

Mediation and Facilitation Services

The Mediation Program provides two types of alternative dispute resolution processes to litigants. Our team of registered mediators brings 30+ years of experience in child welfare to mediate CHINS, Termination and Adoption cases. We also provide facilitations of permanency issues in CHINS cases.

I. CHINS (Children in Need of Services)

Mediations and facilitations can be requested by one or more parties to the case or referred by the Court.

CHINS Mediations

Participants in mediations include the parties and their counsel as well as other interested individuals. Specifically, participants include: DCS by its attorney and case manager; parents, guardians, and custodians with their PDs or private counsel; GAL/CASA; caregivers—foster, relative, kinship, and their counsel; children and their counsel (as appropriate) along with service providers who are working with the family. Cases are mediated prior to fact finding to explore possible resolution and attempt to narrow the issues or avoid contested litigation all together.

Can result in the following resolutions:

- Agreement to dismiss the CHINS case;
- Agreement to an Informal Adjustment with specified services;
- Agreement to Modify Custody in a divorce or paternity case leading to dismissal of CHINS;
- Agreement to Guardianship or Third Party Custody leading to dismissal of the CHINS case; and
- Agreement to CHINS finding with specified services.

Permanency Facilitations

Like CHINS mediations, Participants in Permanency Facilitations include the parties and their counsel as well as other interested individuals. Participants in facilitations include parents with their counsel, DCS FCM and attorney, GAL/CASA and their attorney, the child with their own counsel (as appropriate), children's caregivers (foster parents/relative caregivers/kinship caregivers/residential facility representative), counsel for children's caregiver, parents' providers, children's providers, parenting time supervisors, and other support for parents. The facilitator convenes and guides the parties in discussion exploring the barriers to permanency.

Outcomes of facilitation include:

- Increased understanding and awareness of status of parents’ services, and steps needed to successfully reunify the family;
- Agreement regarding services for parents (e.g., more services, a change in providers, and education about services);
- A defined plan for starting or increasing parenting time to the point of temporary trial visit in the parent’s home;
- A defined plan for sibling contact for separated siblings;
- Agreements to modify custody to the other parent or to third party or guardianship;
- Agreement regarding services for the children, including beginning therapy or other service, or a change of provider;
- Agreement to consent to adoption or change of custody.

II. TERMINATION OF PARENT-CHILD RELATIONSHIP (“TPCR”) CASES

Throughout Indiana, there are backlogs of TPCR cases due to filing and other delays caused by the COVID-19 pandemic. Mediation offers the parties a forum in which to resolve cases and advance permanency for children. Participants in mediations include the parties and their counsel as well as other interested individuals. Specifically, participants include: DCS by its attorney and case manager; parents, guardians, and custodians with their PDs or private counsel; GAL/CASA; caregivers-foster, relative, kinship, and their counsel; children and their counsel (as appropriate) along with service providers who are working with the family.

Mediation of TPCR cases can result in the following resolutions:

- Agreement to dismiss the TPCR case;
- Agreement to change the plan of permanency back to reunification;
- Agreement to modify custody to non-offending parent leading to dismissal of the TPCR and CHINS;
- Parents’ execution of consents to adoption for the children with and without agreements for post-adoption contact and dismissal of the TPCR case leading to dismissal of the CHINS upon finalization of the adoption; and
- Parent(s) execution of consents to guardianship or 3rd party custody leading to dismissal of the TPCR and CHINS cases upon order granting guardianship or 3rd party custody.

For all questions or to request a mediation/permanency facilitation, please contact us at mediation@childadvocates.net

III. CONTESTED ADOPTIONS

Participants in mediations include the parties and their counsel as well as other interested individuals. Specifically, participants include: parents, prospective adoptive parent(s), Guardians ad Litem/CASA , and their counsel along with service providers who are working with the families. Cases are mediated prior to trial to explore possible resolution and attempt to narrow the issues or to avoid contested litigation all together.

Mediation of Adoption cases can result in the following resolutions:

- Agreement to dismiss the Adoption;
- Agreement for the child to remain in or return to the parents' care;
- Agreement to Third Party Custody;
- Agreement to Guardianship;
- Parents' execution of consents to adoption for the children with and without agreements for post-adoption contact
- Agreements between prospective adoptive parents that allow one family to adopt the child and define the relationship that the other family with have in the child's life.

Child Advocates Mission and History

For 39 years, Child Advocates was also an award-winning CASA (court-appointed special advocate) for Marion County, serving as the voice for thousands of children who are abused and/or neglected each year. In child abuse cases in Indianapolis, both the parents and the State of Indiana are represented by legal counsel. There was a time when the children had no one to represent them. That changed in 1982 with the creation of Child Advocates.

Child Advocates, formerly known as the Guardian Ad Litem Project, was founded by the Indianapolis Section of the National Council of Jewish Women (NCJW) in 1982, because NCJW and the courts recognized the need for abused and neglected children to have independent representation. In 1988, NCJW turned over the Guardian Ad Litem Project through assistance from the Indianapolis Legal Aid Society. In 1992 the project was incorporated as Child Advocates, Inc. and became a stand-alone agency.

Since its inception, Child Advocates has represented the best interests of more than 100,000 vulnerable Indianapolis children and, every day, we remain committed to building a better future for children in need.

To learn about our mediation and facilitation program, visit us at www.childadvocates.net/programs/mediation-facilitation/