



# THE NEW YORK MEDIATOR

THE NEW YORK MEDIATOR

FALL / WINTER 2005

## MODEL STANDARDS OF CONDUCT & ETHICS ADVISORY COMMITTEE

*By Sheila Murphy and Jeremy Zeliger*

You have been mediating a dispute for almost two hours. The parties are close to agreement and one of them asks to meet separately with you. She confides in you that she has no intention of complying with the terms of an agreement she is about to sign. What should you do?

You are about to mediate a landlord/tenant dispute when you realize that you mediated a dispute with the same landlord two years ago. Are you required to withdraw from the case?

A teenager discloses thoughts of suicide during a parent/teen mediation but doesn't want to tell his parent. What should a mediator do?

Mediators across New York face ethical dilemmas like these every day. To help the volunteer mediators in the Community Dispute Resolution Centers Program (CDRCP) resolve these ethical dilemmas, the Office of Alternative Dispute Resolution Programs recently developed a set of Model Standards of Conduct for New York State Community Mediators. The Office has also created a Mediation Ethics Advisory Committee, which will respond to volunteer mediators' ethical questions.

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## ERIE FAMILY COURT ESTABLISHES MODEL CUSTODY PART: THE DISPUTE RESOLUTION PROJECT

*By Tracey Kassman, Esq., Court Attorney Referee*

Ask the Family Court bench and bar which cases are the most frustrating and you'll probably hear about cases involving families with repeated custody and visitation filings against a backdrop of marginally acceptable parenting.

You'll find cases with so many services it is as if the family were ordering Chinese food, two from column A and three from column B, cases filled with conflict and strife filed by parties stuck in a vicious

cycle of triangulated communication and so focused on winning (and the other party losing) that they lose sight of their common interest: raising healthy, happy children. Until now, there have been few forums for high-conflict parents to gain insight into their common interests and away from their opposing positions.

*First Deputy Chief Administrative Judge Ann Pfau's "Comprehensive Civil Justice Program 2005" report recommended establishing child-centered model custody parts to promote the resolution of custody disputes with minimal negative impact on children*

In February, First Deputy Chief Administrative Judge Ann Pfau released the "Comprehensive Civil Justice Program 2005: Study and Recommendations" (<http://www.courts.state.ny.us/publications/benchmarks/issue1/management.shtml>).

The report recommended establishing child-centered model custody parts to promote the resolution of custody disputes in a manner that minimizes the negative impact on children. These specialized courts would integrate mediation, case

management, parent education and counseling into the processing of custody cases and provide links to appropriate services.

This spring, a new program, the Dispute Resolution Project, began in the Erie County Family Court. The project

*(Continued on page 3)*

## NYC FAMILY COURT MOVES TO INTEGRATE ADR PROGRAM: ESTABLISHES A CITYWIDE MODEL

By Frank Woods and Amelia Hershberger

In March 2005, the New York City Family Court launched a new, citywide family court mediation program in collaboration with the Office of ADR Programs. Community Mediation Services (CMS) in Jamaica, Queens was awarded a four year contract to provide court-based mediation services pursuant to a citywide request for proposals. The new program will focus on cases that are pending in the Family Court.

Before this change, Community Dispute Resolution Centers (CDRCs) provided mediation services in each borough for matters referred by the Family Court. The citywide program will enable those centers to re-focus their energies to their core work—community-based mediation. CDRCs will continue to handle minor criminal, civil and self-referred custody, visitation, pre-PINS matters and provide community-based preventive services as an alternative to court.

New York City Family Court chose to transition from several providers to a citywide provider for a variety of reasons. First, consolidating administration and training in a single organization eliminates unnecessary overhead and allows more of the funding to go directly to programming. The citywide provider system also standardizes program protocols and mediator and staff training between boroughs. Moreover, rather than five different program relationships, the citywide system simplifies the administrative relationship between the Family Court and the mediation program. From the Office of ADR Programs' perspective, streamlined program monitoring, quality control and evaluation were potential benefits of the new system.

Now that the citywide provider program is in place, the Family Court hopes to increase the number of appropriate

family court cases that are mediated, standardize screening processes across boroughs and improve the quality and consistency of mediation practice.

