



CHILD PROTECTION MEDIATION

Agreement to Mediate

Between:

(the "parent")

And:

(the "social worker")

And:

(the "mediator")

And:

And:

And:

And:

And:

And:

A. The parties want to mediate an issue under section 22 of the *Child, Family and Community Service Act* (the "Act") about the child(ren):

NAME(S): *(last, first, middle; e.g., Brown, Jonathan Gordon)*

BIRTH DATE: *(year, month, day)*

1)	
2)	
3)	
4)	
5)	
6)	

B. The social worker is a delegate of a Director of Child, Family and Community Service.

C. The mediator is a neutral and impartial person who will help the parties to negotiate a voluntary settlement of issues involving a child.

THEREFORE THE PARTIES AGREE THAT:

1. They will try to mediate an agreement. Without taking sides or telling the parties what they should do, the mediator will help the parties to reach an agreement.
2. Mediation is voluntary and any party can withdraw at any time.
3. Any agreement made will usually be put into writing and signed by the parties.
4. Each party will fully disclose in mediation all relevant information he or she has about the issues being mediated. An agreement will not bind the parties if important information was withheld.
5. Each party understands what section 24 of the Act says about confidentiality in mediation (a copy is attached at Schedule "A").
6. The mediator is free to share any information received in mediation with:
 - a lawyer for any party;
 - a lawyer for a child;
 - the Child and Youth Officer, if he/she is involved;
 - the Office of the Public Trustee, if it is involved.But the parties agree that such information will only be shared on the basis that the party receiving it will keep it confidential.
7. The parties can consult freely with their lawyers before and during mediation. They are encouraged to get legal advice before finalizing an agreement.
8. The parties agree that non-identifying information can be used for research and evaluation purposes approved by the Government of British Columbia.
9. The mediator will usually meet with all the parties together, but sometimes the mediator will ask to meet alone with each of the parties. When that happens, unless a specific agreement is made to the contrary, the mediator will be free to share all information received from one party with the other parties.

Dated: _____ at _____, British Columbia.

Signed by:

_____ *party*

_____ *witness*

_____ *party*

_____ *witness*

_____ *party*

_____ *witness*

_____ *party*

_____ *witness*

_____ *party*

_____ *witness*

_____ *party*

_____ *witness*

_____ *party*

_____ *witness*

_____ *party*

_____ *witness*

_____ *mediator*

_____ *witness*

Schedule “A”

The Act says:

at section 22. (Mediation)

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.

at section 23. (Effect on Court Proceedings)

- (1) On application the court may adjourn a proceeding under this Part one or more times, for a total period of up to 3 months, so that a family conference or mediation can proceed.
- (2) If the proceeding is adjourned, any time limit applicable to the proceeding is suspended.
- (3) If, as a result of a family conference or mediation, a written agreement is made after a proceeding is commenced to determine if the child needs protection, a director may file the agreement with the court.

at section 24. (Confidentiality)

- (1) A person must not disclose, or be compelled to disclose, information obtained in a family conference or mediation, except
 - (a) with the consent of everyone who participated in the family conference or mediation,
 - (b) to the extent necessary to make or implement an agreement about the child,
 - (c) if the information is disclosed in an agreement filed under section 23, or
 - (d) if the disclosure is necessary for a child's safety or is required under section 14.
- (2) This section applies despite sections 76, 78 and 79.