

WHAT ELSE SHOULD I KNOW?

Any party may request mediation.

With a few exceptions, mediation is a confidential process.

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



New Jersey Judiciary

Child Welfare Mediation

Creating Solutions Together

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WHAT IS CHILD WELFARE MEDIATION?

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

WHEN DOES MEDIATION OCCUR?

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

HOW MUCH DOES MEDIATION COST?

Mediation is a free service provided by the court. Mediation is helpful for many people, but not for everyone.

The mediator will end the mediation if he or she believes that mediation is not a service that can assist you.

WHO COMES TO MEDIATION?

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

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

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

WHAT HAPPENS AT MEDIATION?

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

WHAT WILL THE MEDIATOR DO?

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