To begin the new program, NYC Family Court Administrative Judge Joseph Lauria assigned Court Attorney Referees to act as part-time borough ADR coordinators under the direction of Citywide Alternative Dispute

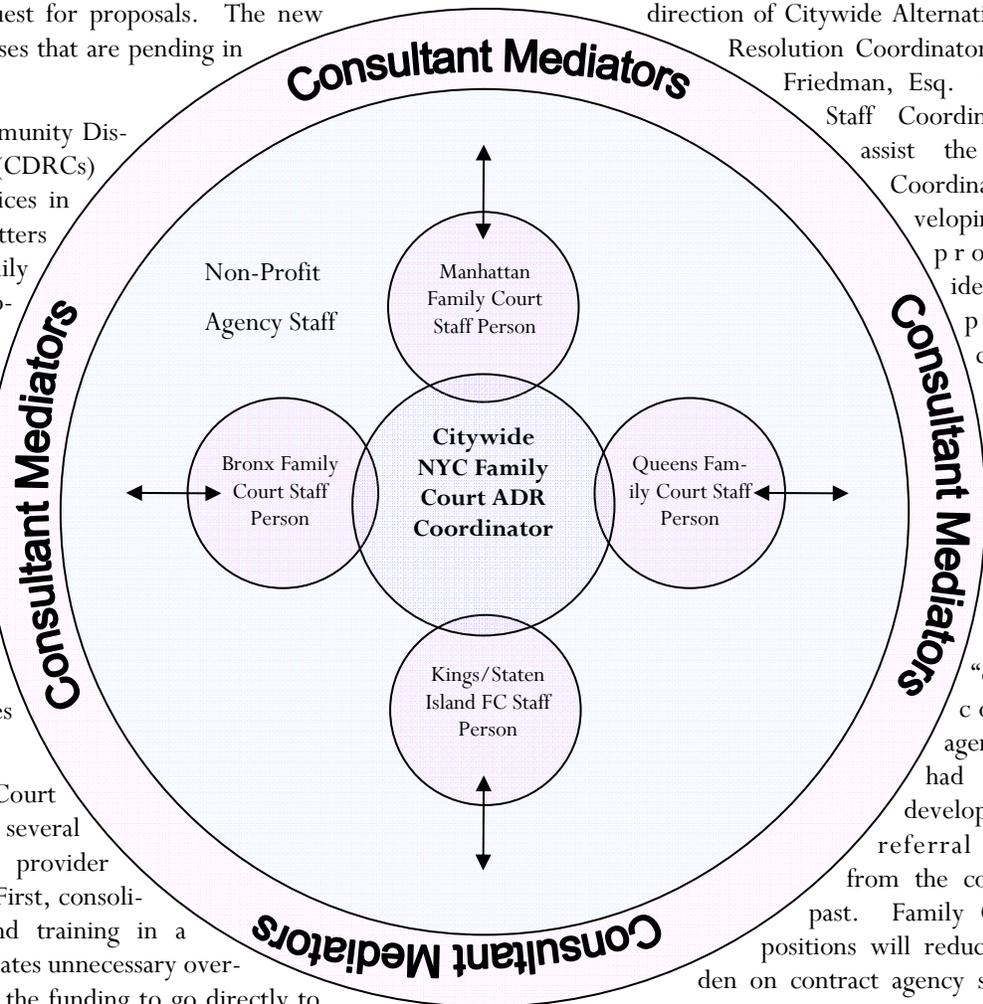
Resolution Coordinator Catherine Friedman, Esq. The Court

Staff Coordinators will assist the Citywide Coordinator in developing referral protocols, identify appropriate cases and liaison with CMS personnel. As

“outsiders,” contract agencies have had difficulty developing steady referral streams from the court in the past. Family Court staff positions will reduce the burden on contract agency staff to de-

velop referral mechanisms and will facilitate closer working relationships with the judiciary.

The Office of ADR Programs and the NYC Family Court have worked closely with domestic violence advocates and mediation service providers to develop appropriate screening mechanisms to prevent inappropriate matters from being referred to mediation. This collaboration culminated in the development of a uniform interview guide and a training for mediation personnel on the use of this tool. Having experienced family court staff overseeing triage and initial intake of



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## NYC FAMILY COURT MOVES TO INTEGRATE ADR PROGRAM

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intake of cases will allow standardized implementation of the screening process.

In the Family Court-annexed arena, contract agencies have had difficulty maintaining rosters of volunteers adequate to meet the demand for services. The result is that programs turn away referrals or stop actively cultivating new referral sources. In the past, program staff have sometimes had to take over mediating responsibilities themselves to address referrals—and have had to sacrifice outreach and case management work that might have resulted in higher caseloads. Many volunteers mediate infrequently, which means that programs have to maintain a large roster of mediators to meet the demand from the court. In the citywide pro-

gram, the Family Court and CMS are developing a list of mediators who mediate more often and are paid an hourly rate. By mediating frequently, those on the roster will develop strong skills specific to Family Court.

The Office of ADR Programs and the NYC Family Court closely collaborated to design a program to meet the needs of the court and the litigants the court serves. By integrating the dispute resolution program directly into the court process and involving court personnel in its design, it is expected that the result will be greater understanding and increased trust on the part of the referring judges and referees which will result greater use of the program.

