

Children's Court Mediation Program



Annual Report

July 1, 2013 to June 30, 2014

Administrative Office of the Courts

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EXECUTIVE SUMMARY

In FY 2014, the Children's Court Mediation Program received the largest number of referrals in its fourteen-year partnership with the Children, Youth, and Families Department (CYFD). Eight hundred and thirty-one (831) total referrals were received in FY 2014. The majority of referrals were for Time Limited Reunification (TLR) mediations (698) which includes 30 Pre-legal referrals. One hundred and thirty-three (133) referrals were for Open Adoption mediations.

Overall, the program experienced a 17% increase in case referrals in FY 2014 predominantly attributed to a surge in TLR referrals in the last half of the fiscal year. The number of high profile cases spotlighted by the media beginning in December 2013 with the death of Omare Varela resulted in a substantial rise in TLR referrals as illustrated in the 2nd, 3rd, and 13th judicial districts experiencing increases of 48%, 20%, and 109% respectively. Due to the increased strain on the Children's Court Mediation Program's limited fiscal and personnel resources, the Children's Court Mediation Program took three critical steps.

First, in February, the Administrative Office of the Courts (AOC) became concerned that the FY 2013 funding shortfall for TLR mediations may be repeated and alerted CYFD. With the support of CYFD, the Agreement with CYFD was amended to move \$16,000 from the Open Adoption budget to the TLR budget to avoid having a funding shortfall for TLR mediations. Although it took some time to finalize the amendment, it was clear from CYFD that services to children and families should not be interrupted. Therefore, the AOC diverted approximately \$12,000 of the Children's Court Mediation Program's state general funds to cover TLR mediations until the amendment was finalized on June 18, 2014.

Secondly, it was essential to bring new mediation professionals into the Children's Court Mediation Program to continue to deliver efficient, high-quality services throughout the state. In April, after screening twenty-six experienced mediation professional applicants to determine if they meet the initial specialized Children's Court Mediation Program requirements, six applicants were selected to receive the customized training that is the first component of becoming a Children's Court Mediation Program mediator. Following the training, four of the six candidates successfully completed the remaining requirements and are now a part of our Children's Court Mediation Program cadre of professionals.

Finally, the Children's Court Mediation Program provided six participant training sessions in the 2nd, 5th, 6th, 9th (2 sessions), and 11th judicial districts. The Children's Court Mediation Program developed a three module participant training session that provides a comprehensive overview of the Children's Court Mediation Program, suggestions on how to prepare for participating in mediation, explanation of the referral process, and skills professionals can utilize in mediation to optimize the benefits of mediation for the families they serve. Given the strain on all professionals in the child welfare system with the current case load increases, participant trainings are designed to educate and provide professionals with specific skills and subject matter knowledge necessary to maximize the effectiveness of mediation and achieve the best outcome for the children and families.

PROGRAM PROFILE

The AOC has partnered with 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 (2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th and 13th) and provides support for the 1st judicial district's in-house program.

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 (PACA) in open adoption mediations. A PACA is an agreement between the birth parents and prospective adoptive parents that allows for some type of contact between a child's adoptive family and members of the child's birth family after the adoption has been finalized. Consistent with New Mexico Statute 32A-5-35, the PACA is filed as part of the final Open Adoption Decree and is enforceable by the Court. Trained professional mediators meet 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 regional organization of the program, described in the regional coordination section of this report, allows for centralized coordination through the AOC with local autonomy by the district courts and local CYFD offices. During FY 2014, the Statewide Coordinator oversaw Regional Coordinators 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 implementation teams are a decision-making body responsible for developing a protocol that meets the needs of each judicial district.

Quality assurance is an indispensable component in ensuring that the Children's Court Mediation Program meets the needs of its clients. Throughout this report, you will see the specific customized steps the Children's Court Mediation Program takes in 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.

PROGRAM STAFFING

For purposes of administering and managing the Children's Court Mediation Program a regional coordination model has been developed. Utilizing a regional coordination model allows the program to offer specific client-oriented services while maintaining a reliable base program structure. The greatest advantage of this organization is that clients - professionals and families alike - can expect to receive the same quality of service statewide while being able to customize specific program aspects to meet their individual needs and autonomy of each district court and CYFD offices. The Statewide and Regional Coordinators currently are:

- Shannon Beaucaire is the Statewide Coordinator for the Children's Court Mediation Program as part of her role as Statewide Alternative Dispute Resolution Coordinator. Shannon started in her position with the Administrative Office of the Courts on October 28, 2013. Prior to assuming the Statewide Coordinator position, Shannon oversaw the City of Albuquerque's three Alternative Dispute Resolution programs for the last nine years. Shannon has mediated in the 13th Judicial District Court and Metro Court, participated as a member and Chair of the New Mexico Mediation Association, and was involved with SM 57 (Dispute Resolution and Conflict Management Act) and the Mediation Procedures Act which protects the confidentiality of mediation sessions. Shannon received her law degree from Northwestern School of Law of Lewis and Clark College, specializing in ADR, and her undergraduate degree from Michigan State University.
- Susan Laughlin is the Regional Coordinator for Regions I and III. She oversees the 2nd, 4th, 7th, 8th, 9th, 10th, 11th and 13th 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 II overseeing the 3rd, 5th, 6th and 12th judicial districts. Nancy has four years of domestic mediation facilitation in the 3rd 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.

REGIONAL COORDINATION

The Children's Court Mediation Program has determined that to effectively serve the unique needs of each family and professional client, as well as, meet the expectation for consistent quality mediation services throughout the state, regional coordination was required. The Statewide Coordinator monitors the program at the state level, overseeing the consistency of programmatic forms, practices, and procedures. Statewide Coordination of the Children's Court Mediation Program is a component of the Statewide Alternative Dispute Resolution Coordinators responsibilities. The Statewide Alternative Dispute Resolution Coordinator is a full-time employee based in the Administrative Office of the Courts in Santa Fe and travels, when appropriate, to program sites to meet with district court judges, CYFD personnel, mediators and the Regional Coordinators.

The Regional Coordinators are contracted with the AOC to provide individualized consideration of each district's needs within the following three organized regions.

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

As Regional Coordinators, Ms. Laughlin and Ms. Tafoya bring a broad range of experience and skills to the management of the day-to-day activities of the program within their respective regions including, but not limited to:

- Local, customized coordination of regional and district case loads and referral processes;
- Regional fiscal management and need assessment;
- Assigning and evaluating mediators;
- Working directly 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
- Recommending programmatic improvements to the Statewide Coordinator and assist with statewide decision-making and policy planning.

