

What are the stages of the Family Group Conference process?

Hearing the Details

The FGC Coordinator arranges a meeting so the family can hear the CAS concerns for the children's safety. Other professionals and service providers may also be present to give information and tell how they are willing to help. Family members are encouraged to ask questions about what they heard.

Family Time

In this phase, all the service providers leave the room. Family members and their support network meet alone to discuss what they heard and to develop their own plan to keep the children safe. The family time can include having a meal together and engaging in other rituals important to the family. The length of family time varies, with some families wanting a lot of time and others only using a little time.

The Agreed Plan

Now, the CAS worker(s) and other professionals return to hear and talk about the plan developed by the family. All have to agree that the plan will keep the children safe. The family and CAS are encouraged to seek legal advice prior to finalizing an agreement. The FGC Coordinator or CAS may convene another meeting to have the agreed-upon plan signed at a later date.

Qualifying for FGC through ADR-LINK

FGC can be used in many cases and for many issues. However, to qualify for the MCYS funding available through ADR-LINK, there must be a clear decision that a court intervention is being considered, is pending or is in progress. This funding does not cover the use of FGC as a Differential Response. ADR-LINK serves the eight Societies and ten First Nation communities in the South West Region of Ontario, specifically:

- Bruce Grey Child & Family Services
- Chatham-Kent Children's Services
- Children's Aid Society of London & Middlesex
- Children's Aid Society of Oxford County
- Family & Children's Services of St. Thomas & Elgin County
- Huron-Perth Children's Aid Society
- Sarnia Lambton Children's Aid Society
- Windsor-Essex Children's Aid Society

- Aamjiwnaang First Nation (Chippewas of Sarnia)
- Caldwell First Nation
- Chippewas of Nawash First Nation
- Chippewas of Kettle & Stony Point First Nation
- Chippewas of the Thames First Nation
- Delaware Nation Moravian of the Thames
- Munsee Delaware Nation
- Oneida Nation of the Thames
- Saugeen First Nation
- Walpole Island First Nation

Examples of possible court interventions include:

- Supervision order (new application or status review)
- Society wardship
- Crown wardship
- Adoption openness arrangement

The court application is contested by one or all parties (or will be when it is launched).

Notice is given to the Office of the Children's Lawyer that a referral for ADR is being made.

All key parties freely consent to consider ADR.

All parties understand they can terminate the ADR process (or their role in it) at any time.

For more **information**

or to make a referral, contact:

ADR-LINK

Tel: 519-679-7250, ext 150

Fax: 519-679-4234

Pamphlets in this series are:

- **Family Group Conferencing**
- **Child Protection Mediation**
- **Indigenous Approaches/ODR**
- **Accessing ADR-LINK**



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Information for Families
and Referral Agents in the
South West Region of Ontario



ADR-LINK

Connecting ADR Practitioners
• Neutral Resolution •
Alternatives for Families to Court

Family Group Conferencing



This Child Protection ADR Initiative is Funded by:
Ministry of Children and Youth Services

ADR-LINK connects parties in dispute with an independent Child Protection Mediation Practitioner, Family Group Conference Practitioner or Indigenous Approach Practitioner. None of the Practitioners are employees of the London Family Court Clinic or are affiliated with the Clinic. However, all mediators are certified in child protection mediation by the Ontario Association for Family Mediation and listed on its roster and all family group conference coordinators have been trained and mentored through the George Hull Centre and listed on its roster. By participating in the ADR-LINK service, you acknowledge that the ADR service is not being provided by the Clinic, and agree to hold harmless ADR-LINK and the London Family Court Clinic for any and all claims, actions, suits, etc. brought against ADR-LINK directly or indirectly.

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Family Group Conferencing (FGC)

is one of the prescribed methods for Alternative Dispute Resolution (ADR) contemplated in the Child & Family Services Act of Ontario. FGC is a process used for many purposes. This pamphlet talks about FGC as a decision-making process for resolving disputes between a children's aid society (CAS) and the family of children who are (or may be) in need of protection. Funding from the Ministry of Children & Youth Services supports the use of ADR if a court intervention is being considered, is pending, or is in progress.



What is a conference?

A "conference" is a meeting of a child's entire family, family friends, and other supporters which is organized by an FGC Coordinator. The meeting starts with some presentations by the CAS worker and any other involved service providers. Then the family has time for private discussion. All participants freely consent to attend the meeting, knowing they can change their minds and leave at any point. The hope is that by having this discussion, the family and support network can develop a plan that is acceptable to both the CAS and to the family.