*Frank Woods and Amelia Hershberger are part of the Office of the ADR Programs*

## COLLABORATION...

(Continued from page 1)

incorporates many of the elements articulated in Judge Pfau's report. The program builds on existing services provided by Child & Family Services' Center for Resolution and Justice and Catholic Charities of Buffalo, but integrates those services more closely into the court process.

The court is collaborating with the two not-for-profit agencies on the project.

Based largely on ideas presented by Andrew Schepard, in his book "Children, Courts and Cus-

tody," the program uses case coordinators, highly trained staff who work on site at the court (Cambridge; New York: Cambridge University Press, 2004). Staff is available to provide settlement conferences and case assessments. Case coordinators interview families, attempt to resolve issues that can be settled quickly, make assessments about what services may be appropriate (including referral to mediation) and report their findings to the Family Court Judge or Referee.

Before I was asked to act as the court's liaison for this project, the breadth and depth of my knowledge about mediation was: it worked. And case coordination? Nothing. Through a great deal of discussion and some reading and working together with a great team, here's what I know about case coordination now: next to nothing. But now I can tell you that this is the most exciting project I have worked on in Family Court. The meetings of the commit-

tee developing this program have been filled with a free flowing discussion of all the possibilities. (And the food has been quite good). There is even poetry - really. I'm convinced that everyone on the committee shares my high level of investment in the success of the program. In this project, I see a way developing for parents to get "unstuck" from the adversarial mentality of the litigation

system and begin to plan together for their children. Even the worst cases involving the seemingly hopeless can result in resolutions which bring the parents closer than ever before to taking responsibility for their actions and planning for their children's future.

Cases are typically referred by the Court Attorney-Referee at the second appearance after the assignment of a law guardian and counsel. Law guardians do the initial investigation and continue to represent the children in the proceedings, working closely with case coordinators. The case coordinator reports to the court as to the assessment of needs. Copies of the report are provided to counsel for the parties, but remain in the court's file. If mediation is provided, the case coordinator cannot serve as mediator in order to protect the neutrality and confidentiality of the mediation process.

A challenge for the project has been to develop a thoughtful policy toward domestic violence issues. Many high-

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conflict cases have a history of domestic violence. Cases are screened by the court at the petition processing stage. Cases involving current allegations of domestic violence go to a specialized domestic violence part of court and are

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*Some orders had been complied with, some had not. I had that desperate feeling. We were headed for trial.*

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not referred to the dispute resolution program. Petitioners are provided information about available domestic violence services. If there is a past incident of domestic violence between the parties but no current allegations, the case coordinator screens the case before referring the parties to dispute resolution services. Case coordinators take special steps to ascertain if both parties feel secure and able to negotiate without coercion. Such matters are handled by specially trained clinical staff under the direct supervision of the court.

One of the first referrals to the project came from a case that was headed for disaster. The nine petitions filed in the past six years contained Orders of Protection, sex abuse allegations and substance abuse allegations. The parties had already appeared in court five times on a petition originally brought by a parent and on a new petition brought by the paternal grandparents asking for custody. At each appearance there was minimal movement on supervised access for dad. Attorneys were making zealous arguments, allegations from past proceedings were appearing again and again and the case was at an impasse. The parties were focused on strategy for court proceedings; they had lost sight of what their children really needed. Prior orders had suggested counseling and co-parenting education. Some orders had been complied with, some had not. I had that desperate feeling. We were headed for trial. After a little unsuccessful arm-twisting on my part, I referred the family to a case coordinator and explained that the coordinator would talk to everyone involved and try to help them come to a resolution that was in the best interests of the family. The case coordinator immediately held settlement conference on the issue of temporary ac-

cess and achieved an interim agreement.

The case coordinator's report revealed that the family had never adequately dealt with the issue of domestic violence. Although mom had the children in counseling, she had only successfully taken them to two sessions out of eight scheduled. Dad had never attended counseling for the children, nor to address the domestic violence issues. The case coordinator linked the family with those services as well as co-parenting programs to reduce the conflict between the parents. She also was able to provide the assigned counselor with background information and direction for the sessions.

Before providing counseling and services, mediation would have been out of the question for these parents. The key that provided an appropriate backdrop for mediation was the case coordinator's sensitivity to the family's needs. After services were in place, attorneys for both sides and the law guardian agreed that this case should go to mediation.

Mediation was held with parents and paternal grandparents. Wonder of wonders, the parties agreed that mom and the grandparents would share joint custody with regular access to dad. The case coordinator will follow up with the parties to ensure that they complied with the service plan. After mediation the parties expressed that, for the first time, they felt as if they were actually making progress. Without the fear of "losing the kids" hanging over them, the parties were able to resolve the issues.

I'm not so naive as to believe that this family cannot slip back into old patterns of behavior—after the custody agreement was reached, it fell through again, although the access plan is still in place. I still have hope for them, but I

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really can't say the case is completely settled yet. Now that they have experienced a different way to resolve their issues, I have hope that litigation will be limited.

