

S N A P S H O T

# Addressing Domestic Violence in Juvenile Dependency Mediation

Spotlight on Nevada's Juvenile Dependency Mediation Program

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Juvenile dependency mediation is an evidence-based, best practice that focuses on the child's best interest. It is a collaborative, non-adversarial conversation facilitated by specially trained neutral mediators in a secure, comfortable, and safe setting. This conversation among the parents, social workers, attorneys, and other dependency case stakeholders seeks to craft a voluntary resolution to an issue that has arisen in the child abuse, neglect, or termination of parental rights (TPR) case. Such resolution considers a wide range of creative options to formulate the best decisions about appropriate intervention and care of children and achieving more timely permanency and increased likelihood of family reunification. Because domestic violence and child maltreatment frequently co-occur in child welfare cases, safeguards must be present to screen for the presence of domestic violence and models adopted that help to address power imbalances. This snapshot highlights the success of a partnership between the Nevada Supreme Court's Court Improvement Program (CIP), the Nevada Division of Child and Family Services (DCFS) and District Court Family Divisions across the state to pilot a model and support it with data collection, research, and evaluation.

**A data-driven approach.** Over the past 10 years, Nevada's Juvenile Dependency Mediation Program (JDMP) has advanced from a needs assessment and planning phase, to a pilot program supported with a process evaluation, to a statewide program.

The first pilot of this program launched in Nevada's Second Judicial District Court of Nevada in Reno, Nevada in 2011. The goals of the pilot were to:

- improve outcomes for children by improving communication among all case participants,
- increase parental engagement and family reunifications, and
- increase case processing efficiency by reducing time to permanency for children and the costs for families and for tax payers associated with supporting protracted adversarial hearings in family court.

The pilot program was started with protocols and outcomes that could be measured. A data collection plan was developed and a procedure for entering such data as: the underlying allegations in the case (e.g., neglect, physical abuse, sexual abuse); problem areas for the parents and children in the case, including domestic violence between caretakers or intimate partners, exposure to violence, homelessness, substance abuse and disabilities; the type of legal issue being mediated (e.g., petition language or termination of parental rights); and the mediation outcome and formal hearing vacated as a result of the mediation agreement.

To measure satisfaction with the process, CIP guided by the National Council of Juvenile and Family Court Judges (NCJFCJ), developed data collection instruments that could support a process evaluation. The evaluations indicated that agreements are reached in the majority of mediations, with an increase in parental feelings of involvement in the dependency process and compliance with case plans, and reduced costs for operating family court dockets produced by vacated hearings. The differences between the study and control groups were pronounced. For example, 88% percent of mediated dependency cases reunify as compared to 50% of cases that remained in formal dependency court proceedings, and 72% of fathers ordered to mediation attended hearings and complied with their case plans compared to only 50% of those whose cases were not mediated.

As a result of the tremendous documented success of the pilot, and efforts by state partners to disseminate results, new pilot programs started in Clark County (Las Vegas), and the Fifth Judicial District (Pahrump), followed by another in Northern Nevada, including five judicial districts and the Washoe Tribe. These second-wave pilot programs were evaluated and informed the development of a plan for a statewide mediation program launched in July 2016.

The statewide JDMP continued to gather data and use it to inform policy changes. Mediation agreement rates decreased from 89% to 70% during the first year of state-wide operation. Data were used to drill into the trend by jurisdiction and to identify a challenge in one of the participating courts with the timing of referral at the TPR phase. Referrals were occurring prior to adoptive resources being identified and parents were reluctant to reach agreements on the terms of relinquishing their parental rights with no adoptive family in the wings.

**Addressing underlying domestic violence.** In 2018, data concerning underlying parent and child issues helped to support the need for the JDMP to increase mediator training to address domestic violence. Data regarding the prevalence of domestic violence in child welfare cases referred to mediation also led the JDMP to revise its Domestic Violence Protocol consistent with the recommendations of the NCJFCJ Family

Violence and Domestic Relations Department in *Effective Intervention in Domestic Violence and Child Maltreatment Cases: Guidelines for Policy and Practice*.