What does a FGC Coordinator do?

First, let's be clear about what the FGC Coordinator does NOT do. The FGC Coordinator does not decide what happens. The Coordinator is an impartial person with no decision-making authority. His or her job is to help the family hear the CAS concerns and opinions about how to keep the children safe. The Coordinator also helps the family decide who attends the conference and prepares everyone on what to expect.

So the family doesn't need a lawyer?

No, that's not true. Parties to court applications who use FGC should have a lawyer or at least ask a lawyer to review the final plan before signing it.

Is there a cost?

No. Costs for the process are paid through ADR-LINK using funds from the Ministry of Children & Youth Services. This funding does not include the cost of a lawyer.

What issues CAN be addressed through FGC?

Many things including conditions of a supervision order, length of a court order, specifics of the service plan to be addressed, the child's placement and/or living arrangements, custody or access, and features of an adoption can be developed through the FGC Coordination process.

When is it NOT possible to use a FGC process?

- if one or more key family member does not agree to FGC or feels forced into it,
- if one or more key party would not feel safe in a family meeting and no protections could be put into place, or
- if there are no supports or extended family to assist in developing a plan.

In addition, FGC cannot be used to determine if a child is "in need of protection."

What are the steps in the process?

- Seeing if the case qualifies for the ADR funding. The referral agent does this.
- Securing consent of key parties to make a referral to ADR-LINK. The referral agent does this.
- Consulting the Band if the case involves a First Nation family. The referral agent does this.
- Notifying the Office of the Children's Lawyer. The referral agent does this.
- Making a referral to ADR-LINK. The referral agent does this.
- Matching an ADR professional from the ADR-LINK roster to the case. ADR-LINK does this.

- Setting up and conducting the FGC. The FGC Coordinator does this.
- Getting everyone's feedback and opinions about the process. ADR-LINK does this.

Why use ADR?

When contested cases go to court, they take a long time to finish and it costs everyone involved a great deal of money, time, and emotional pain. Children may be left in limbo and not knowing what the future holds for them or how they will see their family. Also, the court process becomes a competition where only one side can "win." When a judge decides the outcome after a trial, someone always walks away unhappy with the outcome and the family has lost the opportunity to develop their own family solution to the problems.

Family Group Conferencing is one type of ADR where the parties can "have their say" and create a "family-designed, workable plan" for the children.

Is the process fair to the families?

To ensure fairness, these features are in place:

- the FGC Coordinator is an independent professional who does not work for the CAS
- the FGC Coordinator has no power to make decisions about the case
- the FGC Coordinator is not paid by the CAS and the Coordinator assigned to the case is not selected by the CAS
- all FGC Coordinators listed on the ADR-LINK roster are trained and mentored in FGC coordination through the George Hull Centre and carry liability insurance
- any party can end his or her participation in the FGC process at any point
- all parties are encouraged to review any agreed-upon plan with their lawyers

What about Indigenous families?

Whether living on or off reserve, Indigenous families are welcome to use FGC if they and their advocates agree it might help to resolve a dispute with the CAS. However, the

development of "Indigenous Approaches" of ADR in the South West Region is ongoing through capacity building initiatives. See the ADR-LINK pamphlet called Indigenous Approaches/ODR for more information on Original Dispute Resolution.

Do children come to the conference?

Possibly. The FGC Coordinator helps you decide who will attend.

How long will the process take?

The FGC Coordinator needs time to consult with all the participants and arrange a time for everyone to get together. Once all participants are assembled together for the meeting, the FGC session could take an hour or last all day.

What if the FGC does not end in a plan?

Ask the CAS worker to answer this question.

How do I refer a case for ADR?

Anyone can suggest a case, including lawyers and family members. However, the referral to ADR-LINK comes from the CAS or the Indigenous community that the child is affiliated with. The referral agent screens the case to see if it qualifies. The referral agent also determines if the key participants agree to consider ADR and notifies the Office of the Children's Lawyer.

For more information on how to make a referral, see the pamphlet called Accessing ADR-LINK or find guidance on our web site.

What if I'm not happy with the process?

ADR-LINK will ask for your opinions and feedback when the FGC process concludes. Let us know your opinions so we can all work to make the system helpful and respectful. Some participants may also want to voice any concerns directly to the FGC Coordinator. If your concern warrants a formal complaint, call ADR-LINK for direction to the appropriate body.

How can I find out more about Family Group Conferencing?

The George Hull Centre has information on its web site: www.georgehullcentre.on.ca