



SUPREME COURT OF VIRGINIA

# RESOLUTIONS

OFFICE OF THE EXECUTIVE SECRETARY

Department of Judicial Services  
Division of Dispute Resolution

100 North 9th Street  
Richmond, Virginia 23219

## CHILD DEPENDENCY MEDIATION MEETING HELD IN MARCH

On March 8, the Court Improvement Program and the Dispute Resolution Services Office co-sponsored a meeting for all mediators trained in Child Dependency (CD) mediation a year ago. The goal of the daylong meeting was to highlight the year's accomplishments, identify the challenges mediators are facing, and brainstorm ideas to promote the program further. Almost all of the 22 mediators chosen last year for the training were able to attend the meeting and share their experiences.

Geetha Ravindra of Dispute Resolution Services (DRS) and Lelia Hopper of the Court Improvement Program (CIP) moderated the meeting. Judge Stephen Rideout, retired from the City of Alexandria JDR court, attended the meeting. Judge Rideout has been involved in national and state task forces regarding abuse and neglect of children. He is supporting the work of the CIP as a consultant to the staff and the juvenile and domestic relations district courts participating in the Best Practice Court program.

"Child Dependency" describes cases in which a child is before the court and where a public or private agency is also involved. When social services (DSS) investigates a report of suspected child abuse or neglect and

determines the report is true, it can file a petition in Juvenile Court for the removal of the child from the home if the family is uncooperative, the situation is severe, or services cannot be provided while leaving the child in the home. If the court finds abuse or neglect, DSS generally receives custody and places the child in foster care, and a plan is created to provide services to the family with the goal of reunification of parent and child. Most child abuse and neglect cases have at least five different court hearings during the first year: Emergency/Preliminary Removal Hearing, Adjudicatory Hearing, Disposition Hearing, Foster Care Review Hearing and Permanency Planning Hearing. The court process is meant to keep children safe, to help families create a safe home for their children, and to ensure that both families and children receive the help they need. The parents may have an attorney and the court appoints an attorney, the Guardian ad Litem (GAL), for the child. If parents do not improve the conditions that brought the child into foster care, the Court may ultimately terminate parental rights and place the child for adoption. Needless to say, the process is rife with emotion for the parents and fertile ground indeed for mistrust, miscommunication and misunderstanding between the parents and social services. CD mediation provides a non-adversarial setting in which a mediator assists the parent and caseworkers in reaching a fully informed and mutually

acceptable resolution that focuses on the child's safety and best interest.

During the morning of the CD meeting, three panel members discussed their positive and widely varying experiences in generating referrals and conducting CD mediations. Karen Asaro discussed her cases in the City of Hampton, Carolyn Pritchard talked about her experience in Bedford and Carol McCue discussed the experience she and Cathi Moore have had with CD co-mediations in the City of Richmond. Participants learned that some localities refer cases mostly at the beginning of the process; others toward the end of the process. DSS foster care workers, GALs and relatives are usual participants in the mediation. Sometimes GALs learn helpful information from the mediation session they had not known before.

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Statistics gathered by DRS from the CD mediation program's first year were distributed as part of the training.

Statewide, over 65 CD cases were mediated, each averaging one session of two to three hours in length. GALs usually attended the mediations; parents' attorneys usually did not. The agreement rate was 89%. DRS now has a database to capture the data, and looks forward to continuing to track the progress of the programs.

CD mediators shared their challenges in obtaining referrals with the group. Some of the challenges included DSS viewing the CD mediation process as more work for them; DSS feeling they were progressive already or had extremely good relationship with parents and, therefore, found no need for improving trust or communication; judges seeming to feel they could lose their power in the case; the struggle to schedule sessions with so many participants involved; Family Group Conferencing already in place; distrust and defensiveness by DSS; and concerns regarding confidentiality. Other issues to note are that interpreters don't always show up and CD teams may fall apart when trained team members move elsewhere.

During the afternoon, the group was reminded that cultural and racial awareness is critical to communication as the immigrant population grows. Even in mediation, assumptions can lead to stereotypes, which can lead to bias. Culture may play a role in how people negotiate, communicate and make decisions.

The program ended with a presentation by Patty Hartigan about substance abuse and addiction. Often substance use disorders are present in child dependency cases. Substance abuse can result in parental disorganization and inability to provide structure for children, and prenatal exposure and the caregiving environment can

detrimentally affect children. Awareness of these issues is crucial to guiding the CD mediation process.

Throughout the meeting, participants shared ideas for further promotion of CD mediation. Training the community (lawyers, DSS, judges) at quarterly meetings with the community members encourages each stakeholder in the mediation to fully perform his or her role. If the court is a "Best Practice Court" (there are 26 in Virginia), attending its team meetings keeps a high profile with the judge, attorneys and DSS and helps them focus on mediation as an additional resource and opportunity to support the child dependency process at the local level. Mediators with a Best Practice Court (BPC) should get on its meeting agenda (the CIP office can help) and share the success stories from the past year. Judge Rideout's assistance is also available. He has a video training available that can help lawyers understand alternatives to trying a case. Further, each BPC has a \$2500 grant for interdisciplinary events, which mediators should try to attend. Mediators not getting CD case referrals can check with counterparts in other localities about co-mediating cases to maintain the skills gained last year. The goal is to reduce the number of children in foster care. The average number of months in care for a child whose goal was return home used to be in excess of 24 months. It has decreased to around 12 months, but that means 50% of the children still are in care *for more* than 12 months. There continues to be room for improvement.