The Regional Coordinators work closely with their Region's implementation teams to provide exceptional mediation services in child protection cases. They coordinate mediation referrals, supervise mediators, and work with the implementation teams to address any ongoing issues related to the mediation program. They organize and provide some of the training at the participant trainings held periodically in each county. Regional Coordinators also provide

quarterly and summary reports to the Statewide Coordinator and assist with program evaluation and monitoring of the regional budget. Specific examples of the excellent work Ms. Laughlin and Ms. Tafoya provided regionally in FY 2014 are:

- Managed the contracted¹ specialized mediation professionals working with families and professional participants engaged in the child protection system. The direct mediation services provided to families and professional participants include, but are not limited to, conducting pre-mediation conversations, facilitating mediations, providing written documents and follow-up after the mediation.
- Ms. Laughlin and Ms. Tafoya met with individual mediators to monitor how things are going around the state. Discussions related to participant trainings issues, lack of legal referrals, the status of pre-legal referrals, and Children's Court Mediation Program case debriefings.
- Worked with CYFD to streamline pre-legal referrals and address concerns that the Children's Court Mediation Program has many cancellations due to the fact that mediators cannot locate families and/or parents lack of participation in these specific types of mediations.
- Identified programmatic issues such as determining best practices for parent contact plans for CYFD and the Children's Court Mediation Program and noting significant cancellations in some regions² due to the lack of participation or the inability to contact the biological parents.
- Identified an increase in program utilization and case referrals in Region II due to the program being seen as an effective and important resource in the Region.
- Consistent communication between regional coordinators to assist with the monitoring of the program regionally, budget expenditures, administrative processes, and issues of concern (use of interpreters, better screening of referrals, family contact plans, pre-legal mediations, and open adoption best practices).
- Participation in a staffing due to changes in personnel in CYFD offices in the 3rd, 5th, and 6th judicial districts to address referral and programmatic processes. Changes in CYFD personnel requires personalized attention by the Regional Coordinators to provide dependable mediation services as scheduling and procedural issues arise.
- Reviewed Open Adoption Mediation best practices with veteran Children's Court Mediation Program mediation professionals.
- Reviewed, prepared, and presented at mediator and professional participant trainings with contracted trainers.

¹ The Children's Court Mediation Program mediators are contracted with the AOC.

² Ten mediations were cancelled in Region III since January 2013.

- Worked with Children’s Court Judges to monitor the program regionally and address ongoing issues including streamlining referrals and respondent attorney time constraints when attending mediations.
- Created a partnership between the Court of Appeals’ Appellate Mediation Program and the Children’s Court Mediation Program by having Children’s Court Mediation Program mediators co-mediate with the Court of Appeals’ mediator in appeals arising out of Children’s Court.
- Met with the Statewide ADR Coordinator and the AOC Court Services Division Director formally ten times throughout the fiscal year. These formal and informal discussions throughout the year prospectively identified statewide needs and opportunities to fiscally provide mentorship opportunities for mediation professionals, evaluators, and advanced trainings for the mediators provided by contractors based upon expenditure trends and case load forecasts.

STATEWIDE ACTIVITIES

EDUCATION AND TRAINING

Mediator Training

Training is a core component in providing superior services to Children’s Court Mediation Program clients. In order to deliver efficient, high-quality services throughout the state it is critical for the Children’s Court Mediation Program to regularly provide New Mediator Trainings.

The title “New Mediator Training” is a bit of a misnomer in the context of the Children’s Court Mediation Program because the mediators are not “new” mediation professionals. Every applicant to the Children’s Court Mediation Program training is an experienced mediation professional with a minimum of a Bachelor’s degree, forty hours of basic mediation training, and two years of mediation experience. Additionally, each training applicant is screened to determine if they meet the initial specialized Children’s Court Mediation Program requirements, such as the ability to work with complex, multi-party groups and an understanding of, or experience with, the emotional nature of Child Welfare work. This additional screening of training applicants allows the Children’s Court Mediation Program to select only the highest quality applicants from a pool of exceptional mediation professionals. The full screening tool can be located in the Appendix.

During one of our regular meetings, the Children’s Court Mediation Program decided it was fiscally able to provide a New Mediator Training. After a competitive process, Susan Malone, a skilled and accomplished Children’s Court Mediator, was contracted to prepare and present the training. The Children’s Court Mediation Program solicited applications from mediation professionals and received twenty-six applications for the training. However, using the criteria described above to screen potential applicants, only six applicants were selected to receive the specialized training.

In planning for the April 25, 2014 Albuquerque training, Ms. Laughlin, assisted Ms. Malone with scheduling, preparing, and presenting the training.

This eight hour training is only the first step in the process of becoming a Children's Court Mediation Program mediator. An additional eight hours of mentoring is required of selected candidates before obtaining certification and recommendation to be contracted as a mediator for the Children's Court Mediation Program. Following the training, four of the six candidates were selected to complete the additional eight mentoring hours. These four candidates were also required to observe experienced mediators in mediation with the trainer, coordinator and/or mediator.

These four mediation professionals have successfully completed the rigorous Children's Court Mediation Program requirements and have been placed on contract to mediate for FY 2015. To promote the most efficient use of the Children's Court Mediation Program limited fiscal resources, mediators generally receive assignments in courts close to their home; however, all mediators agree to travel statewide to ensure that the Children's Court Mediation Program meets each districts caseload demands. Three of the newly trained Children's Court mediators are located in Regions I and III and one mediator is located in Region II.

Program Professional Education

Mediation is a very specific dispute resolution process that utilizes knowledge, skills, and abilities that are often not tapped in other professional disciplines. In order to maximize the effectiveness of the mediation process, it is essential that all participants are educated about the mediation process, as well as, its purpose and goals.

The Children's Court Mediation Program has determined that the best way to educate professionals involved in the mediation process is to offer professional participant educational sessions. The Children's Court Mediation Program has developed a three module session that provides a comprehensive overview of the Children's Court Mediation Program and skills professionals can utilize in mediation to optimize the benefits of mediation for the families they serve.

Topics discussed during the session include, but are not limited to, an overview of the Children's Court Mediation Program, the differences between family centered meetings and mediation, the referral process and considerations of referring a case to mediation, how to prepare for mediation, and the most effective skills to use in a mediation to achieve the best outcome for your client and the family.

The Children's Court Mediation Program was pleased to be able to financially offer six participant educational training sessions this fiscal year. The 2nd, 5th, 6th, 9th (2 sessions) and 11th judicial districts were thrilled to receive these sessions this year and many other districts are asking for more.

Educating the Families

The Children's Court Mediation Program exists to help CYFD achieve their mission of advocating to enhance families safety and well-being. Mediation is widely recognized as an invaluable service for engaging parents and extended families³; however, it is known that to be engaged, one has to have a certain level of trust and relaxation.

Parents and families are often frightened, nervous, or angry. These emotional states are not optimal for achieving the best results in mediation. The highly trained professional cadre of Children's Court Mediation Program professionals understands this dynamic and works extensively to provide a calm presence and environment to foster a productive atmosphere for the mediation.

Our mediators understand that while this may be a typical day for the professionals in the room, that this is not a typical, ordinary day for the families. Our mediators recognize that while all of the professionals understand the process and procedures and know what to expect, the families do not. Our mediators have the ability to "step into" the families shoes and empathize with the fact that it would be a terrifying experience to be the only one in the room who didn't know what to expect, what to do, or understand all of the terminology, processes, and timeframes decisions and actions were going to occur.

The Children's Court Mediation Program mediators arrive 30 – 45 minutes early to each mediation to spend individual time with the families prior to the mediation session. The mediators explain what to expect during the mediation process, who will be present, and answer any questions the families have about the mediation. This provides an opportunity for the unknown to become known and for the families to have a better understanding of what is going to occur, which often eases nervousness, fear, and anger allowing parents and families to enter a better emotional state when mediation begins.

