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APPROVED BY: Executive Director	TITLE: FAMILY SERVICES MEDIATION		

1. **Policy** The Family Relations Counselor (FRC) will be available to accept referrals from the Court and conduct mediation conferences with clients.

2. **Definitions**


A. **Comprehensive Evaluation** A process of assessing a family that includes and extends beyond providing impartial information and expert opinion to the court by enhancing the parents' participation in a family-focused process. This process is designed to educate the parents as to how the separation/divorce will impact the child(ren), and allow the parents to explore alternative resolutions to their dispute. The process will either result in an agreed upon parenting or visitation plan or a recommendation to the family and court as to what is in the best interest of the child(ren). See CGS 46b <http://www.cga.ct.gov/asp/menu/Statutes.asp>.

B. **Conflict Resolution Conference (CRC)** An alternative dispute resolution process for custody, visitation and/or other parenting disputes that involves meetings with the parents and the attorneys of record. Every effort will be made to assist the family in their resolution of the conflict, including the offering of recommendations at the conclusion of their involvement if the parties are unable to reach a consensus on their own.

C. **Family Civil Intake Screen (FCIS)** A screening instrument that is administered at the time a case is being referred. The screen assists the Family Relations Counselor / Family Services Supervisor in determining the most appropriate service offered by Family Services, [FM194.PDF](#). The most appropriate service is the one that is least intrusive but has the highest likelihood of resolving the referred matter.

D. **Family Relations Counselor (FRC)** A CSSD employee with the qualifications and training who performs the functions outlined in the job description which can be accessed by clicking the following link:
<http://zeus/AdminSvc/HRM/Job%20Descs/Job%20Descriptions%20Header.htm>


E. **Family Services Supervisor** A CSSD employee with the qualifications and training who performs the functions outlined in the job description which can be accessed by clicking the following link:
<http://zeus/AdminSvc/HRM/Job%20Descs/Job%20Descriptions%20Header.htm>

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- F. Issue Focused Evaluation A process of assessing a limited issue or issues impacting a family and/or a parenting plan that includes and extends beyond providing impartial information and expert opinion to the court by enhancing the parents' participation in a limited but family-focused process. This process is designed to educate the parents as to how the issue referred by the Court will impact the child(ren), and allow the parents to explore alternative resolutions to their dispute. The process will either result in an agreed upon parenting or visitation plan, or a written report and recommendation to the parties, their attorneys and court as to what is in the best interest of the child(ren). See the Connecticut General Statutes Section 46b-6, <http://www.cga.ct.gov/asp/menu/Statutes.asp>.
- G. Mediation An intervention intended to resolve disputes and manage conflict by facilitating the identification and exploration of issues in the decision-making process.
- H. Self-Represented Party A person who files an appearance to represent him or herself.

3. Operational Procedures

- A. Screening and Intake Clients who present custody and access disputes will typically be referred by the Court or through direct client initiated inquiries. The referrals and inquiries will be screened by the FRC to assess whether or not mediation is an appropriate intervention.
 - (1) In any case where a referral to Family Services is contemplated, the FRC will administer the Family Civil Intake Screen to assist in determining the appropriate service. The administration of the Family Civil Intake Screen will be done in accordance with CSSD Policy and Procedure 3.13, Family Civil Intake Screening.
 - (2) For any case that is referred to Family Services, the FRC will provide a verbal description of the service to the clients and provide brochures and questionnaires related to the recommended/ordered service. The FRC will also have the parties sign authorization of release forms when appropriate.

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- (3) The Court will be notified of the selected service via Judicial Form JD-FM-230, a Request for Referral by Family Services, [FM230.PDF](#).
- (4) When the screening process is concluded and the FRC determines the case to be an appropriate referral, a Family Civil Intake, Form JD-FM-194A, [FM194A.PDF](#), will be completed.

B. Case Assignment Once a referral for mediation has been effectuated the following procedures will be implemented:

- (1) The Family Relations Counselor will submit to the Family Services Supervisor a completed Family Civil Intake Screen, Judicial Form JD-FM-194A [FM194A.PDF](#) in a timely manner.
- (2) The Family Services Supervisor (FSS) will ensure that the court ordered the services, review the referral/intake form, direct clerical staff to establish a file, and assign the case within five (5) days of the referral notification date. The mediation will be assigned to a Family Relations Counselor or a male/female co-mediation team when the FSS deems it appropriate and necessary.
- (3) The FRC will schedule mediation conferences within three (3) days of receiving the case and will mail appointment letters to the clients utilizing the Mediation Appointment Letter (**CSSD Attachment A**) or Spanish version (**CSSD Attachment A-1**).
- (4) The first mediation session will be scheduled within twenty-eight (28) days from the date of the referral.


