

# **Child Protection Mediation in Michigan -2019-**

Christopher A. Kierkus, Ph.D.  
Brian R. Johnson, Ph.D.

**Grand Valley State University  
College of Community & Public Service  
School of Criminal Justice**

This report was made possible through the efforts of many dedicated professionals in the state. The authors would like to extend their thanks and appreciation to the following people and organizations:

- Dr. Patrick Gerkin, Director, School of Criminal Justice, Grand Valley State University
- Dr. George Grant, Dean, College of Community & Public Service , Grand Valley State University
- Isaac Hazen, Graduate Assistant, School of Criminal Justice, Grand Valley State University
- Kevin Bowling, Court Administrator, 20<sup>th</sup> Circuit Court, Ottawa County
- Hon. Robert J. Butts (retired), Probate & Family Court Judge, Cheboygan County Probate Court
- Jennifer Voegtline, Executive Director, and staff, Marquette-Alger Resolution Services, based in Marquette.
- Rebecca Rogan, Executive Director, and staff, Conflict Resolution Services, Inc., based in Traverse City.
- Dr. Jane Millar, Executive Director, and staff, Northern Community Mediation, based in Petoskey.
- Marc Stanley, Executive Director, and staff, Southeastern Dispute Resolution Services, based in Jackson.
- Annette Wells, Executive Director, and staff, Community Mediation Services, based in Gaylord.
- Doug Van Epps, Director, Michelle Hilliker, and Kristina Montemayor, Office of Dispute Resolution, State Court Administrative Office (SCAO), Michigan Supreme Court.
- Laura Hutzal, Director, Statistical Research, State Court Administrative Office (SCAO), Michigan Supreme Court.

Funding for this research study and report was provided by the Court Improvement Program, CFDA 93-586.

## **EXECUTIVE SUMMARY**

The goal of this study is to determine whether Child Protection Mediation (CPM) is more effective at achieving permanency outcomes as compared to traditional child protective court processes used in the State of Michigan. This report also provides a process analysis of CPM programs in this state, with the aim of providing information that can be used to optimize the effectiveness of child protection programs. Mediation centers located in the cities of Petoskey, Gaylord, Marquette, Jackson and Traverse City (some of which serve multiple counties) provided data related to their use of CPM.

The dataset used for this analysis includes information related to case outcomes and the demographic characteristics of youth involved in CPM between 2016 and through October 15, 2018. The sample size varies depending upon the analysis; however, the total number of child protection cases reported by the centers over this time period was 270.

This report also provides findings related to CPM case characteristics, efficiency measures, self-reported satisfaction levels of participants, and permanency outcomes. Comparisons are drawn with the findings of the 2004 CPM Study completed by Anderson and Whalen (2004). Key findings are summarized this Executive Summary, while detailed findings can be found throughout the report.

### **Permanency Outcomes**

Jurisdictions that utilize CPM achieve permanency faster, and more frequently, than comparison jurisdictions that do not utilize CPM.

- Permanency is achieved, on average, in 559 days with CPM compared to 619 days in non-CPM jurisdictions.
- While all child protection cases eventually achieve permanency, during the 2-year study period, jurisdictions that used CPM were almost twice as likely to close a case (i.e. permanency), compared to non-CPM courts.
- The most common permanency outcome from CPM is reunification with parents (54.8%).

### **Disposition Times**

On average, mediation is conducted in advance of the state mandated 63-day time period. Average disposition times are:

- From Petition to Order of CPM: 44.1 days.
- From CPM Order to End of CPM: 15.2 days.
- From Petition to End of CPM: 60.6 days.

## **State-Wide Citizen Satisfaction: CPM vs Traditional Court**

This state-wide dataset allowed for the analysis of citizens' (i.e. not court personnel) perceptions of CPM and court processes. On three of these dimensions, participants in counties that utilize CPM reported higher "Satisfied/Very Satisfied" combined scores relative to counties that use traditional court processes:

- Case resolution (84.5% vs. 81.3%).
- Staff courtesy (95.5% vs. 92.9%).
- Judge courtesy (92.5% vs. 88.3%).

## **When CPM is Used**

CPM is used at various stages, depending upon the county. This suggests that CPM is tailored to the needs and practices of each jurisdiction. The three most common stages include:

- Associated with the Preliminary Hearing (25.9%).
- Prior to Trial/Adjudication (54.4%).
- At Post Dispositional Review Hearings (7.8%).

## **Parties Present at CPM**

Some of the most frequent stakeholders attending CPM, in at least 90% of the CPM cases reviewed, include Lawyer-Guardians ad Litem (LGALs), prosecutors, Department of Health and Human Services (DHHS) employees, and mothers. However, individual jurisdictional analyses show a degree of variance in who is present for sessions. In most cases, traditional court actors and child welfare employees (ex: DHHS) are present. Counties sometimes include other individuals in CPM who provide information related to the child welfare issue. This suggests that CPM provides flexibility, based on need.

## **Participant Satisfaction Levels**

Participant data was only available from Petoskey and Gaylord. All participants, regardless of position or role, have extremely positive impressions of the CPM process.

## **CPM Process Characteristics**

### ***Children Involved in CPM***

A total of 270 children were involved in CPM during the study time period. The typical child in a CPM case is white (85.6%), female (51.1%), and just under 7 years of age.

### ***Court Acceptance of CPM Agreements***

Approximately 70% of CPM cases achieved full or partial agreement: most (approximately 63%) were mediated to full agreement while a further 6% were mediated to partial agreement. In the majority of cases, the court fully accepted the agreements reached in CPM (73.3%).

## **Qualitative Findings**

Responses from interview data and open-ended survey questions suggest that CPM is a widely accepted practice that may improve child welfare permanency and working relationships between stakeholders. More specifically, these benefits are related to improved working relations among CPM stakeholders and a willingness to participate in the process. Stakeholders in CPM consistently rank other individuals in CPM as likely to be willing to participate in the program. Stakeholders also perceive that CPM improves relationships between themselves and DHHS workers.

## **Key Findings: 2004 vs. the 2019 CPM Evaluation**

Generally, the 2004 and 2019 evaluations report similar findings. Both evaluations suggest that CPM improves time to permanency and yields high parental compliance. Positive stakeholder perceptions, improved relationships among child protection professionals, as well as perceived time and cost savings are also outcomes of CPM. Both studies suggest that individuals more experienced with CPM perceive it as most effective. Unique to 2019 are the findings that courts employed CPM differently in the context of when and how it is used.

**PAGE LEFT INTENTIONALLY BLANK**

# TABLE OF CONTENTS

EXECUTIVE SUMMARY .....	a
TABLE OF CONTENTS.....	e
LIST OF FIGURES & TABLES .....	c
I. INTRODUCTION .....	1
II. CHILD PROTECTION MEDIATION - A BRIEF OVERVIEW .....	3
Mediation: The Key Element of CPM .....	3
The History of Child Protection Mediation.....	4
CPM & Permanency.....	6
Goals of CPM.....	6
III. CPM IN MICHIGAN .....	7
CPM Process in Michigan.....	8
Family Team Meetings & CPM .....	9
III. CPM RESEARCH .....	11
Permanency & System Effectiveness.....	11
<i>Permanency Outcomes</i> .....	11
<i>System Efficiency</i> .....	11
<i>Settlement Rates</i> .....	12
Interpersonal Outcomes.....	12
<i>Empowerment &amp; Equalization</i> .....	13
<i>Increased Levels of Engagement &amp; Collaborative Problem Solving</i> .....	14
<i>Improved Relationships &amp; Communication</i> .....	15
<i>Procedural Justice/Voice &amp; Therapeutic Jurisprudence</i> .....	15
<i>CPM is Less Adversarial</i> .....	16
<i>Improved Satisfaction Levels</i> .....	17
Summary .....	17
IV. THE STUDY .....	18
V. FINDINGS .....	21
Descriptive Data – All Jurisdictions.....	21
<i>Children in CPM: All Jurisdictions</i> .....	22

Case Outcomes: All Jurisdictions .....	22
<i>Court Process Findings for all CPM Cases &amp; Mediation Centers</i> .....	23
<i>CPM Findings for the Petoskey Mediation Center</i> .....	25
<i>CPM Findings for the Gaylord Mediation Center</i> .....	27
<i>CPM Findings for the Marquette Mediation Center</i> .....	28
<i>CPM Findings for the Jackson Mediation Center</i> .....	30
<i>Court Process Findings for the Traverse City Mediation Center</i> .....	31
Descriptive Data: CPM Participants .....	32
<i>Participant Descriptive Data for Petoskey</i> .....	32
<i>Participant Descriptive Data for Gaylord</i> .....	33
<i>Participant Descriptive Data for Marquette</i> .....	34
<i>Participant Descriptive Data for Jackson</i> .....	35
<i>Participant Descriptive Data for Traverse City</i> .....	36
<i>Participant Descriptive Data for All Jurisdictions Combined</i> .....	37
CPM Participant Feedback.....	38
<i>Petoskey Mediation Center: Survey Findings</i> .....	38
<i>Petoskey Mediation Center: Qualitative Findings</i> .....	40
<i>Gaylord Mediation Center: Survey Findings</i> .....	41
<i>Gaylord Mediation Center: Reported CPM Satisfaction Levels</i> .....	42
Satisfaction Exit Surveys – CPM & Traditional Court.....	44
Permanency Outcomes - CPM Jurisdictions vs. Comparison Jurisdictions.....	46
Stakeholder Opinions About CPM.....	48
Comparison of Key Findings in the 2004 Report to the Current Evaluation.....	51
VII. CONCLUSION AND DISCUSSION .....	55
Summary .....	55
Future Directions.....	56
REFERENCES .....	57
APPENDIX A.....	65
APPENDIX B .....	66
APPENDIX C.....	67



## LIST OF FIGURES & TABLES

<b>Figure 1.</b> The CPM Process in Michigan .....	9
<b>Table 1.</b> CPM Cases by Mediation Center .....	21
<b>Table 2.</b> CPM Demographics: All Cases .....	22
<b>Figure 2.</b> CPM Outcomes – All Jurisdictions .....	23
<b>Table 3.</b> CPM: All Jurisdictions .....	24
<b>Table 4.</b> Court Process Descriptive Data for Charlevoix Center Cases .....	26
<b>Table 5.</b> Court Process Descriptive Data for the Cheboygan Mediation Center.....	27
<b>Table 6.</b> Court Process Descriptive Data for the Marquette Mediation Center .....	29
<b>Table 7.</b> Court Process Descriptive Data for the Jackson Mediation Center .....	30
<b>Table 8.</b> Court Process Descriptive Data for the Traverse City Mediation Center.....	31
<b>Table 9.</b> Participant Descriptive Data for Charlevoix .....	32
<b>Table 10.</b> Participants Present at CPM in Cheboygan .....	33
<b>Table 11.</b> Individuals present at CPM hearings in Marquette.....	34
<b>Table 12.</b> Individuals present at CPM hearings in Jackson.....	35
<b>Table 13.</b> Individuals present at CPM hearings in Traverse City .....	36
<b>Table 14.</b> Composite Scores: Participants in all CPM cases/All Jurisdictions .....	37
<b>Table 15.</b> Participant Perceptions of Mediation in Charlevoix .....	39
<b>Table 16.</b> Participant Perceptions of Mediation in Cheboygan.....	41
<b>Table 17.</b> Cheboygan Center Feedback Survey: Respondents by Role .....	42
<b>Table 18.</b> Participant Perceptions of Mediation in Cheboygan by Role .....	43
<b>Table 19.</b> Citizen Satisfaction Levels: CPM & Traditional Court .....	45
<b>Table 20.</b> Treatment and Comparison Jurisdictions for Permanency Analysis .....	46
<b>Table 21.</b> Permanency Outcomes: CPM vs. Comparison Jurisdictions.....	47
<b>Figure 3.</b> Permanency Rates: CPM/ Non-CPM Jurisdictions.....	48
<b>Table 22.</b> Comparison of Key Findings from 2004 and 2019 CPM Evaluations .....	53

**PAGE LEFT INTENTIONALLY BLANK**

## I. INTRODUCTION

According to the US Department of Health and Human Services (2018), there were an estimated 69,525 children waiting for adoption due to the termination of parental rights in fiscal year 2017. The average time from termination to adoption, was 11.6 months. It was also estimated that there were 269,690 children entering foster care in fiscal year 2017. The three primary reasons for foster care placement included neglect, drug abuse by a parent, and a caretaker's inability to cope. Of these cases, 49% were reunified with parents or principal caretakers; another 24% were adopted. Meanwhile, in Michigan, the Department of Health and Human Services (DHHS) substantiated 38,581 cases of abuse or neglect in 2014 (State of Michigan, 2014).

This information suggests that on a daily basis, family court judges throughout the United States and Michigan make permanency decisions regarding the welfare of youth. The intent of permanency is to “create a child welfare system with clearly defined pathways and timeframes for children and families” (Albert; 2017, p. ix) and to help eliminate “foster care limbo” and uncertainty. Permanency is considered one of the three key goals of child welfare. The other two are supporting families and protecting children (Berrick, 1998). Thus, permanency planning balances the needs and rights of children with parents. The literature also emphasizes that permanency should be accomplished in a timely manner, and with minimal delays (Mallon & Hess, 2014).

Traditionally, the establishment of permanency relied solely upon court processes that were slow, bureaucratic, “too legal,” non-collaborative, and divisive / adversarial in nature. To achieve permanency in child welfare cases in a judicious manner, over the last 30 years, many courts throughout the United States have created Child Protection Mediation (CPM) programs as a means and tool to establish timely, and effective, permanency outcomes.

This report is divided into several sections. Part one provides a framework of the child protection system and CPM. The second section presents a review of the literature, and the theoretical basis for CPM. Finally, section three reviews the findings from data related to the use of CPM in Michigan.

**PAGE LEFT INTENTIONALLY BLANK**

## II. CHILD PROTECTION MEDIATION - A BRIEF OVERVIEW

Mediation is a technique and process where parties in a dispute meet, talk about, and resolve issues with the assistance of a neutral third party (the mediator). This third party helps stakeholders reach a mutually agreeable solution. It is an Alternative Dispute Resolution (ADR) process. ADR is a term that collectively represents dispute resolution processes, or techniques, including mediation, arbitration, and their many variants. Many of these ADR processes are not new. ADR techniques, including mediation and arbitration, are as old as civilization itself, predating the creation of formal legal systems throughout the world (Hoebel, 1954). The fundamental goal of ADR is to bring “peace and finality” to an issue without relying on the formal court system.

Mediation is frequently used in the field of labor relations, and in the courts. In the context of labor relations, mediation, and other ADR processes, including arbitration, have been extensively used for well over 100 years, in the private and public sectors, to settle contractual disputes, maintain labor peace, and bring finality to issues (Bennett & Kaufman, 2016). In the courts, meanwhile, mediation came to the forefront in the 1960s and 1970s as part of the community empowerment movement, and the court management revolution. The community empowerment movement is premised on shifting power relations from the formal court system to citizens and communities. Now, in many jurisdictions, rather than relying on formal adjudication, staff at community dispute resolution centers resolve many civil issues. Furthermore, during this historical transition, many court administrators and judges found that ADR in civil cases (e.g. arbitration in divorce cases), and victim-offender mediation programs, were capable of relieving the courts of large caseloads. Oftentimes, parties participating in ADR reported higher levels of satisfaction than traditional courtroom processes and outcomes. This was based in part on the fact that these programs enhanced collaborative problem solving, and eliminated adversarial court procedures, where players were often more invested in achieving victory, as opposed to reaching a settlement (Dale, 2014). The financial costs for individuals that were associated with traditional court processes were also reduced through the use of ADR (Guinta & Amatea, 2000). These factors subsequently led to many state legislators to create laws that mandated, or at least allowed, ADR (Hensler, 2003).

### **Mediation: The Key Element of CPM**

CPM relies upon effective mediation. In some instances, the need for mediation is based on the premise that it improves judicial efficiency by relieving overburdened court dockets. In fact, at the federal and state court levels, it can be compulsory for parties to mediate a dispute, prior to using the formal court apparatus. For instance, mediation is used in many states for post-divorce parenting plans including visitation, and custody-related issues (Johnson, et al., 2005; Kirkland & Ritter, 2011).

Mediation is also closely aligned with the goals of the family court system and child protective services. The underlying goals of the juvenile courts, for example, is the protection, treatment, reunification of the child and family (child in need), and permanency (Lewandowski, 2018). The goals of CPS, meanwhile, are the safety of children, prevention of child maltreatment, keeping families together, and establishing permanency (Findlater & Kelly, 1999; Hughes & Rycusa, 2006; Sinanan, 2011). These complementary goals require the use of a model where interested parties collaborate, problem solve, share ideas, and generate decisions that are in the best interests of the child. Thus, collaborative problem solving can be better accomplished using mediation, as opposed to a traditional, adversarial court proceeding (Hood, et al., 2017).

### **The History of Child Protection Mediation**

The origins of CPM can be traced to early pilot programs in the 1980s. Denver, Colorado, Washington, D.C., California, and Connecticut all started programs in the 1980s (Firestone, 1997; Giunta & Amatea, 2000; Taylor, 2012). Evaluations of these programs suggested that mediation was an effective tool for child protection proceedings (Edwards, 2009). The logic of using mediation in child protection cases was based on the premise that it provides a suitable framework for parents and caseworkers to collaboratively address issues related to permanency (Mayer, 1985).

At times, both individuals and organizations have been the primary “drivers” of CPM. Judges, for instance, have historically been responsible for providing an effective means to achieve timely permanency outcomes. Therefore, they oftentimes became strong advocates for the creation of CPM programs (Edwards, 1997). In fact, the first CPM program is credited to Julius Libow, a juvenile court referee who established a mediation program for neglect and abuse cases in Los Angeles, California in 1983 (Libow, 1993; Bryan, et al., 2011). In 1995, CPM was endorsed as an effective tool for permanency planning by the National Council of Juvenile and Family Court Judges (NCJFC). In 2002, the NCJFC further endorsed CPM as a strategy for permanency in its *Adoption and Permanency Guidelines (2000)* (Edwards, 2009; Bryan, et al., 2011). In 2007, meanwhile, experts from the field, and several child welfare organizations, created the *Child Welfare Collaborative Decision Making Network*. Members of this workgroup drafted a series of guidelines and best practices for CPM programs. These guidelines were subsequently adopted by the *Association of Family and Conciliation Courts* in 2012, to serve, educate and promote the practice of CPM (See Box 1). These guidelines also helped CPM to spread to other courts throughout the United States (Giovannucci & Largent, 2013).

