

## CHILD DEPENDENCY MEDIATION

The current system of court termination of parental rights is not reducing the numbers of children who wait years in the foster care system for permanency. As indicated in the Report of the Advisory Committee for the Virginia Court Improvement Program, many courts have lacked the resources to meet the demands placed on them by the Adoption Assistance and Child Welfare Act and by the increasing number of child welfare cases. Surveys conducted as part of the Court Improvement Program found that Virginia courts do not keep statistics on the movement of child welfare cases through their system nor on the numbers of appeals of termination of parental rights. However, anecdotal information indicates that as many as 50% of termination of parental rights cases are contested and that many cases are delayed in court hearings and move into appeals that take several months, sometimes even years.

Child Dependency Mediation Programs use mediation to resolve issues of parental rights, visitation, services and other issues relating to the permanent placement of children in the foster care system. Results from other states using mediation in these types of cases have shown that mediation yields numerous benefits not available through the more traditional adversarial process. The parent(s) has a voice in what happens to their child, can possibly help decide placement options with a relative, and input into plans for on-going contact with the child. Often when mediation is used early in the initial case planning it can result in a voluntary relinquishment of the parental rights.

The goals that most Child Dependency Mediation Programs share include:

- Diminish the adversarial nature of court proceedings
- Expedite the placement of children into permanent stable homes
- Reduce the number of trials required to be heard by the court
- Reduce the time period contested matters needing court intervention must wait
- Increase parental compliance with service plans due to greater parental involvement and buy-in in developing the plan
- Serve as a model for other jurisdictions wishing to implement a similar program

In 2001 over thirty programs using mediation for permanency planning around the country were identified. Dr. Nancy Theonnes, the associate director of the Center for Policy Research in Denver, CO. has studied numerous permanency mediation programs. One evaluation of five California pilot projects revealed the following conclusions:

- Mediation is preferred by parents and most professional participants
- Mediation is effective with all types of abuse and neglect and at all stages of the permanency planning process

- The preliminary evidence indicates that mediated agreements are more detailed, more likely to provide services to children and other family members and make greater use of relative placement.
- Mediation appears to reduce the immediate need for contested review hearings
- Compliance with mediated agreement is higher than with non-mediated case plans.

For more information on Dr. Theonnes' research is available at the center for Policy Research, 1720 Emerson Street, Denver, Co. 802018.