The CD mediation program, with trained experts and funded mediations, is an opportunity to help reduce the number of children in foster care. In a safe, comfortable mediation session, parents are not too upset and frightened to remember what was said. They feel comfortable enough to ask questions important to them. The potential outcome is that parents, who likely felt

harmed by DSS by having a child taken away, can recognize that DSS must follow rules and federal regulations. This recognition can transform the case-worker from someone to fear to a valuable resource and parents can better understand what they must accomplish to get the children home. DRS and CIP continue to be excited about CD mediation and its potential impact on foster care cases and support its growth in the future. (See page 12 for state wide CD statistics.)

### SUPREME COURT OF VIRGINIA REDESIGNS WEB SITE ~ MEDIATOR FORMS REVISED ~

Plans are underway to redesign and improve the court's Web site to render it more attractive and more user-friendly. The mediation pages will receive the benefit of this redesign and we believe you will be pleased with the results.

Meanwhile, **please be aware that many of the commonly used mediator forms and accompanying and instructions have been revised and updated** in both Word and PDF format. Please take time to go to [www.courts.state.va.us](http://www.courts.state.va.us) and click on "Mediation" under "Programs and Services." On the mediation page, click on the green link to "Commonly Used Mediator Forms." All **mediation trainers** and **mentors** are responsible for downloading forms originals and replacing outdated forms with the newest version available on the Web site. If you are a **mediator**, please use the forms on the Web site when applying for certification, recertification, and mentor status. If you use outdated application forms and mentor forms, Dispute Resolution Services is likely to return your submission and request that you complete the updated form and resubmit your documentation for review.

# MEDIATION MONTH IN VIRGINIA

In keeping with the tradition for a number of years in our Commonwealth, Governor Timothy M. Kaine signed a Proclamation recognizing March 2007 as Mediation Month. The text of that Proclamation follows.

## Mediation Month

**WHEREAS**, the Virginia Mediation Network, the Virginia Chapter of the Association for Conflict Resolution, the Restorative Justice Association of Virginia, and the Virginia Association for Community Conflict Resolution are growing professional entities that strengthen the dispute resolution services available to citizens, families, businesses and government bodies; and

**WHEREAS**, with the continuing efforts of the Virginia Administrative Dispute Resolution Act Interagency Advisory Council, public bodies of the Commonwealth are demonstrating a growing commitment to innovation in problem-solving and the application of creative actions and behaviors when faced with complex issues and disputes; and

**WHEREAS**, the Virginia Bar Association Alternative Dispute Resolution Joint Committee in conjunction with the Commonwealth's law schools sponsor events in public schools that foster awareness in our children about how stories of dispute can be told in the language of problem-solving; and

**WHEREAS**, mediation practices and skills can be, and are being applied in the workplace by leaders, managers and supervisors who have embraced the power and efficiency of honest, resolution-driven personal interactions; and

**WHEREAS**, mediators and other dispute resolution practitioners, through their significant expertise in helping stakeholders find durable solutions to important issues, have demonstrated the value of their profession; and

**WHEREAS**, mediation, along with the principles and practices that it embodies, can be a crucial tool for peacemaking between individuals, groups, units, neighborhoods or countries, and the Commonwealth of Virginia continues to be a national leader in those efforts; and

**NOW, THEREFORE**, I, Timothy M. Kaine, do hereby recognize March 2007 as MEDIATION MONTH in the COMMONWEALTH OF VIRGINIA, and I call this observance to the attention of all our citizens.

The Virginia Mediation Network held its Annual Spring Training Conference in March. Several of Virginia's community mediation centers hosted community events to celebrate and call attention to mediation services and the observance of Mediation Month.



*Help make this license plate a reality!*

*Time is running out.*

The Virginia General Assembly has approved production of this new and beautiful specialty license plate that will promote community peace building and contribute to the financial support of non-profit conflict resolution centers across Virginia through the VA Association of Community Conflict Resolution (VACCR). The cost of the plate is \$25 per year.

350 vehicle owners need to “pre-purchase” the plates by July 2007 **or the plates will not be produced.** (137 applications have been received as of 3/1). Please send in your application and check as soon as possible and be among the 350 people who are helping to bring peace to Virginia’s highways, byways and communities.

#### How to Obtain the Community Peace Building License Plate

- 1) **If you do not have access to the Internet**, call or write to the Conflict Resolution Center to request a license plate application form. The phone number is (540) 342-2063 x 300 and the address is: VACCR Peace Plate, c/o Conflict Resolution Center, P.O. Box 1185, Roanoke, VA 24006.

or

Go to the VACCR website at <http://www.vaccr.org/peaceplate.htm> and click on the link for the application form (PDF file). The application form is also available on the DMV website: <http://www.dmv.state.va.us/webdoc/pdf/vsa61.pdf>

- 2) On the application form, check the box marked “Other” and write “Community Peacebuilding” on the line next to this box. (It could already be written there.)
- 3) Fill out all information and make sure to sign the application in the two places requested (once after your car information and again at the bottom of the form).
- 4) Prepare a \$25.00 check or money order made out to VACCR. (If you are ordering a personalized (“vanity”) plate, add \$10 (\$35.00)). **Send your completed, signed application and the check to VACCR, c/o Conflict Resolution Center, P.O. Box 1185, Roanoke, VA, 24006.**

We cannot accept credit card payments. *The DMV is not accepting applications for this plate yet and will do so only after VACCR has collected the first 350, and thus ensured production.*

**Note:** Please disregard the information about prorated and other registration fees that you see on the application form. The DMV will send the plates to applicants once they are ready and you will pay the registration fee at that time.

