BUILDING A CHILD PROTECTION MEDIATION PROGRAM IN BRITISH COLUMBIA

M. Jerry McHale, Irene Robertson, and Andrea Clarke[1]

Effective implementation of mediation programs on a large scale is a complex challenge. This article describes the process of design and implementation of a child protection mediation model and highlights the challenges and successes involved in leading fundamental culture shifts within the child welfare system over a period of eleven years.

Keywords: *mediation*; *dispute resolution*; *facilitated planning*; *child protection mediation*; *dependency mediation*; *family court*; *child family and community services act*; *child welfare collaborative planning and decision making*; *dispute resolution office*

INTRODUCTION

Common law jurisdictions around the world have been struggling for some years to enhance access to justice. Consequences of this effort include a significant evolution in our understanding of family disputes and the development of new processes to resolve these disputes. While the starting point was an adversarial paradigm, conflict management has shifted over the last couple of decades to include interest-based, as well as rights-based, processes and cooperative, as well as adversarial, values.

Many reports, research studies, and academic papers articulate the rationale for, and nature of, this shift.[2] The following needs have been identified:

- to enhance access to justice by responding to problems of cost, delay, and complexity associated with traditional dispute resolution processes;
- to make justice systems more efficient;
- to implement alternative dispute resolution processes that emphasize substantive communication and are structured to reduce antagonism between parties; and
- to support a fundamental shift in justice system culture to accommodate new values and new ways of thinking about conflict management.

In response to such needs, many jurisdictions have developed models for utilizing interest-based dispute resolution processes in child welfare disputes. This article describes the development of the child protection mediation (CPM) program in British Columbia (BC). In BC we have found that successful implementation of such a program is as much about managing culture change as it is about sound program and process design, and *how* such a program is implemented may be even more important than *what* is implemented.

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THE CHILD WELFARE SYSTEM

The fundamental question is: how can society best protect children, that is, what actually works? Child welfare is a profound social challenge. Child abuse and neglect are grave and complex problems that occur on a distressingly large scale. The traditional response has involved apprehension or removal of the abused or neglected child from his or her home, followed by an adversarial, deficit-focused trial process designed to prove, or disprove, that the child is in need of protection. After many years of experience, it has become clear that the protection afforded children by this model is less than perfect. The process is slow and cumbersome and generally ill suited for the complex and emotionally charged nature of child welfare problems. The stress on the child and parties is prolonged over critical months, or possibly years, in the child's development. More fundamentally, the adversarial model sets up a problematic dynamic between the parties. It frames the question of the child's welfare as a contest, and positions the parties as opponents. The opportunity for real dialogue diminishes as combat values and attitudes take hold. The disadvantages flowing from this approach are manifold: conflict is often exacerbated, the parties polarize, and there is reduced acceptance of the eventual judicial decision. This is particularly problematic when the social worker and the family must continue to work with each other after the trial, as they often must. The litigation process squanders goodwill. The working relationship between the social worker and the parents is often seriously compromised, making subsequent work together that much harder.

In the face of these concerns, experts in the field took up the question: "How can social workers effectively bring their considerable authority to bear in a strong enough way to safeguard the child without destroying the possibility of a cooperative working relationship with the family?"[3] The answer proposed was to reframe the problem from an authoritarian investigation focused on the behavior of the parents to a collaborative negotiation focused on the well-being of the child. Mediation, of course, is one mechanism well suited to such reframing. Programs in the 1980s in the United States established that mediation is a viable option for resolving conflict in child protection cases.[4] Since that time there has been considerable growth in CPM programs across North America.[5]

In the early 1990s, BC carefully considered this option and resolved to test mediation for child protection disputes. Ultimately, we were able to demonstrate to our own satisfaction that, while not a panacea, mediation is for many cases—probably a majority—a superior vehicle for reaching agreements to protect children. Now, with considerable experience to draw from, we are satisfied that it is an exceptionally important tool not only because it brings a new, versatile, and effective dispute resolution process to child welfare but also because it brings new process values that have the power to transform the culture of child welfare generally.