Concomitantly, federal legislation beginning in the 1980s also contributed to the creation and growth of CPM. Amendments to the *Adoption Assistance and Child Welfare Act* of 1980 (Public Law 96-272) were created to “ensure permanency for children through reunification with parents, through adoption or through another permanent living arrangements” (US Department of Health, 1994; np). Other federal legislation in the 1990s also led to the increased use of CPM. In 1994, the *Family Preservation and Support Services Act* was passed. Part of this legislation “required states to make reasonable efforts to prevent or eliminate the need for removing a child from his or her home” (Jordan, 2009; p. 715). Later, in 1997, the *Adoption and Safe Families Act* (ASFA) was passed. This legislation included amendments to the *Child Welfare Act* of 1980 and clarified existing federal policy related to children in foster care. ASFA emphasizes that the health and safety of children is paramount in every step of the child welfare process, and calls for legal procedures to be carried out expeditiously to ensure faster permanency plans for children in foster care (Allen & Bissell, 2004; Spar & Shuman, 2004). For example, ASFA requires that permanency hearings be held no later than 12 months after a child enters foster care, and that parental rights be terminated for children who have been in foster care for 15 of the most recent 22 months. The ASFA also recommends that the entire family be involved in court processes that are related to child welfare, reunification, and permanency (Huntington, 2006).

CPM is not limited to the United States. It has been used in Canadian Courts since the 1990s. CPM was first used in British Columbia in 1992, and its use was expanded after 1996 legislation specifically provided for mediation to resolve issues (McHale, Robertson & Clarke, 2009). Nova Scotia, meanwhile, began its first “legislatively based program” in 1993 (Carruthers, 1997). Canada’s largest Province, Ontario, is also using CPM. As of 2006, under the amended *Child and Family Services Act*, the use of CPM is either allowed, or mandated, under a variety of different conditions (Ontario Ministry of Children, nd).

### **Box 1. Guiding Principles of CPM**

According to the Association of Family and Conciliation Courts, CPM should be:

**Inclusive** – Including and engaging family members and child protection professionals and other stakeholders in collaborative problem solving.

**Collaborative** – Conducted in a manner that promotes constructive and open communication among the mediation participants.”

**Timely** – Occurring in a timely manner to encourage early engagement and collaborative problem resolution.”

**Safe** – Not compromising “the safety of participants, or non-participants, who may be affected by the mediation process or outcome, before, during or after the mediation session.”

**Confidential** - confidentiality ensures that parties can be frank and speak openly with one another.

**Ethical** – conforming to accepted standards for professional conduct for mediators.

**Supported Quality**– “Leaders at the highest level of court systems and child welfare stakeholder groups should be engaged in the development, implementation, evaluation and promotion of the CPM and actively support quality CPM practice.”

Adopted from: Association of Family and Conciliation Courts (2012).

## **CPM & Permanency**

The primary goal of CPM is permanency. The U.S. Department of Health and Human Services (2005) defines permanency as “a legal permanent family living arrangement, that is, reunification with the birth family, living with relatives, guardianship, or adoption” (p. 2). Permanency is also defined as a child's permanent home/family, which includes reunification with the birth parent (or other caregiver), adoption, or permanent legal guardianship (Adoption and Safe Families Act, 1997). Permanency involves a child leaving the foster care system to a permanent living condition. The goal of permanency is to establish a safe and enduring long-term permanent family relationship. According to the Children's Bureau, permanency should be achieved as soon as possible after removal from the family (Statewide Data Indicators, 2014).

Establishing permanency in a timely manner is important for several reasons. In a basic perspective, permanency increases stability in a child's life. Permanency also provides youth the “social status of full family... provides for physical, emotional, social, cognitive and spiritual well-being, while assuring lifelong connections to extended family, siblings, other significant adults, family history and traditions, race and ethnic heritage, culture, religion and language” (Frey, 2005; p. 3). As such, permanency is not simply physical location. It also includes the dimensions of relational permanence (Stott & Gustavsson, 2010). The literature also shows that stronger levels of attachment (i.e. permanency), and increased stability, result in decreased levels of delinquency (Ryan, et al., 2008; Goldhaber-Fiebert, et al., 2012). Residential stability has also been found to improve resiliency and improve child development (Harden, 2004). On a philosophical level, meanwhile, permanency is a community responsibility. Various stakeholders (the courts, family services, child welfare, community groups, etc.) should also be responsible for maintaining and developing support systems for youth and families (Dettlaff, 2014).

## **Goals of CPM**

Besides permanency, CPM can achieve several other process and outcome goals. Process goals include: creating a safe environment that is conducive to problem solving and the disclosure of issues to maintain equality in power between the parties during the mediation session(s) (Carruthers, 1997); resolving the case in a timely manner (Barsky, 1999); and, keeping parents in the center of the decision making process instead of on the periphery (Mayer, 2009). Other important goals include improved communication, and increasing levels of empowerment for the family. Outcome goals, meanwhile, include developing a comprehensive plan or “roadmap” that is safe for the child, while being satisfactory to all parties involved. This helps ensure that the decision is made in a timely manner while strengthening a family's formal and informal support systems (Edwards, 2009; Giovannucci & Largent, 2009).



### III. CPM IN MICHIGAN

The use of mediation and other alternative dispute resolution (ADR) techniques are not new in the State of Michigan. The origins of mediation and ADR can be traced to Public Act 260, the Community Dispute Resolution Act of 1988. This legislation:

- Created the community dispute resolution program.
- Created the community dispute resolution fund.
- Established criteria for funding and participation in the program.
- Provided for the administration of the program.
- Authorized pilot projects.
- Required the reporting of certain statistical data.

The resulting Community Dispute Resolution Program (CDRP) was created to provide conciliation, mediation, or other forms and techniques of voluntary dispute resolution to persons and parties in dispute as an alternative to the traditional judicial process. PA 260 subsequently led to the creation of the Community Dispute Resolution Program (CDRP) in 1990, which is administered by the State Court Administrative Office (SCAO). These non-profit entities are funded by the SCAO: Office of Dispute Resolution.

There are currently 18 geographically dispersed centers throughout the state. They provide mediation-related services to individuals and courts in their specific geographic region. These centers have provided an estimated 17,000 hours of mediation-related services, assisting approximately 10,000 individuals, state-wide (Community Dispute Resolution, 2017). Some, though not all, of these centers provide CPM. In this context, CDRP staff are responsible for providing mediators, scheduling, and administering the mediation hearings. Mediation center staff assign mediators responsible for CPM cases; these mediators receive a minimum of 40 hours of basic mediation-related training, followed by 16-20 hours of specialized training in CPM.

CPM has approximately a 20-year history in Michigan. Pilot programs were first implemented throughout the state in 1998, as part of the federal government's *Court Improvement Program* (CIP). The CIP was designed to "improve court processes ... in the child welfare system and encourage collaboration between courts, child welfare agencies and tribes" (Child Welfare, 2015, p. 3). The CIP provides federal grant monies to the highest state court with the goal of improving the oversight and administration of courts throughout the particular state in order to address abuse, neglect, and improve permanency outcomes for children (National Center for State Courts, 2019). As part of continued improvement, existing CPM pilot programs in Michigan were evaluated in 2004. In comparison to traditional court proceedings, this study determined that mediated cases achieved permanency faster, compliance rates were high, participant perceptions of CPM were ranked high, and there were no unintended consequences of CPM (Anderson & Whalen, 2004). Recently, in 2018, amendments to Court Rules 2.410 and 2.411, along with the adoption of Rule 3.970, further reinforces the use of CPM in Michigan. These new court rules provide "*explicit authority for judges to order mediation in child protection proceedings.*"

## CPM Process in Michigan

Figure 1 shows the common court stages in child protection proceedings in Michigan. CPM can be used at every stage of child protection court proceedings in Michigan. For example, many cases are referred to CPM early in the court process, at the preliminary hearing. At this stage, the respondents agree to CPM, and the judge orders the parties and the case to mediation. The order for CPM is forwarded to the appropriate CDRP by the court probate register. The CPM hearing is then scheduled by the CDRP that is responsible for servicing that particular court. If not at the preliminary hearing stage, the process for CPM is the same: a judge orders the case to mediation for resolution. In some cases, CPM can be used multiple times during a case in order to achieve permanency.

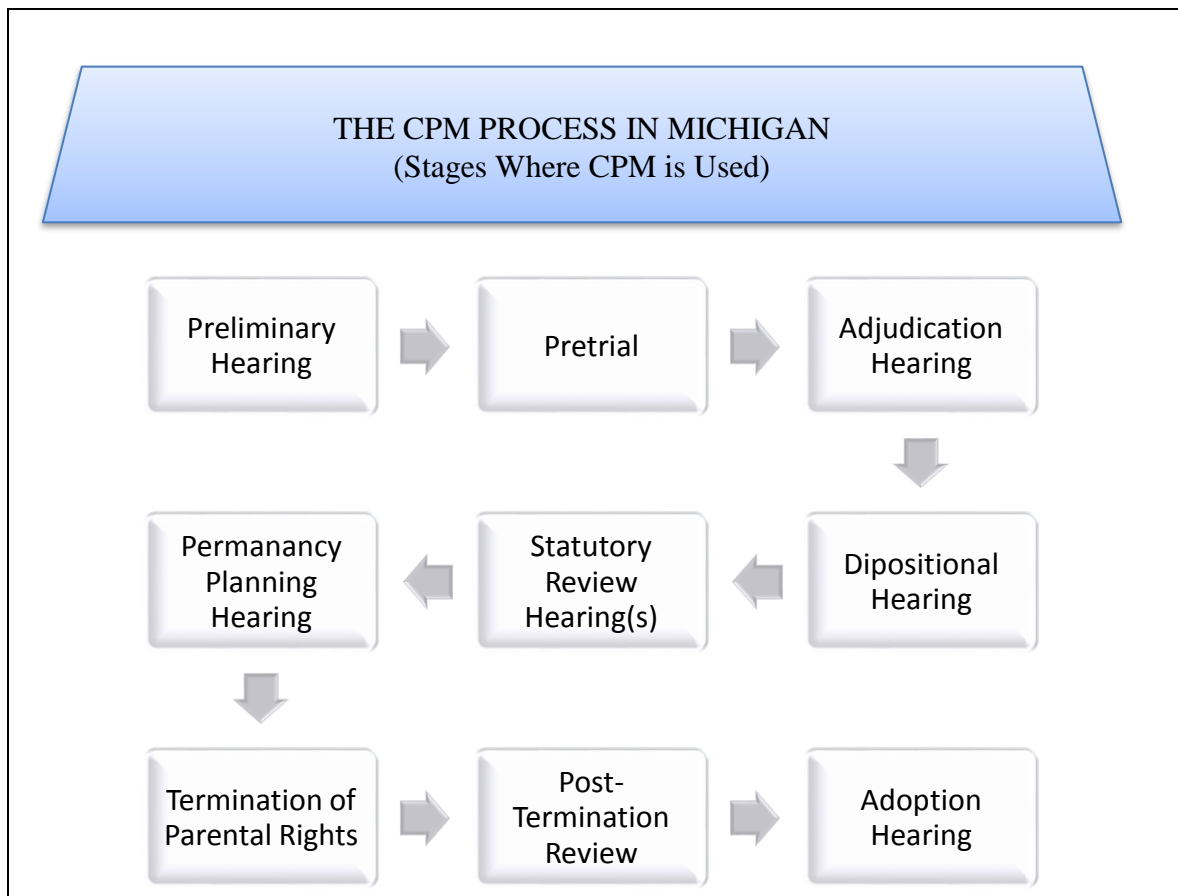
Several important groups of stakeholders participate in CPM. A typical CPM proceeding may include:

- Parents.
- Case Workers from the Department of Health and Human Services (DHHS).
- Attorneys representing the child(ren).
- Attorneys representing the parent(s).
- The prosecutor.
- The mediator.
- A Lawyer-Guardian ad Litem (LGAL) representing the children.
- Court Appointed Special Advocates.
- Foster parents.
- Other family members.
- Other child services workers.

A typical CPM session involves parties meeting with the mediator and their attorneys, if they have them, in a comfortable and safe setting. The mediator begins the session by having the parties introduce themselves and establishing the procedures or “ground rules” for the mediation session, emphasizing his or her role as a neutral party in the process. Each party is then allowed to explain their position and concerns, what they would like to achieve, and why. In doing so, the parties exchange information and ideas, while the mediator helps everyone generate options that may lead to a resolution. Once the parties agree on an acceptable option, the terms are written into a mediation agreement by the mediator, which is signed by the parties present at mediation.

Key issues mediated at the preliminary hearing stage can include the wording of the petition, placement of the child(ren), guardianship, family contact plans, and visitation issues. If mediated at this stage, a dispositional hearing is held - often on the same day that CPM is concluded. At the dispositional hearing, the service plan is reviewed, and an order of disposition is entered by the court, allowing parties to begin services immediately. If not done at the preliminary stage, CPM can be ordered by the court to resolve any subsequent issues that arise with the case. A plea is also typically entered as part of a combined adjudication / dispositional hearing

**Figure 1. The CPM Process in Michigan**



### **Family Team Meetings & CPM**

Family Team Meetings (FTMs) are also used to improve permanency outcomes for children in Michigan. The FTM is a Family Group Decision Making (FGDM) process, which is an “umbrella term for various processes where families are brought together with agency personnel and other interested parties, to make decisions about and develop plans for the care of their children and needed services” (US Department of Health & Human Services, p. 4). FTMs are part of Michigan’s Child Welfare Practice Model that are administered by the DHHS – not by the courts. They are a collaborative, voluntary case-level planning strategy and process used by DHHS staff. FTMs include the family, as well as other individuals and professionals involved with the family, who can provide support to the family in planning safety and permanency for youth. The premise of the FTM is that the family is the best expert on the welfare of their child(ren). However, when the family does not, or cannot, meet the needs of the child (ren), then professionals need to intervene, assess needs, and develop a service plan. As such, FTMs are considered a restorative practice where families and others meet to develop a plan to “provide a respectful forum for family members to work together to identify needs and potential solutions that will support the safety, permanency, and well-being of their children” (Wang, et al., 2012; p. 845). The end goal of these meetings is to develop a better permanency outcome that is acceptable by all parties (Wang, et al., 2012).

These FTMs are conducted by DHHS staff within 30 calendar days before (based on the removal date of the child), or 14 calendar days after, a CPS case opening. They are conducted pre-petition, resulting in some cases not being petitioned to the court. In addition, they are also used for cases that do not require court intervention. The process begins with DHHS staff facilitating pre-meeting discussions with the family to ensure that they are prepared to participate in the FTM, while also setting the agenda and purpose for the FTM. Family members then select whom they would like with them as at the actual meeting time and location. During the FTM, a DHHS facilitator conducts the confidential meeting, and a plan (known as a “service plan”) is created based on general family needs and well as the needs and safety concerns for the child(ren). The ultimate goal is to move the child(ren) toward permanency (Michigan Department of Health and Human Services, 2015). After the service plan has been created, DHHS staff follow-up periodically on family progress to monitor and determine if requirements and goals found in the service plan have been met. If necessary, additional case plan reassessments can be conducted. It should, however, be noted that LGALs and attorneys for parents are not typically present during the FTM process. This is important since DHHS staff are not neutral third parties; and, they may make decisions that parents, and/or other legal guardians, disagree with.

The end goal of this process is to develop a better and more prompt permanency outcome, which is realistic, achievable, and acceptable to all parties involved (Wang, et al., 2012). If court intervention does ultimately prove necessary, the service plan created at the FTM can be used in court proceeding(s). However, it is important to emphasize that, at the initial stages, FTMs are not part of the court process. Thus, FTMs are not substitutes for, nor an alternative to, court proceedings or CPM (which is a court-initiated process). FTMs ensure that appropriate services, and a plan for delivering them, are created early in the child welfare case, which ensures timely access to services, and better permanency outcomes. Thus, both FTMs and CPM can be considered complimentary processes, serving to maximize family engagement in child welfare and achieve the ultimate goal of permanency (Olson, 2009).

### III. CPM RESEARCH

The research shows that CPM has short- and long-term outcomes and benefits. The literature also shows that CPM is effective in improving permanency in two broad areas. They include: 1) system effectiveness; and, 2) the quality of interpersonal relationships between stakeholders. Both are reviewed below.

#### **Permanency & System Effectiveness**

CPM is forward-thinking and proactive, focusing not only on the legal wrongs and rights of the parties, but on the ultimate goal, which is achieving the best possible future of the child and the family. By way of comparison, traditional court processes are retrospective in nature, focusing on past family-related problems (Olson, 2006; Rosenbaum, 2011). For this fundamental reason, the existing research shows that CPM programs improve permanency outcomes, system efficiency, and settlement rates.

#### *Permanency Outcomes*

The research suggests that CPM is effective in achieving permanency – one of its fundamental goals. Because CPM is inclusive, collaborative, and problem-centered, these permanency outcomes are broad and can include: reunification with parent(s), placement with relatives, adoption and legal guardianship (Rosenbaum, 2011). As such, permanency outcomes are a proxy measure for achieving “success,” which are based on a variety of different dimensions specific to that particular case. These can vary based on the stage of the process CPM is used at as well as the nature of specific cases (Eaton, Whalen, & Anderson, 2007). In this context, permanency outcomes for CPM, in comparison to traditional court procedures, are difficult to determine. To compound the issue, there is limited research on permanency, and the existing literature provides mixed findings. Anderson and Whalen’s (2004) evaluation of Michigan’s CPM program, for example, concluded that permanency outcomes were superior for mediated cases. An evaluation of mediation in New York also concluded that exit rates from the system were slightly higher among mediated cases (Spitzer, 2007). Conversely, Madden & Aguiniga (2013) determined that CPM, in a large, unspecified state, did not have a discernible effect on permanency. Instead, the authors concluded that a combination of factors including the agency, family, child, court and community factors were important determinates of permanency.