Further, our mediators realize that to maximize the effectiveness of mediation that it is critical to attend to all psychological components that may be impacting participants. Therefore, at their own expense, mediators provide drinks and food for all participants. Science has demonstrated that meals are about more than just feeding our bodies. Our deeply felt needs for security and happiness are essential parts of the human relationship with food⁴. The results of this attention are felt on many levels. As illustrated by one attorney who stated that "it might be the only meal their client gets all day" and the professionals whose tight schedules often don't allow them time to eat. Our mediators know that those examples are one important component when they incur the expense of providing refreshments, in addition to providing an environment that is conducive to eliciting a sense of security and safety so that everyone involved in the mediation, especially the parents and families, are in the best frame of mind to have the absolutely best outcome from the mediation.

³ Association of Family and Conciliation Courts 2012 Guidelines for Child Protection Mediation.

⁴ Big Question: Why do we bond over food? Dr. Jane Peterson, Anthropologist Marquette Magazine Summer 2014.

PROGRAM MONITORING & COORDINATION

Coordinator Meetings

In addition to informal communication throughout the year, the Court Services Director, Statewide Coordinator, and the Regional Coordinators meet frequently at scheduled in-person and telephonic meetings to proactively identify and address any programmatic and budgetary issues. In FY 2014, ten of these meetings occurred on August 12, September 9, October 9, December 4, January 15, February 18, April 4, May 2, and June 4 and 6.

This year the TLR budget was the focus. It was clear that the priority for FY 2014 was to find the funding to cover all of the TLR mediations in FY 2014. The AOC did not want to go down the same path experienced in FY 2013, falling short in TLR funds and having to cancel mediations, a loss to both the courts and children and families.

The AOC alerted CYFD in February 2014 with the concern of once again running out of TLR funds. With CYFD's support, they agreed to amend the FY 2014 agreement and move \$16,000 from the Open Adoption budget to the TLR budget to avoid the reoccurrence of the funding shortfall for TLR mediation services. Although it took until June 18, 2014⁵ to finalize the amendment, it was clear from CYFD that services to children and families should not be interrupted.

Given the sequence of events that occurred with the Amended Agreement, the AOC utilized approximately \$12,000 of its state general funds to cover TLR mediation services to children and families. This meant all other planned activities, such as mentoring and/or training were placed on hold until we learned whether the Amended Agreement would be finalized or not. The AOC received a copy of the executed Amended Agreement on July 8, 2014 and did not use approximately \$6,730.50 of its \$185,000 budget allocated for FY 2014.

Mediator Meetings

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

In Region II, the Regional Coordinator, Ms. Tafoya, supported mediators in the 5th judicial district through email and telephonic communication and mediators in the 3rd, 12th, and 6th judicial districts via personal individualized meetings. In Regions I and III, the Regional Coordinator, Ms. Laughlin, utilized in-person meetings on July 11, 2013, December 13, 2013, and June 19, 2014 in Albuquerque to address and answer questions regarding administrative items, budget updates, open adoption procedures, pre-legal referrals, and case review. In the

⁵ Agreement No. 13-690-14805-1

June 19, 2014 meeting a debriefing from the panel of professionals that attended the New Mediator Training on April 25 was also discussed.

Program Professionals

The Regional Coordinators actively engage all professionals involved in the Children's Court Mediation Program. Engagement of the professionals involved in the Children's Court Mediation Program allows us to provide the best environment for families and professionals to collaborate. The Regional Coordinators address issues and concerns such as specific scheduling requirements and suggestions for improvement of scheduling, interpreters, and specific issues in mediation.

Additionally, the Regional Coordinators attend meetings that impact the Children's Court Mediation Program. On October 30, 2013 Ms. Laughlin attended a meeting at UNM to learn about the use of social work interns to assist in case management in Sandoval County.

PROFESSIONAL DEVELOPMENT

Mediator Assessment and Continuing Education Requirements

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

In January, the Statewide Coordinator, Regional Coordinators, and mediators attended the 21st annual Children's Law Institute. The Children's Law Institute focuses on new and emerging trends and best practices in child welfare. The Children's Law Institute provides a time and space for the community to come together, learn of new developments, recharge, and inspire one another⁶.

Beginning in FY 2014 the Children's Court Mediation Program raised the number of required continuing education hours from 8 hours to 12 hours. Continuing education hours are required to be focused in the specialized areas of mediation and child welfare. 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. Five of six mediators in Region II completed the required continuing education hours. Those five were offered contracts in FY 2015. The AOC maintains the continuing education forms and documentation to ensure that every specialized mediation professional meets the continuing education requirements.

As part of our commitment to provide high quality and consistent services in every judicial district, the Children's Court Mediation Program requires periodic assessments of all mediators, conducted by the Regional Coordinators with assistance from a mediator mentor, when budget

⁶ Children's Law Institute 2014 Summary.

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 Children's Court Mediation Program 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.

Mentoring: A Component of Mediator Quality

Mediators receive mentoring from both Regional Coordinators and a Children's Court Mediation Program 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 2014, one mediator from Region II 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.

In FY 2015, the Regional Coordinators will continue to provide mentoring. At this time, the budget does not allow Children's Court Mediation Program to contract with a program mediator mentor.

In addition, veteran Regional Coordinator for Regions I and III continues to mentor the Regional Coordinator for Region II via regular phone calls and answering email requests or questions.

STATISTICAL TRACKING

The Children's Court Mediation Program internally tracks the program's statistics. However, there is an initiative through the court's case management system, Odyssey, to have uniform court processes in abuse and neglect cases. On March 13, 2014 the Statewide Coordinator and Ms. Laughlin, met with Hiliari Lipton, AOC Child Welfare Policy Analyst, to discuss the Children's Court Mediation Program and codes that may be used to track cases using mediation through Odyssey. The Odyssey initiative has four main components: 1) on-site training on revised court processes, 2) instituting data-quality control measures, 3) re-instituting performance measures, and 4) amending Children's Court rules and forms. This initiative furthers the judiciary's goal of creating child-centered court processes that aid in accountability and generate accurate per-child performance measures. Courts are required to produce federal and state mandated performance measures and statewide adherence by Children's Courts to

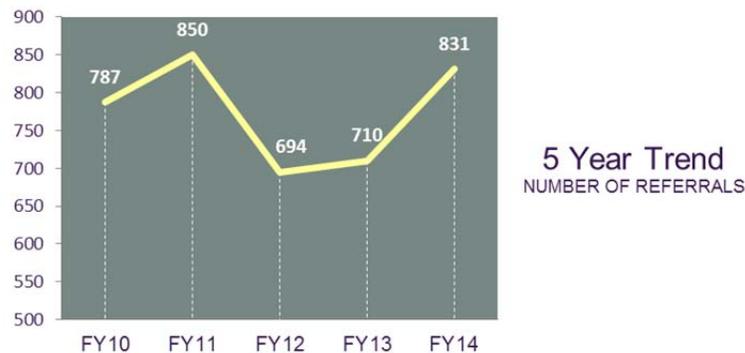
uniform court processes will facilitate compliance, thereby improving outcomes for children and families and ensuring eligibility for federal funds to support this State's child welfare system.

