results.

**f. Confidentiality Agreement**

Child welfare mediation is considered a private and confidential process. To ensure the confidentiality of the mediation process, each participant will be required to sign a confidentiality agreement. At the beginning of the session, the mediator will read and explain the confidentiality agreement to the participants, and ask each participant to sign it. All participants must sign the agreement before the mediation process can begin. The confidentiality agreement signed by the participants will be retained in the court's file.

If a participant refuses to sign the agreement after discussion with the mediator and/or the participant's attorney, the mediator may terminate the mediation session or proceed with the mediation without the individual.

A copy of the confidentiality agreement may be provided upon request.

**g. Caucusing**

A caucus is defined as a smaller meeting made up of selected participants in the mediation. A caucus is called when the mediator decides that it would be beneficial to meet alone with one or more of the participants. The mediator may call a caucus at any time during the mediation session or any party in the mediation may request a caucus. If a party requests a caucus, the mediator reserves the right to decide whether it is an appropriate time to break off into a caucus. Anything said in a caucus will be kept confidential unless otherwise requested by the participants in the caucus.

**h. The Session and Problems Arising During the Mediation**

The mediator asks the participants to identify the issues to be addressed and the procedural status of the case (e.g., trial date, permanency hearing date). The issues are set forth, clarified and discussed.



As previously indicated, cases with an active domestic violence restraining order and cases in which a party is incompetent (e.g., person is intoxicated or has severe psychological/mental impairment) are not appropriate for mediation. In addition, it is possible that issues may arise during the mediation session that would make it inappropriate or dangerous to continue with the mediation.

The mediator should assess these circumstances on a case-by-case basis. The mediator may:

1. Caucus to determine the nature and extent of the problem; and/or
2. Terminate the mediation session; or
3. Excuse inappropriate participant(s) and proceed with the mediation without them.

Some examples of problems include: domestic violence; psychological problems/inability to comprehend; a new allegation of abuse or neglect; alcohol/drug use (participant is suspected of being under the influence during the mediation).

Note: Evidence of domestic violence includes a participant's inability to participate effectively in the mediation as a result of another participant's power and control. The mediator may call a caucus to discuss these issues and assess the situation.

#### **i. Outcome of the Session**

**Agreement:** Mediated Consent Order is signed.

If the participants agree on all or some of the issues, a Mediated Consent Order is drafted and the participants review and sign the Mediated Consent Order. The Mediated Consent Order memorializes the agreement made by the participants during the mediation session. The mediator will prepare the agreement.

All participants must sign the agreement at the conclusion of the session, thereby consenting to the form of order. Immediately following the mediation session, the participants must appear before the court to enter the agreement on the record. When the judge reviews the agreement, he/she may either approve or reject it.

If the agreement is approved, all participants shall be provided with a copy of the Mediated Consent Order before they leave the courthouse. When the court approves and signs the agreement, it is a binding Order of

the court and is subject to court enforcement.

**Surrender of Parental Rights:** If a parent decides to surrender his/her parental rights, a Mediated Consent Order is not prepared. Instead, immediately following the mediation session, the participants must appear before the court. The mediator will indicate the surrender on the Child Welfare Mediation Case Status Report for the file and forward a copy to the judge.

**No Agreement:** If no agreement is reached, the mediator will complete the Child Welfare Mediation Case Status Report, retain a copy for his/her records, forward a copy to the judge, and forward the original to the file. An appearance before the court is not required.

**j. Scheduling Subsequent Mediations**

The court may order a subsequent mediation session or the parties may agree to attend another session. If the parties agree to another session, it shall be written into the Mediated Consent Order and scheduled by court staff or the mediator (depending on county). The mediator shall advise participants that the court process will move forward to ensure adherence to ASFA time lines.