#### *System Efficiency*

CPM also improves system efficiency. The literature shows that CPM is less expensive than traditional court proceedings. A greater number of settled cases at mediation means less time and resources are expended during adversarial court proceedings. Moreover, less money is spent by parents for legal representation, in comparison to costs related to traditional court hearings (Rosenbaum, 2011; Summers, et al., 2011). Other authors have also concluded that mediation reduces the workload for the courtroom workgroup, and reduces court delays because contested issues between the parties are resolved in mediation (Maresca, 1995; Thoennes, 2009; Summers, et al., 2011).

Speed is another measure of system efficiency. Thoennes & Kaunelis (2011), for example, concluded that mediated cases resulted in fewer court hearings and appearances relative to similar non-mediated child permanency cases, leading to shorter times to permanency. This idea is supported by Shack (2010) who found that removing court hearings and other traditional court-related activities has a positive effect on quickly moving youth to permanency. In fact, even if CPM is not successful in resolving all issue(s), the number of contested issues resolved at mediation results in faster court processes; fewer points of disagreement can result in faster court proceedings.

### ***Settlement Rates***

Settlement rates have been examined in many process and outcome evaluations. Regardless of the location, a consistent finding is that CPM settles cases that would have otherwise relied upon formal court processes for resolution. For example, Landsman, et al.'s (2003) evaluation of 210 child welfare cases in the *Iowa Mediation for Permanency Project (IMPP)* found that mediation had the highest settlement rates and “permanency resolution” (p. 234). Another process and outcome evaluation in Essex County, New Jersey found that 70% of cases were resolved with one mediation session (lasting approximately 3 hours) while a further 25% of the cases were resolved after two mediation sessions (Dobbin, et al., 2001). Similar findings were reported from a state-wide study conducted in Nevada. Based on a review of 58 mediated cases, 62% were resolved completely, while 7% were partially mediated (Ganasarajah, et al., 2017). Likewise, in a state-wide study in New York, it was found that 51% of the cases referred to mediation were resolved (Colman & Ruppel, 2007). In a later study of child mediation in New York City, approximately 40% of cases were fully mediated while another 20% of the cases brought to mediation were partially resolved (Thoennes & Kaunelis, 2011). Additionally, in Virginia: 64-80% of cases, depending upon location, reached full or partial agreement using CPM, and 71% of those required only one session, lasting an average of 3 hours (A pilot study, 2002). Finally, in another evaluation of CPM in Texas, 54% of child welfare cases were completely settled, and a further 11.3% were partially resolved with CPM (Bryant, et al., 2010).

### **Interpersonal Outcomes**

The literature also shows that CPM programs have several interpersonal process-related outcomes. These are often inter-related and provide short and long-term benefits for all of the parties involved in the process. Some, but not all, of these outcomes include: increased empowerment and equalization; increased levels of participation and collaborative problem solving; improved relationships and communication; positive changes in procedural justice/voice; and, increased satisfaction levels. Each of these are reviewed below:

## *Empowerment & Equalization*

In comparison to traditional court processes, CPM has transformative aspects that empower individuals by giving them the opportunity to make permanency decisions. In traditional court processes, complex power dynamics exist. Judges have formal authority, while prosecutors and child welfare agents also have expertise, informational, and procedural powers that parents do not possess (Wade, 1994). Additionally, the degree of participation by a family member in the courtroom exists on a spectrum. Some judges are participatory, seeking information and including the parents in the decision making process. Conversely, other judges may be less inclusive, relying upon formal members of the courtroom workgroup, and engaging in shaming activities against parents that often serve to increase tensions in the courtroom (Lens, 2017). With CPM, meanwhile, the structure and mission of mediation helps to ensure an equalized “playing field.”

As such, in traditional court, there is significant potential for families or parents to be left on the periphery, even though they are the ones that have the most to lose. However, as pointed out by Thomson, McArthur and Camilleri (2017), ADR processes can serve to equalize the “enormous beast of the court” (p. 27) by rebalancing, or mitigating, disproportionate power relationships. In effect, CPM “re-sets” any power imbalances that exist in traditional court processes. Now neutral mediators, not judges, are in charge of the procedural aspects of the dispute (Wade, 1994).

Empowerment is sometimes also considered a practice that delegates responsibility to individuals. However, it is more than a practice. Empowerment is also a psychological state. As such, it is a motivational construct where a person determines that he or she has competency in making decisions, and that his or her activity has meaning as well as a degree of impact, on the outcome (Zhang, et al., 2010). In this context, Firestone (2009) writes that some of the factors that serve to empower parents in CPM include: 1) an increased exchange of information; 2) increased contributions from all of the individuals involved; 3) the opportunity to participate and contribute to the “efforts to find a solution;” 4) reduced conflict between all of the parties involved; 5) increased levels of teamwork; and, 6) increased confidence in the child protection process. The need to include parent(s) in this process is paramount, in part because the literature suggests that the majority of child protection cases are related to neglect, and not abuse. Thus, CPM can help “problem solve” social, psychological and economic problems such as substance abuse, poor housing, addiction, poverty, and mental health struggles that make effective parenting difficult. This, in turn, can help alleviate family instability, and improve permanency outcomes (Kruk, 2015).

Empowerment can also lead to increased levels of self-confidence and determination (Carmichael, 2015). Self-determination is “the act of coming to a voluntary, uncoerced decision in which the party makes free and informed choices as to the process and outcome” (Diener & Kahn, 2016; p. 161). Through the mediation process, parents become one of the principle actors in the processes, and in determining the outcomes. Unlike traditional court (where the parent(s) can have little input, and instead rely upon legal representation), in mediation, family members are encouraged to freely discuss issues related to permanency. Thus, parents obtain a greater degree of input and control in the final mediated settlement through increased involvement, and by being included in the permanency decision (Firestone, 2009).

### *Increased Levels of Engagement & Collaborative Problem Solving*

CPM is also a facilitative process that enhances engagement. In the field of social work, engagement is a broad concept that includes a range of activities including communication, collaboration, problem solving, accepting the need for help, and cooperation (Ingram, et al., 2015). Often referred to a restorative approach, the process is inclusive, making parents active, instead of passive, participants in the decision making process. This participation, in turn, can lead to shifts in power relationships. Now, parents have increased levels of power in the decision making process, potentially mitigating any resentment they have toward authority figures who are perceived to be infringing upon their parental authority (Paik, 2017). This outcome is achieved by giving the parties the opportunity to express their issues and concerns. The role of mediator in these sessions is to promote and provide a safe forum for the parties in dispute, while assisting in the effective communication process (Carmichael, 2015). By allowing parents the opportunity to share their ideas, and “be heard,” all of the stakeholders can appreciate one another’s interests and positions that are related to the welfare of the child. These statements may be quite different from attorneys representing the parent(s), who may be more interested in the legal issues in the current case, and to be advocates for their client’s legal rights, rather than considering what is in the best interests of the child. These increased levels of participation result in all of the parties having an expanded role relative to a traditional court process, making the process more “open,” facilitating higher levels of engagement, and information sharing, in order to solve problems (Rosenbaum, 2011). As pointed out by Madden and Aguina (2013), mediation can therefore lead to “more immediate outcomes, which in turn might build more productive alliances among parties” (p. 114-115). This can lead to increased rates of permanency.

CPM can also increase levels of legal consciousness among parents. Legal consciousness is based on the sense of legitimacy that persons have toward legal institutions, including the courts. In other words, it is the way in which ordinary people make sense of, and understand, the judicial process and legal systems. Legal consciousness is socially constructed. It is based on the knowledge and experiences that people have with the system, which in turn, gives meaning to their legal experiences. That is, the development of understanding the law and legal practices are individually constructed, based on a person’s assumptions, legal situation, and the organizational dynamics or the characteristics of the court proceedings the person experienced in his or her particular case (Ewick & Silbey, 1991). In the context of mediation, instead of a formal court proceeding and process, the research suggests that organizational structures create different grievance cultures. In comparison to courts, mediation, for example, eliminates “certain biases for subjects related to perceptions of harm, blame, and remedies” (Hoffman, 2003; p. 695). Cown (2004) also writes that bureaucracies can be seen as dehumanizing, relying upon objective facts instead of a person’s own personal narrative of a situation. Additionally, the law and legal services can also be seen as an “uphill struggle” to make one’s voice heard (Sarat, 1990, p. 377). With ADR techniques, however, the potential for a fairer process exists where individuals have a greater perception of power, and a more positive outlook of legal empowerment.



### ***Improved Relationships & Communication***

Another benefit of mediation is that participants are more open with their feelings and become more empathetic toward the other parties. This is because informal means of communication exist in mediation, compared to formal court proceedings. Mediation subsequently improves the “language and perspective” (Edwards, 2004; p. 44) of the professionals involved in these matters. In effect, the process humanizes the issue. During the mediation session(s), a shared, or inclusive, story is frequently constructed. This is achieved through the identification of relationships or commonalities, and the creation of a new narrative related to the issue. Through this process, at a minimum, the relationship between the parties, if not the dispute over the substantive issues at hand, is improved (Carmichael, 2015). In sum, everyone understands the issues better.

CPM has also been found to help parents understand and “examine their own prejudices about their counterparts, and work toward changing those feelings to cooperate (Maynard, 2005; p. 520). As pointed out by Rosenbaum (2011), this is one of the major goals of the child welfare system – “helping parents understand what they need to do to reunify their family” (p. 315). In one study, for example, it was determined that mediation improved everyone’s point of view; 76% of the professional stakeholders reported that mediation helped them better understand the needs of the family, while 73% stated that it improved communication between themselves and the parent(s) (Dobbin, et al., 2001).

These greater levels of trust and collaboration may subsequently extend beyond the actual mediation session (Rosenbaum, 2011). Edwards (2004) writes that relationships between attorneys are also better due to CPM. Meanwhile, social workers have better relationships with attorneys, due in part to the fact that they are no longer being cross-examined and treated as “opponents” who must be overcome. Greater levels of, and better forms of, communication are also established between the parent(s) and social workers.

### ***Procedural Justice/Voice & Therapeutic Jurisprudence***

CPM also influences organizational justice outcomes. Organizational justice is an individual’s perception of being treated fairly in an organization (Greenberg, 1987). Two constructs of organizational justice are procedural and distributive justice. Procedural justice is a subjective interpretation of overall process or procedures used to reach the outcome or decision. It is also an assessment of one’s self-worth, perceived standing, and status in the group (Tyler & Lind, 1992). In the context of procedural justice, it is the perceived fairness of the process that is most important – not the actual outcome. Distributive justice, meanwhile, are perceptions that the outcome - not the process - was fair. These perceptions of procedural-distributive justice are oftentimes contextual in nature. That is, they are derived from expected outcomes and are socio-emotional in nature (Hauenstein, et al., 2001). In contrast to a traditional court process, parties in CPM may perceive the process alone, or the process-outcome as “more fair,” due to the nature of the procedures involved.

The four elements of procedural justice include voice, neutrality, respect and trustworthiness. Voice is related to the person's ability to communicate his or her viewpoints prior to the decision being made. Neutrality occurs when the decision maker develops a judgement based on fact, instead of bias. Respect, meanwhile, is being treated appropriately (for the circumstance) and politely; and, trustworthiness occurs when a person feels that the decision maker is concerned about one's well-being (Murphy, et al., 2014).

The concept of voice can be limited in a traditional court setting where the parents' attorney, serving as an advocate, makes decisions that affect their lives, and the permanency of the child (ren). In the court setting, attorneys do most of the talking, and perhaps work on a plea agreement based on limited parental input. In CPM, the parent has more of an opportunity to engage in the decision making process. In fact, even if a plea agreement is reached, the parent(s) nevertheless are given an opportunity to participate, and be heard, by all of the parties involved in the permanency process. Consequently, increased levels or perceptions of "justice" in the process serve to enhance legitimacy, and the acceptance of undesired outcomes (Thibault & Walker, 1975). That is, the person may disagree with the outcome, but assert that the process was fair, because he or she was heard. Moreover, even if a person knows that he or she had a limited influence on the outcome, the opportunity to have voice, or express one's position, nevertheless may lead to a perception that the procedure was fair. As such, "voice has value beyond its ability to shape decision-making processes and outcomes" (Tyler & Blader, 2003; p. 351).

Finally, the concept of therapeutic jurisprudence needs to be considered in the context of CPM. Therapeutic jurisprudence is the notion that legal procedures and legal actors within the court intentionally, or unintentionally, produce therapeutic or anti-therapeutic consequences (Winick, 1997). Being treated unfairly (in fact, or perceptually) by a child welfare system, and court system, can make existing problems in a struggling family worse. It can also have a negative impact on the very children the system is designed to help: an example of anti-therapeutic consequences. By way of contrast, the increased sense of fairness and justice associated with CPM can have therapeutic benefits for both families and child (ren). Being heard, and having a sense of agency, can make all parties more accepting of the final decisions made (whatever they may be), and thus, make it more likely that those decisions will be respected and will become permanent. This, in turn, can create an important therapeutic stability effect for the child (ren) within the system.

### ***CPM is Less Adversarial***

By its design and intent, CPM is less adversarial than traditional court processes. Relationships between "opposing parties" change from an adversarial to a consensus building perspective with CPM, producing "better longer-lasting results, and reducing the time that children remain in foster care" (Edwards, 2009; p. 71). To all intents and purposes, the legal system and court processes are based on an adversarial system that relies upon distributive bargaining techniques, where there is basically a "winner" and "loser." In effect, the "court becomes a distributor of rights, fueling a win/lose mentality among the parties ... it is clear that an adversarial process is a poor means for resolving the issues facing families" (Huntington, 2006; pp. 670-671). Parties (e.g. caseworkers, attorneys and others) in a traditional court process can look at the issue in different perspectives, and may therefore have different priorities when trying to address an issue. This could lead to misunderstanding one another, as well as creating distrust, delay, and conflict in the child protection court process (Kierstead, 2011). CPM,

meanwhile, is an integrative bargaining strategy based on a “win-win” problem solving model that can serve to align the interests of the child, parents and other stakeholders, including the court and child welfare agencies (Huntington, 2006; Guidelines for 2011). In fact, since all parties must agree on the settlement, collaboration and compromise are important elements of CPM.

### ***Improved Satisfaction Levels***

Satisfaction with CPM has also been studied. In general, the research shows that parents who are more satisfied with the CPM process are subsequently more likely to comply with the outcomes (Nolan-Haley, 2013). This is because parents had the opportunity to be engaged and share their opinions about important issues (Summers, et al., 2011). In this context, Ashford & Faith (2004), in their study of 200 mediated and non-mediated cases in Maricopa County, Arizona, concluded that mediation resulted in “increased perceptions of settlement in the case” (p. 26) on the part of parents, and CPM “showed a slightly better capacity to achieve settlement in circumstances where parents also felt increased degrees of injustice” (p. 26). An evaluation of child welfare mediation in New Jersey also found that parents reported feeling valued, and thus were an important component of the process. Other professional stakeholders also reported that they felt valued and were important to the mediation session. Similar findings were reported from an evaluation of the Iowa Mediation for Permanency Project. Here, over 90% of the participants reported that they were satisfied with the mediated agreement, they would use mediation again, and felt that it was helpful (Landsman, et al., 2003). In a state-wide evaluation of Nevada’s mediation program, similar findings were reported: regardless of participant type, the majority of participants were very satisfied with the mediation process in the context of begin treated fairly by the mediator, being part of finding answers to the issue(s), and being treated with respect during the process (Ganasarajh, et. al., 2017). A state-wide evaluation in New York also concluded that the majority of stakeholders (80%) perceived the process as collaborative, and focused on the child. Stakeholders “felt respected and listened to” while improving their “understanding of actions to be undertaken by themselves and others” (Colman & Ruppel, 2007, p. 46). Similar findings were found in Anderson and Whalen’s (2004) evaluation of CPM in Michigan where it was also determined that stakeholders were satisfied with the CPM process.

### **Summary**

The literature suggests that using mediation to supplement the traditional court process has important benefits in child protection cases. CPM improves perceptions of fairness and satisfaction among all parties, focuses the attention of stakeholders on child welfare issues (as opposed to procedural, or legal, realities) and creates an empowering, collaborative problem solving environment. This may lead to substantial time and cost savings within the child welfare system. Furthermore, mediation appears to be beneficial in terms of achieving faster permanency outcomes, improving family functioning, and achieving child protection / welfare goals.

**PAGE LEFT INTENTIONALLY BLANK**

## IV. THE STUDY

The goal of this study is to determine whether Child Protection Mediation is more effective at achieving permanency outcomes as compared to traditional court processes in the State of Michigan. This evaluation also provides a process-related analysis of CPM with the aim of providing information that can be used to optimize and enhance the effectiveness of child-related outcomes.

The analyses presented in Section V examine the process and outcomes of CPM in 5 mediation centers that encompass 24 counties (although not all counties reported child protection cases over the study period). Specific mediation centers contributing to the study include:<sup>1</sup>

- North Community Mediation (Petoskey, MI).
- Community Mediation Services (Gaylord, MI).
- Conflict Resolution Services (Traverse City, MI).
- Marquette Alger Resolution Services (Marquette, MI).
- Southeastern Dispute Resolution Services (Jackson, MI).