# 2007 FAMILY LAW UPDATE

Unless otherwise noted, these changes will be effective July 1, 2007. To see the text for the statute and other information about the bill go to <http://legis.state.va.us/>. On the left side of the page, under "2007 Session," type in the senate or house bill number (noted at the end of each comment below) and click on "Go."

## I. Custody and Visitation

No legislation of note was agreed to on this topic at the 2007 Session.

**§ 20-124.3:1 Admissibility of mental health records in custody and visitation cases.** A bill to repeal this statute, which limits the use of mental health records concerning parents in custody and visitation cases, was introduced, again, this year and thoroughly debated. It failed to report, meaning that no changes were made to this statute. (SB 737)

## II. Child Abuse/Neglect; Foster Care

**§ 63.2-100. Definition of abused or neglected child.** Specifies that a decision by parents or another person responsible to refuse a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if the:

- (i) decision is made jointly by the parents or other person responsible and the child;
- (ii) child has reached the age of 14 and is sufficiently mature to have an informed opinion on the subject of his medical treatment;
- (iii) parents or other person responsible and the child have considered alternative treatment options; and
- (iv) parents or other person responsible and the child believe in good faith that such decision is in the child's best interest.

The new law also provides that "Nothing in this subdivision shall be construed to limit the provisions of § 16.1-278.4," the dispositional statute for children in need of services. (Chapter 597; SB 905)

**§§ 19.2-389 and 63.2-1505 amended. Child abuse or neglect; criminal history records; dissemination of such information.** Authorizes dissemination of criminal history record information and search results from the child abuse and neglect registry of individuals and other adult household members to support removal of a child during an evaluation for placement or to support an investigation of child abuse or neglect. Such information may be admissible in court if an abuse or neglect petition is filed; however, if the individual who is the subject of such information contests its accuracy through testimony under oath, the court shall not receive the information without certified copies of the individual's conviction. (Chapter 495; HB 2517)

**§ 63.2-901.1 amended. Criminal history and central registry check for placements of children; birth parents.** Exempts birth parents revoking an entrustment agreement pursuant to § 63.2-1223 or 63.2-1817, or revoking a placement agreement, from criminal history and central registry checks. (Chapter 617; HB 1687)

**§ 63.2-901.1 amended. Criminal history and central registry check for placements of children.** Establishes mandatory background checks for prospective foster or adoptive parents that consist of three parts: (i) a sworn statement or affirmation disclosing whether an individual has a criminal conviction or pending charges or has been the subject of a founded case of child abuse or neglect; (ii) fingerprinting forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation to obtain criminal history information; and (iii) searches of the central child abuse and neglect registry maintained pursuant to § 63.2-1515 and similar registries required by federal law in any other state

where a prospective parent or other adult in the home has resided in the preceding five years. Provides that in the case of an emergency, a local board must search the central registry and obtain a written affirmation from the individual prior to placement. Prohibits approval of foster or adoptive homes where an individual has record of an offense set forth in § 63.2-1719 or a founded complaint of child abuse or neglect as maintained in registries pursuant to § 63.2-1515 and the Adam Walsh Child Protection and Safety Act of 2006 (Pub. Law 109-248). This act was effective April 1, 2007. (Chapter 871; HB 2504)

§ **63.2-1726 amended. Background check required; children's residential facilities.** Strengthens criminal background check requirements for employees, volunteers, and providers of contractual services to children's residential facilities. Requires Departments to obtain the results of the background check before allowing an applicant to work with children. Adds numerous statutory offenses, including abduction, carjacking, threats, stalking, use of a machine gun, child pornography, incest, and felony drug possession, to the list of crimes that preclude employment at children's residential facilities. Additional offenses parallel those identified as "barrier crimes" in § 63.2-1719. Permits a children's residential facility to hire applicants with a misdemeanor conviction for assault and battery, provided 10 years have elapsed and the offense did not occur in the context of former employment or volunteer work. Prohibits state children's residential facilities from hiring employees or accepting volunteers who have a founded case of child abuse or neglect. The new requirements only apply to persons who did not work or volunteer at the facility prior to July 1, 2007. (Chapter 573; SB 1208)

### **III. Child and Spousal Support**

§ **16.1-278.17 added. Formula for pendente lite spousal support.** Establishes a statewide formula to be used by courts to calculate the presumptive amount of an award of pendente lite spousal support. Courts maintain the discretion to deviate from the presumptive amount calculated under this formula for good cause shown. The new law caps the application of this formula to cases where the parties' combined gross monthly income does not exceed \$10,000. (Chapter 909; SB 948)