## **LIST OF CHILD WELFARE MEDIATION DOCUMENTS**

1. *Child Welfare Mediation Referral Form (CN: 10746)*
2. *Child Welfare Mediation Referral Order (CN: 10748)*
3. *a. Child Welfare Mediation Notice - English (CN: 10745)*  
*b. Child Welfare Mediation Notice - Spanish (CN: 10745)*
4. *Child Welfare Mediation Checklist (CN: 10747)*
5. *a. Confidentiality Agreement - English (CN: 10743)*  
*b. Confidentiality Agreement - Spanish (CN: 10743)*
6. *Mediated Consent Order (CN: 10744)*
7. *Child Welfare Mediation Case Status Report (CN: 10749)*
8. *a. Child Welfare Mediation Brochure - English (CN: 10742)*  
*b. Child Welfare Mediation Brochure - Spanish (CN: 10742)*

**CHILD WELFARE MEDIATION REFERRAL FORM  
(INTERNAL USE ONLY)**

Case Name: \_\_\_\_\_  
 Case Docket Number(s): \_\_\_\_\_  
 Child(ren): \_\_\_\_\_  
 Date of Referral: \_\_\_\_\_

**Date/Time of Mediation:** \_\_\_\_\_  
 Mediation requested by: \_\_\_\_\_

**Persons ordered to mediation:**

<b>Noticed in Court?</b>	<b>Participant</b>	<b>Name/Address/Telephone (work, home &amp; cell)</b>
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Mother	
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Mother's attorney	
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Father	
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Father's attorney	
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Father	
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Father's attorney	
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Law Guardian	
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> DYFS Case Worker Local Office:	
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> DYFS Supervisor	

Noticed in Court?	Participant	Name/Address/Telephone (work, home & cell)
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> DAG	
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> CASA	
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Paternal Relatives (specify):	
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Maternal Relatives (specify):	
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Resource Family Member (specify name and child's name):	
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Resource Family Member (specify name and child's name):	
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Other _____	
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Child (specify) <b>Complete this section only if child is ordered to participate</b>	
<input type="checkbox"/> Interpreter (Language and party):		
History of Domestic Violence: <input type="checkbox"/> Yes <input type="checkbox"/> No Describe:		
Writ/Notice to Produce Required for Incarcerated Party: <input type="checkbox"/> Yes <input type="checkbox"/> No Facility:		

<b>Issues for mediation:</b>	
<input type="checkbox"/> Services <input type="checkbox"/> Placement <input type="checkbox"/> Reunification	<input type="checkbox"/> Custody/Visitation <input type="checkbox"/> Permanency Planning <input type="checkbox"/> Communication/relational issues <input type="checkbox"/> Other issues or limitation on matters: (specify):

Next Court Date: Judge:	Time:
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**NEW JERSEY DIVISION OF YOUTH  
AND FAMILY SERVICES,**

**SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION - FAMILY PART  
COUNTY OF  
DOCKET NO.  
NJSPIRIT CASE #**

v. Plaintiff,

\_\_\_\_\_

Defendant,

In the Matter of:

\_\_\_\_\_

\_\_\_\_\_

**CIVIL ACTION**

**CHILD WELFARE MEDIATION  
REFERRAL ORDER**

**WHEREAS** a request for child welfare mediation has been made to the Court by \_\_\_\_\_, AND the Court having considered the request;

IT IS on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ ORDERED as follows:

1. Mediation is scheduled on [Date, Time, Location];
2. The following people must attend child welfare mediation:

- |  |  |
|--|--|
| <input type="checkbox"/> Mother  | <input type="checkbox"/> Mother's attorney   |
| <input type="checkbox"/> Father  | <input type="checkbox"/> Father's attorney   |
| <input type="checkbox"/> Father  | <input type="checkbox"/> Father's attorney   |
| <input type="checkbox"/> Child(ren): _____   |  |
| <input type="checkbox"/> DYFS Case Worker  | <input type="checkbox"/> DYFS Supervisor   |
| <input type="checkbox"/> Resource Family Member (Omit Name) for<br>(Child(ren)'s Name(s)): _____ | <input type="checkbox"/> Resource Family Member (Omit Name) for<br>(Child(ren)'s Name(s)): _____ |
| <input type="checkbox"/> DAG   | <input type="checkbox"/> Law Guardian  |
| <input type="checkbox"/> Relatives: _____  | <input type="checkbox"/> CASA  |
| <input type="checkbox"/> Other: _____  |  |

IT IS FURTHER ORDERED THAT:

\_\_\_\_\_ Date

\_\_\_\_\_ J.S.C.

