

RESEARCH REPORT

PROCESS EVALUATION OF MEDIATION IN
THE FIFTH JUDICIAL DISTRICT, NEVADA



NATIONAL COUNCIL OF
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Fifth Judicial District Mediation

In early 2013, the Fifth Judicial District of Nevada (Nye, Mineral and Esmeralda Counties) implemented a mediation program for parents and stakeholders involved in the child abuse and neglect (dependency) system. The overarching goal of mediation is to avoid further litigation through voluntary case resolution, which can enhance case processing and improve outcomes in juvenile dependency cases. Parties can come together to address the issues surrounding the case and what options are available given the status of the case, through the assistance of a neutral third-party.

Through a contract with Nevada Administrative Office of the Courts (AOC), the National Council of Juvenile and Family Court Judges (NCJFCJ) conducted an assessment of the juvenile dependency mediation program. The assessment included a process and satisfaction evaluation. The mediation program in the 5th judicial district is fairly new and has currently mediated fewer than ten cases. It appeared there were initial issues with the referral process and a new referral protocol was implemented. This new protocol includes direct referrals to mediation from the Division of Child and Family Services (DCFS). The courts have approved this protocol which no longer requires a court order, but court ordered mediations are still accepted.

The dependency mediation program in the 5th Judicial District (NV) is still in the initial phases and adjusting according to needs. The process evaluation demonstrated promising results for this new program. The mediation program could consider monitoring long-term outcomes of cases that have been mediated and compare to those that have not been to understand how mediation can impact a case from start to finish. Key findings and recommendations from the evaluation are listed below.

KEY FINDINGS

- Parental engagement in the program has been productive and positive
- Overall positive attitudes about mediation program from stakeholders and parents
- Parents felt respected and heard during the mediation sessions
- Lack of buy-in from defense attorneys
- Referral process issues and adjustments

RECOMMENDATIONS

- Additional training and education opportunities to help stakeholders understand mediation and its purpose to build buy-in
- Employ SMART Objectives when setting yearly goals and objectives
- Increase the number of cases referred to mediation from child welfare agency and court
- Judicial leadership to ensure a successful program
- Explore utilizing mediations in other points in the case instead of only at the initial phases
- Long term follow up study to examine outcomes

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Introduction

Distrust, anger, and confusion are common feelings that parents may have when their children are removed from home by child protection services (CPS) due to allegations of child abuse and neglect. An adversarial relationship may develop and the need for collaboration and resolution are evident. Mediation may be an option to get to a resolution. Mediation has been used for decades to improve case processing and outcomes in juvenile dependency (child abuse and neglect) cases.¹ Alternative dispute resolution, such as mediation, brings together all concerned parties to negotiate and resolve issues with the assistance of a neutral third party (mediator). Facilitating a discussion where parties voluntarily resolve the issues that brought a family into the dependency system and produce a written agreement, in lieu of a traumatic contested hearing can be a productive alternative to litigation.² Parents, CPS, attorneys, and all others that may be involved in the case (e.g., guardian ad litem, Court Appointed Special Advocates (CASA), foster parents, other family members, etc.) can be involved in the mediation session.

The topics discussed may include: petition allegations, case planning, custody, visitation, shared

BENEFITS OF MEDIATION IN JUVENILE DEPENDENCY CASES

- Time savings for attorneys, courts and social workers
- Parental engagement
- Focus on family strengths
- Non-adversarial environment
- Alternative to litigation
- Improved outcomes for children and families

parental responsibility, temporary and long-term placement, foster care, relative placement, non-relative placement, shelter care, family dynamics, parent education, available services to families, family reunification, termination of parental rights, and/or adoption.³ Focusing on the family's strengths, creating an environment where parents are part of decision making about their children, and preventing any further abuse or neglect for the child should be the main objectives of mediation in juvenile dependency cases.² Time savings, efficiency, parent engagement, and improved outcomes for children involved are all potential benefits of mediation.

¹ Giovannucci, M., and Largent, K. (2009). A guide to effective child protection mediation: Lessons from 25 years of practice. *Family Court Review*, 47, 38-52.