For this report, a descriptive research methodology, using data collected by the evaluation team, as well as records kept by both mediation centers and the courts, was used. This report also examines permanency outcomes to determine whether CPM is more effective at achieving permanency than traditional court processes as utilized in the State of Michigan. More specifically, this evaluation relied on five data sources, including:

1. Process and outcome data entered into the state-wide MADtrac™ case management system by the mediation centers. This data includes information related to when CPM was used relative to the court process, how the court used the CPM agreement, and the permanency outcomes. Additional information used from this dataset include the time periods (measured in days) from: the petition to the initiation of CPM; the petition to the last CPM session; and, the days between the petition and the end of CPM. Data about CPM participants was also obtained from the MADtrac™ system.
2. Stakeholder satisfaction data provided to the evaluation team by North Community Mediation and Community Mediation Services. CPM participants voluntarily completed this participant self-report survey data immediately after the CPM hearing. Depending upon the mediation center, these surveys were 8 or 11-item Likert or dichotomous (yes/no) scales that measured attitudes toward mediation services. Participants could also provide qualitative comments.<sup>2</sup>
3. General court satisfaction data. This information was collected as part of the Michigan Trial Court Public Satisfaction Survey process. In this instance, the data represents self-report survey data that was voluntarily supplied by respondents who participated in CPM, or relied upon traditional court processes, to resolve child welfare matters. Satisfaction scores from counties that utilize CPM were compared to those that do not.
4. Data pertaining to permanency outcomes in counties that utilize CPM, as compared to a set of comparable counties that do not utilize mediation. This data was compiled by (and shared with) the evaluation team by the statistical analysis branch of the State Court Administrative Office (SCAO).

5. Primary stakeholder data was collected during a series of interviews. The data was assembled utilizing a combination of face-to-face interviews, telephone interviews, and self-administered e-mail questionnaires.

While the research design was primarily quantitative in nature, qualitative content analysis of primary interview data, and written, open-ended comments provided on feedback forms, is also presented in some cases.

---

<sup>1</sup> Please see Appendix A for a detailed list of Community Dispute Resolution Programs

<sup>2</sup> Surveys from the other centers were not available.

## V. FINDINGS

The findings in this section are broken down into seven different sections. They include: 1) Descriptive CPM Case File Data: Summary MADTrac™ Findings; 2) Case Outcomes: All Counties; 3) Descriptive Data: CPM Participants; 4) CPM Participant Feedback from satisfaction Exit Surveys; 5) Satisfaction Exit Surveys - CPM & Traditional Court Comparisons; 6) Comparison of Key Findings in 2004 Report (Anderson & Whalen); and, 7) Qualitative Findings.

### Descriptive Data – All Jurisdictions

This section provides aggregate and jurisdiction-specific CPM case-related information for session outcomes and demographic characteristics of children in CPM-related permanency cases. This data was obtained from the MADTrac™ (Multi-Agent Dynamic Tracking and Control) case reporting system maintained by SCAO. MADTrac™ is a central repository for case-related information, outcomes, and demographic information for children involved in CPM (and other proceedings). The submission of this data is required as part of the *Community Dispute Resolution Program Act of 1988* (PA 260; MCL 691.1551) where mediation centers throughout the state of Michigan are required to electronically submit case data to SCAO.

The dataset used for this analysis includes information related to case outcomes and the demographic characteristics of youth involved in CPM in 2016 and through October 15, 2018. Data from the mediation centers located in Petoskey, Gaylord, Marquette, Jackson and Traverse City were analyzed. The total number of cases for each center is shown in Table 1.

**Table 1. CPM Cases by Mediation Center (N=270)**

Center	Number	Percentage
Petoskey	56	20.7
Gaylord	105	38.9
Marquette	94	34.8
Jackson	9	3.3
Traverse City	6	2.2

### ***Children in CPM: All Jurisdictions***

Table 2 shows case outcomes and demographic characteristics of children in CPM in Petoskey (n=56), Gaylord (n=105), Marquette (n= 94), Jackson (n=9), and Traverse City (n=6). A total of 270 children were involved in CPM cases encompassing 270 decision/outcomes from the CPM meetings.<sup>3</sup> The majority of children involved in CPM were Caucasian (85.6%) and female (51.1%). The average age of a child in CPM was 6.83 years; age ranged from newborn to 20 years of age.

**Table 2. CPM Demographics: All Cases**

<b>Variable</b>		<b>Number</b>	<b>Percentage</b>
<b>Race</b>			
	African American	3	1.1
	Caucasian	231	85.6
	Native American	14	5.2
	Two or more races	21	7.8
	Unknown	1	0.4
<b>Gender</b>			
	Male	132	48.9
	Female	138	51.1
<b>Age</b>			
	Mean = 6.83	---	---
	Range < 1 year - 20	---	---

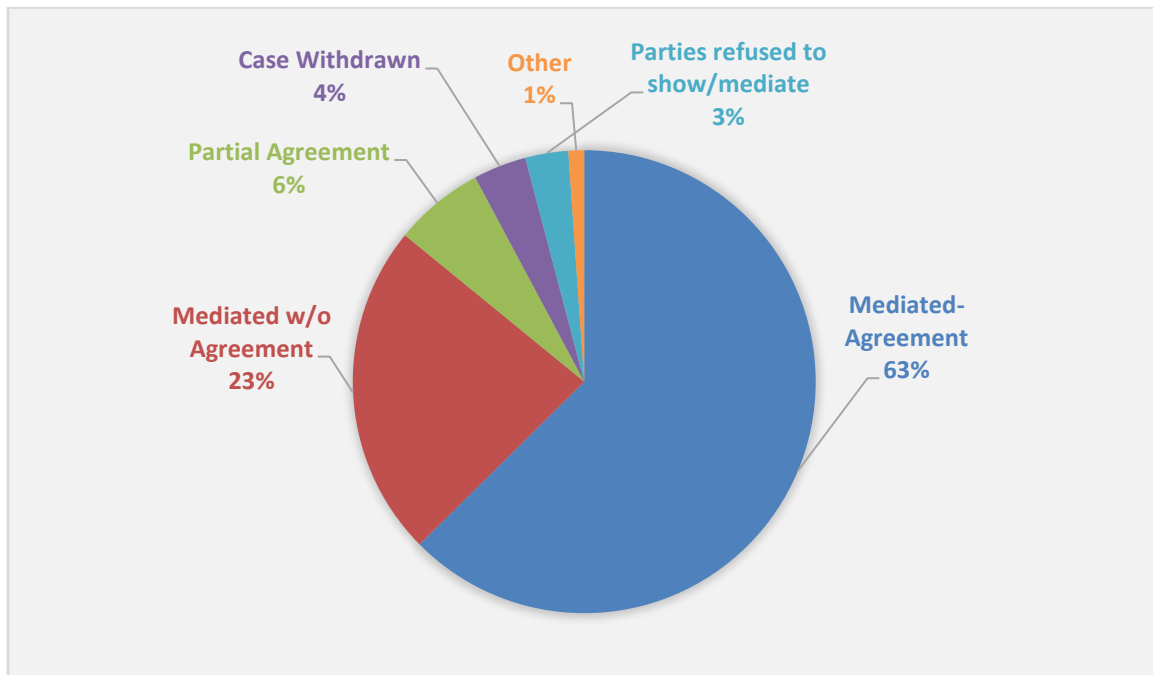
### **Case Outcomes: All Jurisdictions**

CPM outcomes are shown in Figure 2. For the period under analysis, the majority of cases (62.6%; n=169) were mediated to full agreement. Another 63 cases (23.3%) were mediated without agreement, and 17 (n=6.3%) were partially mediated. Less than 10% of all CPM case outcomes included having the case withdrawn (n=10; 3.7%), the parties failing to show/refusing to mediate (n=8; 3.0%), and “Other” outcomes (n=3; 1.1%).

<sup>3</sup> Individual child outcomes are the unit of analysis for most of the statistics computed in this report



**Figure 2. CPM Outcomes – All Jurisdictions**



***Court Process Findings for all CPM Cases & Mediation Centers***

Table 3 provides a pooled review of case-specific information for all CPM cases under analysis (N=270). In general:

- The most common stage where CPM is used is prior to trial (54.4%), followed by CPM at the preliminary hearing stage (25.9%).
- Most CPM settlements are accepted in full by the court (73.2%).
- In the context of permanency outcomes, most children were reunited with parents (54.8%), followed by long-term foster care (35.9%).
- There were only 14 unresolved petitions for all counties (5.2% of all child protection cases) for the period under analysis.

Table 3 also shows the CPM process, as measured in days, at various stages in the court process.

- The number of days between the petition and order to CPM averages approximately 44 days.
- The time period from the actual order for, and the end of CPM, meanwhile, is approximately 15 days.
- The time period from the filing of the petition to CPM process averages just over 2 months (60 days).

The analysis of the standard deviations also shows that there is variation on how fast CPM cases are heard or conducted between counties.

**Table 3. CPM: All Jurisdictions**

Variable	Court Process/Stage
Prior to Disposition	
Prior / At Prelim Hearing	
Prior to Trial / Adjudication	
Post Dispositional Review Hearing	
Related to Parental Planning Hearings	
Other	

Accepted in Full

Of the jurisdictions that reported a substantial number of cases (50+), Charlevoix has the fastest mediation process. The mean time between petition and the beginning of mediation is less than 23 days (which is half the time, or better, as compared to the other two “large” jurisdictions).

### *CPM Findings for the Petoskey Mediation Center*

Table 4 shows case-specific CPM information for the Petoskey mediation center. As shown in Table 4, in Petoskey, CPM is most frequently initiated (96.4% of the time) at the preliminary hearing stage. The data show that 57.1% of the cases in Petoskey are mediated to agreement; another 39.3% were mediated, but without agreement. Correspondingly, the most frequent court decision in this jurisdiction is acceptance of the mediation agreement in full (which occurs 57.1% of the time).

In terms of permanency outcome, 100% of cases in this jurisdiction achieved permanency. The most frequent type of permanency is reunification with a parent (55.4% of the time) followed by long-term foster care (41.1% of the time). Of the three major jurisdictions examined in this evaluation project, Petoskey appears to be the fastest in terms of process. The mean length of time between the petition and the end of CPM is just over one month (34.8 days); although there is substantial variation in how long individual cases take (standard deviation = 48.8 days).

**Table 4. Court Process Descriptive Data for Petoskey Center Cases (n=56)**

<b>Variable</b>	<b>Finding</b>	<b>n</b>	<b>%</b>
<b>Court Process/Stage</b>	Prior to Disposition	---	---
	At Preliminary Hearing	54	96.4
	Prior to Trial / Adjudication	2	3.6
	Post Dispositional Review Hearing	---	---
	Related to Parental Planning Hearing	---	---
<b>Court Decision</b>	Accepted in Full	32	57.1
	Nolle/Dismissed	3	5.4
	Plea/Jurisdiction	4	7.1
	Plea/No Contest	2	3.6
	Termination	1	1.8
	Trial/Dismissed	3	5.4
	Trial/Jurisdiction	5	9.0
	Trial/Pending	3	5.4
	Withdrawn	2	3.6
	Withdrawn from center due to no Agreement	1	1.8
<b>Mediation Outcome</b>	Case Withdrawn	2	3.6
	Mediated to Agreement	32	57.1
	Mediated without Agreement	22	39.3
<b>Permanency Outcome</b>	Guardianship	1	1.8
	Long Term Foster Care	23	41.1
	Reunited w/ a Parent	31	55.4
	Adoption	1	1.8
<b>CPM-Related Time Periods</b>			
		Mean	Sd (days)
Days between Petition and Order to CPM.		22.89	17.21
Days between Order to CPM and End of CPM		11.50	35.95
Days between Petition and End of CPM Process		34.78	48.81

## CPM Findings for the Gaylord Mediation Center

Table 5 shows case-specific information for the Gaylord mediation center. This jurisdiction utilizes CPM at various stages in the court process. The most common stage where CPM is used is prior to trial / adjudication (67.6% of the time), followed by CPM prior to disposition (19.0%). Regardless of where CPM is used, the majority of CPM decisions are accepted in full by the court (88.6% - including 100% of cases for which the data are available). Reunification with parents is the most common permanency outcome for children (49.5%), followed by long-term foster care (41.1%). As was the case in Petoskey, the data suggest that 100% of children in Gaylord achieve some type of permanency following mediation.

Time periods related to the CPM process in Gaylord are also shown in Table 5. The average time period from referral to a CPM order is approximately 47 days. The average time period from the order for CPM to the end of CPM is just under 20 days, while the total time period (in days) from the petition to the final CPM session is just over 67 days.<sup>4</sup>

**Table 5. Court Process Descriptive Data for the Gaylord Mediation Center (n=105)**

Variable	Finding	n	%
<b>Court Process/Stage</b>	Post Disposition / Review Hearing	5	4.8
	Prior to Disposition	20	19.0
	Prior to Preliminary Hearing	6	5.7
	Prior to Trial/Adjudication	71	67.6
	Related to Permanency Planning Hearing	3	2.9
<b>Court Decision</b>	Accepted in Full	93	88.6
	Missing Cases	12	11.4
<b>Mediation Outcome</b>	Mediated to Agreement	85	81.0
	Mediated to Partial Agreement	7	6.7
	Mediated without Agreement	12	11.4
	Settled Prior to Mediation	1	1.0
<b>Permanency Outcome</b>	Permanent Foster Agreement	4	3.8
	Adoption	7	6.7
	Long Term Foster Care	42	40.0
	Reunited with a Parent	52	49.5
<b>CPM-Related Time Periods</b>			
		<b>Mean</b>	<b>Sd (days)</b>
<b>Days between Petition and Order to CPM.</b>		46.90	68.59
<b>Days between Order to CPM and End of CPM</b>		19.83	21.46
<b>Days between Petition and End of CPM Process</b>		67.32	71.77

<sup>4</sup> These time periods are substantially longer than what was observed in Petoskey, in part because of a small number of extremely lengthy cases (e.g. three cases have total time between petition, and the final CPM session of 380 days – over one year).

### *CPM Findings for the Marquette Mediation Center*

Table 6 shows case-specific information for CPM at the Marquette mediation center (n=94). Marquette uses CPM most often prior to trial / adjudication (66.0%) and at post-disposition review hearings to resolve permanency-related issues (17.0%). The majority of CPM cases are fully accepted by the court (73.4%). Permanency, meanwhile, is achieved in 90.4% of all cases. Reunification with parents (67.0%), and long-term foster care (21.3%) were the two most common permanency outcomes.

Time periods related to the CPM process are also shown in Table 6. The average time period from the referral stage to a CPM order is approximately 48 days. The average time period from the order for CPM and end of CPM is just over 21 days, while the total time period (in days) from the petition to the end of CPM is 65 days. This is generally consistent with what was observed in Gaylord.<sup>5</sup>

---

<sup>5</sup> It should be noted that the authors dropped all cases with negative values (e.g. mediation appears to have started before a petition was filed, mediation ended before it began etc.) from this analysis under the assumption that such cases represented coding errors.

**Table 6. Court Process Descriptive Data for the Marquette Mediation Center (n=94)**

<b>Variable</b>	<b>Finding</b>	<b>n</b>	<b>%</b>
<b>Court Process/Stage</b>	Post Disposition / Review Hearing	16	17.0
	Prior to Disposition	6	6.4
	Prior to Preliminary Hearing	8	8.5
	Prior to Trial / Adjudication	62	66.0
	Related to Permanency Planning Hearing	2	2.1
<b>Court Decision</b>	Accept in Full	69	73.4
	Court Modification	3	3.2
	Non-Court Referral	1	1.1
	Reunited	10	11.1
	Rights Term	5	5.3
	Stipulated Agreement	1	1.1
<b>Mediation Outcome</b>	Case Withdrawn	8	8.5
	Initiator Failed to Show	1	1.1
	Mediated to Agreement	48	51.1
	Mediated to Partial Agreement	8	8.5
	Mediated without Agreement	22	23.4
	Respondent Failed to Show	6	6.4
	Respondent Refused to Mediate	1	1.1
<b>Permanency Outcome</b>	Adoption	2	2.1
	Guardianship	4	4.3
	Long Term Foster Care	20	21.3
	Other	1	1.0
	Permanent Foster Agreement	3	3.2
	Reunited with Parent	63	67.0
	Missing	1	1.0
<b>CPM-Related Time Periods</b>			
		<b>Mean</b>	<b>Sd (days)</b>
<b>Days between Petition and Order to CPM</b>		48.35	74.74
<b>Days between Order to CPM and End of CPM</b>		21.28	44.08
<b>Days between Petition and End of CPM Process</b>		65.21	82.50

**CPM Findings for the Jackson Mediation Center**

Table 7 provides case-specific CPM information for the Jackson mediation center (n=9). In this jurisdiction, the majority of CPM hearings are conducted prior to trial/adjudication (66.7%); 44.4% are accepted in full by the court, the same amount that is mediated to full agreement.<sup>6</sup>

**Table 7. Court Process Descriptive Data for the Jackson Mediation Center (n=9)**

<b>Variable</b>	<b>Finding</b>	<b>n</b>	<b>%</b>
<b>Court Process/Stage</b>	Prior to Disposition	1	11.1
	Prior to Preliminary Hearing	2	22.2
	Prior to Trial / Adjudication	6	66.7
<b>Court Decision</b>	Missing	1	11.1
	Accept in Full	4	44.4
	Court Modification	1	11.1
	Rejection in Full	3	33.3
<b>Mediation Outcome</b>	Facilitated	2	22.2
	Mediated to Agreement	4	44.4
	Mediated to Partial Agreement	2	22.2
	Mediated without Agreement	1	11.1
<b>Permanency Outcome</b>	Adoption	2	22.2
	Guardianship	3	33.3
	Long Term Foster Care	2	22.2
	Reunited with Parent	2	22.2
<b>CPM-Related Time Periods</b>			
		<b>Mean</b>	<b>Sd (days)</b>
<b>Days between Petition and Order to CPM.</b>		43.78	15.06
<b>Days between Order to CPM and End of CPM</b>		0.00	0.00
<b>Days between Petition and End of CPM Process</b>		43.78	15.06

<sup>6</sup> The authors can only document that 44.4% of cases achieved permanency. Due to the small number of total cases (n=9), the evaluation team is cautious about inferring conclusions about the use and effectiveness of CPM in Jackson.