[County Letterhead]

[DATE]

**CHILD WELFARE MEDIATION NOTICE**

To: Participants Ordered to Attend Mediation

From: \_\_\_\_\_ County Family Court

Re: Case Name: \_\_\_\_\_

Child(ren): \_\_\_\_\_

Docket Number(s): \_\_\_\_\_

You have been ordered by the Court to attend a *mandatory* mediation session on [DAY, DATE, TIME, LOCATION]

**OR**

The court has canceled the mediation session. Do not come to the mediation.

**OR**

The court has canceled the previously scheduled mediation. The new date is [DAY, DATE, TIME, LOCATION]

Please arrive for the mediation **on time**. If you fail to appear for mediation, the judge will be notified immediately and court action will be taken. Expect the mediation session to last up to three hours. **Do not bring children to the mediation session unless specifically ordered by the court.**

**Reminder to DYFS: A Representative with knowledge concerning the case and authorized to make any case-related decisions for DYFS must be present at the mediation.**

If you have any questions or concerns, please contact: \_\_\_\_\_

A copy of this notice has been sent to the following people:

Parent \_\_\_\_\_  Parent's Attorney \_\_\_\_\_

Parent \_\_\_\_\_  Parent's Attorney \_\_\_\_\_

Parent \_\_\_\_\_  Parent's Attorney \_\_\_\_\_

DAG \_\_\_\_\_

Law Guardian \_\_\_\_\_

Resource Family Member (Omit Name) \_\_\_\_\_

Other \_\_\_\_\_

Mediator \_\_\_\_\_

[County Letterhead]

[DATE]

**AVISO DE MEDIACIÓN EN CASOS DEL BIENESTAR DE MENORES  
CHILD WELFARE MEDIATION NOTICE**

Para: Los participantes a quienes se les ha ordenado asistir a la mediación  
To: Participants Ordered to Attend Mediation

De: \_\_\_\_\_ Tribunal de Familias del Condado  
From: \_\_\_\_\_ County Family Court

Sobre: Título del caso: \_\_\_\_\_  
Re: Case Name: \_\_\_\_\_

Menor(es): \_\_\_\_\_  
Child(ren): \_\_\_\_\_

Número(s) de expediente(s): \_\_\_\_\_  
Docket Number(s): \_\_\_\_\_

- El tribunal le ha ordenado que asista a una sesión de mediación obligatoria el [DÍA, FECHA, HORA, LUGAR]  
You have been ordered by the Court to attend a *mandatory* mediation session on [DAY, DATE, TIME, LOCATION]

**O / OR**

- El tribunal ha cancelado la sesión de mediación. No asista a la mediación.  
The court has canceled the mediation session. Do not come to the mediation.

**O / OR**

- El tribunal ha cancelado la mediación en la fecha fijada anteriormente. La fecha nueva es [DÍA, FECHA, HORA, LUGAR]  
The court has canceled the previously scheduled mediation. The new date is [DAY, DATE, TIME, LOCATION]

Sírvase llegar para la mediación **puntualmente**. Si usted no comparece para la mediación, se notificará al juez de inmediato y se procederá judicialmente. Sepa que la sesión de mediación puede llevar hasta tres horas. **No traiga menores a la sesión de mediación a menos que el juez se lo ordene específicamente.**

Please arrive for the mediation **on time**. If you fail to appear for mediation, the judge will be notified immediately and court action will be taken. Expect the mediation session to last up to three hours. **Do not bring children to the mediation session unless specifically ordered by the court.**