EARLY HISTORY

Mediating child protection disputes was first tested in Victoria, BC for one year starting in 1992.[6] The parameters of the pilot program were defined as follows:[7]

- the goal of mediation would be to reach an agreement regarding the future care of the child in a manner that protected the child and served the child's best interests;
- facts such as the existence or nonexistence of neglect or abuse could not be mediated. A decision that the child is in need of protection could not be mediated;[8]

- however, the nature, form, and extent of the Ministry's involvement with the family could be mediated;
- participation would be voluntary and a child could not be in immediate danger while the mediation proceeds;
- parents must be competent to negotiate or alternatively have counsel to negotiate for them;
- mediation would be available at all stages of the process—from before removal to before trial—but as a rule, the earlier it is used the better; and
- a range of persons would be able to participate in the mediation, including friends, allies, or other persons with an interest in the outcome.

The results of the pilot were very encouraging:[9]

- most mediations resulted in workable agreements;
- families who tried the process liked it; more than 85% of the families preferred mediation to meeting with a social worker alone, and 100% of single mothers preferred mediation; 79% of the families felt they "had a real say in working out the agreement";
- most often, social workers were satisfied with the agreement made, were favorably impressed by the mediator, and regarded mediation as an effective use of their time;
- 65% thought that the agreement reached was different from what would have been arrived at without mediation;[10] and
- mediation improves or helps to sustain the working relationship between the social worker and the family in a significant proportion of the cases.[11]

Encouraged by these results, the province's Ministry of Attorney General and Ministry of Children and Family Development[12] agreed to work together to expand the use of mediation in child welfare disputes.

An important early step was to create institutional support for mediation. This was done by examining the larger justice and social services systems and asking what structural, administrative, or organizational changes could be made to provide practical support to the mediation process on the ground.

LEGISLATION

The most basic institutional support was legislative. In 1996 new child welfare legislation was brought into force which included provisions designed to encourage early, cooperative resolution of child protection disputes outside of the court process.[13]

Section 22 of the Child, Family and Community Service Act (CFCSA) provides that:

> If a director and any person are unable to resolve an issue relating to the child or a plan of care, the director and the person may agree to mediation or other alternative dispute resolution mechanisms as a means of resolving the issue.[14]

Section 23 of the CFCSA says that court proceedings may be adjourned by a judge for a total of up to three months in order to allow mediation to proceed and that any agreement made in mediation may be reduced to writing and filed with the court.[15]

Section 24 of the CFCSA created a qualified confidentiality provision for the mediation process providing, in part, that a person must not disclose, or be compelled to disclose,

information obtained in a family conference, mediation, or other alternative dispute resolution process, except with the consent of other participants, if necessary to implement, an agreement, or if necessary for a child's safety.[16]

While a statutory enabling provision is clearly not necessary in order to conduct mediation, we found that it nonetheless had a surprisingly strong impact in terms of legitimizing and promoting mediation. In addition to the technical benefits of extending time frames and securing confidentiality, simply providing for mediation in the statute gave it a credibility and status that assisted the program immensely.

PROVINCE-WIDE MEDIATOR ROSTER

Section 9 of the Child, Family and Community Service Regulation provided for the creation of an official roster of qualified child protection mediators.[17] This regulation gave government a mechanism to address critical mediation service delivery issues such as establishing mediator qualifications, promulgating a code of conduct, fixing mediator remuneration, and ensuring the quality of mediator services.[18] Initially, the Child Protection Mediator Roster was created by the two ministries. It is now administered for the government by the British Columbia Mediator Roster Society (BCMRS).[19] The mediators are from the private sector and provide services on contract to the Ministry of Attorney General. As such, they are put at arm's length from the Ministry of Children and Family Development and are seen as neutral managers of the mediation process.

MEDIATOR TRAINING

In addition to writing legislation and creating an accessible roster of mediators, the government provided institutional support for mediation by working with the private sector to expand training opportunities for mediators. This took the form of a practicum designed to give less experienced mediators, with theoretical knowledge, a hands-on opportunity to practice their skills by mediating cases under the guidance of senior mentor mediators.[20]

Mediators who are being newly assigned to the Child Protection Roster are required to participate in initial orientation training and all mediators on the Roster must engage in ongoing professional development. Much of this is provided through CPM-related education opportunities and practice consultation.