The statistics on the following pages demonstrate the tremendous growth of the program since its inception in 2000. In synopsis, in FY 2014, the Children's Court Mediation Program received eight hundred and thirty-one (831) total referrals. The majority of referrals were for Time Limited Reunification (TLR) mediations (698) which includes 30 Pre-legal referrals. One hundred and thirty-three (133) referrals were for Open Adoption mediations.

The 831 referrals represent a 17% increase in case referrals from FY2013 and over 600% increase since the program's first year 115 initial case referrals. The increase from FY 2013 to FY 2014 is predominantly attributed to the significant increase in TLR referrals in the last half of the fiscal year. The program would have received additional referrals, and strain on its fiscal budget, if the Children's Court Mediation Program had not decided early on to limit the number of pre-legal case referrals. The Children's Court Mediation Program decided to limit these specific case types due to concerns about the large number of cancellations in these cases due to the fact that mediators cannot locate families and/or parents lack of participation in many pre-legal cases. Until the Children's Court Mediation Program can develop best practices with CYFD regarding pre-legal case referrals, the Children's Court Mediation Program will continue to limit the number of accepted pre-legal case referrals.

PROGRAM REFERRAL TRENDS

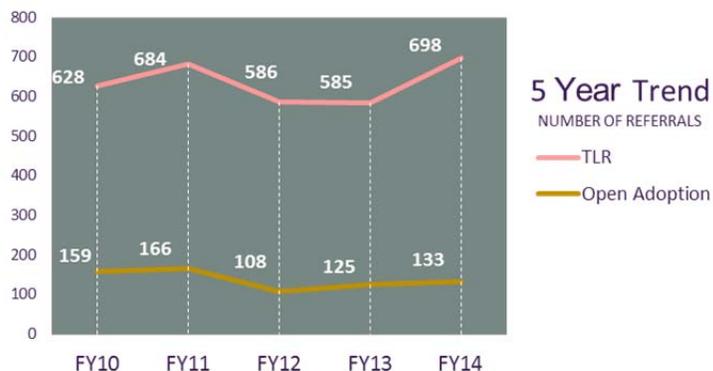
The Children's Court Mediation Program staff monitors the long-term trends in number and types of referrals received. Monitoring long-term trends provides Children's Court Mediation Program with the information needed to make budget requests to the legislature, seek outside funding for training and evaluation, and develop priorities on both an annual and long-term basis. The chart below shows the 5-year trend in referrals from FY 2010 through FY 2014 to the Children's Court Mediation Program.



The data show that:

- Referrals increased steadily to 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 by 2% in FY 2013 and 17% in FY 2014.

The chart below shows the 5-year trend in TLR and Open Adoption referrals from FY 2010 through FY 2014 to the Children's Court Mediation Program. The trend lines are similar to the overall trend shown above. However, Open Adoption referrals showed an increase for the last two years.



REFERRALS RECEIVED SUMMARY

REFERRALS RECEIVED, STATEWIDE AND BY JUDICIAL DISTRICT

As seen in Table 1, during the FY 2014 grant period (July 1, 2013 to June 30, 2014), 831 cases were referred to the program. The FY 2014 referrals include 698 TLR referrals and 133 Open Adoption referrals. Out of the TLR referrals, 668 were from legal cases and 30 were pre-legal referrals. The 831 referrals received during FY 2014 came from the following judicial districts:

Table 1: CCMP Referrals								
Judicial District	Open Adoption	OA %	TLR	TLR %	PRE-Legal	Pre-L %	TOTAL	TOTAL %
2nd	18	2%	228	27%	2	0%	248	30%
3rd	7	1%	157	19%	0	0%	164	20%
4th	2	0%	2	0%	5	1%	9	1%
5th	18	2%	24	3%	0	0%	42	5%
6th	6	1%	79	10%	0	0%	85	10%
7th	6	1%	19	2%	0	0%	25	3%
8th	4	0%	5	1%	6	1%	15	2%
9th	12	1%	0	0%	5	1%	17	2%
10th	1	0%	0	0%	1	0%	2	0%
11th	21	3%	57	7%	10	1%	88	11%
12th	10	1%	28	3%	0	0%	38	5%
13th	28	3%	69	8%	1	0%	98	12%
Totals	133	16%	668	80%	30	4%	831	100%

- The majority of referrals come from the largest judicial districts, the 2nd and 3rd judicial districts. Thirty percent (30%) of the referrals came from the 2nd and 20% of the referrals came from the 3rd judicial district.
- The 6th, 11th, and 13th judicial districts each contribute approximately 10% of the referrals.
- Few referrals come from 4th, 8th, 9th, or the 10th judicial districts.
- TLR's comprise 80% of all cases referred; 16% of all referrals are Open Adoption referrals; and Pre-legal cases comprise 4% of all referrals.
- The judicial districts that refer mostly TLR cases include the 2nd, 3rd, 6th, 11th and 13th judicial districts.
- In the 4th, 8th, and 9th judicial districts, referrals are typically made at the Pre-legal stage.

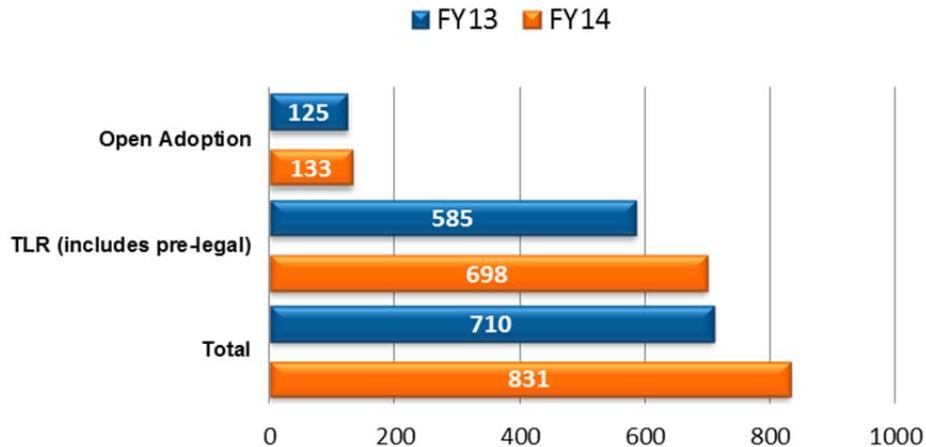
STATEWIDE COMPARATIVE DATA: FY 2014 AND FY 2013

As seen in both Table 2 and the chart below,

- In FY 2014, the number of TLRs increased 19.32%.
- There was an increase in the number of Open Adoption referrals (8) which accounted for a 6.40% increase in this referral type.
- Overall, referrals increased by a little over 17%.