**Notificación para DYFS: Un representante con conocimientos del caso y autorizado a tomar decisiones relacionadas con el caso a nombre de DYFS tiene que estar presente en la mediación.**

**Reminder to DYFS: A Representative with knowledge concerning the case and authorized to make any case-related decisions for DYFS must be present at the mediation.**

Si usted tiene alguna pregunta o duda, sírvase contactar a: \_\_\_\_\_  
If you have any questions or concerns, please contact: \_\_\_\_\_



Una copia de este aviso se ha enviado a las siguientes personas:

A copy of this notice has been sent to the following people:

- |  |   |
|--|---|
| <input type="checkbox"/> Padre o madre _____<br>Parent   | <input type="checkbox"/> Abogado del padre o de la madre _____<br>Parent's Attorney |
| <input type="checkbox"/> Padre o madre _____<br>Parent   | <input type="checkbox"/> Abogado del padre o de la madre _____<br>Parent's Attorney |
| <input type="checkbox"/> Padre o madre _____<br>Parent   | <input type="checkbox"/> Abogado del padre o de la madre _____<br>Parent's Attorney |
| <input type="checkbox"/> Sub-procurador general _____<br>DAG   |   |
| <input type="checkbox"/> Defensor judicial de menores _____<br>Law Guardian                                    |   |
| <input type="checkbox"/> Miembro de la familia recurso (Omita el nombre)<br>Resource Family Member (Omit Name) |   |
| <input type="checkbox"/> Otro _____<br>Other   |   |
| <input type="checkbox"/> Mediador _____<br>Mediator  |   |

## Child Welfare Mediation Checklist

(Once mediation has been ordered, all information to be provided to mediator at least one week prior to the scheduled session.)

- Mediation Date Selected
- Mediator Notified
- FN/FG/FC/FL Court Order (referring matter to mediation) - Copy Attached

### OR

- Child Welfare Mediation Referral Order (if recommended by CPRB or other out of court request) - Signed by Judge and Copy Attached

Child Welfare Mediation Referral Form (2 pages) - Completed and Copy Attached

- Child Welfare Mediation Notice - Sent and Copy Attached
  - FN Complaint (and/or FG Complaint or FL Petition) - Copy Attached
  - Writ or Notice to Produce - Completed and Copy Attached (if applicable)
  - Letter Requesting Security - Completed and Copy Attached (if applicable)
  - Interpreter Request Form - Completed and Copy Attached (if applicable)
  - Other:
-

**CHILD WELFARE MEDIATION PROGRAM**  
*Superior Court of New Jersey - \_\_\_\_\_ County*

**CONFIDENTIALITY AGREEMENT**

**Case Name:** \_\_\_\_\_ **Case Number:** \_\_\_\_\_

**Mediator(s):** \_\_\_\_\_

Mediation is a private and confidential process to help resolve issues with the assistance of a neutral, trained mediator. To ensure the confidentiality of the mediation process, we agree all oral and written communications in mediation are confidential. No reports regarding the content of the mediation are to be produced by any party to the mediation.

We understand that New Jersey law contains certain exceptions to this confidentiality. Any **new allegations** of abuse or neglect that are made known *during the mediation* must be reported to DYFS. If information concerning **serious threatened harm** to anyone is revealed during the mediation, the appropriate authorities or the potential victim may be notified.

Also, we understand that if information discussed during the mediation is learned from another source (i.e. a person outside the mediation), it can be admitted as evidence in court.

We understand that the mediator **may not** participate in any subsequent hearing or trial of the mediated matter or appear as a witness for any person in this case.

We acknowledge that the final agreement that results from the mediation is to be recorded after the mediation session. We understand and agree that this written agreement will become part of the court record of the case through a court order that will be enforced by the judge.