§§ **63.2-1900, 63.2-1903, 63.2-1904, and 63.2-1916 amended. Provision of health care coverage in child support orders.** Authorizes either or both parents to provide health care coverage required by a child support order. Requires that, prior to referring any dependent children to the Family Access to Medical Insurance Security (FAMIS) plan, the Department of Social Services shall confirm that neither parent has access to health care coverage for the dependent children through the parents' employment. (Chapter 600; SB 944)

§ **63.2-1904 amended. Administrative support remedies available to individuals not receiving public assistance; fees.** Establishes additional fees for individuals who authorize the Department of Social Services to enforce child support obligations but who do not receive public assistance. Effective October 1, 2007. (Chapter 11; SB 985)

§§ **8.01-512.4 and 20-108.1 amended.** Exempting child support payments from garnishment. Provides that child support payments, whether current or arrears, received by a parent for the benefit of or owed to a child in his custody are not subject to garnishment. This bill does not affect the ability to garnish the income of a child support obligor. A depository wherein child support payments have been deposited has no obligation to determine what portion of the deposits is subject to garnishment. (Chapter 872; HB 2528)

### **IV. CHINS/Delinquency Matters**

§§ **2.2-5211 and 2.2-5212 amended.** State pool of funds for community policy and management teams. Expands the target population for receipt of state funds to include children requiring mental health services, provided that (i) the child is

eligible for funding pursuant to subdivision A1 of § 2.2-5212; (ii) sufficient facts exist for a licensed mental health professional designated by the Family Assessment and Planning Team (FAPT) or by a juvenile court services intake officer to conclude that the child's behavior, conduct or condition presents or results in a serious threat to his well-being and physical safety, or, if he is under the age of 14, in a serious threat to the well-being and physical safety of another person; (iii) mental health services are required to prevent placement in foster care as determined and recommended by a licensed mental health professional designated by the FAPT; (iv) the FAPT indicates as a goal in the individualized family services plan that, absent the referenced mental health services, foster care is the planned arrangement for the child; (v) the mental health services are not covered by private insurance; and (iv) the child is not eligible for Medicaid upon initial evaluation of the listed criteria. This bill expands eligibility for state pool funds to include children requiring mental health services to avoid placement in foster care. This act shall become effective only if reenacted by the 2008 Regular Session of the General Assembly. (Chapter 840; SB 1332)

§ **16.1-271 amended. Juvenile conviction in circuit court.** Provides that the juvenile court is precluded from taking jurisdiction over a juvenile for subsequent offenses *only if* the juvenile is convicted as an adult. Under current law, once a juvenile is tried or treated as an adult for an offense, the juvenile court is precluded from taking jurisdiction for subsequent offenses. (Chapter 221; HB 3007)

§ **16.1-278.9 amended. Punishment for certain juvenile offenses.** Clarifies, that in addition to the requirement that a child be denied a driver's license, a judge may impose all of the penalties allowable by law for juveniles found delinquent in accordance with § 16.1-278.9. (Chapter 731; SB 1236)

§ **18.2-46.1 amended. Criminal gang member status; predicate crimes.** Adds "felony involving the use of a firearm or other weapon" to the list of crimes that qualify as predicate criminal acts necessary for criminal gang member status, which results in enhanced penalties for certain other crimes. (Chapter 499; HB 2524)

§§ **2.2-511 and 18.2-46.5 amended. Gangs and terrorism; penalty.** Provides that the Attorney General, with the concurrence of the local attorney for the Commonwealth, may assist in the prosecution of certain gang and terrorism crimes when committed on the grounds of a state correctional facility. The bill also provides that any person who solicits, invites, recruits, encourages, or otherwise causes or attempts to cause another to participate in an act or acts of terrorism is guilty of a Class 4 felony. (Chapter 409; HB 2429)

## **V. Domestic Violence**

§§ **16.1-253.1 and 20-103 amended. Extending preliminary protective orders.** Provides that a court may extend a family abuse preliminary protective order where the party subject to the order fails to attend the hearing because he was not personally served. The extended protective order must be served as soon as possible and the extension period is limited to six months. The bill also amends provisions relating to protective orders issued pending suits for divorce, custody or visitation to provide that, if the party subject to the order fails to appear at the hearing, the court may extend the order for a period not to exceed six months. (Chapter 205; HB 2576)

§§ **16.1-253.2 and 19.2-120 amended. Violation of provisions of protective orders; penalty.** This legislation increases the penalties for subsequent offenses for violations of protective orders under certain circumstances. When the circumstances are met, the punishment for any person convicted of a *second* offense of violating a protective order committed within 5 years of a prior conviction and when either the instant or prior offense was based on an act or threat of violence, shall include a mandatory minimum term of confinement of 60 days.

The legislation also provides that any person convicted of a *third* offense of violating a protective order committed within 20 years of the first conviction and when either the instant or any of the prior offenses was based on an act or threat of

violence, is guilty of a Class 6 felony. The punishment for the felony shall include a mandatory minimum term of confinement of 6 months.

