
Child in Need of Aid Mediation Program

Answers to frequently asked questions

What is mediation?

Mediation is a private meeting in which a mediator helps those involved in a 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.

The mediator helps those involved:

- determine the important issues,
- explain and understand each other's proposals,
- clear up misunderstandings,
- explore creative solutions, and
- reach acceptable agreements.

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 and their attorneys:

- Parents
- Office of Children's Services (OCS) staff
- Guardians ad litem (GALs)
- A representative of the tribe, if one is involved

Sometimes others are involved, including:

- Youth
- Extended family
- Others important to the case

Who is the mediator?

The court appoints a mediator who has been trained to conduct child protection mediations. The mediator is neutral and not part of the child protection case.

The mediator does not tell people what to do or decide who's right or wrong. The participants make the decisions.

What will the mediator do?

The mediator will want to talk with everyone individually 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 you feel more comfortable when you come to the meeting, and
- answer your questions about mediation.

After talking to everyone individually, the mediator will conduct the mediation. The mediator works to create an environment that promotes problem-solving and makes sure that all parties' voices are heard.

How do we start mediation?

Anyone who is a legal party to the court case, or their attorney, may ask the judge for a referral. This can be done orally at a hearing or by filing a Request for Mediation (form MED-200), available online at: <https://public.courts.alaska.gov/web/forms/docs/med-200.pdf>

Does mediation cost anything?

No. There is no cost to the participants for mediation. Mediation in child protection cases is court-sponsored.

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

If you did not reach any agreements, the judge will decide all the issues in the case.

If you agreed on some issues, you can file a partial agreement with the court. The judge will decide the remaining issues.

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 the 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.

For more information about mediation, please visit <http://courts.alaska.gov/mediation/index.htm>, and look for the Child in Need of Aid Mediation Program.

If you have additional questions, call (907) 264-8236 or email DisputeResolutionCoordinator@akcourts.gov.