STRATEGIC PARTNERSHIPS

As part of the collaborative approach to promoting CPM, a number of very productive institutional alliances and partnerships were established. The core partnership is between two government ministries. The Ministry of Children and Family Development is legally responsible for all child welfare matters. It has resources and a province-wide institutional reach in furtherance of its child protection mandate. The Ministry of Attorney General is able to bring expertise in the mediation process, experience in dispute resolution process design and knowledge of the court system to the partnership. The two ministries worked together to engage the support of other organizations, such as the BCMRS and the BC Dispute Resolution Practicum Society. Both societies have worked very closely with both ministries to provide

mediator training. This assistance became critical when the program began to experience rapid growth and there was a concern that the demand for skilled mediators could overstep the supply.

Support from the BC Provincial Court has been particularly helpful in establishing the program in new communities. Insofar as this court has primary jurisdiction over child welfare matters, the support of its judiciary has lent considerable momentum to the program.

Finally, two other provincial organizations, the BC Law Foundation and the Legal Services Society of BC, have both allied themselves with the initiative and contributed substantial sums of money to support the pilot programs and the use of mediation in the First Nations context.

While there is more front-end work required in spreading involvement in ownership of this program across a number of organizations and institutions, the program—as a consequence of this approach—gained immeasurably from the energy, insights, and diverse interests represented. The program is on a broader and more stable foundation because of the emphasis on an integrated approach to program design and implementation.

By 1997 the ministries assumed that the CPM program would expand quickly. A pilot project had demonstrated that it was both safe and effective,[21] the governing statute explicitly authorized it,[22] government policy endorsed it, and skilled mediators were made available to do it. Nonetheless, it did not take off. Where we expected hundreds of mediations, we got dozens. Where we expected ready acceptance from lawyers and social workers, we got resistance.

It became clear that we had underestimated the power of the existing culture and the durability of adversarial values that were deeply held by lawyers, judges, social workers, and administrators in the child welfare system. Words on paper—be it policy document or legislation—are not sufficient to displace long-standing values. If we change the system to introduce fundamentally new processes without changing the values of the people who work in the system, nothing happens except that the old values are asserted and ultimately undermine the new system.

We concluded that our implementation strategy had to address the need for the underlying child welfare culture and values to change as deliberately and as expressly as it addressed the mechanics of the mediation process. Effectively implementing a different dispute resolution process depends on having people adopt a new way of thinking about conflict. Anecdotal advice from mediators involved in the early stages of the program was to the effect that mediation is very valuable in this setting but it needs to be sold; it is an excellent tool but more education is required.

THE SURREY COURT PROJECT AND THE FACILITATED PLANNING MEETING

The vehicle for this revised strategy was a second pilot project. The Ministry of the Attorney General, the Ministry of Children and Family Development, and the Office of the Chief Judge of the BC Provincial Court all led a process to design what ultimately became known as the Surrey Court Project.[23] Broadly speaking, the project brought two very significant refinements to the mediation program. First, the mediation model was renamed (the mediation session became a Facilitated Planning Meeting (FPM)[24]) and the process itself was redesigned to add two features:[25]

- ground-level assistance from an experienced "Court Work Supervisor" who was trained in and supportive of mediation. This senior social worker is responsible for encouraging mediation, to actively review and refer cases to mediation, and to assist social workers before and during the mediation process. This person is present at

court to support referrals to mediation and attends all mediations with authority to bind the ministry to a settlement. Administrative coordination for scheduling support is also provided; and

- a pre-mediation "orientation session" conducted by the mediator separately with each of the parties in order to:
  - explain and prepare the parties for the process,
  - allow the parties to begin to articulate their story,
  - help parties to identify issues and interests,
  - help parties focus on next steps, and
  - explain confidentiality.

Having a social worker dedicated to supporting the mediation program was a very effective way to expedite the acceptance of mediation in the field. The orientation sessions have also proven an extremely productive addition to the process. They allow the mediator to acquire advance information about the personalities and interests at play and about the issues that will be negotiated. Parents are much better prepared for the FPM after the orientation. They have learned what mediation is and how it works, so their anxiety is generally lower. They know what can and cannot be negotiated. The orientation also gives social workers a chance to plan for the FPM and an opportunity to develop options to facilitate the negotiation.