The legislation creates a rebuttable presumption that bail should be denied to any person charged with a second or subsequent violation of a protective order. (Chapter 745; HB 1982 and Chapter 923; SB 1237)

**16.1-253.4 amended. Issuance of emergency protective orders with assault warrants.** The bill creates the presumption of further family abuse when there already exists, or there is issued, a warrant for domestic assault. Such presumption may be rebutted by the alleged abused person. (Chapter 396; HB 1738)

**§ 16.1-253.4 amended. Emergency protective orders.** Provides that when an emergency protective order is issued, the judge or magistrate shall provide the protected person or the law-enforcement officer seeking the emergency protective order with the form used to file a petition for a preliminary protective order and written information regarding protective orders that shall include the telephone numbers of domestic violence agencies and legal referral sources on a form prepared by the Supreme Court. If the forms are provided to a law-enforcement officer, the officer may provide the forms to the person who is the subject of the protective order. (Chapter 661; HB 2646)

#### **VI. Resolutions of Interest**

**HJR 683. JLARC to study cost of substance abuse to the Commonwealth; report.** Directs the Joint Legislative Audit and Review Commission to study the cost of substance abuse to the Commonwealth to determine the financial savings available to the Commonwealth as a result of providing treatment to offenders diverted from incarceration.

**HJR 774. DMHMRSAS determined responsible for planning and delivery of mental health services for children.** Recognizes the Department of Mental Health, Mental Retardation, and Substance Abuse Services as the primary state agency responsible for the planning and delivery of mental health services in the Commonwealth. This resolution also states that neither the Department of Social Services nor the Office of Comprehensive Services is the default system for the provision of mental health services.

**SJR 329. Board of Education to study high school dropout and graduation rates; report.** Requests the Board of Education to study high school dropout and graduation rates in the Commonwealth. In conducting its study, the Board of Education shall:

- (i) evaluate the relevancy of the current process and procedures for defining, counting, and reporting school dropout statistics and consider the need for revisions in such process and procedures and compliance by school divisions;
- (ii) determine the number of students who dropped out of school before the seventh grade and the reasons therefore and the number of students who graduated annually, for school years 2003, 2004, 2005, and 2006;
- (iii) ascertain whether, by whom, and the manner in which students at risk of dropping out are counseled to remain in school;
- (iv) identify local school division initiatives and efforts to retain and retrieve students at risk of dropping out, particularly student populations with low high school graduation rates; and
- (v) recommend such policy, statutory, fiscal, or regulatory changes as the Board may deem necessary to increase the high school graduation rates, particularly among student populations with high dropout rates.

The Board must submit its executive summary and report to the 2008 Session of the General Assembly.

**SJR 377. Department of Taxation to study current financial incentives in other states to support adoption; report.** Requests the Department of Taxation to examine current financial incentives in other states to support adoption. The Commonwealth currently does not offer any tax assistance to promote adoption. Cites prior studies that reveal the pressing need to find homes for children, but conclude that financial costs are a barrier to adoption.



**TIM RUEBKE**

## **TIM RUEBKE NAMED EXECUTIVE DIRECTOR IN HARRISONBURG**

**CONGRATULATIONS AND WELCOME  
TO YOUR NEW POST, TIM!**

The Community Mediation Center (CMC) in Harrisonburg promoted Timothy J. Ruebke to Executive Director on January 1, 2007. Currently certified to mentor-mediate civil and family circuit court cases, Tim has worked at CMC since 1992 and has completed 1400 cases in general, family, criminal, and complex organizational /multi-party issues. He is also a certified trainer and has taught ADR courses for James Madison University and Eastern Mennonite University as an adjunct faculty member.

He is an advanced practitioner member of the Association for Conflict Resolution (ACR) and a previous board member of the Virginia Mediation Network (VMN) and of the Restorative Justice Association of Virginia (RJAV). Tim has a BS in Social Work and an MA in Conflict Transformation from Eastern Mennonite University. He enjoys basketball, coffee, and time with his wife and three children.

In her resignation letter, former Executive Director, L. Suzanne Daughety, said of her successor, "Tim has an abundance of positive energy, dedication and talents to give the Center and local community in the capacity of Executive Director. I am delighted along with every member of the Center's Board of Directors that Tim will begin his journey as Executive Director on January 1, 2007."

## **25TH ANNIVERSARY CELEBRATION**

The Community Mediation Center in Harrisonburg will hold a 25th Anniversary Celebration on Friday, May 4, 2007, beginning at 6:30 p.m. in Showker Hall of First Presbyterian Church in Harrisonburg. The Celebration is open to the public and all are invited! Guests will enjoy the displayed works of five prominent Valley artists prior to a buffet dinner. William Schmidheiser, Esq., of Lenhart & Obenshain, and former clients will present a brief program reflecting on the impact mediation has had on the lives of those involved. A live art auction of selected works donated by James Crable, Barbara Fast, Elaine Hurst, Minh Martin and David Kreider will conclude the evening.



**KIM HUMPHREY**

## **KIM HUMPHREY AT THE HELM AT NORFOLK CENTER**

**WE WELCOME KIM TO HER NEW POSITION  
AND WISH HER SUCCESS!**

When Bob Glover, former Executive Director of the Community Mediation Center of Southeastern Virginia, resigned to join the Peace Corps with his wife Linda in the summer of 2006, Karen Richards stepped in as Interim Executive Director for several months until a new director would be named.