*Tracey Kassman is a Court Attorney Referee in Erie County*

*If there is to be peace in the world,  
There must be peace in the nations.  
If there is to be peace in the nations,  
There must be peace in the cities.  
If there is to be peace in the cities,  
There must be peace between neighbors.  
If there is to be peace between neighbors,  
There must be peace in the home.  
If there is to be peace in the home,  
There must be peace in the heart.  
- lao-tse  
Chinese philosopher, 6th century B.C.E.*

## MEDIATION IN NEW YORK'S RURAL TOWN AND VILLAGE COURTS: THE ANNUAL CONFERENCE OF CONTINUING JUDICIAL EDUCATION FOR TOWN AND VILLAGE JUSTICES

With the help of North Country Conflict Resolution Services (NCCRS), upstate magistrates recently learned how to incorporate mediation into their Town and Village Courts. NCCRS was invited to present a session at the 2005 Annual Conference of Continuing Judicial Education for Town and Village Justices held in Potsdam on July 26, 2005. The presentation focused on how mediation could work effectively to serve litigants and the courts.

NCCRS staff members Diana Dufresne (St. Lawrence County) and Michele Bowen (Clinton County) led the presentation, which quickly became a spirited discussion on the procedures and benefits of mediation in rural justice courts. Both Ms. Dufresne and Ms. Bowen have successful justice court mediation programs in their respective counties. "Anyone familiar with the rural town and village court system knows how hard the town justices work to serve their communities,"

said Julie Davies, Director of NCCRS. "Courts are often at night, and the judges are required to spend long hours working through the court docket, dealing with both criminal and civil matters. Naturally, they would be interested in any tool that might help litigants and make their courts more efficient."

Armed with statistics and materials on policies and procedures, NCCRS staff demonstrated how mediation was an effective, efficient tool that could be incorporated into a magistrate's court at no cost. Introducing the concept, Diana Dufresne led a lively discussion with the magistrates and asked why mediation might work in their courts. Only a few of the magistrates attending the session had actually used mediation services in their courts, but all immediately grasped the possible benefits. Judges suggested that mediation would be suitable for small claims matters, landlord tenant issues, consumer collec-

tion, contractor disputes and neighbor issues. Most were surprised to learn that every county in New York State has a conflict resolution center that could be accessed through New York's Unified Court System's website (<http://www.nycourts.gov/ip/adr/>).

Once judges were familiar with the basic principles, they were eager to hear about the practice of mediation in specific courts. Michelle Bowen described two distinct models for small claims mediation programs in Clinton County. In Plattsburgh City Court, volunteer mediators come one day a month for scheduled mediation sessions on site at the court. She also serves the outlying Town and Village Courts by taking referrals directly from judges and scheduling mediations before actual court dates. Diana Dufresne's small claims programs in St. Lawrence County also combine on-site mediation and outside court referrals. Diana and Michele both re-



*NCCRS staff at the 2005 Town and Village Justice Continuing Judicial Education Conference. Left to right: Toni Morrison (Hamilton County), Michele Bowen (Clinton County), Judi Good (Essex County), Diana Dufresne (St. Lawrence County) and Julie Davies (NCCRS Director).*

port that, in most cases where a mediated agreement is reached, the parties consent to the agreement being incorporated into a court order. Ms. Dufresne and Ms. Bowen each process over 600 small claims court mediations per year and feel that agreements reached are successful, with few disputes ever returning to the court.

At the conclusion of the training session, it was clear that there was untapped potential for mediation services in rural Town and Village Courts and attending magistrates were most enthusiastic to make the connections in their own communities. All of the attendees left the session with information packets, and magistrates interested in incorporating a mediation program into their courts were encouraged to contact their regional conflict resolution centers.

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### ***The Model Standards of Conduct***

In summer 2005, the Office of ADR Programs formally adopted the Model Standards of Conduct for New York State Community Mediators ("Model Standards"). The Model Standards are tentatively slated for formal promulgation during the fall of 2005. The Model Standards build on the work of other ADR organizations, including the American Arbitration Association, the American Bar Association, Section on Dispute Resolution and the Association for Conflict Resolution

The Standards are designed to serve as a general framework for the practice of mediation. Among the goals are educating mediators regarding current standards of practice, guiding mediators in their practice, promoting public confidence in mediation as a dispute resolution process, and informing mediating parties about the process.

Like other standards of conduct, the Model Standards describe mediators' obligations on topics ranging from confidentiality and self-determination to impartiality, conflicts of interest and maintaining the quality of the mediation process. Unlike other standards of conduct, the Model Standards are specifically tailored to provide advice to mediators in community dispute resolution centers. For example, the standard on confidentiality explicitly provides that allegations of child abuse are not to be deemed confidential because the Program Manual for the CDRCP deems child abuse an inappropriate topic for mediation.

