

CHILDREN'S COURT MEDIATION PROGRAM

CASE DEVELOPMENT AND PRE-MEDIATION CHECKLIST

These guidelines assist the mediator to confirm logistics (e.g., day, time and location); identify issues (e.g., plea, treatment plan, placement, visitation, termination); and address any other information that may affect the mediation process, (e.g., time constraints, security concerns, or capacity). This information may be gathered by telephone or in person.

- Review *Intake Form* and contact all parties involved in mediation.**
- Confirm time and place and appropriate scheduling issues.**
- Explain the mediation process to any first time participants.**
- Request to have respondents arrive early for pre-mediation conference.**
(Plan for at least 20-30 minutes.)
- Request permission to speak to respondents in pre-mediation conference if the attorney will not be present.**
(Stress pre-mediation time is for describing “the process”, not to discuss the facts of the case.)
- Identify issues for discussion during mediation.**
- Send *Mediation Confirmation Notice*, if appropriate.**
- Insure the room location is available and appropriately set up.**
- Alert security if the case warrants – inform of location and schedule.**
- Contact all professionals as close to mediation as possible for any updates relative to the mediation process.**
- Introduce yourself and acknowledge each participant as they arrive.**
- Sign an *Agreement to Mediate*, if there is no appropriate court order.**
- Smile often.**
- Keep your sense of humor.**

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Mediation Checklist

OPENING THE PROCESS

Setting the Tone:

- Make sure that you can see everyone and everyone can see you.
- Introductions.
- Mediator introduction should include the following:
 - Purpose of mediation
 - Role of the mediator
 - Confidentiality
 - Caucus/Breaks
 - Time
 - Guidelines (Keep it simple. Let parties develop their own guidelines.)

Setting the Agenda:

- Let parties set the agenda.
- Clarify what all parties expect out of the process.
- Identify desired outcomes.

DURING THE PROCESS

- Remain calm.
- Respect parties and their issues.
- Avoid giving own views and/or advice.
- Use mediation tools appropriately.
- Keep discussion focused on key issues not personalities.
- Clarify areas of agreement and disagreement.
- Help participants summarize progress and recognize accomplishments.
- Keep track of important information.
- Make sure discussion is clear and understood by all.
- Assist parties in the writing of an agreement, if appropriate.

ENDING THE PROCESS

- Review progress/areas of agreement or any written agreement.
- Identify unresolved issues.
- Identify and clarify next steps.
- Thank everyone for participating.