The Board of Trustees hosted a welcome reception on March 6, 2007 for their new Executive Director Kim Humphrey. Kim's experience as a volunteer mediator with the Center has been exemplary. Since receiving her Virginia Supreme Court mediator certification in 2003, she has mediated 75 cases for the Center and spent over 116 hours in mediations. She is certified to mediate both family and general district cases and is also a certified Mentor.

Kim is a CASA (Court Appointed Special Advocate) volunteer and has served in a lead role in a variety of other volunteer and professional organizations. She is a Malcolm Baldrige National Quality program examiner, as well as a 5-year examiner for the Virginia Senate Productivity and Quality Award (SPQA).

Prior to serving as the Executive Director for this Norfolk-based Community Mediation Center, Kim held a variety of management positions in international corporations, and she currently owns a small business. She has worked and traveled extensively throughout Europe, Asia, Mexico, Canada and the US.

Kim attended Rochester Institute of Technology (R.I.T.) and Nazareth College in Rochester, New York and has a BS degree in Business Administration. She is also a Virginia Peninsula Chamber of Commerce Leadership Institute Graduate, Class of 1997.

## OFFICE OF THE EXECUTIVE SECRETARY APPOINTS ADR ETHICS COMMITTEE

Over the past several years, mediator complaint and ethics issues have precipitated consideration of revisions to the various guidelines, standards and procedures related to certification of mediators, mentors, and training programs. The Office of Dispute Resolution Services has appointed an Ethics Committee to consider possible revisions. Members, as follows, are all certified mediators with tremendous experience and knowledge in these areas.

Ernest W. DuBester, Esquire  
Lawrence H. Hoover, Jr., Esquire  
Samuel S. Jackson, Jr., Esquire  
Frank W. Morrison, Esquire  
Lawrie S. Parker  
Jeannette P. Twomey, Esquire  
Paula M. Young, Esquire

The Committee will be examining such issues as the appropriate scope of the Standards of Ethics, the ramifications of convictions or loss of licensure with regard to mediator certification, a mediator's responsibility to the profession and the courts, grounds and procedures for removal of a mediator from the court-certified roster, the relationship between the guidelines and complaint procedures, and possible adoption of the Model Standards of Conduct for Mediators.

The project is staffed by Geetha Ravindra and Sally Campbell of Dispute Resolution Services and Edward M. Macon, Assistant Executive Secretary and Legal Counsel for the Office of the Executive Secretary. The Committee first met on March 28<sup>th</sup> and will be meeting monthly until completion of the project. The outcome of the Committee's work will be shared with the mediation community upon completion.

### VA Assn. of Community Conflict Resolution

#### Apple Valley Mediation Network

242 North Main Street, Suite 202

Woodstock, Virginia 22664

540-459-8799

Edward F. Wilkins, Executive Director

#### Community Mediation Center-Charlottesville

P.O. Box 133

Charlottesville, VA 22902

434-977-2926

Cyndy Martin, Interim Director

#### Community Mediation Center of Danville and Pittsylvania County

490 Piney Forest Road

Danville, VA 24540

434-797-3981

Bob Phillips, Executive Director

#### Community Mediation Center Harrisonburg

165 S. Main Street, Suite A

Harrisonburg, VA 22801

540-434-0059

Timothy Ruebke, Executive Director

#### Community Mediation Center - SEVA

586 Virginian Drive

Norfolk, VA 23505

757-480-2777

Kim Humphrey, Executive Director

#### Conflict Resolution Center

P.O. Box 1185

Roanoke, VA 24006

540-342-2063

Rebekah Carswell, Executive Director

#### The Dispute Resolution Center

701 East Franklin Street, Suite 712

Richmond, VA 23219

804-343-7355

Nancy Chenault-Mediation Coordinator

#### Northern Virginia Mediation Service

4260 Chain Bridge Road, Suite A-2

Fairfax, VA 22030

703-993-3656

David Michael, Executive Director

#### Peaceful Alternatives Community Mediation Services

P.O. Box 1169

Amherst, VA 244521

434-929-8227

Carolyn Pritchard, Executive Director

#### Piedmont Dispute Resolution Center

P. O. Box 809

Warrenton, VA 20188

540-347-6650

Lawrie Parker, Executive Director

#### The Rappahannock Mediation Center

406 Chatham Square Office Park, Suite 101

Fredericksburg, VA 22404

540-372-7740

Ron McLean, Executive Director

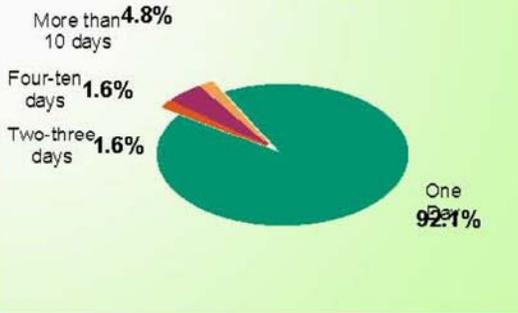


# Dependency Mediation Summary Form

## Virginia

Number of cases that went to Mediation **64**

Number of days Mediation took from Start to Finish



Average number of sessions per case **1.1**

Average number of session hours per case **2.4**

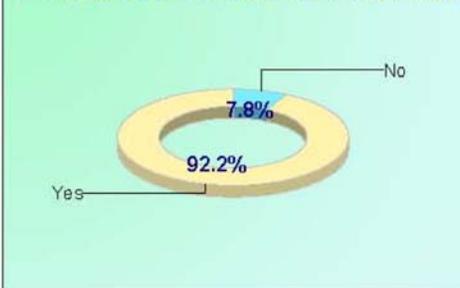
Who was present at mediation?