In addition, since the Model Standards are for the benefit of volunteer mediators at the CDRCs, they do not contain a standard on fees, while many other sets of standards do contain rules on fees.

Four CDRC staff members generously invested their time and expertise to help the ADR Office develop these Model Standards. They are: Gene Johnson, Director of Safe Horizon's Manhattan Mediation Center; Jody Miller, Executive Director, Mediation Center of Dutchess County; Judy Saul, Executive Director, CDRC, Inc.; and Robert Thaler, Mediation Director, CMS, Inc.

The Office of ADR Programs encourages mediators to contact their local center to obtain the new Model Standards. Once the Model Standards are formally promulgated, mediators and members of the public will be able to download a copy of them from the ADR Office website: [www.nycourts.gov/ip/adr](http://www.nycourts.gov/ip/adr). Draft copies of the Model Standards are available by e-mailing Sheila Murphy at [sheilam@courts.state.ny.us](mailto:sheilam@courts.state.ny.us).

### ***Mediation Ethics Advisory Committee***

The ADR Office recently established a committee that will respond to mediators' questions when an ethical dilemma arises. The 13-member Mediation Ethics Advisory Committee will include volunteer mediators, CDRC staff, and other individuals with extensive ADR and/or ethics experience. The Committee will begin meeting during the fall of 2005.

Mediators who face an ethical dilemma may send a question to the Committee and ask for the Committee to recommend a course of action. A subcommittee will consider the question, consult the applicable standards of conduct and program policies, and then propose a response to the full Committee. If the full Committee concurs with the reasoning and results of the subcommittee, the subcommittee's recommendation will be approved. The full Committee may modify or replace a subcommittee's recommendation if the full Committee believes that such action is warranted.

*"Unlike other standards of conduct, the Model Standards are tailored to provide advice to mediators in community dispute resolution centers."*

The Committee will mail a final response back to the mediator who submitted the question. The Committee will also post a public version of the response on the State ADR Office's website; this response will remove references to any particular mediator, party or CDRC. As the Committee publishes decisions, the Model Standards will be annotated to reflect the best practice as identified by the Committee.

In addition to providing mediators with specific advice about how to resolve an ethical dilemma, the Committee may also recommend that the State ADR Office modify the Model Standards to better guide mediators in their practice. Synergy between the Model Standards and the Mediation Ethics Advisory Committee is designed to ensure that the Model Standards provide relevant, real-world advice to mediators in their practice.

In general, questions should seek guidance on appropriate mediator conduct given a particular set of circumstances. Questions should include the mediator's name, the center where the mediator serves, and contact information so that the Committee may ask clarifying questions.

Ethical questions for the Committee may be submitted to:  
New York State Unified Court System  
Mediation Ethics Advisory Committee  
c/o Office of Alternative Dispute Resolution Programs  
98 Niver Street  
Cohoes, NY 12047  
e-mail: [cdrcp@courts.state.ny.us](mailto:cdrcp@courts.state.ny.us) (Please include "Ethics" in the subject line)

THE OFFICE OF ADR PROGRAMS WELCOMES NEW STAFF



**Dan Kos, Principal Court Analyst**

Prior to joining the Office of ADR programs, Dan worked as a fundraiser for arts and social service organizations in the Minneapolis-St. Paul area, and was an award winning teacher of urban middle school students in Denver and college students at the University of Connecticut. He received his mediation training from Hamline School of Law and from the Minneapolis Mediation Program, where he was the President of the Board of Directors and volunteered as a mediator in community, family, and small claims court disputes. He has also provided strategic planning facilitation and organizational development consulting for nonprofit organizations.