Other things that can be accomplished at the orientation include determining procedural issues, such as who will attend the FPM, making decisions about capacity, identifying power dynamics, and determining what cultural considerations are important to support the process. As a result of the ground covered at the orientation sessions, the FPM is most often a focused, one-time event lasting an average of four to five hours.[26]

The second arm of the strategy was to work very closely with all stakeholders to educate them about the mediation process and to actively engage them in the design and implementation of the FPM pilot project. The design process was public, open, and transparent. Efforts were made from the beginning to make the pilot an integrated effort of all individuals and institutions with an interest in child welfare conflict resolution.

Meetings with the bench, the bar, and participating social workers served to educate them about the theory and potential value of mediation and to elicit their input into the design.[27] The goal was to build the pilot *with*, not *for*, all stakeholders in the hope that the ultimate product would be stronger by virtue of their input and that there would ultimately be broader ownership of the project. This certainly made for a slower and more cumbersome design phase, but the assumption that meaningful participation in the development of the pilot would ultimately translate into acceptance proved accurate. This approach undoubtedly contributed to a shift in understanding and in openness toward mediation.

Consultation also provided opportunities for people to voice fears, concerns, and doubts about the project. For social workers, these concerns sometimes took the form of uncertainty about their role in mediation. It can be challenging for social workers to shift from being a party (usually the more empowered party) in a direct negotiation to being one of two or more parties in a process managed by someone else. This shift was sometimes seen by the social worker as a loss of control, professional autonomy, or power. Further, some social workers speculated that the introduction of a mediation program implied that they needed help doing their jobs. These social workers worried that the mediator might usurp or eclipse their role. Some general concerns raised included "why is the project happening in our office?" and "are we doing something wrong?" The fact that it was a pilot project allowed us to reassure social workers that if the process in fact proved unworkable or unacceptable, it would not be implemented on

a broader scale. Concerns about loss of power or autonomy in mediation were addressed by confirming that the mediator guides the process to meet the needs of all parties, and in any event, control over what the ministry does or does not do remains entirely with the social worker.

A second level of social worker concern was grounded in the mechanics of the process. Social workers are extremely busy and tremendous demands are placed upon their time. Mediations in the pilot averaged several hours and some social workers were concerned about the time that would be lost to other tasks. In response to this, we noted that the improvement in the working relationship between the social worker and the family was a probable outcome of a majority of mediations. This should ultimately result in savings, especially given the large number of families who tend to be involved in these matters on a repeat basis. Further, a few hours of time in mediation is a good time investment if it avoids a trial.

Families often resisted mediation simply because it was being offered by the government. The project responded to this concern by emphasizing the voluntariness of the process, by encouraging the attendance of friends, allies, and counsel for the parents at the mediation, and by putting the mediators more obviously at arm's length from government. Similarly, families were sometimes suspicious that alliances existed between the mediators and the social workers. We found that resistance from families could often best be understood as the result of a lack of information. Families often did not understand the mediation process or how it might be used by them. We learned that the stress and confusion these families experience when first engaged by the Ministry often made it impossible for them to hear, let alone capitalize upon, an offer to mediate. Great care had to be taken to ensure that families understood the mediation option. As the project evolved we found that it was helpful for parents to be approached through their counsel.

Similarly, lawyers who represented social workers and those who represented parents had many questions about the mediation process and were often unsure of their role in the FPM. Lawyers with little or no experience in mediation were often dubious about the likelihood of settlement short of one imposed by the court.

It was important for these concerns to be thoroughly articulated. We assumed, correctly as it turned out, that the best answer to these concerns and the best argument for mediation would be to experience it and that such concerns would diminish as social workers and lawyers actually used the process. Experience changes people faster than ideas. Accordingly, in the early days our efforts were focused very much on ensuring that the cases and parties were very well prepared and that skilled and experienced mediators were available. We wanted everyone's first mediation experience to be positive. The Ministry of Children and Family Development helped to encourage the use of mediation in the pilot by supporting a policy designating mediation, not court, as the preferred dispute resolution process for its social workers.[28]

EVALUATION OF THE FACILITATED PLANNING MEETING

Evaluation reports measuring the outcomes of cases referred to the pilot FPM project concluded that:[29]

- 89% of cases that proceeded to mediation were completed in one planning meeting;
- 69% of cases were completed in less than forty days from referral;
- 92% of all issues referred to mediation were resolved, the highest resolution rate (97%) was for issues concerning services and resources, and the lowest resolution rate (83%) concerned behavior and parenting issues;