² Superior Court of California, County of Alameda. *Dependency Mediation*. Retrieved from: <http://www.alameda.courts.ca.gov/Resources/Documents/Dependency%20Mediation.pdf>

³ Eighth Judicial Circuit of Florida. *Frequently Asked Questions: Juvenile Dependency*. Retrieved from: <http://circuit8.org/mediation/dependency-mediation>

Time-savings may occur for courts, attorneys, and social workers, through the avoidance of further litigation and trial preparation.⁴ Although mediation can take several hours to resolve, this can save the courts countless hours and provide more time for other cases to be processed. The mediation process may enhance parental engagement. Before mediation, a parent may feel a range of emotions (angry, distrustful, confused) that their child has been removed from their home, but after they may leave feeling empowered with a better understanding of the child welfare agency and the dependency process. If mediation is conducted by an experienced professional, in a confidential and respectful place,² it can foster an environment where parents feel they can be honest because it will not be used against them. Resolution (either full or partial) can be quite common and may result in faster case progression, and ultimately may result in shorter times to permanency for children and families.

Although benefits to mediation are ample, there are limitations, which include no-show parents, disjointed buy-in from stakeholders, and lack of facilitation skills on the part of mediators. With careful evaluation of each court's mediation process, many of these limitations can be mitigated with improved outcomes for the dependency system. For this reason, it is important to assess mediation programs, both in terms of the process of the mediation program, determining if it is being implemented as expected, and the outcomes of evaluation in terms of how it may meet case goals.

Program Background

In early 2013, the Fifth Judicial District (5th JD) of Nevada (Nye, Esmeralda, and Mineral Counties) established a juvenile dependency mediation program. This new program is funded by the Court Improvement Program (CIP), a U.S. Department of Health and Human Services program designed to support court initiatives related to improving outcomes for maltreated children involved in the court system.⁵ The 5th JD's Community Improvement Council (CIC) was instrumental in program start-up and implementation efforts. One mediator with many years of experience mediating a variety of issues was recruited for the program, and the program is administered in part by Nye County staff. The program has held a total of five mediations to date and more are scheduled in the future. The program has confidentiality and domestic violence protocols in place. The initial objective was to mediate a total of 20 cases within the first year.

⁴ Summers, A., Wood, S. and Russell, J. (2011) Assessing Efficiency and Workload Implications of the King County Mediation Pilot. *OJJDP Journal of Juvenile Justice*, 1, 48-59. Retrieved from: <http://www.ncjfcj.org/sites/default/files/King%20County%20Mediation%20Pilot%20Article.pdf>

⁵ Crowley, M. (2012). Dependency Mediation. *Nevada Family Law Review*, 25, 12-17.

PROCESS EVALUATION RESULTS

The Nevada Administrative Office of the Courts (AOC) contracted the National Council of Juvenile and Family Court Judges (NCJFCJ) to conduct an assessment of the juvenile dependency mediation program in the Fifth Judicial District of Nevada (Nye, Mineral and Esmeralda Counties). As the program is in its early stages, an outcome evaluation was not feasible, but may be useful moving forward. A process evaluation was conducted to assess the strengths and challenges the program implementation experienced. The current study seeks to answer the following questions.

Process Evaluation

1. What were the challenges and successes with program implementation?
2. What could have improved the program implementation process?
3. Is the mediation program successfully engaging parents and stakeholders?
4. Does mediation save court time/reduce workload?
5. In what ways could the program be improved?

Satisfaction Evaluation

1. How are parents treated during mediation sessions?
2. Do stakeholders and parents perceive that mediation as helpful?
3. What did participants find most and least helpful about the mediation session?

For the process evaluation, an online survey was sent to stakeholders involved with the juvenile dependency mediation program to learn more about successes and challenges with program implementation, how the program is currently functioning, mediation utilization barriers, how mediation affects workload, and how the program can be improved in the future. Follow-up interviews with stakeholders were conducted to gain a full understanding of program implementation and functioning.

As part of ongoing efforts to gauge program satisfaction, the mediator gives all mediation participants—parents and stakeholders—a survey after each mediation session. Participants are asked to place their completed surveys in an envelope to ensure confidentiality. The survey asks participants whether an agreement was reached, if participants had opportunities to voice their opinions and be a part of problem resolution, if participants felt like they had been treated with respect and truly listened to, if the mediation session was conducted fairly, if they believed the mediated agreement would work, and what they found the most and least helpful. Satisfaction surveys (n =28) were given to NCJFCJ researchers to explore perceptions of parents and stakeholders and answer the research questions.