***Court Process Findings for the Traverse City Mediation Center***

Table 8 shows case-specific CPM information for Traverse City (n=6). In this jurisdiction, all CPM cases (100%) were resolved prior to trial / adjudication. All six cases in Traverse City achieved permanency through placement in long-term foster care. Additionally, all cases were mediated to partial agreement. Of these, the court either modified (83.3%) or rejected in full (16.7%) the CPM agreement. Overall, the evaluators urge caution when interpreting any of these conclusions because of the small number of cases available in this jurisdiction. Furthermore, the analysis of the process shows that on average, 218 days elapsed between the petition and order to CPM. The time period between order to CPM, and the end of CPM, meanwhile is 0. This is a function of the court processes. In this jurisdiction, CPM always takes place on the day it is ordered by the court. The time period between petition, and the end of the CPM process, is also, on average, 218 days. The standard deviations (measured in days), however, are also large, suggesting that there are substantial time variations in individual cases using CPM.

**Table 8. Court Process Descriptive Data for the Traverse City Mediation Center (n=6)**

<b>Variable</b>	<b>Finding</b>	<b>n</b>	<b>%</b>
<b>Court Process/Stage</b>	Prior to Trial / Adjudication	6	100.0
<b>Court Decision</b>	Court Modification	5	83.3
	Rejection in Full	1	16.7
<b>Mediation Outcome</b>	Mediated to Partial Agreement	6	100.0
<b>Permanency Outcome</b>	Long Term Foster Care	6	100.0
<b>CPM-Related Time Periods</b>			
		<b>Mean</b>	<b>Sd (days)</b>
<b>Days between Petition and Order to CPM.</b>		218.00	147.60
<b>Days between Order to CPM and End of CPM</b>		0.00	0.00
<b>Days between Petition and End of CPM Process</b>		218.00	147.60

## Descriptive Data: CPM Participants

This section provides information related to who attends CPM sessions. The data used for these analyses were obtained from the mediation centers that provide services to their respective counties/courts. The unit of analysis is the total number of children involved in permanency placement (n=270). Specifically, this section contains the following information:

- CPM participants: Petoskey.
- CPM participants: Gaylord.
- CPM participants: Marquette.
- CPM participants: Jackson.
- CPM participants: Traverse City.
- CPM participants: All jurisdictions combined.

### *Participant Descriptive Data for Petoskey*

Table 9 shows who participated in CPM in Petoskey. Some of the most common individuals attending CPM in this jurisdiction include LGALs (100.0%), parents (mothers = 94.3%; fathers = 78.6%) and attorneys. Respondent children never attend the mediation hearings. Furthermore, CASA representatives and foster parents were never present in CPM.

**Table 9. Participant Descriptive Data for Petoskey (n=56)**

Type of Participant	Not Present	1 was present	2 were present	3+ were present
<b>DHHS Worker</b>	7 (12.5%)	8 (14.3%)	30 (53.6%)	11 (19.6%)
<b>Private Agency Worker</b>	46 (82.1%)	9 (16.1%)	1 (1.8%)	---
<b>Attorney for Mother</b>	4 (7.1%)	52 (92.9%)	---	---
<b>Attorney for Father</b>	12 (21.4%)	40 (71.4%)	4 (7.1%)	---
<b>Attorney for Child (Not LGAL)</b>	56 (100.0%)	---	---	---
<b>LGAL</b>	---	56 (100.0%)	---	---
<b>Prosecutor</b>	3 (5.4%)	53 (94.6%)	---	---
<b>Mother</b>	3 (5.4%)	53 (94.3%)	---	---
<b>Father</b>	5 (8.9%)	44 (78.6%)	7 (12.5%)	---
<b>Child</b>	56 (100.0%)	---	---	---
<b>CASA</b>	56 (100.0%)	---	---	---
<b>Foster Parents</b>	56 (100.0%)	---	---	---
<b>Other Family Members</b>	49 (87.5%)	5 (8.9%)	2 (3.6%)	---
<b>Others</b>	53 (94.6%)	2 (3.6%)	1 (1.8%)	---

***Participant Descriptive Data for Gaylord***

Table 10 shows who participated in CPM in Gaylord. Some of the most common individuals participating in CPM in this jurisdiction include attorneys for the mother (92.4%), LGALs (97.1%) and DHHS workers (99.0% combined). In many cases, there is more than one DHHS worker present. Some individuals not present at the majority of CPM meetings in Gaylord (in order of frequency) include attorneys for the child-not LGALs (100.0%), CASA representatives (99.0%), other family members (82.9%), and children (81.0%). Table 10 also shows that parents are frequently (90% +) represented by counsel at CPM. Foster parents are also invited to participate in the process (which is not the case in either Petoskey or Marquette).

**Table 10. Participants Present at CPM in Gaylord (n=105)**

<b>Participant</b>	<b>Not Present</b>	<b>1 was Present</b>	<b>2 were Present</b>	<b>3+ were Present</b>
<b>DHHS Worker</b>	1 (1%)	35 (33.3%)	48 (45.7%)	8 (15.4%)
<b>Private Agency Worker</b>	89 (84.8%)	12 (11.4%)	4 (3.8%)	---
<b>Attorney for Mother</b>	8 (7.6%)	97 (92.4%)	---	---
<b>Attorney for Father</b>	10 (9.5%)	79 (75.2%)	16 (15.2%)	---
<b>Attorney for Child (not LGAL)</b>	105 (100.0%)	---	---	---
<b>LGAL</b>	3 (2.9%)	102 (97.1%)	---	---
<b>Prosecutor</b>	7 (6.7%)	93 (88.6%)	5 (4.8%)	---
<b>Mother</b>	3 (2.9%)	88 (83.8%)	8 (7.6%)	6 (5.7%)
<b>Father</b>	12 (11.4%)	71 (67.6%)	18 (17.1%)	4 (3.8%)
<b>Child</b>	85 (81.0%)	1 (1.0%)	2 (1.9%)	17 (16.2%)
<b>CASA</b>	104 (99.0%)	1 (1.0%)	---	---
<b>Foster Parents</b>	77 (73.3%)	8 (7.6%)	20 (19.0%)	---
<b>Other Family Members</b>	87 (82.9%)	11 (10.5%)	7 (6.7%)	---
<b>Others</b>	72 (68.6%)	26 (24.8%)	7 (6.7%)	---

***Participant Descriptive Data for Marquette***

Table 11 shows who participated in CPM in Marquette. Some of the most common individuals present at CPM include LGALs (89.4%) and DHHS workers (91.5%). In many cases, there is more than one DHHS worker present. Some individuals not present at CPM in Marquette (in order of frequency) include attorneys for the child - not LGALs (100.0%), CASA representatives (100.0%) and foster parents (95.7%). Other family members (90.4%) and private agency workers (81.9%) were also not present at the majority of the CPM meetings.

**Table 11. Individuals present at CPM hearings in Marquette (n=94)**

<b>Type of Participant</b>	<b>Not Present</b>	<b>1 was Present</b>	<b>2 were Present</b>	<b>3+ were Present</b>
<b>DHHS Worker</b>	8 (8.5%)	31 (33.0%)	46 (48.9%)	9 (9.6%)
<b>Private Agency Worker</b>	77 (81.9%)	16 (17.0%)	1 (1.1%)	----
<b>Attorney for Mother</b>	23 (24.5%)	71 (75.5%)	---	---
<b>Attorney for Father</b>	43 (45.7%)	45 (47.90%)	6 (6.4%)	---
<b>Attorney for Child (not LGAL)</b>	94 (100.0%)	---	---	---
<b>LGAL</b>	10 (10.6%)	84 (89.4%)	---	---
<b>Prosecutor</b>	13 (13.8%)	79 (84.0%)	2 (2.1%)	---
<b>Mother</b>	9 (9.6%)	85 (90.4%)	---	---
<b>Father</b>	12 (12.8%)	59 (62.8%)	23 (24.5%)	---
<b>Child</b>	18 (19.1%)	25 (26.6%)	22 (23.4%)	29 (30.9%)
<b>CASA</b>	94 (100%)	---	---	---
<b>Foster Parents</b>	90 (95.7%)	4 (4.3%)	---	---
<b>Other Family Members</b>	85 (90.4%)	8 (8.5%)	1 (1.1%)	---
<b>Others</b>	89 (94.7%)	4 (4.3%)	1 (1.1%)	---

***Participant Descriptive Data for Jackson***

Table 12 shows the frequency of various stakeholders/participants in CPM in Jackson. Some of the most common individuals attending CPM in this jurisdiction (attending 90% or more of all CPM case meetings), include LGALs (100.0%) DHHS workers, where there may be more than one representative present (100.0%); private agency workers (100.0%); as well as attorneys for the fathers, and mothers (both 100.0%). Some individuals not present at CPM include attorneys for the child-not LGALs (100.0%) and CASA representatives (100.0%). Furthermore, other family members (88.9%) were not present in the majority of the CPM meetings. Because of the small number of cases (n=9), the evaluation team is reluctant to draw firm conclusions from this analysis.

**Table 12. Individuals present at CPM hearings in Jackson (n=9)**

<b>Type of Participant</b>	<b>Not Present</b>	<b>1 was Present</b>	<b>2 were Present</b>	<b>3+ were Present</b>
<b>DHHS Worker</b>	---	6 (66.7%)	3 (33.3%)	---
<b>Private Agency Worker</b>	---	4 (44.4%)	5 (55.6%)	---
<b>Attorney for Mother</b>	---	9 (100.0%)	---	---
<b>Attorney for Father</b>	---	6 (66.7%)	---	3 (33.3%)
<b>Attorney for Child (not LGAL)</b>	9 (100.0%)	---	---	---
<b>LGAL</b>	---	9 (100.0%)	---	---
<b>Prosecutor</b>	1 (11.1%)	8 (88.9%)	---	---
<b>Mother</b>	---	9 (100.0%)	---	---
<b>Father</b>	---	6 (66.7%)	---	3 (33.3%)
<b>Child</b>	5 (55.6%)	1 (11.1%)	---	3 (33.3%)
<b>CASA</b>	9 (100.00)	---	--	--
<b>Foster Parents</b>	7 (77.8%)	---	2 (22.2%)	---
<b>Other Family Members</b>	8 (88.9%)	---	---	1 (11.1%)
<b>Others</b>	5 (55.6%)	2 (22.2%)	2 (22.2%)	---

***Participant Descriptive Data for Traverse City***

Table 13 shows the frequency of various stakeholders/participants in CPM in Traverse City. Some of the most frequent individuals present during CPM in this jurisdiction (attending 90% or more of all CPM case meetings), include LGALs (100.0%); DHHS workers, where there may be more than one representative present (100.0%); and, attorneys for the father(s) (100.0%) as well as, mothers, fathers, and children (100.0%). Some individuals not commonly present at CPM include attorneys for the child-not LGALs (100.0%), CASA representatives (100.0%), and other family members (100.0%). Beyond this descriptive information, the evaluation team is reluctant to draw firm conclusions, based on only six cases.

**Table 13. Individuals present at CPM hearings in Traverse City (n=6)**

<b>Type of Participant</b>	<b>Not Present</b>	<b>1 was Present</b>	<b>2 Present</b>	<b>3+ Present</b>
<b>DHHS Worker</b>	----	3 (50.0%)	3 (50.0%)	---
<b>Private Agency Worker</b>	1 (16.7%)	5 (83.3%)		---
<b>Attorney for Mother</b>	1 (16.7%)	5 (83.3%)	---	---
<b>Attorney for Father</b>	---	6 (100.0%)		---
<b>Attorney for Child (not LGAL)</b>	6 (100.0%)	---	---	---
<b>LGAL</b>	---	6 (100.0%)	---	---
<b>Prosecutor</b>	---	6 (100.0%)	---	---
<b>Mother</b>	---	6 (100.0%)	---	---
<b>Father</b>	---	4 (66.7%)	2 (33.3%)	
<b>Child</b>	---	2 (33.3%)	4 (66.7%)	---
<b>CASA</b>	6 (100.00)	---	---	---
<b>Foster Parents</b>	3 (50.0%)	---	3 (50.0%)	
<b>Other Family Members</b>	6 (100.0%)	---	---	---
<b>Others</b>	4 (66.7%)	---	2 (33.3%)	---

***Participant Descriptive Data for All Jurisdictions Combined***

Table 14 shows the frequency of various stakeholders/participants for all jurisdictions and cases. This composite data shows that the most frequent individuals attending CPM are individuals representing the interest of the child and the state in child protection/permanency, including LGALs (95.2%). Other individuals include prosecutors (91.1%) and DHHS workers (combined = 94.1%). Other frequently appearing stakeholders included fathers (89.3%) and mothers (94.4%). Participants that were less frequently present included attorneys for the mother (86.7%) and father (75.9%).

Individuals not present at the majority of CPM sessions (over 50% of the time) included other family members (87.0%), foster parents (86.3%), “others” (82.0%) and children (60.7%). Some individuals never or rarely present at CPM, regardless of jurisdiction, include attorneys for the child-not LGALs (0.0%) and CASA representatives (0.7%).

**Table 14. Composite Scores: Participants in all CPM cases (n = 270)/All Jurisdictions**

<b>Type of Participant</b>	<b>Not Present</b>	<b>1 Present</b>	<b>2 Present</b>	<b>3+ Present</b>
<b>DHHS Worker</b>	16 (5.9%)	83 (30.7%)	130 (48.1%)	41 (15.1%)
<b>Private Agency Worker</b>	217 (80.4%)	47 (17.4%)	6 (2.2%)	---
<b>Attorney for Mother</b>	36 (13.3%)	234 (86.7%)	---	---
<b>Attorney for Father</b>	65 (24.1%)	176 (65.2%)	26 (9.6%)	3 (1.1%)
<b>Attorney for Child (Not LGAL)</b>	270 (100.0%)	---	---	---
<b>LGAL</b>	13 (4.8%)	257 (95.2%)	---	---
<b>Prosecutor</b>	24 (8.9%)	239 (88.5%)	7 (2.6%)	---
<b>Mother</b>	15 (5.6%)	241 (89.3%)	8 (3.0%)	6 (2.2%)
<b>Father</b>	29 (10.7%)	184 (68.1%)	50 (18.5%)	7 (2.6%)
<b>Child</b>	164 (60.7%)	29 (10.7%)	28 (10.4%)	49 (18.2%)
<b>CASA</b>	269 (99.6%)	1 (0.4%)	---	---
<b>Foster Parents</b>	233 (86.3%)	12 (4.4%)	25 (9.3%)	---
<b>Other Family Members</b>	235 (87.0%)	24 (8.9%)	10 (3.7%)	1 (0.4%)
<b>Others</b>	223 (82.6%)	34 (12.6%)	13 (4.8%)	---

## **CPM Participant Feedback**

Two mediation centers, Northern Community Mediation (Petoskey, MI) and Community Mediation Services (Gaylord, MI), shared their participant feedback data (“exit surveys”) for analysis. This data was collected through exit surveys that were voluntarily completed by CPM participants immediately after each CPM session. The retrospective analysis of these exit satisfaction surveys is presented in the context of Petoskey (six-year period) and Gaylord (1 year of data). Because each mediation center uses its own unique feedback form, the data could not be analyzed in the aggregate. The findings for each mediation center are presented separately below.

### ***Petoskey Mediation Center: Survey Findings***

CPM evaluations completed by participants (n=707) in Petoskey are shown in Table 15. In these surveys, parties in the CPM process recorded whether a mediated agreement had been reached; and, in a small sub-sample of cases, parties left subjective / qualitative comments about their perceptions of the process. The feedback forms used by this jurisdiction did not record the participant’s role in CPM (e.g. CPS, prosecutor, defense attorney, LGAL, parent, etc.) or include other variables related to the case or participant demographics (e.g. year, nature of case, demographics of the respondent, etc.).

Questions on this 8-item survey were related to the CPM process, mediation center administrative activities, and mediators. CPM participants were also asked about their expectations of the process, opportunity to express themselves, the fairness of the process, respect shown to them during CPM, their understanding of the process, their impression of how well mediation was handled, whether they would recommend the process to others, and their preference for using mediation for future issues. Each dimension was rated of a 5-point Likert scale with 5 representing an extremely positive impression, and 1 representing a highly negative opinion (See Appendix B for the survey instrument).

All participants, regardless of position or role, have extremely positive impressions of the CPM process. On all 8 survey items, the mean satisfaction scores ranged between 4 and 5. The modal score was always 5, indicating that most participants “strongly agreed” that CPM met their expectations. Quantitatively, the greatest benefit of CPM appeared to be that participants felt respected during the process ( $\bar{x} = 4.69$ ). This represents a value between the top two categories (e.g. 4 and 5) on the Likert Scale. All of the other indicators were similarly positive, suggesting that participants are highly satisfied with CPM.



**Table 15. Participant Perceptions of Mediation in Petoskey (N = 707)**

<b>Variable</b>	<b>Useable Cases</b>	<b>Mean</b>	<b>Std Dev.</b>
<b>Expectation- I knew what to expect. The mediation process was explained to me</b>	699	4.65	.580
<b>Expression – I had the opportunity to express my views</b>	703	4.62	.601
<b>Fairness – The process was fair to me</b>	702	4.61	.626
<b>Respect – I was treated with respect by the mediators</b>	701	4.69	.526
<b>Understanding – the mediation process helped me to have a better understanding of the issues</b>	700	4.44	.753
<b>Handling – I am satisfied how the case was handled</b>	700	4.61	.627
<b>Recommend – I would recommend mediation to someone else</b>	701	4.55	.671
<b>Preference – I prefer the mediation process to the court process</b>	690	4.42	.814

### *Petoskey Mediation Center: Qualitative Findings*

In 87 of the 707 cases, participants in Petoskey provided qualitative comments related to their experiences with CPM. Based on a simple content analysis (without knowing who each respondent was, or the context of the comment) the comments were overwhelmingly positive. The most common comments included: “Thank you!,” followed by variations of “Great job!” and “Good Process!” Compliments for particular mediators or attorneys were also common (e.g. “(Mediator A) and (Mediator B) were amazing and full of solutions and wisdom” “Both mediators and other staff members were very kind and accommodating,” and, “(Mediator C) and (Mediator D) were so polite and professional. Everything moved along very orderly and on track.” “(Attorney A) is wonderful to work with.” “(Mediator A) was wise as always. (Mediator E) is very helpful.”