**Amelia Hershberger, Court Analyst**

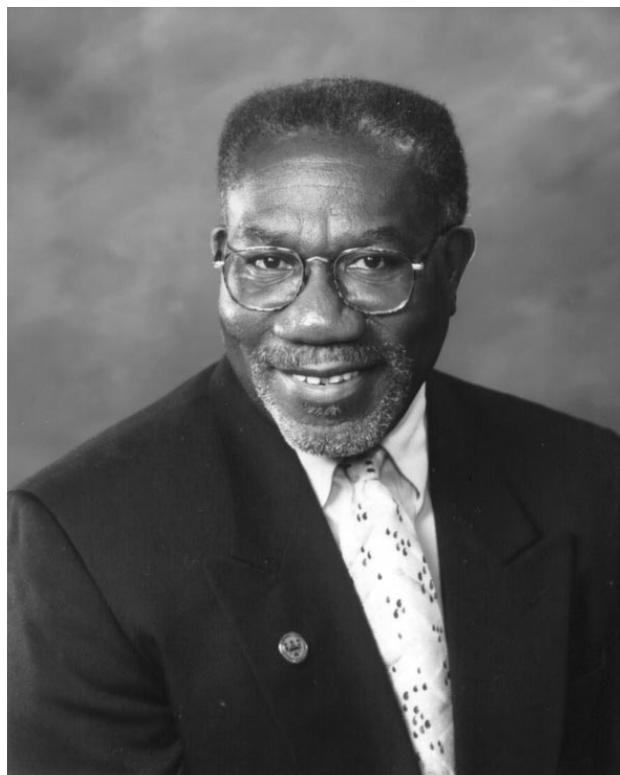
A New York native, Amelia worked with the Office of the New York State Comptroller, as a legislative aide for the New York State Assembly and with middle school students with learning disabilities before joining the Office of ADR Programs. She was recently trained in mediation and looks forward to completing her apprenticeship. Amelia graduated Magna Cum Laude from the SUNY Albany Rockefeller College, where she studied Political Science. Since joining the Office of ADR Programs, Amelia has worked on fiscal and contract management, publications and with CDRCs planning regional training opportunities.

Staff Contact Information

Dan Weitz	(212) 428-2863	dweitz@courts.state.ny.us
Mark Collins	(518) 238-2888 x 234	mcollins@courts.state.ny.us
Jeremy Zeligler	(518) 238-2699 x 249	jzeliger@courts.state.ny.us
Frank Woods	(518) 238-2888 x 236	fwoods@courts.state.ny.us
Sheila Murphy	(212) 428-2862	sheilam@courts.state.ny.us
Dan Kos	(518) 238-2888 x 238	dkos@courts.state.ny.us
Amy Sheridan	(212) 428-2892	asherida@courts.state.ny.us
Alice Rudnick	(518) 238-2888 x 237	arudnick@courts.state.ny.us
Amelia Hershberger	(518) 238-2888 x 235	ahershbe@courts.state.ny.us
Cynthia Begg	(518) 238-2699 x 243	cbegg@courts.state.ny.us

## ANDREW THOMAS RETIRES

TWENTY-SIX YEAR TENURE WITH THE CENTER FOR DISPUTE SETTLEMENT COMES TO A CLOSE



Andrew Thomas, who has worked with the Center for Dispute Settlement (CDS) for more than 26 years, retired in April 2005. Under Andrew Thomas' leadership, CDS became a vibrant organization providing services in Monroe, Cayuga, Livingston, Ontario, Seneca, Steuben, Wayne, and Yates Counties. CDS' Monroe County office was the first community dispute resolution center in New York State, and third such center in the country.

Mr. Thomas began his career as Assistant Youth Director with the YMCA and later became Director of the City of Rochester's Human Services department. In 1979, the American Arbitration Association hired him to head its Rochester offices during Rochester's emotional school-integration conflict. For more than twenty years, he has participated in a number of mediations and trained hundreds of others to be mediators. He has served on many task forces and committees to assist others in the field of dispute resolution, thus advancing its use in New York State as well as across the country. His statewide accomplishments include sitting

as a member on the NYS Unified Court System's ADR Task Force, founding the New York State Dispute Resolution Association as its first President, assisting the NYS Division of Human Rights in the development of its mediation program and serving on the Board of Governors for the New York State Attorney-Client Fee Dispute Resolution Program (Part 137).

Since CDS was established, hundreds of members of the community have been trained and serve as third party neutrals, successfully resolving thousands of cases per year that would otherwise go to court. Today, CDS has a staff

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*Mark Collins, Assistant State ADR Coordinator; Andrew Thomas; Dan Weitz, State ADR Coordinator*

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of 37 and a pool of 175 highly trained volunteers. CDS has 13 offices in eight counties and handles more than 3,000 cases a year.