PROCESS EVALUATION RESULTS

To assess the mediation process, researchers administered an online survey to system stakeholders and conducted follow-up in-depth interviews with key mediation participants (i.e., mediators, attorneys, etc.). The online survey was sent to child welfare stakeholders and mediators in December, 2013. Seven responded to the online survey and indicated their role (Table 1).

Seven respondents indicated how many mediation sessions they attend per month on average. Over half of the respondents (57.1%) said they attend one to two mediation sessions per month. The remaining 42.9% indicated they never attend mediation sessions.

	N	%
Administrator	3	42.9
Agency Attorney	2	28.6
Parent's Attorney	0	0.0
Social Work Supervisor	0	0.0
Child Advocate	1	14.3
Mediator	1	14.3
Total	7	100

Implementation

To understand how the mediation program was implemented, stakeholders involved in the implementation process answered the following questions in the online survey:

- What were the barriers or challenges in implementation?
- What were the strengths in implementation?
- Were there things that could have been done to improve the implementation process?

Implementation Strengths & Barriers

In the Fifth Judicial District, the Dependency Mediation Program (DMP) was expected to begin in April 2013. The first mediation took place on April 11, 2013. Seventy-five percent of respondents of the online survey said they believed the program started on-time. An official contract was established in May of 2013 between Nye County District Attorney's office and the DMP administrator.

Worked Well

Participants were asked what worked well during project start up. Survey participants were asked to rate stakeholder buy-in at the beginning of program start-up. Fifty percent of respondents rated the start-up as "Excellent", while 25% rated it as "Good." Twenty-five percent of respondents rated start up as "Fair" and were asked to explain why. There were no explanations provided as to why it was rated this way. No

"THERE HAVE ONLY BEEN 5 CASES MEDIATED, AND MOST VIEWED BY SOME PARTNERS AS 'NOT RESOLVABLE'. AGREEMENTS WERE REACHED IN ALL CASES."

PROCESS EVALUATION RESULTS

respondents rated the start-up as “Poor.”

When the question was posed “do you believe that everyone that should have been involved with program start-up activities was involved,” respondents were split 50/50. Those who said not everyone was not involved, cited a lack of defense attorneys’ participation and social workers.

Strengths

Participants were asked what strengths they saw during implementation. Among those who answered the question, respondents cited that Department of Child and Family Services (DCFS) and Court Appointed Special Advocates (CASA) were very involved. There was a strong commitment from stakeholders to identify an alternative means to resolve challenges in child welfare. Good communication and enthusiasm for the program were also cited as strength to program implementation.

Barriers

Participants were also asked to identify barriers and challenges to program implementation. Two respondents acknowledged lack of public defender participation and buy-in as major challenges to program start-up. There was a lag time in understanding how the program would work, which is to be expected with implementation of a new program. The lack of cases being referred to mediation was identified as a barrier to implementation.

Improving Implementation Process

Participants were asked what could have been done to improve the implementation process. Responses varied from unreasonable implementation goals, awareness of staff members, and participation from the defense attorneys. During program start up, goals and objectives are established in order to evaluate

PROGRAM GOALS

Respondents were asked to explain the program goals. Their answers included:

- “To help get the cases closed sooner.”
- “To help participants reach a better understanding of each other’s position in regards to reaching reunification.”
- “To help resolve child protection case issues.”
- “The DMP was developed as an alternative to trial, based on the premise that a confidential conversation with all parties may result in improved outcomes for the family and a savings in court time and expense.”
- “To reach an understanding with all parties on the things that needs to be done in order to bring this action to a swift close.”
- “To increase timely permanency for children placed out of home and thus reduce trauma on the children. Additionally, shorter case span will reduce use of court and community resources.”

PROCESS EVALUATION RESULTS

outcomes during a specific time frame. It is important to ensure that these goals are attainable, appropriate, and within the control and influence of the program. In the 5th Judicial District, the initial goal of the dependency mediation program was to mediate 20 new cases within the first year from start-up. A recommendation would be to have included new cases entering the system, but also identify older cases that are already under court supervision.