There were a few negative comments. Fourteen of the 87 comments (16.1%) contained critical or negative comments. Generally, these comments were based on:

- Physical /environmental/operational issues (e.g. it being too hot during the sessions, a lack of pens / snacks, the respondent client not showing up, etc.)
- Issues related to the limitations of CPM (issues simply could not be resolved amicably through CPM; the process cannot solve all difficult child protection issues).
- Organizational justice issues, related to the process and actors, included:
  - "DHS (*sic*) and the prosecutors are allowed to lie and make us look bad and get away with it."
  - "Like being caught between a rock and a hard place!"
  - "Mediation leader informed me that proceeding will be held in court for danger/solely (*sic*) reaction, but would not disclose to me what danger is - that was inappropriate."
  - "At the beginning of mediation one of the mediators commented that their role was to hopefully keep a parent out of the court system. This was probably just a slip, but not the mediator's role!"

### *Gaylord Mediation Center: Survey Findings*

Table 16 shows CPM participant satisfactions scores (n=185) on 11 different dimensions, including satisfaction with the mediation center office staff, the impartiality of the mediators, and whether one would choose mediation in the future. The Gaylord questionnaire uses dichotomous measures (“yes” or “no”) rather than a 5-point Likert scale (see Appendix C). A total of 185 useable surveys were included in this analysis. Table 16 shows that the majority of respondents in this jurisdiction were satisfied with the CPM process. A score of 2.00 in this analysis indicates “perfect satisfaction” (i.e. all of the respondents indicated “yes” (they were satisfied) with the particular dimension). The combined mean satisfaction scores ranged from a high of 1.99 (for 3 dimensions) to a low of 1.95 for whether participants would use CPM in the future.

**Table 16. Participant Perceptions of Mediation in Gaylord (total n=185)**

<b>Variable</b>	<b>Cases</b>	<b>Mean</b>
<b>Was the office staff helpful, courteous and informative?</b>	176	1.99
<b>Was the mediation process explained to your understanding?</b>	183	1.99
<b>Did you have ample uninterrupted time at mediation to state initial position?</b>	181	1.99
<b>While assisting you to reach an agreement, did the mediators remain impartial?</b>	180	1.98
<b>Were you comfortable with the mediators?</b>	181	1.98
<b>Did you feel safe and Safe and at ease to ask questions?</b>	180	1.98
<b>Whether or not an agreement was reached were you satisfied with the mediation process?</b>	178	1.97
<b>Do you believe the mediation process could help you resolve future issues?</b>	181	1.97
<b>Did mediation process meet or exceed your expectations?</b>	179	1.97
<b>Would you recommend CMS to others?</b>	179	1.96
<b>Would you choose mediation in the future?</b>	179	1.95

### ***Gaylord Mediation Center: Reported CPM Satisfaction Levels***

The post-CPM feedback form used by Community Mediation Services in Gaylord included the roles/positions of each participant. Thus, the evaluation team was able to explore which CPM stakeholders reported the most positive and negative impressions of the process. Table 17 provides a frequency distribution of the respondents (by role) who completed the satisfaction surveys.

**Table 17. Gaylord Center Feedback Survey: Respondents by Role**

<b>Role</b>	<b>Frequency</b>	<b>Percent</b>
<b>Attorney</b>	43	23.2
<b>Caregiver</b>	10	5.4
<b>DHS</b>	33	17.8
<b>LGAL</b>	24	13.0
<b>Other</b>	4	2.2
<b>Parent</b>	35	18.9
<b>Prosecutor</b>	24	13.0
<b>Service Agency</b>	7	3.8
<b>Total</b>	185	100.0

Table 18 shows participant satisfaction scores of specific individuals involved in CPM, cross tabulated by the participant’s role in CPM. The main finding from Table 19 is that parents are also satisfied with the process. Parental satisfaction levels ranged from a low of 1.75 when asked whether they would choose mediation in the future (i.e. 75% of parents would do so), to 1.94 with respect to satisfaction with office staff, adequacy of explanations, and being uninterrupted during the process.<sup>7</sup> Criminal justice system staff (e.g. Prosecutors, Attorneys, and LGALs) reported almost perfect satisfaction levels (i.e. 2.00) on all dimensions/questions.

**Table 18. Participant Perceptions of Mediation in Gaylord by Role in the Mediation Process**

Variable	Attorney	Caregiver	DHHS	LGAL	Other	Parent	Prosecutor	Service Agency
Office Staff	2.00	2.00	2.00	2.00	2.00	1.94	2.00	2.00
Explanation	2.00	2.00	2.00	2.00	2.00	1.94	2.00	2.00
Uninterrupted Time	2.00	2.00	2.00	2.00	2.00	1.94	2.00	2.00
Impartial Mediators	2.00	2.00	2.00	2.00	2.00	1.88	2.00	2.00
Comfortable Mediators	2.00	2.00	2.00	2.00	2.00	1.89	2.00	2.00
Safe to Ask Questions	2.00	2.00	2.00	2.00	2.00	1.91	2.00	2.00
Satisfaction	2.00	2.00	2.00	2.00	2.00	1.81	2.00	2.00
Future Issues	2.00	2.00	2.00	2.00	1.75	1.85	2.00	2.00
Expectations	2.00	1.90	2.00	2.00	2.00	1.87	2.00	2.00
Recommend	2.00	2.00	2.00	2.00	2.00	1.79	2.00	2.00
Choose in Future	2.00	1.90	2.00	2.00	2.00	1.75	2.00	2.00
Number of respondents/total percent of survey responses	n=43; 23.2%	n=10; 5.4%	n=33; 17.8%	n=24; 13.0%	n=4; 2.2%	n=35; 18.9%	n=24; 13.0%	n=7; 3.8%

<sup>7</sup> Survey Respondents were given the option to provide written qualitative comments. Only 7 of 185 subjects (3.8%) chose to do so. Given that the infrequent and brief comments were not particularly useful in evaluating the CPM process, they are not included in this report.

## Satisfaction Exit Surveys – CPM & Traditional Court

State-wide secondary data in the form of voluntary exit surveys related to citizen satisfaction with CPM and/or traditional court proceedings was obtained from SCAO. The population (total N=1,096) comprises all counties and persons in the state of Michigan who participated in CPM (maximum n= 584 usable cases) or a child protection hearing in a traditional court (maximum n= 491 usable cases) in 2016.

A series of analyses were conducted, comparing jurisdictions (counties) that utilize CPM compared to those that do not. In all cases, participant satisfaction levels were reported using Likert type scales where “1” indicated strong dissatisfaction with the dimension under consideration and “5” represented a high level of satisfaction (“Very Satisfied”). The general research hypothesis in each of these analyses is that counties that utilize CPM have higher process-related satisfaction levels than counties that rely upon traditional court procedures. Statistical tests of significance ( $\chi^2$ ) were computed to guard against the possibility that any of the observed effects may have occurred by chance. Specific variables that were analyzed include: 1) The case was resolved in a reasonable amount of time; 2) The courtesy of court staff; 3) Perceptions of fairness; 4) The courtesy of the judge; 5) The outcome of the case; and 6) Understanding the case outcomes. These findings are shown in Table 19.

The review of the data in Table 19 shows that, regardless of the use of CPM or traditional court process, the majority of respondents in each category reported their experience at the “Satisfied” or “Very Satisfied” levels across all six dimensions. Statistical tests of significance for each of the variables show no significant differences (at the traditional .05 level used in the social sciences). That is, there are no meaningful differences in satisfaction levels for participants that use CPM versus traditional court process regarding their perceptions of case resolution, staff courtesy, perceptions of fairness, the courtesy of the judge, case outcomes, and understanding the case outcomes.

A closer inspection of the data, however, does show that CPM participants do report slightly higher combined satisfaction scores in some of the variables under analysis:

- CPM participants had higher “satisfied/very satisfied” levels (85.3% vs. 81.3%) related to case resolution as compared to cases that relied upon traditional court processes.
- CPM participants also reported higher combined satisfaction levels related to staff courtesy than cases that relied upon traditional court proceedings (95.5% v. 92.6%).
- CPM participants also reported higher combined satisfaction levels related to the courtesy of judges than participants in cases that relied upon traditional court proceedings (91.5% vs. 88.3%).

**Table 19. Citizen Satisfaction Levels: CPM & Traditional Court\***

<b>Ranking / Dimension</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
	<b>S. Dis.</b>	<b>Dissatisfied</b>	<b>Neutral</b>	<b>Satisfied</b>	<b>V. Satisfied</b>
<b>Case Resolved in a Reasonable Amount of Time</b>					
<b>CPM (n=570)</b>	25 (4.4)	18 (3.2)	41 (7.2)	192 (33.7)	294 (51.6)
<b>Court (n=491)</b>	20 (4.1)	31 (6.3)	41(8.4)	156 (31.8)	243 (49.5)
<b>Courteous Staff</b>					
<b>CPM (n=584)</b>	4 (0.7)	8 (1.4)	14 (2.4)	141 (24.1)	417 (71.4)
<b>Court (n=487)</b>	7 (1.4)	4 (0.8)	25 (5.1)	128 (26.3)	323 (66.3)
<b>Perceptions of Fairness</b>					
<b>CPM (n=520)</b>	22 (4.2)	14 (2.7)	57 (11.0)	141 (27.1)	286 (55.0)
<b>Court (n=405)</b>	13 (3.2)	10 (2.5)	47 11.3	119 (29.4)	216 (53.3)
<b>Courtesy of Judge</b>					
<b>CPM (n=517)</b>	10 (1.9)	7 (1.4)	27 (5.2)	143 (27.7)	330 (63.8)
<b>Court (n=402)</b>	5 (1.2)	8 (2.0)	34 (8.5)	100 (24.9)	255 (63.4)
<b>Outcome of Case</b>					
<b>CPM (n=377)</b>	27 (7.2)	24 (6.4)	114 (30.2)	85 (22.5)	127 (33.7)
<b>Court (n=313)</b>	15 (4.8)	15 (4.8)	95 (30.4)	75 (24.0)	113 (36.1)
<b>Understanding of Case Outcomes</b>					
<b>CPM (n=406)</b>	12 (3.0)	12 (3.0)	42 (10.3)	116 (28.6)	224 (55.2)
<b>Court (n=341)</b>	11 (3.2)	11 (3.2)	32 (9.4)	102 (29.9)	185 (54.3)

\* None of the variables analyzed reached the .05 level of statistical significance.

## Permanency Outcomes - CPM Jurisdictions vs. Comparison Jurisdictions

In this analysis, permanency outcomes in the five CPM jurisdictions were compared against a sample of comparison jurisdictions (selected based on the structure of the relevant courts, and the total number of child protective court case filings in each jurisdiction). The complete list of CPM and comparison jurisdictions is presented in Table 20.

**Table 20. Treatment and Comparison Jurisdictions for Permanency Analysis<sup>8</sup>**

CPM Jurisdiction	Comparison Jurisdictions
Petoskey	Manistee / Benzie, Ontonagan / Gogebic, Roscommon / Ogemaw, Lake / Mason
Gaylord	Kalkaska, Dickinson, Clinton, Alcona
Marquette	Clare, Eaton, Cass, Ionia
Jackson	Saginaw, Allegan, St. Clair, Van Buren
Traverse City	Shiawasse, Montcalm, Bay, Branch

Table 21 compares treatment (CPM) jurisdictions to comparison jurisdictions on three different variables: 1) mean number of days between original CPS petition and permanency; 2) mean number of days between most recent CPS petition and permanency; and, 3) the proportion of cases in that jurisdiction that achieved permanency versus those that did not. Statistical tests of significance (independent samples t-tests) were also computed to determine if the overall differences between CPM jurisdictions and comparison jurisdictions could be considered statistically significant.

At the individual jurisdiction level, there are no obvious patterns in the data. However, when the data is aggregated, a pattern emerges; CPM jurisdictions achieve permanency faster than comparison jurisdictions, when calculating from either the date of original CPS petition (661 days vs. 687 days), or the most recent CPS petition (559 days vs. 619 days).

<sup>8</sup> A multi-variate logistic regression analysis was computed comparing CPM jurisdictions to non-CPM jurisdictions on a series of socio-demographic variables including: county population, poverty rate, total crime, rural / urban classification, juvenile crime rate, number of CPS investigations and average property tax rate. The overall regression model was not statistically significant (p=.439). This suggests that the experimental and comparison groups are not significantly different from one another on these dimensions.

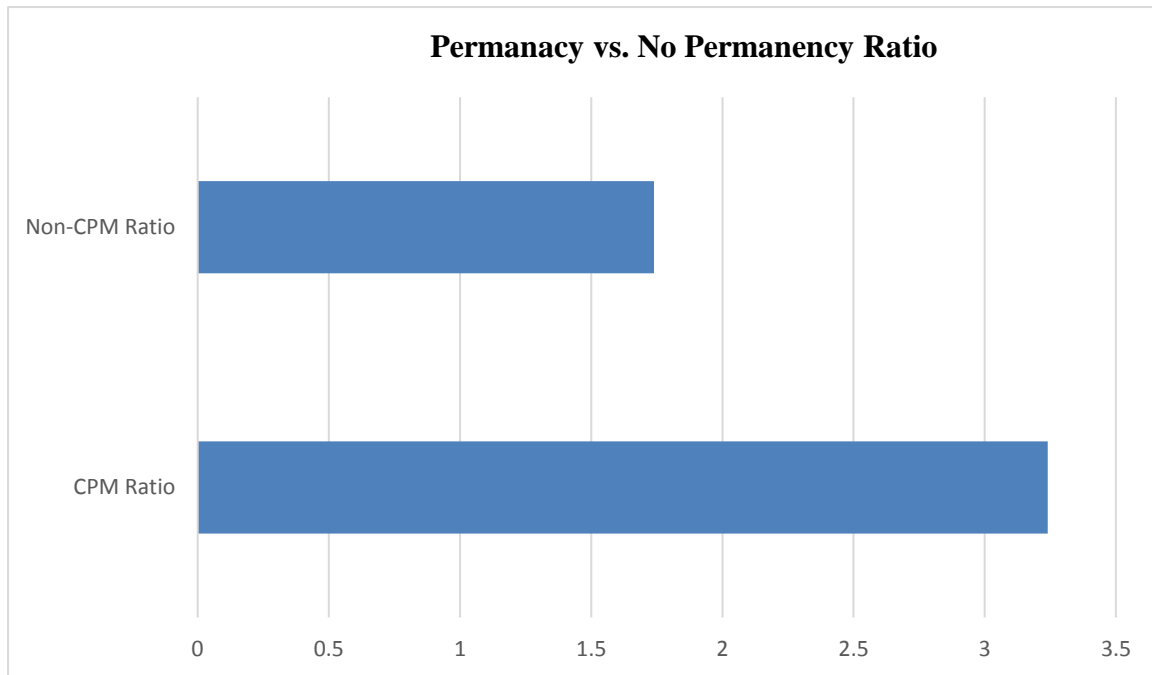


**Table 21. Permanency Outcomes: CPM vs. Comparison Jurisdictions**

Jurisdiction		Original to Permanency	Most Recent to Permanency	Permanency Achieved vs. No Permanency (Ratio)
Petoskey				
	CPM (n=65)	$\bar{x} = 924$ SD = 385	$\bar{x} = 773$ SD = 353	1.05
	Comparison (n=372)	$\bar{x} = 685$ SD = 557	$\bar{x} = 628$ SD = 542	1.19
Gaylord				
	CPM (n=40)	$\bar{x} = 697$ SD = 557	$\bar{x} = 583$ SD = 366	1.83
	Comparison (n=258)	$\bar{x} = 688$ SD = 396	$\bar{x} = 594$ SD = 356	3.18
Marquette				
	CPM (n=41)	$\bar{x} = 589$ SD = 538	$\bar{x} = 542$ SD = 525	0.29
	Comparison (n=405)	$\bar{x} = 755$ SD = 367	$\bar{x} = 669$ SD = 316	0.70
Traverse City				
	CPM (n=145)	$\bar{x} = 578$ SD = 335	$\bar{x} = 412$ SD = 273	8.51
	Comparison (n=668)	$\bar{x} = 654$ SD = 381	$\bar{x} = 598$ SD = 350	1.40
Jackson				
	CPM (n=133)	$\bar{x} = 516$ SD = 303	$\bar{x} = 485$ SD = 313	4.54
	Comparison (n=1,155)	$\bar{x} = 652$ SD = 438	$\bar{x} = 605$ SD = 379	2.23
<b>Total Sample</b>				
	CPM (n=424)	$\bar{x} = 661$ SD = 401	$\bar{x} = 559$ SD = 366	3.24 SD = 3.35
	Comparison (n=2948)	$\bar{x} = 687$ SD = 428	$\bar{x} = 619$ SD = 389	1.74 SD = 0.98
		$p = 0.22$	$p = \mathbf{0.002}$	$p < \mathbf{0.001}$

Moreover, as illustrated in Figure 3, CPM is more expeditious than traditional court processes. Jurisdictions that use CPM were almost twice as likely to close a case, compared non-CPM courts, during the 2-year study period. The differences in time to permanency from most recent petition, and the permanency/non-permanency ratio, are both statistically significant. Overall, this analysis does suggest a net permanency benefit to using CPM versus traditional court processes.

**Figure 3. Permanency Achieved vs. Not Achieved: CPM vs. Non-CPM Jurisdictions**



### Stakeholder Opinions About CPM

Data in this section was collected using semi-structured interviews with stakeholders involved in CPM. This section of the report includes qualitative comments from stakeholders in Petoskey, Gaylord, and Marquette regarding the effectiveness of CPM and the perceived impact that it has on permanency. Specifically, questions related to how key stakeholders perceived the process of CPM, and how CPM influences other parts of the child protection court process (e.g. cost savings, improving working relationships between various agencies) were asked.