Mother	90.6 %
Father	43.8 %
Children	3.1 %
Other family/friends	40.6 %
GAL	75.0 %
Commonwealth's Attorney	3.1 %
Foster parents	12.5 %
Attorney for mother	25.0 %
Attorney for father	3.1 %
Counsel for social services	7.8 %
Child Protection Worker	31.3 %
Other court representatives	12.5 %
Other social service representative	76.6 %
Other	34.4 %

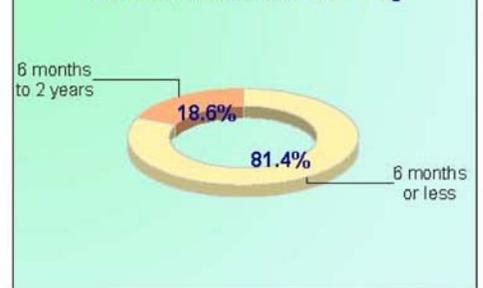
Case characteristics

Physical Abuse	28.1%
Sexual Abuse	4.7%
Neglect	50.0%
Inadequate Housing	34.4%
Abandonment	15.6%
Emotional	17.2%
Caretaker can't cope	32.8%
Alcohol Abuse by parent	15.6%
Child's behavior problems	18.8%
Drug abuse by parent	42.2%
Relinquishment	1.6%
Incarceration of parent	7.8%
Other	17.2%

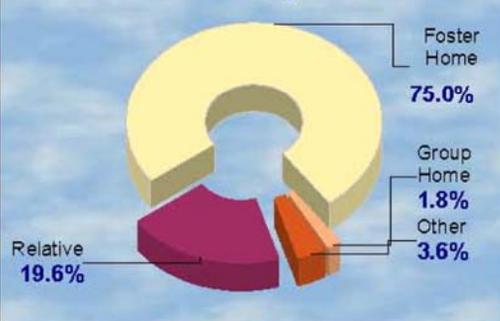
Child Out of Home When Mediation Took Place



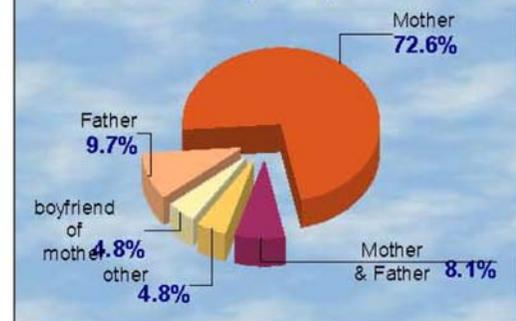
Child Out of Home for How Long



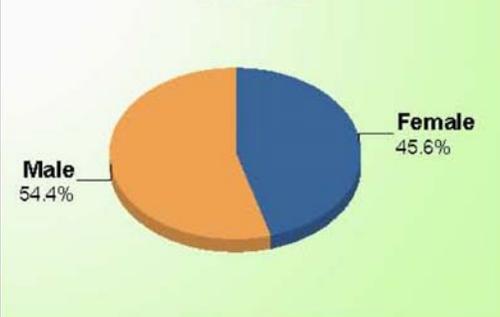
Where were they Placed?



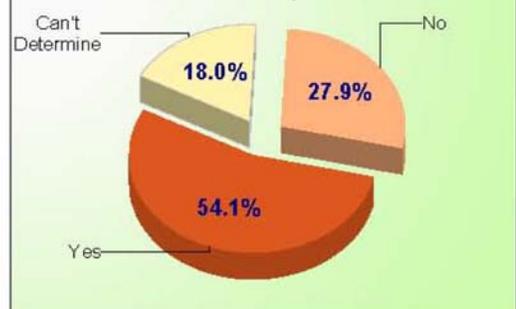
Relationship of Perpetrator



Sex of Child



Previous History of Abuse





# Dependency Mediation Summary Form

## Virginia

### Issues in this case

Mother's Disability	1.6%
Father's Disability	0.0%
Child's Disability	0.0%
Mother's mental health issues	43.8%
Father's mental health issues	9.4%
Child's mental health issues	7.8%
Mother's drug abuse	20.3%
Father's drug abuse	50.0%
Child's Drug Abuse	3.1%
Mother's domestic violence	23.4%
Father's domestic violence	23.4%
Child's domestic violence	1.6%
Mother's homelessness	31.3%
Father's homelessness	10.9%
Child's homelessness	1.6%

### Other child protection cases

Divorce	1.6%
Child Custody	21.9%
Child Abuse	0.0%
Domestic violence	4.7%
Delinquency cases	3.1%
Felony cases	12.5%
Non-felony cases	12.5%

