



AGREEMENT TO PARTICIPATE IN MEDIATION

Between:

And:

And:

And:

And:

And:

And:

And:

And:

- A. The parties want to participate in mediation under section 22 of the *Child, Family and Community Service Act* (the "Act"), to resolve a dispute 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 act as a facilitator to help the parties negotiate a voluntary settlement of issues involving a child(ren).

THEREFORE THE PARTIES AGREE THAT:

1. They will try to negotiate an agreement to their dispute. Without taking sides or telling the parties what they should do, the mediator will help the parties to reach an agreement.
2. Participating in a 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 a section 22 mediation all relevant information he or she has about the issues being negotiated. An agreement will not bind the parties if important information was withheld.
5. Each party has read and understands what section 24 of the Act says about confidentiality in a section 22 mediation and understands that mediators cannot be compelled to disclose information obtained in a section 22 mediation except as provided in section 24 (a copy of section 24 of the Act is attached as Schedule A).
6. The parties agree that no party may make a recording of the mediation.
7. The parties can consult freely with their lawyers before and during a section 22 mediation. They are encouraged to get legal advice before finalizing an agreement.
8. Information gathered in mediation may be used for research and evaluation purposes by authorized users. In order to protect the anonymity of the parties, only aggregate, non-identifying information will be published.
9. The mediator will usually meet with all 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.

Signatures:

Signature

Name (Print)

Date Signed: _____

Schedule “A”

The *Child, Family and Community Service Act* says:

at section 22 (Dispute Resolution)

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, mediation or other alternative dispute resolution mechanism 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, mediation or other alternative dispute resolution mechanism, 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 for the safety of a person other than a child, or is required under section 14.
- (2) This section applies despite section 79 of this Act and despite any provision, other than section 44 (1) (b), (2), (2.1) and (3), of the *Freedom of Information and Protection of Privacy Act* that has been in existence for at least 100 years or to other information that has been in existence for at least 50 years.