
The Child in Need of Aid Mediation Program

What is mediation?

Mediation is a private meeting in which a mediator helps those involved in the child protection case discuss their concerns and come up with their own solutions. This often avoids court hearings and having to ask the judge to make a decision.

What happens in mediation?

The mediator works to create an atmosphere that is comfortable for everyone.

Everyone has an opportunity to speak and be heard. Everyone's ideas and points of view are important.

The group brainstorms options to solve the problem or create a plan.

When agreements are reached, the mediator helps put them in writing so they can be signed and filed with the court.

Who participates in mediation?

Mediation usually involves all the legal parties in the case, attorney, and sometimes others:

- Parents
- Office of Children's Services staff
- Guardians ad litem (GAL)
- A representative of the tribe, if one is involved
- Sometimes youth are involved
- Sometimes extended family are involved
- Sometimes others are involved

Who is the mediator?

The mediator is neutral and not part of the child protection case.

The mediator does not decide who is right or wrong, does not make recommendations, and is not a decision maker. The people involved make the decisions together.

What will the mediator do?

The mediator will want to talk with everyone before the meeting to make sure everyone is prepared. The mediator will:

- Explain the mediation process.
- Ask you what's important to be discussed.
- Want to know if you have any fears or concerns about being in the same room with any of the other participants.
- Explain what is and what is not confidential in mediation.
- Ask what can help make you feel comfortable when you come to the meeting.
- Answer your questions about mediation.

What kinds of concerns might be discussed in mediation?

Here are some examples:

- What kinds of services are needed?
- Plans for families to stay in contact.
- Whether out of home care is needed.
- Who should provide care?
- A proposed change in a child's placement.
- Whether a case plan is working.
- How a child's school or health problems should be addressed.
- A plan for a child to return home.
- If adoption or guardianship should be considered.
- What type of ongoing contact does a child need with parents, siblings, extended family, tribe, or culture after guardianship or adoption.

How may I be referred for mediation?

Anyone who is a legal party to the court case, or their attorney, may ask the judge for a referral.

Does mediation cost anything?

There is no cost to the participants for the services of the mediator. When the court makes a referral, the court pays the mediator.

What if we don't resolve all our concerns in mediation?

You still have the option of having a court hearing or trial. If you agree on some things, but not everything, you can focus in court just on the issues still in disagreement.

For more information about this publication, please call the Alaska Court System Administrative Office at (907) 264-8240
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