### ***CPM Stakeholders Opinions about Effectiveness & Collaboration***

During the course of a set of semi-structured interviews (with a total of n=10 CPM stakeholders), participants were asked to share their impressions about the effectiveness of the CPM process. The majority of stakeholders felt that CPM resulted in substantial savings in time and cost. Stakeholders did express some reservations about how often parents comply with mediation agreements, but they did feel that mediation is generally effective at improving family permanency, and working relationships with child protection workers.

Measures/perceptions pertaining to other parties' willingness to engage in CPM were also explored during these discussions. Respondents were asked to rank their perceptions of CPM stakeholder's willingness to engage in mediation. The findings show that stakeholders, regardless of their role in CPM, were consistently likely, or very likely, to be willing to participate in CPM. Perceptions of willingness to participate did vary slightly from relatively willing for prosecutors and DHHS staff, to extremely willing for LGALs.

### ***Other Key Qualitative Findings***

Additional qualitative findings from the semi-structured discussions conducted with the staff in Marquette, Petoskey, and Gaylord are shown below. These comments reflect themes and "best practices" from the various stakeholders involved in CPM. Concerns raised by various stakeholders in the process are also reported.

#### ***Efficiency and Cost Effectiveness***

- CPM is efficient. It saves time (and by extension, most likely, money) because it puts all of the stakeholders in one place.
- Avoiding trials can mean significant cost and time savings to virtually everyone involved in the process, but particularly to the court, the prosecutor's office, and DHHS.

#### ***Structural / Administrative Issues***

- Some courts use mediation pre-adjudication, some post. The general impression is that pre-adjudication CPMs are far more useful and effective. The main role of post adjudication CPM is to give parents whose rights have been terminated a chance to "vent" and present childcare requests to the new guardians.
- Certain legal / court / administrative procedures can be challenges / obstacles to the mediation process.
- Some DHHS / CPS staff feel that Family Team Meetings (FTMs) play a similar role to CPM. However, other stakeholders see a unique role for CPM. Many stakeholders also expressed concern that parents do not have legal representation at FTMs.
- It is extremely important to have judges that "champion" CPM, and are committed to its use, in order for it to be effective.
- A number of other jurisdictions around the State of Michigan are interested in utilizing CPM.

### ***Legal and Other Barriers to the Use of CPM***

- There is some disagreement between prosecutors, and attorneys representing respondent parents, regarding what (if anything) that is said (or occurs) in mediation is admissible in court (i.e. confidentiality issues). As a result, some attorneys allow their clients to participate fully in mediation – others do not.
- Criminal charges against respondent parents make CPM particularly challenging. Attorneys may advise clients not to speak during CPM, or agree to anything that could harm their criminal cases.
- Substance abuse issues create the biggest difficulties in terms of parents complying with mediated agreements.
- There is little follow up by court staff with children and respondent families after cases are resolved. Many stakeholders feel that such follow up research would be important to assessing effectiveness.

### ***Best Practices in Child Protection Mediation***

- Mediators are generally very effective at facilitating discussions and making sure that stakeholders work well together.
- It is extremely important for effective mediators to be well trained and to have experience / knowledge of the entire child welfare system. Most mediators achieve these goals on their own (i.e. draw on their own experience / rely on their own initiative to seek out specialized training.)
- Not all mediators can effectively perform CPM cases. Most mediation centers have a small cadre of mediators who specialize in child protection matters.
- There is friction between mediators and attorneys during some mediation sessions. Attorneys, in some cases, revert to a traditional, adversarial approach. Mediators have to be able to “manage” these conflicts for the good of the process.
- “People skills” are very important to the success of CPM. Everyone involved, including attorneys, could benefit from alternative dispute resolution (ADR) training to improve their “soft skills.”
- Attorneys who are most effective in CPM cases are those who can move beyond the traditional adversarial role they play in formal court proceedings.
- It is important for the mediation centers to have a good working relationship with the courts and the prosecutor’s office.
- Having a strong steering committee for CPM can help facilitate communication and good working relationships between stakeholders.
- Data collection surrounding the CPM process can be improved: there is a role for prospective, as opposed to merely retrospective, research in CPM evaluation.
- Even if the ultimate outcome of the case is no agreement, most parties feel that “giving voice” (particularly to respondent parents) is an important benefit of the CPM process.
- The transparency of the process relative to more traditional approaches is another possible benefit.
- Most stakeholders agree that achieving “what’s best for the child” is the most important goal. This philosophy is most clearly expressed by the mediators themselves.

## **Comparison of Key Findings in the 2004 Report to the Current Evaluation**

This section compares the findings of the Permanency Planning Mediation Pilot Program evaluation conducted in 2004 (see Anderson & Whalen, 2004) to the current, 2019 study. Because the two evaluations used different methodologies, and data collection procedures by mediation centers are no longer standardized over the present study period (2016-2018), as was the case in 2004, an exact replication of the 2004 study could not be conducted. Nonetheless, information related to the eight key areas of the 2004 study can be evaluated (see Table 22). Key points of comparison include:

### ***Decreased Time to Permanency:***

The 2004 report showed that the time to permanency in CPM cases was 17 months, compared to 29.5 months for non-mediated cases. The 2019 study shows a statistically significant ( $p = 0.002$ ) decline in time to permanency in CPM using jurisdictions relative to the comparison group (18.6 months vs. 20.6 months).

### ***Impact on Parental Compliance:***

The 2004 report determined that compliance with mediation agreements was high. The present analysis supports this finding, although compliance is most problematic in cases where parents have significant substance abuse issues.

### ***Participant Perceptions:***

Similar findings exist in 2004 and 2019. In both studies, the most positive perceptions related to CPM came from criminal justice professionals, and DHHS staff. Family members meanwhile, reported slightly lower, although still positive, levels of satisfaction.

### ***Impact on Relationships between Stakeholders in the Child Welfare System:***

Both the 2004 and 2019 evaluations suggest that CPM improves relationships among stakeholders in the child welfare system.

### ***Unanticipated Outcomes:***

While the 2004 evaluation did not reveal any significant unanticipated outcomes of CPM, the 2019 evaluation does suggest an important one: a substantial procedural justice benefit (this occurs even in cases where no mediated agreement is reached, or the ultimate outcome of the case is the termination of parental rights).

### ***The Effect of Structure/Procedures of Local Programs on Outcomes:***

The 2004 study determined that “local program structures and procedures do not appear to have a negative effect on permanency outcomes.” The 2019 evaluation does reveal differences in how CPM is used (pre-trial vs. post termination) and shows that one jurisdiction (Petoskey) appears to have a substantially faster process than other jurisdictions that often utilize CPM.

***Perceptions of Referral Sources, Primarily Courts, on the Impact of Mediation:***

Judges' perceptions on the impact of CPM were mixed in the 2004 study. Anderson & Whalen (2004) concluded that higher levels of experience with CPM led to higher levels of endorsement by judges. The results of the 2019 evaluation generally mirror this finding; qualitative interviews with judges suggest those who have been using it longest tend to have the most positive perceptions of the process.

***Implications for Cost and/or Time Savings:***

Anderson and Whalen (2004) commented that benefits are both financial- and outcome-related with respect to the best interest of the children. Judicial economy was also noted where CPM reduced demands on judge's time. The 2019 analysis supports this finding. Additionally, there appears to be substantial financial and procedural benefits to other court professionals. Respondents commented that CPM frequently allows them to resolve all relevant issues during a single session, as opposed to "calling back and forth" with various stakeholders and resolving issues through a variety of individual communications.

**Table 22. Comparison of Key Findings from 2004 and 2019 CPM Evaluations**

<b>Criterion</b>	<b>2004 Findings</b>	<b>2019 Findings</b>
<b>Impact on Permanency</b>	17 months for CPM compared to 29.5 for court.	18.6 months in CPM jurisdictions compared to 20.6 months in non-CPM jurisdictions. Permanency to non-permanency ratio approximately twice as good in CPM jurisdictions.
<b>Parental Compliance</b>	High, in general.	No quantitative data available. Anecdotal evidence that compliance is high; except when respondent parents have substance abuse problems.
<b>Participant Perceptions</b>	Highest for professionals; highly positive (but lower) for family members.	Highest for professionals; highly positive (but lower) for family members.
<b>Impact on the relationship of stakeholders in the child welfare system</b>	Constructive impact on relationships between various child welfare stakeholders.	Constructive impact on relationships between various child welfare stakeholders.
<b>Unanticipated Outcomes</b>	No unanticipated outcomes.	Even where no mediated agreement is achieved, there may be an important procedural justice benefit.
<b>Structure/Procedures of local programs on outcomes</b>	No negative effect; Achievement of and types of outcomes did not differ across sites.	Petoskey appears to have a substantially quicker process than the other two jurisdictions reporting a large number of cases (Gaylord and Marquette). Traverse City is unique in that it uses mediation late in the judicial process.
<b>Judges perceptions of the impact of CPM</b>	Mixed, depending upon experience with CPM.	Generally very positive, several strong advocates who are convinced of the efficacy of CPM. Newer judges are more neutral.
<b>Implications for cost or time savings</b>	“Benefits are both financial and outcome related with respect to the best interest of the children. Judicial economy was noted such that reduced demands on judge’s times allowed for greater attention to other matters.”	Benefits for the entire court group (not just judges). Rather than multiple meetings and interactions between stakeholders, CPM typically facilitates timely resolution of most / all matters during one meeting.

**PAGE LEFT INTENTIONALLY BLANK**



## VII. CONCLUSION AND DISCUSSION

### Summary

Overall, this evaluation suggests that the use of CPM has a number of important benefits in the State of Michigan. Most notably, it improves permanency outcomes. Permanency is achieved faster, and more frequently, in jurisdictions that utilize CPM, as compared to those that do not. The most common type of permanency achieved in this state is reunification with the parents, followed by placement in long-term foster care.

The present analysis also suggests that CPM is most often used at the pre-trial stage, and can sometimes eliminate the need for contested proceedings. This can substantially reduce the burden on the courts in child welfare matters. Most CPM sessions in Michigan are successful, reaching full agreement, which is then accepted by the court (though modifications, and even rejections, do occasionally occur). There are, however, important variations in processes between jurisdictions, suggesting that the CPM process is “flexible,” where different courts are adapting CPM to meet their particular needs and circumstances.

Moreover, this study suggests that nearly all stakeholders involved in CPM support the program. That is, CPM achieves both external outcome goals (i.e. meeting the needs of troubled children and families) and promotes important organizational objectives (e.g. improving the efficiency of the justice system, promoting cooperation between state agencies; and most likely, delivering both time, and monetary, savings). Most CPM participants are satisfied with both the process and outcomes that are achieved. Thus, CPM typically meets both procedural and distributive justice goals. Support for CPM is particularly strong among court professionals (e.g. judges, prosecutors, attorneys representing families and children, DHHS field workers, etc.). The findings also suggest that working relationships amongst these individuals is typically improved through their participation in the mediation process. Support, however, is somewhat lower (though still positive) among respondent families. Furthermore, the state-wide comparison of satisfaction levels between CPM and non-CPM jurisdictions does suggest marginally higher satisfaction among citizens utilizing the courts in counties that utilize CPM.

Still, CPM is certainly not a panacea for all child protective issues. CPM is not always appropriate in cases where respondent parents are facing serious criminal charges; in this context, they may be advised by their attorneys not to participate in CPM. Furthermore, parental compliance with mediation agreements, and associated service plans, may be limited in cases where families are facing serious substance abuse issues. Some stakeholders also expressed the opinion that post-adjudication CPM may be of limited value: CPM is likely a more appropriate “tool” when used early in the child protection process.

In general, this evaluation supports the continued use of CPM as part of the child protective process in Michigan.

## Future Directions

If another evaluation of CPM is undertaken in this state in the future, the present evaluators would like to highlight the following issues, recommend the following improvements, and suggest several additional research directions:

- The importance of clean, consistent data: this involves ensuring that all data fields in MADTrac are complete; redesigning the primary data collection instruments (and approaches) to make sure that information being collected is valid and reliable; and, exploring / developing other sources of data relevant to the project. This should include ensuring that mediation centers are utilizing a standardized questionnaire when obtaining post-session feedback.
- Exploring the role that strong judicial leadership plays in the creation and operation of CPM programs. Conducting open-ended “life history” style interviews with key judges, retired center directors, long-serving mediators, and other people instrumental in bringing CPM to Michigan.
- Linking the findings pertaining to CPM in Michigan to “best practices” from across the country. Such information can provide additional recommendations about how CPM in Michigan can be made optimally effective.
- Exploring why there is regional variation in CPM practices in Michigan: for instance, perhaps there are valid reasons why children / foster parents are included in CPM sessions in some jurisdictions, and not others, or why some courts use CPM pre-trial, while others use it post-adjudication (and some do both).
- Explore how organizational realities / limitations affects the CPM process in each jurisdiction. For example, financial and organizational constraints may limit the adoption or use of CPM in some courts.
- Explore why certain cases cannot be settled through CPM: Track what happens to these cases as they make their way through the judicial process, and determine how outcomes vary between these cases, and those that are successfully mediated.
- Realizing that not all “permanency” may be equal: An exploration how placing a child in long-term foster care differs from family reunification as they relate to long-term outcomes (e.g. schooling, employment, involvement in crime and / or delinquency).
- Lastly, as a long-term research goal, designing and implementing a longitudinal research strategy to track what happens to families and children who go through the CPM process, compared to a group of similar families involved with the Michigan child welfare system would be meaningful. While time to permanency is, undoubtedly, an important outcome measure, ultimately to evaluate the worth of CPM, the long-term benefits of CPM should be determined. Rather than simply saying that children achieve one specific permanency outcome more efficiently than a traditional court process, whether CPM truly helps at-risk children live better lives should be explored.

## REFERENCES

A Pilot Study of Child Dependency Mediation in Virginia (2002, November). Retrieved from: [http://www.courts.state.va.us/courtadmin/aoc/djs/programs/drs/mediation/resources/child\\_dependency\\_mediation\\_report.pdf](http://www.courts.state.va.us/courtadmin/aoc/djs/programs/drs/mediation/resources/child_dependency_mediation_report.pdf)

Administrative Office of the Courts (2003, March). *Juvenile dependency mediation in California*. An overview. Retrieved from <http://www.courts.ca.gov/documents/JDM.pdf>

Administrative Office of the Courts (February, 2012). *Juvenile dependency mediation in California: An overview*. Retrieved from [http://www.courts.ca.gov/documents/JDM\\_Research\\_Update\\_Final.pdf](http://www.courts.ca.gov/documents/JDM_Research_Update_Final.pdf)

Adoption and Safe Families Act of 1997; PL 105-89; 111 Stat. 2117.

Albert, V. (2017). *From child abuse to permanency planning: Child welfare services pathways and placements*. Routledge.

Allen, M.L. & Bissell, M. (2004, Winter). Safety and stability for foster children: The policy context. *The Future of Children*, 14(1)48-73.

Ashford, J.B. & Faith, R.L. (2004, March). Testing models of justice and trust: A study of mediation in child dependency disputes. *Social Work Research*, 28(1), 18-27.

Association of Family and Conciliation Courts (2012). Guidelines for Child Protection Mediation. Retrieved from: <https://www.afccnet.org/Portals/0/Guidelines%20for%20Child%20Protection%20Mediation.pdf>

Barsky, A. (1999). Community involvement through child protection mediation. *Child welfare*, 78(4), 481-502.

Bennett, J. T., & Kaufman, B. E. (2016). *The future of private sector unionism in the United States*. Routledge.

Berrick, J.D. (1998). When children cannot remain home: Foster family care and kinship care. *The Future of Children*, 8, 72-87.

Bryan, V., Collins-Camargo, C., Anderson, G., Whalen, N., & Kantar, C. (2011, Spring). Making the case for evaluation partnerships in child protection mediation programs: Insights from a case study. *Juvenile and Family Court Journal*, 62(2), 35-52.

Bryant, C. (2010, March). *Child Mediation in Texas: Past, Present and Future*. Austin: University of Texas School of Mediation Clinic.

Carmichael, S. (2015, Fall). Child welfare mediation in Georgia. Retrieved from [https://scholar.google.com/scholar?cluster=7236338451856197697&hl=en&as\\_sdt=0,23](https://scholar.google.com/scholar?cluster=7236338451856197697&hl=en&as_sdt=0,23)

Carruthers, S. E. (1997). Mediation in child protection and the Nova Scotia experience. *Family Court Review*, 35(1), 102-126.

Child Welfare Capacity Building Center for Courts. (2016). National Report on Court Improvement Program Projects and Initiatives FY 2015. Washington, D.C.: Children's Bureau, Administration for Children and Families, U.S. Department of Health and Human Services.

Colman R. & Ruppel (2007, March). *Child Permanency Mediation Pilot Project*. New York State Office of Children and Family Services.

Community Dispute Resolution Act Act 260 of 1988, Chapter 691, Act 260 of 1988. Retrieved from: [https://www.lawserver.com/law/state/michigan/mi-laws/michigan\\_laws\\_chapter\\_691\\_act\\_260\\_of\\_1988](https://www.lawserver.com/law/state/michigan/mi-laws/michigan_laws_chapter_691_act_260_of_1988).

Community Dispute Resolution Program, Annual report, 2017. (2017). Retrieved from: <https://courts.michigan.gov/Administration/SCAO/OfficesPrograms/ODR/Documents/2017%20Community%20Dispute%20Resolution%20Program%20Annual%20Report.pdf>

Cowan, D. (2004). Legal consciousness: some observations. *The Modern Law Review*, 67(6), 928-958.

Dale, M.D. (2014). Don't forget the children: Court protection from parental conflict is in the best interests of the children. *Family Court Review*, 52(4), 648-654.

Dettlaff, A. J. (2014). The evolving understanding of disproportionality and disparities in child welfare. In *Handbook of child maltreatment* (pp. 149-168). Springer: Netherlands.