TABLE 2: Number and Type of Referrals, Statewide			
	FY 14	FY 13	% Change
TLR (includes pre-legal)	698	585	19.32%
Open Adoption	133	125	6.40%
TOTAL	831	710	17.04%

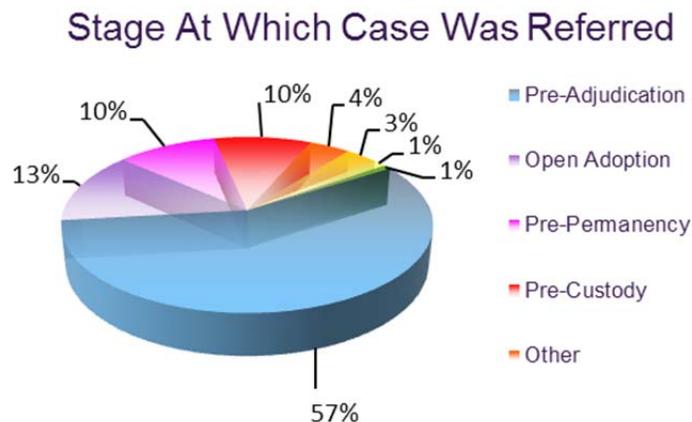
REFERRALS COMPARED FOR FY2013 TO FY2014



CASE CHARACTERISTICS

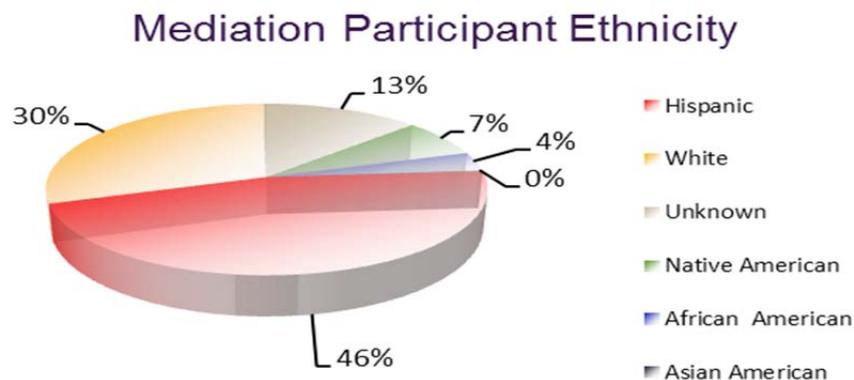
TIMING: STAGE AT WHICH CASE WAS REFERRED

Cases are referred to mediation at different points corresponding to the AFSA timeline. Some cases are referred to Children's Court Mediation Program prior to the formal filing of a case. In FY 2014, 57% of the cases were referred at Pre-adjudication; 13% were referred for Open Adoption mediation; and 10% were referred at Pre-permanency.



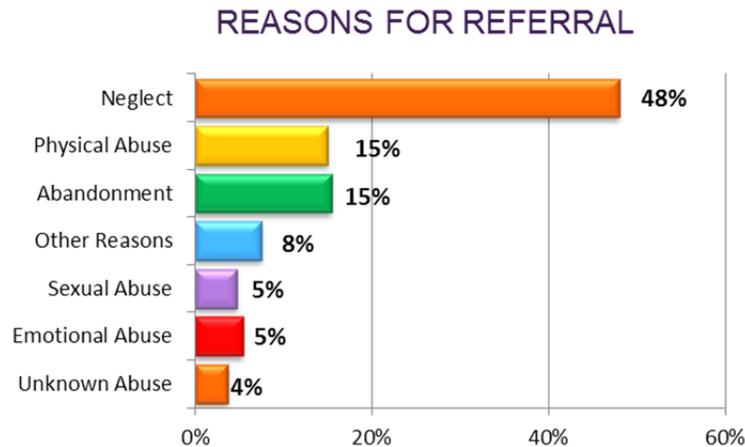
FAMILY ETHNICITY

In FY 2014, the majority of families participating in mediation were Hispanic (46%). White families comprised 30% of the participants. Native Americans are 7% of the population participating in Children's Court Mediation Program mediations. African Americans comprised 4% of our families, while in FY 2014 no Asian families participated.



REASONS FOR REFERRAL

In FY 2014, families who participate in mediation come with histories of problems, challenges, and obstacles. A primary characteristic of families in abuse/neglect mediations is a history of neglect (48%). Families are also referred because of the reporting of physical abuse (15%), sexual abuse (5%), emotional abuse (5%), and abandonment (15%). The percentages do not total 100% because almost all families come into the program with more than one problem or obstacle.



FAMILY CHARACTERISTICS

In addition to the challenges of abuse and neglect, families who participate in mediation have histories of additional social problems. In FY 2014, the Children's court Mediation Program found that children often live with parents who have substance abuse problems (28%), mental health issues (22%), and ongoing domestic violence (9%). The percentages will not total 100% because each family enters the system with more than one presenting problem.



MEDIATION CASE OUTCOMES:

MEDIATED & CLOSED, CANCELLED & CLOSED, AND TOTAL CLOSED

TABLE 3: CCMP Closed Cases						
Case Type	Mediated & Closed		Cancelled & Closed *		Total Closed (Mediated & Closed)**	
TLR (Legal)	648	97%	21	3%	669	80%
TLR (Pre-Legal)	15	5%	16	32%	31	4%
Open Adoption	99	15%	33	24%	132	16%
TOTAL	762	92%	70	8%	832	100%

* Percentage cancelled out of each case type.

** Percentage of each case type out of the total cases.

As of June 30, 2014, there were a total of 832 referred cases closed. Of these 832 cases, 762 were mediated and 70 were cancelled. For budgeting purposes, the cancellations are included because mediators bill for all related services. In FY 2014, the number of cancellations was slightly higher than in FY 2013: there were 70 cancellations in FY 2014 compared to 62 cancellations in FY 2013, a difference of 8 cases. The number of referred cases closed is different than the number of cases referred in FY 2014 because some cases carry over fiscal years.

COMPARATIVE DATA & PROGRAM ACTIVITIES BY JUDICIAL DISTRICT

2nd Judicial District

Since January 2014 the 2nd judicial district saw a 48% increase in the number of referrals to mediation due to many high profile cases spotlighted by the media beginning in December 2103 with the death of Omare Varela. The mediators were asked to do more mediations than ever before in the history of the Children's Court Mediation Program. Given the constantly changing needs of the parties and the court, the Regional Coordinator, Ms. Laughlin, was required to attend as many hearings as possible to assist with scheduling issues. Ms. Laughlin ensured an appropriate mediator was available for every mediation.

In order to address how to manage the increased caseload the Abuse and Neglect Case Processing Committee was formed by the court. Participants include CYFD, select contract attorneys, CASA and other support service providers. Ms. Laughlin for Regions I and III regularly attends these monthly meetings as well as any scheduled Statewide ADR Commission meetings.

Ms. Laughlin scheduled an Implementation Team meeting on March 10, 2014. Twelve people attended including all current Judges and hearing officers, Regional Legal Manager from CYFD, the senior Children’s Court Attorney and Social Work supervisor. Shannon Beaucaire was introduced as the Statewide ADR Coordinator. The agenda included a budget update for the Children’s Court Mediation Program and information about the upcoming New Mediator Training and presentation for the CASA’s on April 8, 2014 by Susan Laughlin and Kim Montgomery, Mediator/Trainer for the Children’s Court Mediation Program. The Jury room was approved for use as an extra space for mediations with incarcerated respondents. It was confirmed that there has been no change to the Children’s code in regards to open adoption mediation. Discussion was also had on how to increase the value of mediation due to the increased case load being experience in the 2nd judicial district and how to manage working with participants and their seemingly impossible schedules. It was viewed as an opportunity to maximize use of our services.