*Each of us has read and reviewed this confidentiality agreement, and each of us understands it. We understand this agreement binds each person attending the mediation and agree to participate in this mediation conference.*

\_\_\_\_\_  
**Parent/Caretaker/Resource Family** \_\_\_\_\_ **Date**

\_\_\_\_\_  
**Parent/Caretaker/Resource Family** \_\_\_\_\_ **Date**

\_\_\_\_\_  
**Parent/Caretaker/Resource Family** \_\_\_\_\_ **Date**

<hr/> <b>Parent/Caretaker/Resource Family</b> <hr/>	<hr/> <b>Date</b> <hr/>
<hr/> <b>Deputy Attorney General</b> <hr/>	<hr/> <b>Date</b> <hr/>
<hr/> <b>DYFS Supervisor</b> <hr/>	<hr/> <b>Date</b> <hr/>
<hr/> <b>DYFS Caseworker</b> <hr/>	<hr/> <b>Date</b> <hr/>
<hr/> <b>Other DYFS Representative</b> <hr/>	<hr/> <b>Date</b> <hr/>
<hr/> <b>Attorney for Parent/Caretaker</b> <hr/>	<hr/> <b>Date</b> <hr/>
<hr/> <b>Attorney for Parent/Caretaker</b> <hr/>	<hr/> <b>Date</b> <hr/>
<hr/> <b>Attorney for Parent/Caretaker</b> <hr/>	<hr/> <b>Date</b> <hr/>
<hr/> <b>Law Guardian</b> <hr/>	<hr/> <b>Date</b> <hr/>
<hr/> <b>Court Appointed Special Advocate</b> <hr/>	<hr/> <b>Date</b> <hr/>
<hr/> <b>Mediator</b> <hr/>	<hr/> <b>Date</b> <hr/>
<hr/> <b>Other</b> <hr/>	<hr/> <b>Date</b> <hr/>
<hr/> <b>Other</b> <hr/>	<hr/> <b>Date</b> <hr/>
<hr/> <b>Other</b> <hr/>	<hr/> <b>Date</b> <hr/>

**PROGRAMA DE MEDIACIÓN DEL BIENESTAR DE MENORES**  
**Tribunal Superior de Nueva Jersey – Condado de \_\_\_\_\_**

**ACUERDO DE CONFIDENCIALIDAD**

**Título del caso:** \_\_\_\_\_ **Número del caso:** \_\_\_\_\_

**Mediador(es):** \_\_\_\_\_

La mediación es un proceso privado y confidencial para ayudar a resolver problemas con la asistencia de un mediador neutral y capacitado. Para asegurar la confidencialidad del proceso de mediación, acordamos que todas las comunicaciones verbales y escritas en la mediación son confidenciales. Ninguna de las partes en la mediación debe producir ningún informe relacionado con el contenido de la misma.

Entendemos que las leyes de Nueva Jersey contienen ciertas excepciones a esta confidencialidad. Cualquier **nueva alegación** de abuso o negligencia que se haga saber *durante la mediación* se debe informar a DYFS. Si durante la mediación se revela información relacionada con **la amenaza de daños graves a alguna persona**, se podría notificar a las autoridades apropiadas o a la posible víctima.

Asimismo, entendemos que si la información tratada durante la mediación se obtiene de otra fuente (es decir, una persona que no participa en la mediación), se puede admitir como prueba en el tribunal.

Entendemos que un mediador **no puede** participar en ninguna audiencia o juicio subsiguiente sobre el asunto mediado ni tampoco comparecer como testigo de ninguna persona en este caso.

Reconocemos que el acuerdo final que resulte de la mediación se ha de registrar después de la sesión de mediación. Entendemos y acordamos que dicho acuerdo escrito formará parte del expediente judicial del caso mediante una orden judicial que el juez hará cumplir.