Policies and Procedures

Respondents identified specific policies and procedures related to the dependency mediation program. There are policies related to the referral process and how session should be conducted. In addition, there are policies around confidentiality and how agreements should be written. Sixty-six percent of respondents believed the policies/procedures were being followed and the other 33.3% responded “Other.” The other response: referrals to mediation are not as frequent as could be helpful to families in conflict with the child welfare agency.

The dependency mediation program in the 5th Judicial District does have Domestic Violence Protocol. This protocol provides the steps that are needed to ensure safety for the victim and that their rights are protected during mediation. It assumes the responsibility of ascertaining if domestic violence is present in a case is held by Division of Child and Family Services (DCFS). If DCFS identifies domestic violence in a dependency case, they will need to inform the mediation program. If domestic violence is involved, options are provided to the victim including: holding separate sessions for victim and perpetrator, inviting an advocate to the session, the victim’s attorney can serve as advocate, or any other options that are introduced from stakeholders and/or victim. The protocol does state that domestic violence itself will never be mediated.

Program Functioning

Survey participants were asked to rate their level of agreement on several response items related to implementation, participation, and effects of mediation. Table 2 presents the results for all responses along a five-point scale, with 1 being “strongly disagree” and 5 being “strongly agree.” The higher numbers indicate more agreement with the statement.

Table 2. Average Response Ratings	
Mediations sessions are successful in reaching agreements. (n=6)	4.17
Mediation reduces the time to case resolution. (n=6)	4.00
The implementation of the mediation program was a success. (n=6)	3.67

PROCESS EVALUATION RESULTS

Mediation is a good alternative to court. (n=6)	4.00
All stakeholders, who are invited, attend mediation sessions. (n=5)	4.00
All stakeholders at mediation sessions are prepared. (n=5)	4.60
All stakeholders at mediation sessions work toward reaching an agreement. (n=5)	4.80
All stakeholders get a voice at mediation sessions. (n=5)	5.00
Parents, who are invited, attend mediation sessions. (n=6)	4.75
Parents at mediation sessions work toward reaching agreement. (n=6)	4.50
Parents at mediation session are engaged in the process. (n=6)	5.00
Parents get a voice during mediation session. (n=6)	5.00
Age appropriate children are invited to attend mediation. (n=6)	4.25

As shown in the table, the average response for most items ranged between somewhat agree and strongly agree. One notable exception was respondents indicated less agreement with “The implementation of the mediation program was a success.” All survey participants strongly agreed to the following questions: “All stakeholders get a voice at mediation sessions,” “Parents get a voice during mediation sessions,” and “Parents at mediation session are engaged in the process.”

Participants were also asked several open ended questions:

- What are the barriers to utilizing mediation for parents?
- What are the barriers to utilizing mediation for stakeholders?
- In moving forward with the mediation program, what are some ways in which the program could be improved?

Utilization Barriers: Parents

No barriers were identified for parents from those responding to the survey. It was noted that caseworkers provide transportation when necessary. In addition, one respondent said that the mediation process is thoroughly explained to parents, so they understand what is going to happen.

Utilization Barriers: Stakeholders

Barriers that were identified for stakeholders included: court buy-in, increase amount of time spent in mediation, and lack of defense participation in the program. One respondent felt that even though there was a perception that mediation can take a good amount of time upfront, it results in more engaged parents and this could increase the likelihood of faster resolution. Some responses indicated there is some confusion about the process of referring to mediation and that attorneys may not want their clients to participate in the event they “admit” to something during the process.

PROCESS EVALUATION RESULTS

There were also several respondents who did not feel there were any barriers that stakeholders experience. In fact, those respondents felt that the mediator does a good job of accommodating stakeholders' needs and is flexible. There were additional positive comments regarding the mediator.

“EFFORTS TO KEEP MEDIATION AT THE ‘TOP OF THE MIND’ WHEN ENCOUNTERING A CASE IN DISPUTE, HAVE NOT BEEN ENTIRELY SUCCESSFUL.”

Program Improvement

Areas for improvement broadly included: absence of referrals for mediations either from the court or child welfare agency, lack of participation from defense attorneys, streamlined process, and lack of training for attorneys. One participant also said that more visible court support of the program would be useful. Judicial leadership can be a critical component to a successful juvenile dependency mediation program.

A participant indicated that training for attorneys and caseworkers about mediation and its purposes would greatly benefit the program. Mediation advocacy trainings should be explored to assist those new to mediation to understand the process and the added benefits to dependency cases.