Table 4: 2nd Judicial District Mediation Referral Data			
	FY13	FY 14	% Change
TLR (Legal)	154	228	48%
TLR (Pre-Legal)	1	2	100%
Open Adoption	25	18	-28%
TOTAL	180	248	38%

3rd Judicial District

The Region II Regional Coordinator, Ms. Tafoya, attended Brown Bag meetings which include participants in Abuse and Neglect cases in Children’s Court in the Third Judicial District. Ms. Tafoya provided mediation program updates at these Brown Bag events at the request of Judge Macias. On April 22, 2014 Ms. Tafoya attended and participated in the discussion regarding scheduling of transporting inmates for mediation. Attendance at other Brown Bag meetings for Children’s Court include May 12 and October 21. Ms. Tafoya met with CYFD and CASA personnel after the October Abuse and Neglect Brown Bag Meeting. CYFD legal assistant, Maria Vallejo and she discussed scheduling problems such as the last minute scheduling of mediations. Maria has had difficulty in timely notification as she is training a new assistant hired early in the quarter and her office has taken on scheduling for the 7th judicial district as well. CASA personnel and the Ms. Tafoya met regarding upcoming change in CASA representative participating in mediations.

Ms. Tafoya met with Chief Judge Fernando Macias of the 3rd judicial district in April 2014 and met informally with Court Executive Officer Claude Bowman on a number of occasions. Ms. Tafoya attended Monday morning court hearings to remain informed of case proceedings. Consistent communications with the legal secretary regarding scheduling have helped things run smoother. Ms. Tafoya met with CASA Volunteer Coordinator Darlene Maynes, Mesilla Valley Casa.

Ms. Tafoya met with Susan Malone, mediator mentor, in Las Cruces on May 19, 2014 to discuss issues raised by mediators in Region II. Issues included working with difficult attorneys, CYFD participation, and drafting of open adoption/guardianship agreements.

On May 19, 2014 Ms. Tafoya met with mediator trainee, Sylvia Durcholz-Wilhelm to discuss referral procedures and answer questions regarding her training and also met with mediator mentor Susan Malone to assess the trainee thus far.

Impromptu meetings occurred with both Ruth Archer and Sandra Gallegos to discuss scheduling, mediation issues, and concerns with respondent attorneys. Ms. Tafoya often meets with mediators in the 3rd judicial district after their mediation sessions to debrief or discuss any issues or concerns.

Ms. Tafoya focused on re-establishing existing relationships. Ms. Tafoya met personally and spoke telephonically with Judge Fernando Macias regarding issues of Family Service Contact Plans (FSP) and mediator effectiveness. Judge Macias has requested that Children’s Court Mediation Program continue to cover FSP’s as he sees them as effective tools to address issues for families headed towards reunification and sees FSP’s as preventative maintenance measures in dispelling issues of disagreement between parents working towards reunification. He was complimentary of the performance of the mediators and the work they perform.

Table 5: 3rd Judicial District Mediation Referral Data			
	FY13	FY 14	% Change
TLR (Legal)	132	159	20%
TLR (Pre-Legal)	7	0	-100%
Open Adoption	7	8	14%
TOTAL	146	164	12%

4th Judicial District

On November 21, 2013 the Regional Coordinator, Susan Laughlin, facilitated an implementation team meeting with Judge Sandoval, CYFD, Respondent Attorneys, and GALs to discuss the ways that they might start to use the Children’s Court Mediation Program. Ms. Laughlin handed out brochures that explained how to better participate in mediation and provided mediation booklets to share with families. Although the group seemed to like the idea of mediation few referrals have been received by the program since that meeting. The Regional Coordinator will consider offering a participant training in FY2015.

Table 6: 4th Judicial District Mediation Referral Data

	FY13	FY 14	% Change
TLR (Legal)	0	2	0%
TLR (Pre-Legal)	13	5	-62%
Open Adoption	3	2	-33%
TOTAL	16	9	-44%

5th Judicial District

Ms. Tafoya, the Regional Coordinator, traveled to Carlsbad on February 18, 2014 to meet with CYFD staff and present on the referral process where she distributed Children’s Court Mediation Program brochures, which explain the program and worked to expand mediation services in the 5th judicial district. Ms. Tafoya and Mediator/Trainer Kim Montgomery presented a Participant Training for Roswell CYFD staff on May 9, 2014. Eleven participants attended in total.

Ms. Tafoya communicated telephonically and electronically with CYFD staff from the 5th judicial district regarding issues of interpreters, the training and contracting of a new bilingual mediator in that district.

Ms. Tafoya traveled to the 5th judicial district December 9, 2013 to attend the CYFD Abuse and Neglect team meeting and met with attorneys, CYFD staff, and the Children’s Court Judge to discuss referral process and update participants on Children’s Court Mediation Program procedures in general. Judge Currier, Children’s Court Judge for the 5th judicial district, primarily supports mediation to serve primarily as a function of termination of parental rights. Ms. Tafoya discussed policy and function of mediation, as including but not limited to, the termination of parental rights, and offered the availability of mediation along the continuum of the legal case timeline.

On February 18, 2014 Ms. Tafoya met with mediator Carol Koppenstein to discuss scheduling and potential assignments in Artesia and Carlsbad. Exchanges of emails between Ms. Tafoya and the mediators in the 5th judicial district to discuss scheduling, assignments and invoicing was the most direct form of communication, as distances prohibit consistent face to face meetings.

Table 7: 5th Judicial District Mediation Referral Data			
	FY13	FY 14	% Change
TLR (Legal)	31	24	-23%
TLR (Pre-Legal)	2	0	-100%
Open Adoption	16	18	13%
TOTAL	49	42	-14%

6th Judicial District

The Regional Coordinator, Ms. Tafoya, and Mediator/Trainer Kim Montgomery presented a Participant Training for Deming CYFD staff on June 23, 2014. Ten participants attended in total.

Ms. Tafoya met with professional participants in Deming (Luna County) including CASA director, Mayra Solis, and CYFD Administrative Officer Rosa Apodaca. Ms. Tafoya attended hearings.

Ms. Tafoya met telephonically with Elizabeth Baxter, the new CYFD Legal Secretary who is now making referrals for the 6th judicial district and discussed the procedures for referrals, giving her further details that will help in scheduling a mediator as the Children’s Court Mediation Program currently does not have a mediator in the 6th judicial district. Mediators in the 3rd and 12th judicial districts are traveling to meet the needs for mediation in that district.

Table 8: 6th Judicial District Mediation Referral Data			
	FY13	FY 14	% Change
TLR (Legal)	72	79	10%
TLR (Pre-Legal)	0	0	0%
Open Adoption	4	6	50%
TOTAL	76	85	12%

7th Judicial District

Coordination and monitoring of Children's Court Mediation Program activities in the 7th judicial district are going smoothly, and no additional activities are reported for FY 2014. In FY 2015, the 7th judicial district will become a part of Region II, rather than Region I.

	FY13	FY 14	% Change
TLR (Legal)	23	19	-17%
TLR (Pre-Legal)	0	0	0%
Open Adoption	3	6	100%
TOTAL	26	25	-4%

8th Judicial District

The 8th judicial district primarily refers pre-legal cases to the program. Most of these referrals are cancelled due to difficulties contacting the respondents and engaging them in the mediation process. Ms. Laughlin, the Regional Coordinator, also attended a staffing at CYFD on August 22, 2014 to discuss the pre-legal referral process. She shared that the AOC needs to develop best practices on how to mediate pre-legal cases statewide. Meanwhile she requested that current contact information for the respondents be provided to the mediators when making referrals. This resulted in a decrease in pre-legal mediation referrals.