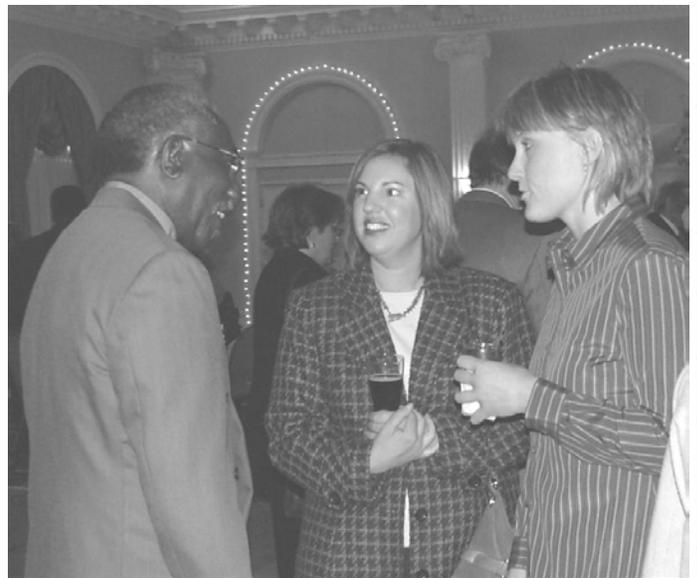
CDS has successfully handled numerous types of cases, including community disputes; family issues including custody, visitation, divorce, child permanency and juvenile issues; victim-offender mediation; conciliation and mediation services for civilian complaints lodged against law enforcement officials in Monroe County; commercial arbitration and mediation; agricultural mediation; mediation of Vocational and Educational Services for Individuals with Disabilities (VESID) issues; lemon law arbitration; special education mediation; early intervention mediation; surrogate decision making issues; disputes over wills and estates; and workplace mediation. It is the vision of CDS to help create a non-violent, conflict resolving community in which disputes are peacefully resolved at the earliest possible stage to avoid escalation and the potential of violence by creating the capacity and resource within individuals and the community to effectively resolve their disputes quickly, informally and peacefully.

"Andrew's years of professionalism and dedication," says Harry Salis, Executive Assistant for the Seventh Judicial District Administrative Office, "have made mediation an integral part of the eight-county Seventh Judicial District. Do not consider his efforts merely in the context of court operations—he has guided alternative dispute resolution into all segments of our community with great success and permanency." Mark Collins, Assistant Director of the NYS Unified Court System's Office of ADR Programs, further claims that "Andrew Thomas' contribution are not limited to the borders of New York State, but rather have positively touched community mediation efforts throughout the entire country."

"The role of mediation, whether it is here or working with delegates in the Middle East, Iraq, is to listen to each other's differences and find ways to respect each other despite those differences," says Thomas. "It's not always about a 'win-win.' Getting people to a point where they have a resolution they can live with is, by itself, a different level of understanding." New York



*Admirers at Thomas' April 22nd Retirement Party: Ron Pawelczak, Chief Clerk of the Monroe County Family Court; Azra Farrell, Deputy Director of the Permanent Judicial Commission on Children; Frank Woods, Senior Management Analyst to the Office of ADR Programs*



*Andrew Thomas; Julie Loesch, Child and Family Services ADR Program Director and NYSDRA Board President; Michele Tarbox, Director of Child and Family Services' Family Court Program*

State has been the "win-win" recipient of Andrew Thomas' long tenure as Executive Director of CDS.

## PINS DIVERSION LEGISLATION

*(Continued from page 12)*

lead agency is responsible for providing a written report to Family Court judges and clerks regarding diversion attempts, including alternative dispute resolution services.

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*By empowering students with the knowledge of their potential for impact on their schools, communities and families, CDRCs promote safety, tolerance and respect*

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The Office of ADR Programs has more than 20 years' experience working with youth and their families through PINS, PINS Diversion and Parent/Child mediation in the local Community Dispute Resolution Centers (CDRCs), which provide ADR services throughout New York State. CDRCs help families resolve a variety of highly emotional family conflicts that often emerge in PINS, PINS Diversion or pre-PINS cases. Schools, in particular, have had a remarkable rate of resolution when they use CDRCs to address conflicts involving children. Of the 2,301 cases referred by schools in fiscal year 2003-2004, parties entered into voluntary agreements in 93% of the 1,980 mediated and conciliated cases. CDRCs help families and schools work with young people to address issues such as truancy, ungovernable or habitually disobedient behavior, and unlawful behavior.

CDRCs have great flexibility in structuring processes that involve youth who have been or are likely to be designated as persons in need of supervision. Diversion practices can include referrals to program services, including mediation or group conferencing between young people and their parents or other legally responsible adults.

Mediation and conferencing address adult concerns and provide young people with a "voice" in the process and ultimate outcome. Thus, the solutions developed in mediation and group conferences foster restorative—as opposed to retributive—responses to problems that frequently emerge in relationships between young people and adults. The process is built into programs as a voluntary opportunity for youth to deal with their offense in a meaningful way. The youthful offender can learn more

about how his or her behavior affects victims and the community, begin to repair the harm done by his or her offense and begin to understand the consequences of his or her actions.

Many CDRCs also offer juvenile justice programs that encourage young people to address issues of conflict by meeting with their peers, parents, and professionals from the education, legal and social service arenas. The emphasis on communication in these programs encourages accountability and supports healthy individual development and relationships. Programs can also foster responsible citizenship, violence prevention, and safe communities by emphasizing the community impact in their dealings with youth. Some centers also offer victim-offender dialogue, family-group or accountability conferencing, community service reparations, and youth court coordination.

CDRC offer a variety of educational programs, including mentoring, truancy prevention, parent/child mediation, bullying prevention, and conflict resolution and anger management education. Young people can also participate in peer mediation and alternatives to suspension programs, as well as in victim or community impact panels.