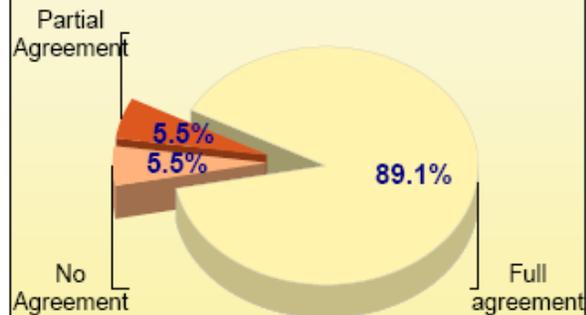
### Tools used in mediation

Large Group Format?	92.2%
Subgroup format?	6.3%
Caucus?	4.7%

### Issues Discussed in the mediation session

Child abused or neglected	48.4%
Child should be out of home	65.6%
Visitation details	93.8%
Nature of placement	82.8%
Services needed by perpetrator	73.4%
Services needed by children	84.4%
Services needed by other family members	46.9%
Consolidation of services	54.7%
Termination of parental rights	35.9%
Adoption issues	31.3%
Other	3.1%

### Was an agreement produced?



Did cultural issues affect mediation? 6.3%

## REQUESTS FOR PROPOSALS POSTED TO COURT WEB SITE

The Office of the Executive Secretary of the Supreme Court of Virginia has, for over ten years, provided funds to award contracts to mediators to provide mediation services to the courts of Virginia. This is done in an effort to introduce mediation to the courts, to encourage judges to refer cases to a dispute resolution orientation session, to provide no-cost mediation services to the users of the court system, to compensate mediators for their valuable services, and to hopefully motivate the Courts to institute their own mediation program once they observe its utility.

**The 2007-2008 Requests for Proposals have been posted to the court website at [www.courts.state.va.us](http://www.courts.state.va.us).** Under "Programs and Services" click on "Mediation." On the mediation page, you will find links to both RFPs. RFP #111:07-0015 offers funding for mediation services contracts and RFP #111:07-0016 offers funding for mediation coordinator positions. The RFPs are provided in both Word format and Adobe Acrobat format. You may download each RFP for which you wish to submit a proposal. If you are unable to access the RFPs on the website, please email Melanie Rinehults at [mrinehults@courts.state.va.us](mailto:mrinehults@courts.state.va.us) or call her office at 804-371-6065. The RFPs can be emailed to you or a hard copy mailed by postal service upon request. The address to which all proposals must be mailed appears on the RFP cover sheet.

**Please note specific proposal procedures under Section B have changed from last year in the coordinator RFP.**

**The deadline for receipt of all proposals is 4:30 p.m. on Friday, June 1, 2007.** Faxed proposals will not be accepted and late proposals will not be considered. It is our hope that contract decisions will be made before the end of June so the new contracts will take effect July 1, 2007. Please feel free to contact Geetha Ravindra at 804-786-6455 if you have any questions.

# Parent Education Programs Get Needed Training and Resources

In 2000, the General Assembly passed HB1178 which amended both Virginia Code Sections 16.1-278 and 20-103 to require parties to any petition where a child whose custody, visitation, or support is contested to attend an educational seminar conducted by a qualified person or organization approved by the court. The law specifies that the seminars shall be a minimum of four hours in length and shall address the effects of separation or divorce on children, parenting responsibilities, options for conflict resolution and financial responsibilities. The law does not specify who is to develop the seminars or provide oversight of such programs and their instructors. With the assistance of some parent educators representing different areas in the Commonwealth, OES developed a list of parent education providers which is posted on the Supreme Court website.

In November, 2006, the Department of Child Support Enforcement and OES through the Access and Visitation grant, appointed Ann Warshauer as Coordinator for Court Referred Parent Education Seminars in order to provide guidance and support to parent education providers. In December, a memo was sent to all providers on the Supreme Court list. The memo requested copies of their training material, as well as the names and qualifications of their instructors. After reviewing nearly 100 programs, only five needed significant revision. Ms. Warshauer is presently providing assistance to those five providers as well as attempting to contact those who failed to respond to the request for their materials. The response from providers was very positive and instructors expressed gratitude for the assistance from OES.

In an effort to provide on-going support, two trainings are planned for May, 2007. On May 15, there will be a full-day training for new instructors and for anyone presently teaching who wishes to improve skills. As a follow-up to the six-hour training, trainees will observe a parent education seminar conducted by a qualified instructor. Several programs throughout the Commonwealth have agreed to accommodate new instructors with their seminar observations.

On May 16, the Fourth Annual Parent Educators Symposium will take place at the Supreme Court of Virginia. The symposium is an opportunity for those providing the mandated parent education seminars to gather and share resources and improve their instructional skills. This year, the symposium will focus on the collaborative approach to assisting high conflict families. Addressing that topic will be a panel with a Juvenile Court Judge, parent educator, a family mediator, a GAL, a collaborative law attorney, and a parent coordinator. This should be an interesting and informative examination of the roles and responsibilities of these professionals and how they can work together to assist high conflict families.

The symposium will also have two guest speakers. Janice Mason, a parent educator with Fairfax County Public Schools, will conduct a workshop on, "Dealing with Difficult People" and Dr. F. Daniel McClure, author of *Wednesday Evenings and Every Other Weekend* will present a workshop on "Father Involvement: Its Importance and Its Challenges."