Diener, K. W., & Khan, S. R. (2016). Thwarting the Structural and Individualized Issues of Mediation: The Formalized Reflective Approach. *Southern Law Journal*, 26(1), 137-161.

Dobbin, S.A., Gatowski, S.I., & Litchfield, M. (2001, December). The Essex County Child Welfare Mediation Program: Evaluation Results and Recommendations. Rockville, MD: National Criminal Justice Reference Service.

Eaton, M., Whalen, P. & Anderson G. (2007, Spring). Permanency planning mediation pilot program: The Michigan experience. *The Michigan Child Welfare Law Journal*, 10(3), 2-10.

Edwards, L. P. (1997, April). Dependent court mediation: The role of the judge. *Family and Conciliation Court Review*, 35(2), 160-163.

Edwards, L.P. (2002, Fall). Mediation in juvenile dependency court: Multiple perspectives. *Juvenile and Family Court Journal*, 49-65.

Edwards, L.P. (2004). Mediation in child protection cases. *Journal of the Center for Families, Children & the Courts*, 57-69.

Edwards, L.E. (2009, January). Child protection mediation: A 25-year perspective. *Family Court Review*, 47(1), 69-80.

Ewick, P., & Silbey, S. S. (1991). Conformity, contestation, and resistance: An account of legal consciousness. *New Eng. L. Rev.*, 26, 731-749.

Findlater, J. E., & Kelly, S. (1999). Reframing child safety in Michigan: Building collaboration among domestic violence, family preservation, and child protection services. *Child Maltreatment*, 4(2), 167-174.

Firestone, G. (1997, April). Dependency mediation: Where do we go from here? *Family and Conciliation Courts Review*, 35(2), 223-238.

Firestone, G. (2009, January). Empowering parents in child protection mediation: Challenges and opportunities. *Family Court Review*, 47(1), 98-115.

Giovannucci, M. & Largent, K. (2013, April). Association of Family and Conciliation Courts Guidelines for Child Protection Mediation. *Family Court Review*, 51(2), 193-194.

*Guidelines for Child Protection Mediation: Draft for Comment.* (2011, November 22). Retrieved from: [http://www.courts.ca.gov/documents/CPM\\_Guidelines.pdf](http://www.courts.ca.gov/documents/CPM_Guidelines.pdf)

Frey, A.L. (2005, April). Casey family programs. A call to action; An integrated approach to youth permanency and planning for adulthood. Retrieved from: <http://www.aecf.org/resources/a-call-to-action/>

Ganasarajah, S., Siegel, G., Knoche, V., Gatowski, S., & Sickmund, M. (2017, June). Process Evaluation of Nevada's Statewide Dependency Mediation Program. Nevada Administrative Office of the Courts, Nevada Supreme Court.

Goldhaber-Fiebert, J. D., Bailey, S. L., Hurlburt, M. S., Zhang, J., Snowden, L. R., Wulczyn, F. & Horwitz, S. M. (2012). Evaluating child welfare policies with decision-analytic simulation models. *Administration and Policy in Mental Health and Mental Health Services Research*, 39(6), 466-477.

Greenberg, J. (1987). A taxonomy of organizational justice theories. *Academy of Management Review*, 12, 9-22.

Giunta, S.A. & Amatea, E.S. (2000, July). Mediation or litigation with abusing or neglectful families: Emerging roles for mental health counsellors. *Journal of Mental Health Counseling*, 22(3), 240-252.

Harden, B.J. (2004). Safety and stability for foster children: A developmental perspective. *The Future of Children*, 14, 31-48.

Hauenstein, N. M., McGonigle, T. & Flinder, S.W. (2001). A meta-analysis of the relationship between procedural justice and distributive justice: Implications for justice research." *Employee Responsibilities and Rights Journal*, 13(1), 39-56.

Hensler, D. R. (2003). Our courts, ourselves: How the alternative dispute resolution movement is re-shaping our legal system. *Penn State Law Review*, 108, 165 -197.

- Hoebel, E.A. (1954). *The Law of Primitive Man*. Cambridge, MA: Harvard University Press.
- Hoffmann, E. A. (2003). Legal consciousness and dispute resolution: different disputing behavior at two similar taxicab companies. *Law & Social Inquiry*, 28(3), 691-716.
- Hood, R., Price, J., Sartori, D., Maisey, D., Johnson, J., & Clark, Z. (2017). Collaborating across the threshold: The development of interprofessional expertise in child safeguarding. *Journal of Interprofessional Care*, 31(6), 705-713.
- Hughes, R. C., & Rycusa, J. S. (2006). Issues in risk assessment in child protective services. *Journal of Public Child Welfare*, 1(1), 85-116.
- Huntington, C. (2006). Rights myopia in child welfare. *UCLA Law Review*, 53, 637-700.
- Ingram, S. D., Cash, S. J., Oats, R. G., Simpson, A., & Thompson, R. W. (2015). Development of an evidence-informed in-home family services model for families and children at risk of abuse and neglect. *Child & Family Social Work*, 20, 139–148. <http://dx.doi.org/10.1111/cfs.12061>
- Johnson, N.E., Saccuzzo, D.P. & Koen. W.J. (2005, August). Child custody mediation in cases of domestic violence. *Violence Against Women*, 11(8), 1022-1053.
- Jordan, K. (2009, October). Need to be heard: Increasing child participation in protection mediation through the implementation of model standards. *Family Court Review*, 47(4), 715-736.
- Kierstead, S. (2011). Therapeutic jurisprudence and child protection. *Barry Law Review*, 31(17), 31-44.
- Kirkland, K. & Ritter, A. (2011, Spring). Parent coordination in Alabama: The current status. *Faulkner Law Review*, 2(2), 247-286.
- Kruk, E. (2015). Issues and challenges within a neo-liberal political context. In *Social Work in a Global Context: Issues and Challenges*. New York: Routledge.
- Landsman, M.J. & Thompson, K; & Barber, G. (2003, April-June). Using mediation to achieve permanency for children and families. *Families in Society*, 84(2), 229-239.
- Lewandowski, C. A. (2018). *Child Welfare: An Integrative Perspective*. Oxford University Press.
- Libow, J. (1993). The need for standardization and expansion of non-adversary proceedings in juvenile dependency court with special emphasis on mediation and the role of counsel. *Juvenile and Family*, 44(3), 3-16.
- McHale, M. J., Robertson, I., & Clarke, A. (2009). Building a child protection mediation program in British Columbia. *Family Court Review*, 47(1), 86-97.

Madden, E. E. & Aguina, D.M. (2013). An evaluation of permanency outcomes of child protection mediation. *Journal of Public Child Welfare*, 7, 98-121.

Mallon, G. P., & Hess, P. M. (2014). *Child Welfare for the Twenty-first Century: A Handbook of Practices, Policies, & Programs*. Columbia University Press.

Maresca, J. (1995). Mediating child protection cases. *Child Welfare*, 74(3), 731-742.

Mayer, B. (1985). Conflict resolution in child protection and adoption. *Mediation Quarterly*, 1985(7), 69-81.

Maynard, J. (2005, July/August). Permanency mediation: A path to the open adoption for children in out-of-home care. *Child Welfare*, 84(4), 507-526.

Mediation: Michigan Supreme Court State Court Administrative Office: Resolving your Dispute Without Going to Trial. Informational Brochure Retrieved from: <https://www.berriencounty.org/DocumentCenter/View/1288/Office-of-Dispute-Resolution-Brochure-PDF>.

Michigan Department of Health and Human Services (2015). Family Team Meeting Informational Sheet. Retrieved from: [https://www.michigan.gov/documents/dhs/Family\\_Team\\_Meeting\\_Protocol\\_491317\\_7.pdf](https://www.michigan.gov/documents/dhs/Family_Team_Meeting_Protocol_491317_7.pdf)

Murphy, K., Mazerolle, L., Bennett, S., (2014). Promoting trust in police: findings from a randomised experimental field trial of procedural justice policing. *Police & Society*, 24(4), 405–424, <http://dx.doi.org/10.1080/10439463.2013.862246>

National Center for State Courts (2019). Court Improvement Programs Reauthorization. Retrieved from: <https://www.ncsc.org/services-and-experts/government-relations/child-welfare/court-improvement-programs-reauthorization.aspx>

Nolan-Haley, J.M. (2013). Judicial review of mediated settlement agreements. Improving mediation with consent. *Arbitration Law Review*, 5, 152-161.

Olson, K.B. (2006, Spring). The importance of using alternative dispute resolution techniques and processes in the ethical and informed representation of children. *Nevada Law Journal*, 6, 1333-1349.

Olson, K. B. (2009). Family group conferencing and child protection mediation: Essential tools for prioritizing family engagement in child welfare cases. *Family Court Review*, 47(1), 53-68.

Ontario Ministry of Children, Community and Social Services – Policy Directive CW 005-06) (nd). Retrieved from: [http://http://www.children.gov.on.ca/htdocs/English/professionals/childwelfare/CYFSA/policy\\_directive\\_CW004-06.aspx](http://http://www.children.gov.on.ca/htdocs/English/professionals/childwelfare/CYFSA/policy_directive_CW004-06.aspx)

Paik, L. (2017). Good parents, bad parents: Rethinking family involvement in juvenile justice. *Theoretical Criminology*, 21(3), 307-323.

Parkinson, K., Pollock, S., & Edwards, D. (2018). Family group conferences: an opportunity to re-frame responses to the abuse of older people? *British Journal of Social Work*, 48(4), 1109-1126.

Rosenbaum, A. E. (2011, Spring). Embracing the strengths and overcoming the weaknesses of child protection mediation. *UC Davis Journal of Juvenile Law & Policy*, 15(2), 399-344.

Ryan, J. P., Testa, M. F., & Zhai, F. (2008). African American males in foster care and the risk of delinquency: The value of social bonds and permanence. *Child Welfare*, 87(1), 115-140.

Sarat, A. (1990). The law is all over: power, resistance and the legal consciousness of the welfare poor. *Yale Journal of Law & Human Rights.*, 2(2) 343-370.

Shack, J. (2010). Child Protection Mediation: An Evaluation of Services Provided by Cook County Juvenile Court. Retrieved from:  
[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1745564](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1745564)

Sinanan, A. N. (2011). The impact of child, family, and child protective services factors on reports of child sexual abuse recurrence. *Journal of Child Sexual Abuse*, 20(6), 657-676.

Spar, K. & Shuman, M. (2004, November 8). Child welfare: Implementation of the Adoption and Safe Families Act (P.L. 105-89). *Congressional Research Service*, RL30759.

State of Michigan, Department of Human Services (2014, June). Child Abuse Prevention and Treatment Act State Plan Annual Update. Retrieved from  
[http://www.michigan.gov/documents/DHHS/CAPTA\\_State\\_Plan\\_2014\\_473683\\_7.pdf](http://www.michigan.gov/documents/DHHS/CAPTA_State_Plan_2014_473683_7.pdf)

Statewide Data Indicators and National Standards for Child and Family Services Reviews (2014, April 23) 79 Fed. Reg. 22604, 22605 (to be codified at 45 C.F.R. pt. 1355).

Stott, T., & Gustavsson, N. (2010). Balancing permanency and stability for youth in foster care. *Children and Youth Services Review*, 32(4), 619-625.

Summers, A., Wood, S., & Russell, J. (2011, Fall). Assessing efficiency and workload implications of the King County mediation pilot. *OJJDP Journal of Juvenile Justice*, 1(1), 48-59.

Taylor, A. (2012). *The handbook of family dispute resolution: Mediation theory and practice*. San Francisco: Jossey-Bass.

Thibault, J., & Walker, L. (1975). *Procedural Justice: A Psychological Analysis*. Hillsdale, NJ: Erlbaum

Thoennes, N. (2009, January). What we know: Findings from dependency mediation research. *Family Court Review*, 47(1), 21-37.

Thoennes, N. & Kaunelis, R. (2011, September). New York City Child Permanency Mediation Program Evaluation. Center for Policy Research.



Thomson, L., McArthur, M. & Camilleri, P. (2017). Is is “fair”? Representation of children, youth, people and parents in an adversarial court system. *Child and Family Social Work*, 22, 23-32.

Tyler, T. R., & Blader, S. L. (2003). The group engagement model: Procedural justice, social identity, and cooperative behavior. *Personality and Social Psychology Review*, 7(4), 349-361.

Tyler, T.R. & Lind, E.A. (1992). 1992. A relational model of authority in groups. In *Advances in Experimental Social Psychology*, Vol. 25. New York: Academic Press.

U.S. Department of Health and Human Services (2018). *AFCARS Report #25*. Retrieved from U.S. <https://www.acf.hhs.gov/sites/default/files/cb/afcarsreport25.pdf>

US Department of Health & Human Services, Administration for Children and Families (2017, October). Supporting Successful Reunifications. Retrieved from: [https://www.childwelfare.gov/pubPDFs/supporting\\_reunification.pdf](https://www.childwelfare.gov/pubPDFs/supporting_reunification.pdf)

U.S. Department of Health and Human Services (2014). Time between Termination of Parental Rights (TPR) and Adoption Finalization: October 1, 2013 to September 30, 2015 (FY2014). Retrieved from: <https://www.acf.hhs.gov/sites/default/files/cb/tpr2014.pdf>

U.S. Department of Health and Human Services (1994). *Administration for children and families*. Retrieved from: <https://www.acf.hhs.gov/sites/default/files/cb/pi9401.pdf>

U.S. Department of Health and Human Services (2010). Family engagement. Retrieved from: [https://www.childwelfare.gov/pubs/f\\_fam\\_engagement/](https://www.childwelfare.gov/pubs/f_fam_engagement/)

U.S. Department of Health and Human Services (2005). *A report to Congress on adoption and other permanency outcomes for children in foster care: Focus on other children*. Washington, DC: Children’s Bureau. Retrieved from: [https://www.acf.hhs.gov/sites/default/files/cb/congress\\_adopt.pdf](https://www.acf.hhs.gov/sites/default/files/cb/congress_adopt.pdf)

Wade, J.H. (1994). Forms of Power in Family Mediation and Negotiation. *Australian Journal of Family Law*, 8, 40-57.

Wang, E. W., Lambert, M. C., Johnson, L. E., Boudreau, B., Breidenbach, R., & Baumann, D. (2012). Expediting permanent placement from foster care systems: The role of family group decision-making. *Children and Youth Services Review*, 34(4), 845-850.

Winick, B. J. (1997). The jurisprudence of therapeutic jurisprudence. *Psychology, Public Policy, and the Law*, 3(1), 184–206. Retrieved from: <http://dx.doi.org/10.1037/1076-8971.3.1.184>.

Zhang, X., & Bartol, K. M. (2010). Linking empowering leadership and employee creativity: The influence of psychological empowerment, intrinsic motivation, and creative process engagement. *Academy of Management Journal*, 53(1), 107-128.

**PAGE LEFT INTENTIONALLY BLANK**

## APPENDIX A

### Community Mediation Centers: Child Protection Cases (2016-2018)

Name of Center	Counties Contributing Child Protection Cases 2016-2018
North Community Mediation (Petoskey)	Charlevoix & Emmet Counties
Community Mediation Services (Gaylord)	Cheboygan, Oscoda, Antrim & Iosco Counties
Marquette Alger Resolution Services (Marquette)	Marquette County
Conflict Resolution Services (Traverse City)	Wexford County
Southeastern Dispute Resolution Services (Jackson)	Monroe County

**APPENDIX B**

**Northern Community Mediation Exit Survey**

**CHILD PROTECTION PARTICIPANT EVALUATION FORM**

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
I knew what to expect. The mediation process was explained to me.					
I had the opportunity to express my views.					
The process was fair to me.					
I was treated with respect by the mediators.					
The mediation process helped me to have a better understanding of the process.					
The mediation process was helpful in this case.					
I am satisfied how the case was handled by the Mediation Center					
I would recommend mediation to someone else					
I prefer the mediation process to the court process					

Comments \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

If there was no agreement, do you think mediation helped you with your situation?

\_\_\_\_\_ Completely \_\_\_\_\_ Mostly \_\_\_\_\_ Somewhat \_\_\_\_\_ Not at all

Please explain:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

## APPENDIX C

### Community Mediation Services Exit Survey

To provide the best possible service your input would be greatly appreciated

Today, my role is:    \_\_\_\_\_ parent    \_\_\_\_\_ attorney    \_\_\_\_\_ GAL    \_\_\_\_\_ DHHS  
                                 \_\_\_\_\_ prosecutor    \_\_\_\_\_ service agency    \_\_\_\_\_ caregiver    \_\_\_\_\_ other

1.    Was the office staff helpful, courteous, and informative in scheduling your mediation?  
      Yes \_\_\_\_\_    No \_\_\_\_\_
2.    Was the mediation process explained to your understanding?  
      Yes \_\_\_\_\_    No \_\_\_\_\_
3.    Did you have ample uninterrupted time at mediation to state your initial position?  
      Yes \_\_\_\_\_    No \_\_\_\_\_
4.    While assisting you to reach an agreement did the mediators remain impartial?  
      Yes \_\_\_\_\_    No \_\_\_\_\_
5.    Were you comfortable with the mediators?  
      Yes \_\_\_\_\_    No \_\_\_\_\_
6.    Did you feel safe and at ease to ask questions?  
      Yes \_\_\_\_\_    No \_\_\_\_\_
7.    Whether or not an agreement was reached, were you satisfied with the mediation process?  
      Yes \_\_\_\_\_    No \_\_\_\_\_
8.    Do you believe the mediation process could help you resolve future issues?  
      Yes \_\_\_\_\_    No \_\_\_\_\_
9.    Did the mediation process meet or exceed your expectations?  
      Yes \_\_\_\_\_    No \_\_\_\_\_
10.    Would you recommend Community Mediation Services to others?  
      Yes \_\_\_\_\_    No \_\_\_\_\_
11.    Would you choose mediation in the future?  
      Yes \_\_\_\_\_    No \_\_\_\_\_

Thanks for allowing Community Mediation Services the opportunity to assist in resolving your dispute