Ms. Laughlin met with Judge Backus in Taos in August 22, 2013 and again in April to follow up on TLR mediation referrals. The amount of TLR mediation referrals stayed about the same from the previous year.

	FY13	FY 14	% Change
TLR (Legal)	5	5	0%
TLR (Pre-Legal)	15	6	-60%
Open Adoption	6	4	-33%
TOTAL	26	15	-42%

9th Judicial District

The 9th judicial district primarily refers Open Adoption cases to Children’s Court Mediation Program. On April 30, 2014 the Children’s Court Mediation Program Regional Coordinator, Susan Laughlin, and Kim Montgomery, Mediator/Trainer, hosted a Participant Training for CYFD, CASA’s, attorneys, and Court staff. The agenda included when and how to use mediation, the difference between a family centered meeting and a mediation. The training also included a segment on active listening skills. It was so successful, and well received, that the Children’s Court Mediation Program was invited back to do it again the end of June 2014 for those that couldn’t attend.

	FY13	FY 14	% Change
TLR (Legal)	1	0	-100%
TLR (Pre-Legal)	4	5	25%
Open Adoption	18	12	-33%
TOTAL	23	17	-26%

10th Judicial District

The 10th judicial district refers few cases to Children’s Court Mediation Program. This year, the district referred 2 cases, compared to 3 cases in FY 2013. This is the first year in over 3 years that a referral has been received from Quay County. There is still no current interest in a participant training as there have been no major staffing changes since we did one in 2009. Participants were invited to attend both trainings in Clovis this year

	FY13	FY 14	% Change
TLR (Legal)	1	0	-100%
TLR (Pre-Legal)	0	1	0%
Open Adoption	2	1	-50%
TOTAL	3	2	-33%

11th Judicial District

There were significant increases in open adoption and legal referrals in the 11th judicial district for FY2014. Pre-legal referrals decreased by 41%. The Regional Coordinator, Susan Laughlin, held an Implementation Team meeting on April 23, 2014 in San Juan County. Twelve people attended this meeting including the Court Executive Officer, Children’s Court Attorney’s and investigative and PPW social workers and Children’s Court Mediation Program veteran mediator Jan Culp. At this meeting the group decided it would be useful to have a participant training for the 11th Judicial District. Kim Montgomery, contract Mediator/Trainer for the AOC, presented in June 2014. The agenda included when and how to use mediation, the difference between an family centered meeting and mediation and a segment on active listening skills.

Children’s Court Mediation Program mediator Jan Culp continues to present on the Children’s Court Mediation Program twice a year at the trainings for new CASA’s in San Juan County in April 2014 and October 2013.

Table 13: 11th Judicial District Mediation Referral Data

	FY13	FY 14	% Change
TLR (Legal)	48	57	19%
TLR (Pre-Legal)	12	10	-17%
Open Adoption	10	21	110%
TOTAL	70	88	26%

12th Judicial District

Children’s Court Mediation Program mediator, Cambri Johnson, who lives in the 12th judicial district resigned her contract with Children’s Court Mediation Program in May, thus making it necessary for the Regional Coordinator, Nancy Tafoya, to assign mediations in the 12th judicial district to mediators who need to travel an average of two to three and a half hours one way. Service to the 12th judicial district continued to run smoothly despite the loss of the local mediator. Ms. Tafoya continued to communicate with CYFD personnel from the 12th to reinforce how well everyone was working together.

Table 14: 12th Judicial District Mediation Referral Data

	FY13	FY 14	% Change
TLR (Legal)	26	27	4%
TLR (Pre-Legal)	3	0	-100%
Open Adoption	6	11	83%
TOTAL	35	38	9%

13th Judicial District

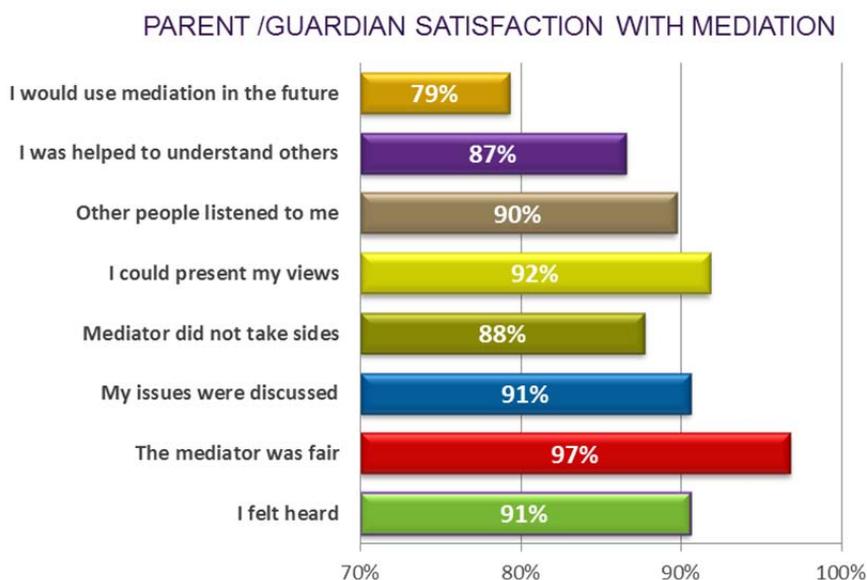
Sandoval and Cibola Counties primarily refer open adoption cases for mediation. Valencia County refers TLR cases at both pre-adjudication and permanency if the case was not mediated at pre-adjudication. The Regional Coordinator, Susan Laughlin, attended 4 custody hearings in August and September of 2013 in order to meet some of the new participants. She observed 3 mediations in June 2014 to evaluate the process and the mediators.

	FY13	FY 14	% Change
TLR (Legal)	33	69	109%
TLR (Pre-Legal)	2	1	-50%
Open Adoption	25	28	12%
TOTAL	60	98	63%

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 a Children’s Court Mediation Program mediation in FY 2014 were highly satisfied with their experiences. Almost all parents completing the feedback form felt the process was fair and 79% 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.



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

COMMENTS FROM PARENT FEEDBACK FORMS

At the end of every mediation session the respondent parents and guardians are given a mediator feedback form to fill out. They are also encouraged to include any additional comments. The following is a sample of some the comments that we regularly receive. The names have been removed and the spelling and grammar have not been corrected.

“I was made to feel like a person with feelings and not looked at judgmentally. Was made (to) feel like someone actually cared and wasn’t just out for her paycheck like the rest of these people in the _____ office. Was asked if I understand what was said and asked to repeat it, or if it was heard and my opinion. Felt included for once. I would like to say thank you for not judging me and making me feel equal and helping to come to our decision. As well as seeing

the person before you and not using everyone else's feelings or opinion about me. It was a self esteem boost to know I can be seen as a person and not a worthless drug addict. Thank you very much"

"I got to sit down and talk about my children and everyone listened for once"

"Gave me a better understanding of what's going on"

"I gained closure on understanding this situation. Realized we all have jobs to do here and I look forward to seeing my kids thanks to the mediation process."