C. Conducting the Mediation The Family Relations Counselor (FRC) will conduct mediation sessions in accordance with the following professional standards:

- (1) At the beginning of the mediation process the FRC will provide to the clients an explanation and definition of mediation. In defining the process, the FRC will delineate mediation from therapy, counseling, arbitration and evaluation.

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The FRC will emphasize to the clients the self-determination qualities of mediation, and promote communication between the clients.

- (2) At the beginning of the mediation session, the FRC will discuss the confidentiality of the process with the parties. For mediation, Connecticut General Statute Sec. 46b-53a, <http://www.cga.ct.gov/asp/menu/Statutes.asp> provides that all oral and written communications made by either party to the mediator or made between the parties in the presence of the mediator while participating in mediation are privileged and inadmissible as evidence in any court proceeding unless the parties otherwise agree. In addition, the parties may voluntarily sign a waiver form allowing the FRC to continue as their counselor in subsequent Conflict Resolution Conferences and/or Evaluations.
- (3) Before starting the mediation, the FRC will inform the parties and obtain the participants agreement that mediation will be confidential except for the reasons outlined below:
 - a. If the FRC has reasonable cause to suspect that a child of the parties is being abused or neglected within the meaning of Connecticut’s child abuse and neglect laws:
 - i. The FRC will notify his or her direct supervisor about the allegations discovered in the mediation and will discuss the appropriate course of action, which may include but is not limited to informing the Regional Manager.
 - b. If warranted, the FSS will direct the FRC to follow mandated reporter protocol and contact the Department of Children and Families to investigate these claims.
 - c. If the FRC learns of a party’s direct threat of suicide or violence against any person (including children), he or she has a duty to warn others. The FRC will immediately notify the Family Services Supervisor and shall follow CSSD Policy and Procedure 2.14, Human Resources – Incident Reporting, including the responsibility of completing a written CSSD Incident Report. To promote safety, the FSS shall contact the

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Judicial Marshal Services to apprise them of a situation and potential for violence.

- (4) The FRC will promote communication between the clients and facilitate the identification of the presenting issues and exploration of potential solutions in a non-coercive, objective manner.
- (5) The FRC will, to the best extent possible, determine the abilities and willingness of the clients to effectively utilize the process. The FRC will suspend the process if it is determined that there is sufficient cause for such action. The following are considered to be reasons which would necessitate suspension:
 - a. Safety Concerns
 - b. Intimidation Factors
 - c. Best interest of the children standard is jeopardized
 - d. Conflict of interest is identified
 - e. Any other reason identified by the FRC that would necessitate suspension of the mediation session
- (6) If a mediation session needed to be suspended by the FRC for safety concerns, the FRC will immediately consult with the FSS who will contact the Judicial Marshal to apprise of the situation and potential for violence. The FSS will also notify the Regional Manager.
- (7) If a mediation session needed to be suspended by the FRC for safety concerns, the FRC should document the circumstances in the Family Services file.
- (8) Mediation may involve up to three 2-hour sessions. This may be expanded after a determination by the FRC and an agreement by the clients.
- (9) If the mediation does not end in an agreement, the FRC and the participants will discuss the next level of service that would be appropriate to resolve the continued conflict.

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4. Case Administration

A. Upon completion of the mediation, the Family Relations Counselor(s) will prepare and file a report with the Clerk of the Court as follows:

- (1) Disputed issues resolved If the clients reach a full agreement, the FRC will document the agreement in a CMIS summary report. The FRC will prepare a Family Services Notice to Court, Judicial Form JD-FM-223, [FM223.PDF](#), indicating an agreement was reached and the parties' intent to submit this agreement to court. The notice will be submitted to the Court, the parties and any attorneys of record. The FRC will also prepare an Agreement Form, JD-FM-231, [FM231.PDF](#) detailing the dates the mediation sessions were held and the proposed provisions of the agreement. This document will then be made available for signing at the next court date.
- (2) Disputed issues unresolved If the mediation does not result in an agreement, the FRC will prepare a JD-FM-223, [FM223.PDF](#) with an attached narrative detailing the dates the mediation sessions were held, and will conclude with a statement that an agreement was not reached. If there is agreement as to what the next service should be, this information will be included in the narrative. This document will then be submitted to the clients, counsel of record, and the Clerk of the Court.