- overall 83% of cases had all issues resolved, 12% had some issues resolved, and only 5% had no issues resolved;
- overall satisfaction with the FPM was rated 6.2 out of 7 by parents, social workers, lawyers, and judges;
- the orientation sessions are critical to the success of the FPMs, allowing each party to express themselves fully in an unpressured interaction and to consider and discuss their own and the other party's interests. This better enables the parties to reframe their issues and arrive at the meeting better prepared and less defensive;
- the Court Work Supervisor's role is critical to the project, particularly in promoting a collaborative approach to resolving disputes; and
- assigning a full-time administrative support person to the program was important because it ensured that mediations could be scheduled efficiently and that parties to the mediation had a neutral and accessible contact for information.

The importance of the orientation session warrants emphasizing. While some experts might argue against separate pre-mediation meetings between the mediator and the parties, the practical experience in BC is that such meetings are immensely productive without in any way compromising the process. In fact, the research out of the Surrey Court Project was clear that mediators regard the orientation sessions as critical to the success of the mediation.[30] The key thrust of the meetings tends to be to defuse the crisis atmosphere and bring a future focus by helping the parties to step back and assess the circumstances as nonjudgmentally and objectively as possible.

Other research conducted independently of the formal evaluation made these findings:[31]

- the amount of time it takes to make decisions about children is reduced by more than one-half,
- resolutions achieved through the FPM reduced child days in care by an average of 30%, and
- thirty-four cases referred to a planning meeting over a six-month period saved eighty-two scheduled trial days.

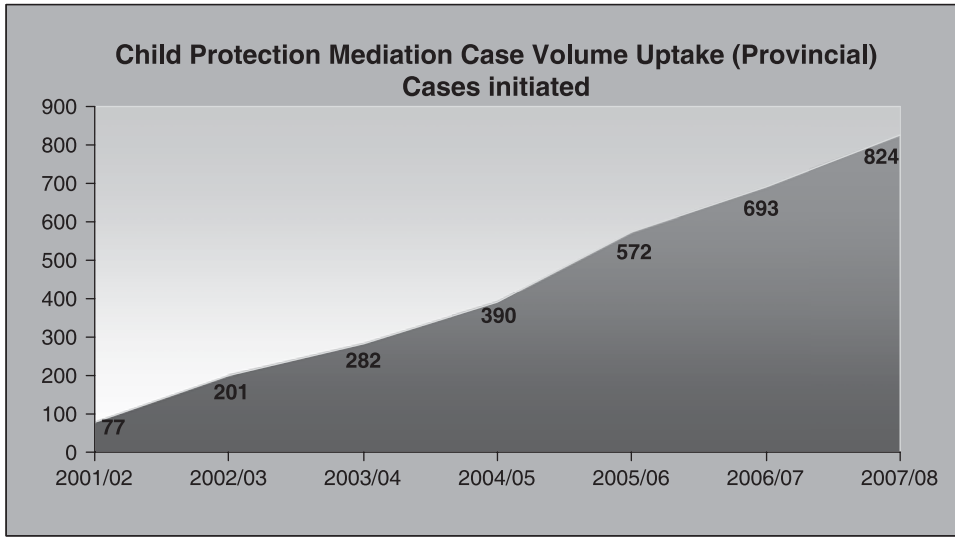
As the pilot progressed and as the system gained more experience with mediation, attitudes toward collaborative dispute resolution began to change. Lawyers and social workers began to see the FPM not as a place for making or winning arguments, but as a place to engage in structured dialogue with the uncomplicated goal of solving a problem. The social workers involved in the Surrey Court Project ultimately submitted the following list of observations:[32]

- mediation deemphasizes the tone of blame,
- mediation improves the relationship between the family and the social worker,
- mediated agreements are empowering for clients,
- mediation is a good forum for involving extended family in the planning,
- children are returned to their families earlier when issues are resolved by mediation,
- mediation improves the planning for the child and family,
- mediated agreements take and save time,
- parents are helped by the mediator's very sensitive approach, and
- mediation settings are more client- and worker-friendly and allow parties more control over the proceedings.