This protocol establishes that the issue of violence will never be mediated or justified. Nor shall the cessation of violence be predicated on the behavior of the survivor. The JDMP protocol is designed to help rectify the imbalance of power during mediation. The procedures for cases involving domestic violence referred to in the Statewide JDMP are definitively outlined in the new Domestic Violence Protocol, available from the JDMP Administrator.

The Covid-19 pandemic required the JDMP to be modified to accommodate social distancing. Mediators have been trained how to conduct mediations via Zoom. An impact observed by mediators is that the virtual format may be well suited to help manage power imbalances in mediations in which domestic violence, among other issues, is an underlying issue. As a result, the JDMP is interested in more thoroughly accessing virtual mediations in referrals where domestic violence is an underlying family issue.

**Results leading to statewide expansion.** On June 3, 2019, the 80th session of the Nevada Legislature awarded \$900,000 to the Nevada Supreme Court to increase the capacity of and support for the JDMP. The increase in resources allows transition to a co-mediator model. Co-mediation benefits include:

- a better opportunity for parties to connect to a mediator and the mediation process;
- an enhanced ability to try new techniques in which one mediator tries a technique and if it does not work, the second mediator can rescue, if necessary;
- the two mediators are better equipped to recognize and address power imbalances and to separate parties when needed; and
- less chance of an impasse and increased likelihood of agreement because two mediators can think of more areas to explore than one.

The most recent impact evaluation of the JDMP indicates that families are engaged in mediation, with 97% of participating parents and caregivers feeling they have had a voice in the agreements. The perception of child welfare and family court professionals also is high regarding the ability of JDMP to increase family engagement. Mediation at the termination of parental rights also increases

the likelihood of open adoption agreements that facilitate post-adoption contacts for parents who relinquish their parental rights. Seventy percent of mediated cases resulted in post-adoption contacts, compared with only 10% of cases following the traditional family court pathway.

### Highlights from the qualitative research supporting JDMP include the following statements from stakeholders:

*JDMP is a genteel and respectful alternative to the litigious courtroom setting.*

**- A children's attorney**

*Mediation mirrors the very essence of the dependency process – all parties working for the best interests of the child.*

**- A deputy attorney general**

*The chance to be heard was very helpful.*

**- A mediation participant**

*The Juvenile Dependency Mediation Program is a great example of how a modest investment of dollars early can reap untold rewards in positive outcomes later.*

**- The Honorable Egan Walker, Second Judicial District, NV**

*The Juvenile Dependency Mediation Program has proven to be highly successful in providing a non-confrontational environment where the parties can actually hear and listen to one another.*

**- The Honorable Frank Sullivan, Eighth Judicial District, NV**

### Resources:

Link to the JDMP webpage: [https://nvcourts.gov/AOC/Programs\\_and\\_Services/Court\\_Improvement/Statewide\\_Juvenile\\_Dependency\\_Mediation\\_Program/](https://nvcourts.gov/AOC/Programs_and_Services/Court_Improvement/Statewide_Juvenile_Dependency_Mediation_Program/)

Link to all the mediation evaluation studies: <https://nvcourts.gov/AOC/Templates/documents.aspx?folderID=22503>



## RCDV:CPC

Resource Center on Domestic Violence:  
Child Protection and Custody

A project of the National Council of Juvenile and Family Court Judges

### ABOUT THE RESOURCE CENTER

The National Council of Juvenile and Family Court Judges houses The National Resource Center on Domestic Violence: Child Protection and Custody. The Resource Center is devoted to helping domestic violence survivors and professionals such as judges, attorneys, social workers, and domestic violence advocates who work with survivors in the child protection and custody systems. In addition to providing training and technical assistance, the Resource Center also conducts research and evaluation projects focused on the intersection of domestic violence and child protection or child custody. Contact us by telephone at (800) 527-3223 or by email at [fvdinfo@ncjfcj.org](mailto:fvdinfo@ncjfcj.org).