B. Closing the Mediation

- (1) Mediation will be completed and closed within 60 days of the referral with either an agreement or no agreement being reached.
- (2) In the event the case cannot be completed within 60 days, the court, counsel and self-represented parties will be notified via JD-FM-223, [FM223.PDF](#). A narrative will be attached to the notice identifying what remains to be done, and an expected date for completion.
- (3) If a mediation is terminated before the FRC meets with both parties, it will be considered a withdrawal. A JD-FM-223 will be prepared with a brief narrative attached outlining receipt of the referral and why the matter is being

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withdrawn. Family Services will submit the notice to the Clerk of Court, the attorneys of record and self-represented parties.

- (4) The FSS will review all narratives that are attached to the JD-FM-223 before they are submitted to the self-represented clients, attorneys, or the Clerk of the Court. The FRC will provide the FSS with the narrative allowing sufficient time for the supervisor to read, edit, and review any necessary rewrites. The FSS will ensure that the narrative attached to the JD-FM-223 does not include any information that may be prejudicial to the Court. The timeframe to submit the narrative for review will be determined by the supervisor.
- (5) A mediation is considered closed once the JD-FM-223 has been filed with the Clerk of Court. At that time the matter will also be closed in CMIS and an outcome status will be selected.

5. **Professional Conduct**

- A. The FRC will conduct him/herself in a professional manner, treating clients with courtesy and respect throughout the mediation process. The FRC will strive to be accurate, objective, fair and independent in their work. They will treat all participants and weigh all data, opinions, and hypotheses thoroughly and impartially. They will assess all information that is provided to them in a balanced manner. The process will be an open one in which all participants will be offered the opportunity to respond.
- B. During the course of the mediation, the FRC shall not have substantive ex-parte communications about the case with the Court, the attorneys representing the parties or children, or the Guardian Ad Litem except of an administrative nature or with mutual consent of all parties.
- C. The FRC will neither offer legal advice nor conduct any therapeutic intervention with anyone involved in the mediation process.

6. **Exceptions** Any exception to this policy will require prior written approval from the Division's Executive Director.



State of Connecticut
JUDICIAL BRANCH
COURT SUPPORT SERVICES DIVISION
SUPERIOR COURT
Family Services Unit

[Date]

[Name]

[Address]

[City, Zip Code]

Re: [Case Name]

Docket No: [Docket]

Dear [Salutation]:

The court referred your [case issue] dispute to our office for mediation. It is our desire to assist you in your attempted resolution of this matter. Please be advised that we have scheduled a joint meeting on [appointment] in our office located at [office address]. It is imperative that you attend, as your input is essential to the mediation process.

It is additionally important for you to know that a high volume of referrals from the court to Family Services makes the rescheduling of missed appointments an ineffective use of our staff's resources. *We ask that you not bring children to mediation sessions unless the mediator has specifically requested that the children be present.*

I look forward to meeting with you.

Sincerely,

[Counselor]

[Title]

cc: [Attorney]
[GAL/AMC]



State of Connecticut
RAMA JUDICIAL
DIVISIÓN DE SERVICIOS DE APOYO AL TRIBUNAL
TRIBUNAL DE PRIMERA INSTANCIA
Unidad de Servicios de Familia

Fecha: _____

Nombre: _____

Dirección: _____

Cuidad, código postal: _____

Re: **Nombre del caso** _____ Expediente número: **Docket** _____

Estimado _____:

El tribunal ha remitido su disputa _____ a nuestra oficina para su mediación. Es nuestro deseo ayudarlo en su intento de resolver este asunto. Por favor tenga presente que le hemos hecho una cita conjunta el _____ en nuestra oficina situada en _____. Es sumamente importante que usted esté presente porque su contribución resulta imprescindible para el proceso de la mediación.

También es importante que usted sepa que hay un número elevado de remisiones del tribunal a Servicios de Familia y cambiar de fecha porque no se presentó en la fecha indicada es un uso ineficaz de nuestro personal. *Le pedimos que no traigan niños a las sesiones de mediación a menos que el mediador le haya pedido específicamente que los hijos estén presentes.*

En espera de encontrarme con usted.

Atentamente,

Asesor: _____

Cargo: _____

CC: Abogado: _____

Tutor ad litem/AMC _____



State of Connecticut
JUDICIAL BRANCH
COURT SUPPORT SERVICES DIVISION
SUPERIOR COURT
Family Services Unit

[Date]

[Name]

[Address]

[City, Zip Code]

Re: [Case Name]

Docket No: [Docket]

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I look forward to meeting with you.

Sincerely,

[Counselor]

[Title]

cc: [Attorney]
[GAL/AMC]



State of Connecticut
RAMA JUDICIAL
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En espera de encontrarme con usted.

Atentamente,

Asesor: _____

Cargo: _____

CC: Abogado: _____

Tutor ad litem/AMC _____