Workload

Survey participants were asked how mediation affected their workload. The answers are reported in Table 3. Generally speaking respondents did not feel that mediation adds to their workload. One person who responded “Other” stated “It has not affected my workload at this time, but I anticipate that it could reduce my workload in the long run.” Other responses also included: “Does not affect my personal workload” and “...my answer does not appear relevant here.” This is a positive finding because if stakeholders view mediation as a means to reduce workload, there will be increasing buy-in for the program and therefore an increased number of cases that will be referred.

Mediation reduces my workload (n=1)	14.3%
Mediation requires the same amount of time as going to court (n=1)	14.3%
Mediation adds to my workload (n=1)	14.3%
Other (n=4)	57.1%

Mediation Satisfaction (Parents and Stakeholders)

WHAT DID YOU FIND MOST HELPFUL ABOUT MEDIATION?

- *A chance to talk without a judge or attorney*
- *The mediator*
- *Being able to open up*
- *Being part of the solution*
- *Communication*
- *Forum to allow parents to be heard*
- *Respectful discussion and no negativity*
- *Solutions for reunification are planned*
- *We were all able to sit down and talk*

Satisfaction surveys are distributed after a mediation session to stakeholders and parents who just participated. These surveys were provided to researchers at NCJFCJ to examine trends and report how stakeholders and parents perceive the program. A total of 28 surveys, from four of the five mediation sessions, were sent to researchers (15 from stakeholders and 13 from parents or other family members). The fifth mediation

occurred after data had been analyzed.

All the mediation sessions that have occurred in the 5th Judicial District have resulted in either all or partial agreements. This is a positive accomplishment for the program. Many of the stakeholders who filled out the survey felt that the agreement was comparable to one that might be reached in court.

Parents had positive experiences with mediation among those who completed the satisfaction surveys. When asked “Did the mediator explain the process clearly so you knew what to expect,” all respondents either strongly agreed (72.7%) or agreed (27.3%). When asked “Did you have a chance to voice your opinion,” all respondents either strongly agreed (76.9%) or agreed (23.1%). Sixty-one percent of parents strongly agreed and 38% agreed they felt listened to. One hundred percent of parents either strongly agreed or agreed to the statements “Was your mediation session conducted fairly” and “Were you able to be part of finding answers to problems discussed.” Only one parent responded negatively regarding the statement “Were you treated with respect” and the other 92% of respondents either strongly agreed or agreed.

WHAT DID YOU FIND LEAST HELPFUL ABOUT MEDIATION?

- *I felt uncomfortable and nervous*
- *Mom did not always listen*
- *Needed more information when to speak up*
- *Not binding to Judge*
- *Verbal sparing*
- *Uncompromising*

PROCESS EVALUATION RESULTS

Like parents, stakeholders also had generally positive experiences with mediation according to those who completed the satisfaction surveys. When asked “did your client have a chance to voice their opinion,” 100% of respondents answered strongly agree (93.3%) or agree (6.7%). When asked “was your client really listened to,” 100% of respondents answered strongly agree (80%) or agree (20%). All stakeholders answered strongly agree to the question “were you treated with respect.” When asked “was your mediation session conducted fairly,” 100% of respondents answered strongly agree (93.3%) or agree (6.7%).

“I LIKE REMOVING THE WHOLE SYSTEM FROM THE CASE. YOU STEP INTO A COURTROOM AND...PEOPLE GET CONFRONTATIONAL. IN MEDIATION, YOU LOOK AT A PERSON FACE-TO-FACE AND IT’S NOT DICTATED BY THE PROTOCOLS OF COURT.”

DISCUSSION

The results of this process evaluation demonstrate that the juvenile dependency mediation program in the 5th Judicial District of Nevada has had a fairly successful start. From the online survey and satisfaction surveys, there is a general perception from both parents and stakeholders that they found mediation to be a very helpful tool in moving their case forward.

Parents who participated in the satisfaction survey given to them after their mediation, expressed they felt they were listened to and their opinions were respected. Parents also felt that they were made part of the decision process. These are all positive findings because parental engagement during the life of a dependency case can be problematic. If there is a way to keep parents engaged in the process and feel they have a forum to speak, this can improve the likelihood of reunification.

