

Dependency/Neglect Mediation Project

**“Your program has saved court time
but more importantly, it has saved
our children’s stability and
best interest.”**

Vicki S. Cook,
Circuit-Chancery Judge, Juvenile Division
18th Judicial Circuit-East
July 19, 2000



*Improving Communication
and Promoting Problem Solving
between Families and Professionals*

The Arkansas Dependency/ Neglect Mediation Project is one of several projects administered by the UALR Bowen School of Law Clinical Programs. The goal of mediation is to help parties to find effective solutions to the problems confronting them.

The goals of this project are to improve communication and promote problem solving between families and professionals in order to create specific, well-tailored case plans and to expedite the permanent placement of children. The project uses practicing, trained professional mediators familiar with dependency and neglect laws and policies.

Funding for this program is provided by the Arkansas Supreme Court Administrative Office of the Courts and the UALR William H. Bowen School of Law.

The project director is Kelly Browe Olson, Assistant Professor and Director of Clinical Programs. Nancy Mathews and Jack Bell are Mediator/Instructors for the UALR School of Law. If you have any questions or to arrange a mediation, please contact Terry Harrison, Mediation Office Administrator, 501-324-9939 or taharrison@ualr.edu

Dependency/Neglect Mediation Project

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ARKANSAS Dependency/ Neglect Mediation Project



**UALR William H. Bowen
School of Law**

Clinical Programs

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What is mediation?

Mediation is a confidential dispute resolution process in which one or more mediators assist people to discuss and resolve their conflicts. The participants control whether or not they make an agreement and what the terms of the agreement will be.

What is dependency/neglect mediation?

The Dependency/Neglect Mediation Project works with families and professionals on cases in which one or more parents/parties have allegedly or have been proven to have abused or neglected their children.

The goals of dependency/neglect mediation are to help create well-tailored and specific case plans and to expedite the permanent placement of children, either in their original home or in an alternative placement.

According to a MidSOUTH Training Academy study, the average length of time between the initial case filing and permanent placement was 295 days for mediated cases, and 533 days for non-mediated cases.

Must I attend mediation?

If ordered by the court, you must attend, but you are not required to reach an agreement. If you do reach an agreement, you are required to follow the terms of the agreement.

Who participates in mediation?

Some or all of the following parties:

- Mother, Father, Guardian
- Other Relatives
- Foster Parents
- Child, if appropriate
- Attorneys for all parties
- DHS caseworkers, supervisors
- CASA Volunteers
- Medical, Mental Health, Educational and/or Developmental Professionals

Any of these participants may request that the judge send a case to mediation.



Is mediation private?

Generally, the parties and the mediator cannot tell anyone what happens during mediation. However, confidentiality does not apply to new allegations of abuse or neglect or any threats of serious harm. Also, if an agreement is reached, the agreement is not confidential.

Who is the mediator?

- A mediator helps parties communicate and makes sure that each person gets a chance to talk and be heard.
- A mediator is not a judge who makes the decision for the parties.
- A mediator does not take sides or give legal, financial or professional advice.
- A mediator works with all of the parties to produce the best possible result for the participants, children and their families.

What issues are discussed in mediation?

Many issues are discussed including: case plans, placement, visitation, and services.

What is a “successful” mediation?

It is important to recognize that mediation can be helpful even if the parties do not reach a full written agreement on all issues. Mediation is “successful” if the parties achieve any of the following:

- Understanding of each other
- Participation in a collaborative, problem solving activity
- Full agreement on some issues, but not on others
- Agreement to continue the discussion or to schedule another mediation

What happens when the parties reach an agreement?

If an agreement is reached in mediation, all of the parties sign it and the agreement will be presented to the court for approval.

What if the parties do not reach an agreement?

When the parties do not agree on some or all of the issues, the case returns to the court for the next scheduled hearing. Any case issues not resolved in mediation will be addressed by the court.

What if I have questions about mediation?

You may call Terry Harrison, Mediation Office Administrator at the UALR School of Law Mediation Clinic. His telephone number is:

(501) 324-9939
Toll-free 1-866-273-3959