***Cada uno de nosotros ha leído y revisado este acuerdo de confidencialidad, y cada uno de nosotros lo entiende. Entendemos que el presente acuerdo obliga a cada persona que asiste a la mediación y acordamos participar en esta conferencia de mediación.***

\_\_\_\_\_  
**Padre/Madre/Cuidador/Familia recurso** \_\_\_\_\_  
**Fecha**

\_\_\_\_\_  
**Padre/Madre/Cuidador/Familia recurso** \_\_\_\_\_  
**Fecha**

\_\_\_\_\_  
**Padre/Madre/Cuidador/Familia recurso** \_\_\_\_\_  
**Fecha**

<b>Padre/Madre/Cuidador/Familia recurso</b>	<b>Fecha</b>
<b>Procurador General Adjunto</b> (Deputy Attorney General)	<b>Fecha</b>
<b>Supervisor de DYFS</b>	<b>Fecha</b>
<b>Trabajador de DYFS asignado al caso</b>	<b>Fecha</b>
<b>Otro representante de DYFS</b>	<b>Fecha</b>
<b>Abogado del padre/de la madre/ del cuidador</b>	<b>Fecha</b>
<b>Abogado del padre/de la madre/ del cuidador</b>	<b>Fecha</b>
<b>Abogado del padre/de la madre/ del cuidador</b>	<b>Fecha</b>
<b>Defensor judicial de menores</b> (Law Guardian)	<b>Fecha</b>
<b>Defensor especial nombrado por el juez</b> (Court Appointed Special Advocate)	<b>Fecha</b>
<b>Mediador</b>	<b>Fecha</b>
<b>Otro</b>	<b>Fecha</b>
<b>Otro</b>	<b>Fecha</b>
<b>Otro</b>	<b>Fecha</b>

**NEW JERSEY DIVISION OF YOUTH  
AND FAMILY SERVICES,**

Plaintiff,

v.

\_\_\_\_\_ ,

Defendant,

In the Matter of:

\_\_\_\_\_

\_\_\_\_\_

**SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION - FAMILY PART  
COUNTY OF  
DOCKET NO.  
NJSPIRIT CASE #**

**CIVIL ACTION**

**MEDIATED CONSENT ORDER**

**THIS MATTER** having come to mediation on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_; and

The Division of Youth and Family Services (hereinafter the "Division") and all relevant parties having been Ordered by the Court to attend Child Welfare Mediation with regard to certain issues; and

The parties having met with \_\_\_\_\_, Child Welfare Mediator; and

The parties having entered into certain agreements in mediation that they believe to be in the best interests of the subject children in this matter;

IT IS on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, ORDERED that:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Having reviewed this agreement with the parties and their attorneys on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the parties agree that this Consent Order shall be entered and shall be legally binding upon them.

\_\_\_\_\_  
Date J.S.C.

WE HEREBY CONSENT TO THE ABOVE AGREEMENT:

_____ Mother	_____ Attorney for Mother
_____ Father	_____ Attorney for Father
_____ Father	_____ Attorney for Father
_____ DYFS Caseworker or Supervisor	_____ Deputy Attorney General
_____ Resource Family Member	_____ Law Guardian
_____ CASA Caseworker	_____ Mediator - Witness
_____	_____

- ALL issues (FULL) resolved**  
O202
- SOME issues (PART) resolved**  
O203



# Child Welfare Mediation Case Status Report

Submitted by: \_\_\_\_\_

Case Name: \_\_\_\_\_

Docket Number: \_\_\_\_\_

Date Mediation Closed: \_\_\_\_\_

**Inappropriate for mediation:** \_\_\_\_\_  
1550/AJ or CM -- I182

**Agreement reached prior to session**  
1550/AJ -- I183

**Party(s) did not appear for mediation (specify):**  
1550/AJ

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**No agreement reached**  
1550/CM -- I185

**Identified Surrender:** \_\_\_\_\_  
1550/CM -- I194 Form of Voluntary Surrender  
-- I195 Form of Identified Surrender  
-- O208 Identified Surrender Order  
-- O207 General Surrender Order

**Other:**  
1550/CM -- I186

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

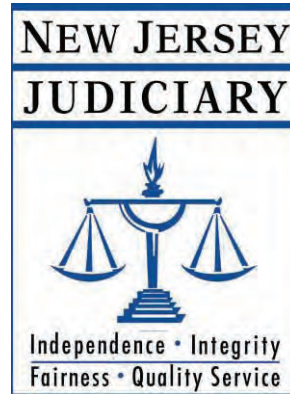
copy to: Referring Judge  
Mediator  
File

## WHAT ELSE SHOULD I KNOW?

Any party may request mediation.