Stakeholders who participated in the online and satisfaction surveys and interviews also had similar feelings toward mediation as parents did. Overall, the majority of stakeholders found mediation to be an effective tool in increasing parental engagement and providing an alternative to litigation. An issue that was brought up several times as a challenge with the program start-up was a lack of participation from defense attorneys. Since the initial buy-in was low from defense attorneys, this may need to be addressed for the program to be successful moving forward. This can be addressed in multiple ways by either increasing efforts to gain buy-in from attorneys or exploring models where no parties have attorneys (not having an attorney will mean that extra care should be given to ensuring that parents are not coerced into decisions).

In addition, stakeholder survey responses and interviews revealed high satisfaction with the current mediator and her skills in mediation. Respondents noted the mediator's ability to keep the discussion civil and on-track. Stakeholders noted that the mediator can recognize when parents begin to disengage and get them engaged again.

One limitation to this process evaluation that should be noted was low survey response. There were no defense/parent attorneys who responded to either the online survey or requests for phone interviews. The other limitation to this process evaluation was the fact that few mediation sessions had taken place at the time of the assessment. It may be early to draw many conclusions about the program as it still needs to evaluate and make adjustments to function in its capacity to meet yearly goals and objectives.

CONCLUSION

These are all positive signs for a successful mediation program. Court Improvement Program (CIP) directors and coordinators are encouraged to continue incorporating Continuous Quality Improvement (CQI) into their strategic plans. Continued support, evaluation and guidance for on-going and beginning mediation programs would be advantageous. It is also important for the administrators of the mediation program to incorporate CQI techniques and strategies to always improve their programs to ensure the best possible results for children and families. This is done by 1) utilizing the data collected from such programs to inform the needs of the program, 2) continuously monitor and measure effectiveness, and 3) provide feedback to the stakeholders involved with the program. For example, dependency mediation programs should track and monitor the progress of individual cases before and after mediation. The long-term outcomes (e.g. time to permanency, re-entry rates, reunification rates, etc.) of mediated cases could be compared to cases that did not get referred to mediation to explore the differences. Yearly reports could be generated for dissemination to stakeholders that could help them identify places for improvement. Continuous quality improvement includes making data-driven decisions to improve the functioning of a program to ultimately improve outcomes for children and families.

CONCLUSION

Although the dependency mediation program is still new, there were positive perceptions among those who participated in the online and in-person survey. It is also important to understand the benefits of a juvenile dependency mediation program and to continue to monitor outcomes of this current program in the 5th judicial district. Benefits that can be seen from an effective mediation program can include: time savings, parental engagement, focus on family strengths, non-adversarial environment, an alternative to lengthy litigation, and improved outcomes for children and families.

The key findings from the process evaluation were that parental engagement in the program has been productive and positive. Stakeholders and parents generally have positive experiences when in mediation. Parents felt they had a forum to speak and respected during the mediation. Program start-up was generally successful except for a lack of participation from defense attorneys.

General recommendations to the program include exploring additional training opportunities for stakeholders involved in mediation and those who might be new to it. This may help increase buy-in and understanding how mediation is beneficial. Judicial leadership is also needed for this program to be successful. Exploring the use of mediation at different stages of dependency case progression might increase the number of cases referred to mediation. In addition, referring cases that are in other phases of the dependency case progression might change the trajectory of a case. For instance, mediation could take a case that is non-resolvable or heading towards termination of parental rights and completely turn it around. It could also engage parents who are not complying with their case plan to renew their commitment and get back on-track. Currently, mediations are only held at the initial phases of the case, but mediation can be used at all stages, including termination of parental rights.

"I THINK MEDIATION SHOULD BE USED AT ALL STAGES OF THE CASE. I HAD A FAMILY WHO WAS HEADED TO TERMINATING THEIR PARENTAL RIGHTS AND NOW REUNIFICATION IS THE GOAL!"

As with all research and evaluation, continued monitoring and data collection are needed to ensure the program is functioning in the capacity as intended. A well-structured outcome evaluation can dig deeper into the long term effects of mediation on the outcomes for children and families. As more mediation sessions are scheduled in the 5th judicial district, mediation administrators and other stakeholders should consider monitoring the outcomes of those families that have participated. The

CONCLUSION

mediation program is already seeing parental engagement, among those parents who have participated and positive feelings towards mediation. Findings from interviews and online survey responses show a strong commitment to the program's success.