"The most important thing was finding out all the progress (child's name) has made and the relief I have gotten knowing what will and will not be happening in the future"

"We were all able to communicate our wants and needs and agree to start a healthy relationship for the children."

"We were able to meet and I got to be more familiar with what's going on in the case and I'm not so in the dark the way I was."

"I feel mediation gave me an opportunity to connect w/everybody involved in this case concerning my son and I feel as if I am part of the team doing what is best for (child's name)."

"I was able to speak for myself was heard and worked with and was treated as an equal in the decisions made for my child."

"I was very comfortable and happy with this meeting and left the room feeling more positive than I did coming in, Thank you!."

"I'm glad that I got visitation with my kids. I'm looking forward to following the steps & showing everybody how much I improve."

"We came in a little scared and left feeling on the same page."

"The most important thing that happened today is that they explained to me all the help I will get and my kids to- that's it for now."

"I appreciate everyone's help and I know what I need to accomplish to get kids back –thank you."

"The most important thing today was getting all legal stuff situated and hope reunification will be soon."

"We all agreed on visits and doctors apt. Everything went well today. I was very agreeable to this situation on my daughter. I am willing to everything. I can get better and get my daughter back."

"It gave me an understanding of what the birth parents or parent would expect out of myself. It was very helpful."

“(Child) is going 2 a loving home and with people who love and care about her. really, every decision that was made 2day is in the best interest of (child).”

“I was able to meet the birth mom and that was the most important thing for me. I want to be able to tell the children what she looked like, etc. Thank you for the opportunity.”

“I got to find out if I could have contact with my children. It’s very important that we keep in touch.”

“I learned that I must complete and comply with Drug Court and treatment programs for the benefit of my children.”

“The most important thing that happened in the mediation today was the fact that we were able to get the issues out in the open so we can now resolve them. We are one step ahead.”

“I met the biological family.”

“The best part was the honesty of my case.”

“This mediation was very pleasant and it seemed better than expected as far as the feeling of unity and cooperation.”

“We all agreed on working on a transition plan. I agree with the decisions that were made today.”

“I needed to understand if the FRC program was still available to me and I was informed somewhat.”

“Had visitation set up well with my son and a step closer to getting him home.”

“I gained legal knowledge concerning my rights.”

“They helped me make a plan I can do so I can get back my children.”

BUDGET

FY 2014 PROGRAM EXPENDITURES

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.

Statewide general funds are used to cover the cost of personal services and benefits for a Statewide ADR Coordinator who also serves as Statewide Children's Court Mediation Program Coordinator. Statewide general funds are also used for regional coordination, mentoring, and for TLR mediations. Aside from federal funds, the AOC contributed approximately \$12,000 to cover the cost of TLR mediation services until the Amended Agreement was finalized. The program also acknowledges the in-kind contributions made by CYFD, the courts and others.

FY 2015 PROPOSED BUDGET PROFILE

In FY 2015, the Children's Court Mediation Program will operate with a \$321,100 budget which includes state general contractual funds of \$136,100 and \$185,000 from CYFD Title IV-B and IV-E funds. The Children's Court Mediation Program will discuss a similar Amended Agreement for FY 2015 regarding the TLR and Open Adoption budgets early in the fiscal year to avoid a reoccurrence of the TLR mediation funding shortfall that occurred in FY 2013, and would have occurred in FY 2014 without the utilization of state general funds and finalization of the amendment.

LOOKING TOWARDS FY 2015

Children's Court Mediation Program plans to address several important issues in FY 2015, 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. The Children's Court Mediation Program plans to explore with CYFD the appropriate role for the Children's Court Mediation Program 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, the Children's Court Mediation Program has neither protocol nor forms for conducting and completing parenting plan mediations. Thirdly, while some Children's Court Mediation Program mediators are trained in domestic relations mediation, many are not, and the Children's Court Mediation Program would be obligated to ensure 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. The Children's Court Mediation Program 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 Children's Court Mediation Program 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. The Children's Court Mediation Program 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 the Children's Court Mediation Program Best Practices. On July 25, 2014, the Children's Court Mediation Program will train mediators in the existing Best Practices and increasing Regional Coordinator oversight of Open Adoption mediations.

Advanced Mediator Training. On July 25, 2014, the Children's Court Mediation Program will provide an advanced mediation training that focuses providing the mediators with techniques to address the time constraints and other systematic pressures that can shape the behavior of some mediation participants and threaten to undermine the quality of the mediation process when a system is under stress. Given the current strain the professionals in the child welfare system are experiencing, the Children's Court Mediation Program determined that it would be beneficial to provide mediators additional skills to clarify options for skillful mediation engagement.

Participant Training. As noted above, districts are wanting additional participant trainings. Currently, the FY 2015 budget does not include funds for Children's Court Mediation Program to conduct regularly scheduled Participant Trainings. 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, with increased caseloads there is a need for additional mediators, particularly in Region II. When funding allows, we will resume mentoring and new mediator training.

Program Evaluation. For the time being, Children's Court Mediation Program will postpone a full program evaluation due to limited funds.

APPENDIX:

- a) MEDIATOR SCREENING TOOL
- b) PARENT FEEDBACK FORM
- c) MEDIATOR ASSESSMENT
- d) CONTINUING EDUCATION REPORT FORM

A

Mediator Screening
Tool

New Mexico Children's Court Mediation Program

Screening Tool – CCMP New Mediator Training

Applicant Name: _____

Applicant Address: _____

CCMP Region: _____

E-mail: _____

Telephone: _____ Mobile _____

Fax: _____

Contact with Applicant: ___ E-mail ___ Telephone ___ In Person
LOI _____ Resume _____

___ Location (CCMP frequently needs mediators in rural areas)

___ Two (2) years of actual documented mediation experience

___ Child Welfare Experience – work or volunteer related experience

___ Clinical Experience

___ Available to travel all over the state/ schedule flexibility

___ Available to attend the training date

___ Bachelor Degree or Higher Degree

___ A demonstrated understanding of the emotional nature and demands of Child Welfare work

___ A demonstrated ability to work with complex, multi party mediations, facilitations, work groups

___ A demonstrated ability to work within a busy, fast-paced unpredictable mediation setting

____ Willingness to participate in observation of two (2) mediations and one (1) co mediation without compensation

____ Willingness to acquire and verify twelve (12) hours of CEU hours per contract year

____ Willingness to acquire and verify professional liability insurance each contract year

Screening Outcome:

____ Invited to attend training

____ Offered contract with AOC/CCMP

____ Notified of decision relative to the above

Notification relative to the above conducted by _____
on _____.

____ e-mail ____ telephone ____ in person

____ Candidate accepted offer

____ Candidate declined offer

B

Parent Feedback
Form

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. | | | | | | |



Mediator Assessment

**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?							
Scoring Rubric: 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 reframes what is said							
Accurately/Appropriately reflects what is said							
Accurately/Appropriately summarizes 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							
ENDING THE PROCESS	O	E	M	I	U	N	COMMENTS (please explain all scores that are not M)
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 _____

D

Continuing Education
Report
Form

**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; fax 505 827-8091.