With a few exceptions, mediation is a confidential process.

Please save questions regarding the facts of your case for the mediation session, or call your lawyer for advice. If you have concerns with past or present domestic violence in your family, please ask your lawyer to call the mediator.



## New Jersey Judiciary

Stuart Rabner, Chief Justice

Glenn A. Grant, J.A.D.,

Acting Administrative Director of the Courts

If you have questions about your mediation session, please contact:

## New Jersey Judiciary

## Child Welfare Mediation

*Creating Solutions Together*



## **WHAT IS CHILD WELFARE MEDIATION?**

Mediation in child welfare cases is a way for parties to make decisions and resolve issues themselves. A neutral, trained person, called a mediator, meets with the parents, caseworker, attorneys, and other interested persons outside of the courtroom setting to discuss issues concerning a child in the care of the Division of Youth and Family Services (DYFS). The mediator can help the parties to reach their own agreement.

## **WHEN DOES MEDIATION OCCUR?**

The judge refers your case to mediation. The court order requires everyone involved in the case to attend one session, which is expected to last up to 3 hours. The court order will state the date, time and place of your mediation session. If an agreement is reached, it will be written by the mediator and presented to the judge for approval. If approved, the agreement will become an enforceable court order.

## **HOW MUCH DOES MEDIATION COST?**

Mediation is a free service provided by the court. Mediation is helpful for many people, but not for everyone. The mediator will end the mediation if he or she believes that mediation is not a service that can assist you.

## **WHO COMES TO MEDIATION?**

The judge may order the following people to attend the mediation session:

- ▶ Parents
- ▶ Parents' attorneys
- ▶ DYFS caseworker or representative
- ▶ Deputy Attorney General, attorney for DYFS
- ▶ Law Guardian, attorney for the child or children
- ▶ Court Appointed Special Advocate, if one is assigned to the case
- ▶ Resource families, if appropriate
- ▶ Relatives or other interested persons, if appropriate

Please do not bring your children unless ordered by the court. If you have another support person who is helping you with this case, ask your attorney if that person should come to the mediation session.

## **WHAT HAPPENS AT MEDIATION?**

- ▶ Identify and discuss issues or concerns you have about your children
- ▶ Speak honestly about the issues and concerns identified by you and the others there
- ▶ Listen to other participants
- ▶ Create solutions to identified problems

## **WHAT WILL THE MEDIATOR DO?**

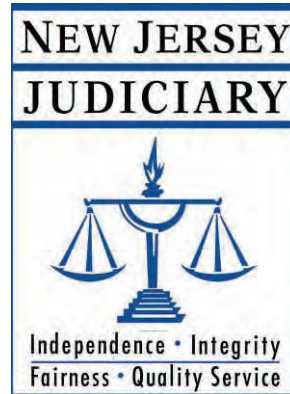
- ▶ Will guide the conversation
- ▶ Will explore issues and barriers
- ▶ Will look for common interests
- ▶ Will help the participants come up with ideas
- ▶ Will NOT give advice or make recommendations
- ▶ Will NOT make decisions for the parties
- ▶ Will NOT take sides when there are disagreements
- ▶ Will NOT discuss the mediation session with the judge

## ¿QUÉ MÁS DEBO SABER?

Cualquiera de las partes puede solicitar la mediación.

Con pocas excepciones, la mediación es un proceso confidencial.