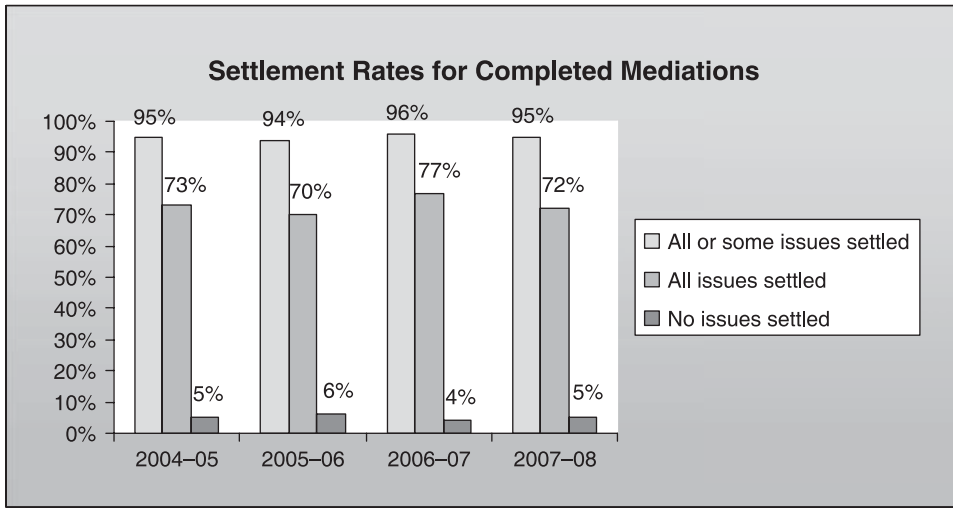
The pilot project was completed in 2003 and the FPM model has since formed the basis, with some regional modifications where required, for a significant expansion of CPM across the province.

GROWTH OF THE PROGRAM

Since the FPM pilot, the CPM program has expanded considerably, as the following graph shows:



Every indication is that use will continue to grow. Settlement rates and process satisfaction are consistently high:



It is now safe to say that the program has been embraced by the legal and social services communities. Senior policy and administrative staff have been assigned to facilitate and coordinate expansion around the province. This is a complex and difficult responsibility insofar as the challenges encountered in the pilot program may be encountered afresh in each new community. It is also a challenge to determine how the program should or should not be modified to accommodate diverse urban and rural communities across the province.[33] On this point we should note that the evidence so far is that the program has significant potential for use in the First Nations context where it aligns quite well with traditional dispute resolution values and processes.

CONCLUSION

It is a challenge to find ways to make the justice system more accessible and efficient while meeting the needs of families for early and collaborative resolution of complex family law problems. Beginning in the early 1990s and continuing to the present day, BC has been exploring this challenge in the child welfare context. Important lessons have been learned, primarily that the potential for a shift toward the use of cooperative processes such as CPM is real and significant, but difficult to achieve. While process and program design is critical to success, these will be undermined if insufficient attention is paid to the cultural context in which the disputes present, in this case a shift from adversarial to collaborative values.

NOTES

1. We are with the Province of British Columbia, Ministry of Attorney General, Justice Services Branch. M. Jerry McHale is the Assistant Deputy Minister of the Branch, Irene Robertson is the Provincial Director, Family Justice Services, and Andrea Clarke is the Child Protection Program Manager/Senior Policy Analyst, Dispute Resolution Office.

2. *See generally* Canadian Bar Ass'n, Systems of Civil Justice Task Force Report (1996); Civil Justice Reform Working Group, BC Just. Rev. Task Force, Green Paper: The Foundations of Civil Justice Reform (Sept. 21, 2004), www.bcjusticereview.org/working_groups/civil_justice/green_paper_09_21_04.pdf; Report No. 89: Managing Justice: A Review of the Federal Civil Justice System (Australian Law Reform Commission, 1999); Rethinking Disputes: The Mediation Alternative (Julie Macfarlane ed., 1997).

3. Bernard Mayer, *Mediation in Child Protection Cases: The Impact of Third-Party Intervention on Parental Compliance Attitudes*, Mediation Q., Summer 1989, at 89; Bernard Mayer, *Conflict Resolution in Child Protection and Adoption,* Mediation Q., March 1985, at 69.

4. Nancy Thoennes, *Mediation and the Dependency Court*, 29 Fam. & Conciliation Cts. Rev. 246 (1991).

5. *See generally* Special Issue, 41 Fam. Ct. Rev. 432 (2003).