CDRCs can also partner with schools to meet the requirements of the Safe Schools Act. CDRCs help students build social skills and promote non-violent dispute resolution. By empowering students with the knowledge of their potential for impact on their schools, communi-

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*Mediation and conferencing address adult concerns and provide young people with a "voice"...solutions developed foster restorative—as opposed to retributive—responses to problems."*

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ties and families, CDRCs promote the values of safety, tolerance and respect.

Each of these programs is recognized as an effective response to promote cooperative awareness and choices, build social skills, and facilitate opportunities for constructive conflict resolution.

*Alice J. Rudnick is a member of the Office of ADR Programs*

## UPCOMING EVENTS

*October 20*

***On the Road to Best Practice: Custody, Access, Conflict and Interventions***

*University of Buffalo School of Social Work*

*Continuing Education for Human Services Professionals*

*Co-sponsored by the Office of Alternative Dispute Resolution Programs of The Unified Court System of the State of New York, Catholic Charities of Buffalo, Child and Family Services Center for Resolution and Justice, and the New York State Dispute Resolution Association.*

Instructors: Andrew I. Schepard, Professor of Law at Hofstra University School of Law and author of “*Children, Courts and Custody: Interdisciplinary Models for Divorcing Families*,” and Joan B. Kelly, Ph.D, clinical psychologist, researcher, teacher, consultant, former Executive Director of the Northern California Mediation Center and author of *Surviving the Breakup: How Children and Parents Cope with Divorce*

Overview: This workshop will be of interest to family court and matrimonial judges, lawyers, mediators and human service professionals who work with families involved in child custody disputes. Cases involving children and families are increasing not only in volume, but also in complexity. Divorce, separation and the parental conflict that often results put the well-being of thousands of children in danger every year. Participants will learn about various innovations that are emerging nationally to assist courts to not only resolve the particular issues that come before them, but to leave families with the skills and access to support services to enable them to parent their children safely and constructively. Mediation, case coordination, parent education, and the special needs of high conflict cases and partner violence will be addressed.

Date: Thursday October 20, 2005

Training Hours: 6

Location: Holiday Inn- Airport Buffalo

Time: 8:45am-4:30pm

Continuing Legal Education Credits: 6 hours

Fee: \$99 includes lunch (Discount available for NYSDRA Members)

For more information, contact NYSDRA on the web at [www.nysdra.org](http://www.nysdra.org) or (518) 687-2240 or the University of Buffalo School of Social Work on the web at [www.socialwork.buffalo.edu/conted/](http://www.socialwork.buffalo.edu/conted/) (716) 829-3939.

## SAVE THE DATES!

*Advanced Trainings for Community Mediators...*

Saratoga—Holiday Inn.....	October 29, 2005
Utica—New Hartford Ramada.....	November 5, 2005
White Plains—The Judicial Institute.....	November 10, 2005
New York City.....	March 10, 2006
Batavia.....	March 25, 2006

*Retreat for CDRC Staff Members*

Hamilton—White Eagle Conference Center.....	March 2-4, 2006
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**ADR**  
NEW YORK STATE  
UNIFIED COURT SYSTEM

Office of ADR Programs  
98 Niver Street  
Cohoes, New York 12047

Phone: 518-238-2888  
Fax: 518-238-2951  
Email: [cdrcp@courts.state.ny.us](mailto:cdrcp@courts.state.ny.us)

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## INTERGENERATIONAL INITIATIVES: PARTNERS IN STATEWIDE PINS DIVERSION & DETENTION REFORM LEGISLATION

*by Alice J. Rudnick*

In 2005, the Governor signed into law a bill that requires county governments across the state and the City of New York to provide comprehensive diversion services to youth who are at risk of being designated Persons in Need of Supervision (PINS).<sup>1</sup> The goal of this legislation is to require local social services districts and the courts to exhaust community-based preventive service alternatives before filing a Persons In Need of Supervision (PINS) petition against a young person and incurring the expense and disruption attendant with detention placements. The legislation highlights alternative dispute resolution (ADR) as an approved PINS diversion program service option.

Alternative dispute resolution serves as both a preventative step before and a diversionary step after a PINS petition is

filed. Each county's plan that will focus on demonstrating diligent efforts to do one or more of the following:

- convene family conferences during which families will learn about diversion services;
- provide temporary crisis respite when needed;
- attempt to prevent the filing of a PINS petition and/or PINS placement into foster care; and
- determine whether alternatives to detention are appropriate

Any PINS petition filed by parents, a school district or a lead agency must include the steps taken to improve school attendance or the conduct of the young person. The

*(Continued on page 10)*

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<sup>1</sup>Family Court Act § 712, as amended by Laws of 2005, chapter 57.