Reserve sus preguntas sobre los hechos de su caso para la sesión de mediación o llame a su abogado para que le aconseje. Si usted tiene inquietudes relacionadas con alguna violencia anterior o actual en su familia, pídale a su abogado que llame al mediador.



Independencia – Integridad  
Imparcialidad – Servicio de Calidad

## Poder Judicial de Nueva Jersey

Stuart Rabner, Juez Presidente de la Corte Suprema

Glenn A. Grant, J.A.D.,

Director Administrativo Interino de los Tribunales

Si tiene preguntas sobre su sesión de mediación,  
comuníquese con:

Promulgado por la directriz #11-09 (11/06/2009)

CN: 10742-Spanish

## Poder Judicial de Nueva Jersey

# Mediación sobre el Bienestar de Menores

*Creando soluciones juntos*



## ¿QUÉ ES LA MEDIACIÓN SOBRE EL BIENESTAR DE MENORES?

La mediación en casos del bienestar de menores es una manera en que las partes mismas pueden tomar decisiones y resolver problemas. Una persona neutral y capacitada que se llama un mediador se reúne con los padres, el trabajador del caso, los abogados y las demás personas interesadas fuera de la sala del tribunal para tratar problemas relacionados con un menor bajo el cuidado de la División de Servicios para Menores y Familias (Division of Youth and Family Services – DYFS). El mediador puede ayudar a las partes a llegar a un acuerdo propio.

## ¿CUÁNDO TIENE LUGAR LA MEDIACIÓN?

El juez remite su caso a mediación. La orden judicial requiere que todos los que están involucrados en el caso asistan a una sesión que se calcula que podrá durar hasta 3 horas. La orden judicial fijará la fecha, hora y el lugar de su sesión de mediación. Si se llega a un acuerdo, el mediador lo pondrá por escrito y lo presentará al juez para su visto bueno. Si le da el visto bueno, el acuerdo se convertirá en una orden judicial ejecutable.

## ¿CUÁNTO CUESTA LA MEDIACIÓN?

**La mediación es un servicio gratuito prestado por el tribunal.** La mediación ayuda a muchos, pero no es para todos. El mediador pondrá fin a la mediación si cree que no es un servicio que le pueda ayudar a usted.

## ¿QUIÉN VIENE A LA MEDIACIÓN?

El juez puede ordenar que las siguientes personas asistan a la sesión de mediación:

- ▶ Los padres
- ▶ Los abogados de los padres
- ▶ El trabajador del caso o el representante de DYFS
- ▶ El Subprocurador General (Deputy Attorney General), el abogado de DYFS
- ▶ El defensor judicial de menores (Law Guardian), el abogado del menor o los menores
- ▶ El representante especial designado por el tribunal (Court Appointed Special Advocate), si uno se ha asignado al caso
- ▶ Las familias que sirven de recurso, si corresponde
- ▶ Los parientes u otras personas interesadas, si corresponde

Haga el favor de no traer a sus menores a menos que el juez se lo ordene. Si usted tiene otra persona de apoyo que le esté ayudando con este caso, pregunte a su abogado si esa persona debe venir a la sesión de mediación.

## ¿QUÉ PASA EN LA MEDIACIÓN?

- ▶ Usted identifica y trata los problemas o las inquietudes que tiene relacionados con sus menores
- ▶ Habla honestamente de los problemas y las inquietudes que usted y los demás que asisten hayan identificado
- ▶ Escucha a los demás participantes
- ▶ Crea soluciones a los problemas que se identifiquen

## ¿QUÉ HARÁ EL MEDIADOR?

- ▶ Dirigirá la conversación
- ▶ Explorará los problemas y las barreras
- ▶ Tratará de encontrar los intereses comunes
- ▶ Ayudará a los participantes a formular ideas
- ▶ NO dará consejos ni hará recomendaciones
- ▶ NO tomará decisiones que les corresponden a las partes
- ▶ NO se aliará con ninguna de las partes cuando haya desacuerdos
- ▶ NO hablará con el juez sobre la sesión de mediación