6. The Child Project Mediation Project was led by the BC Ministry of Social Services, which was the Ministry, at the time, with statutory authority for child protection.

7. James F. Campbell & Michael B. Rodenburgh, Ministry of Soc. Serv., British Columbia, Evaluation of the Victoria Child Protection Mediation Project (1994).

8. Of course, new facts could come to light in the course of the mediation that could change a social worker's assessment of whether or not the child is in need of protection, but it is the social worker's assessment to make, and it cannot be the subject of negotiation.

9. Campbell & Rodenburgh, *supra* note 7. *See also* M. Jerry McHale, Mediation and the Protection of Children: A case Study of a Child Apprehension Project (1995) (unpublished paper) (on file with author).

10. Mediated agreements often contain more detail and complexity than is possible in a court order.

11. The impact of the mediation process on the relationship is seen as a critical measure of the value of mediation. It is very much in the child's best interests for the social worker and the parents to maintain the strongest possible working relationship.

12. Formerly known as the Ministry for Children and Families.

13. Child, Family and Community Service Act, R.S.B.C., 1996, ch. 46. In 2002, approximately the same time the Surrey Court Project was underway, the use of family group conferencing began to take hold in the province. Mediation and family group conferencing have developed side by side as complimentary, yet distinctive, collaborative planning mechanisms that are used at every stage in the continuum of child welfare.

14. *Id*. s. 22.

15. *Id*. s. 23 (1).

16. *Id*. s. 23.

17. Child, Family and Community Service Regulation, B.C. Reg. 527/95, s.9.

18. To gain admission to the roster, mediators must demonstrate that they meet standards for training and experience, pass a written exam, and pass an interview process designed to assess their suitability for mediating these complex and emotionally charged disputes. *See* BCMRS: Admission to the Child Protection Roster, http://www.mediator-roster.bc.ca/admission_cp.html (last visited Sept. 9, 2008).

19. BCMRS is an independent, government-funded society. *See* BCMRS, http://www.mediator-roster.bc.ca/ (last visited Sept. 9, 2008).

20. This program responded to the fact that many would-be mediators had sufficient classroom learning but lacked the opportunity to actually use the learning and develop practical skills. The Child Protection Mediation Practicum Project was implemented in 2006 to prepare trained, inexperienced mediators to qualify for the Roster, through co-mediation mentored training. *See* The Dispute Resolution Practicum Society, http://www.courtmediation.com/index.php (last visited Sept. 9, 2008).

21. Campbell & Rodenburgh, *supra* note 7.

22. Child, Family and Community Service Act, R.S.B.C. 1996, ch. 46, s. 23 (1).

23. Disp. resol. Off., Ministry of Att'y gen, evaluation of the surrey court project: facilitated planning meeting, final report (2003), www.ag.gov.bc.ca/dro/publications/reports/surrey-court-FINAL.pdf; *see also* British Columbia Ministry of Attorney General Dispute Resolution Office, http://www.ag.gov.bc.ca/dro/publications/index.htm#evaluation-reports (last visited Sept. 8, 2008) (links to the evaluation reports can be found).

24. Interestingly, this name seemed more palatable to some of those who opposed "mediation."

25. Disp. resol. Off. Ministry of Att'y gen, *supra* note 23.

26. Some cases are settled at the orientation stage and do not proceed to the joint mediation session.

27. In BC the Provincial Court has exclusive jurisdiction over child welfare matters. Thus, support from local Provincial Court Judges was particularly important in establishing the program initially and continues to be very helpful when expanding the program to new communities.

28. This policy, described as the Presumption in Favour of Collaborative Planning and Decision-Making, has recently been implemented on a province-wide basis, establishing family group conferencing, mediation and traditional decision making as the first choice for child welfare decision making and the use of court as the alternative. *See* Ministry of Children and Family Development, http://www.mcf.gov.bc.ca/child_protection/publications.htm (last visited Sept. 9, 2008).

29. Disp. resol. Off., Ministry of Att'y gen, *supra* note 23.

30. *Id*.

31. *Id*.

32. *Id*.

33. A Provincial Child Protection Mediation Coordinator works with all regions in the planning, development, design, implementation, and evaluation of mediation projects.

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