

# What if no ADR/ODR method is available yet in our community?

Families are welcome to use Child Protection Mediation or Family Group Conferencing. Or contact ADR-LINK to see if we can arrange an Indigenous Approaches/ODR professional to come from another part of Ontario.

## What is ADR-LINK?

ADR-LINK is housed at the London Family Court Clinic. ADR-LINK is funded by the Ministry of Children & Youth Services. Quite simply, ADR-LINK matches referrals for ADR/ODR with an experienced person who guides the ADR/ODR process with the family. ADR-LINK pays that person when the case is over, using funds set aside by the Ministry to support ADR in the child protection context. ADR-LINK is there so the CAS does not select and pay the ADR professional, to ensure the process is neutral and un-biased.

## 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 ODR. The ODR Practitioner does this.
- Getting everyone’s feedback and opinions about the process. ADR-LINK does this.



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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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.



**ADR - LINK**

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

# Indigenous Approaches ODR



According to the Child & Family Services Act of Ontario, Children's Aid Societies must consider

# Alternative Dispute Resolution (ADR)

when appropriate for child protection cases.



ADR can address any issue related to a child who is or may be in need of protection, or a plan for the child's care. ADR is used mostly, but not always, when a family and the CAS don't agree on the CAS plan for a child or children.

If a case is in the family court system, or may be soon, the ADR is funded by the Ministry of Children & Youth Services. That court case could involve a supervision order, a Crown or Society wardship application, or the openness arrangement of an adoption order. When the case is in court, a judge can ask the parties to consider ADR. Or, the case can be referred to ADR-LINK by the CAS or the Indigenous community the child is affiliated with, with the family's consent.

## What is ADR?

Four categories of ADR are prescribed:

- **Child Protection Mediation**
- **Family Group Conferencing (FGC)**
- for **Indigenous** families, an ADR approach established by their band or community, or other approach deemed appropriate by them. This is sometimes called "**Indigenous Approaches**".
- **Other**

**Mediation** is used for disputes between two people or among a small group of people. The family meets with their CAS worker in the presence of a neutral Mediator who has no decision-making power over the case. The Mediator helps the family and the worker each tell their views of the children's needs. The goal is to agree on a specific plan that everyone can support.

**Family Group Conferencing (FGC)** was developed by the Maori of New Zealand. An FGC Coordinator, who is neutral and has no decision-making power, arranges a meeting of family members, community supporters, involved professionals and anyone else who could contribute to a plan for the children. The meeting could last for several hours or take all day. By the end of the meeting, the goal is to have a plan developed and approved by the family but also acceptable to the CAS.

The **Indigenous Approaches/ODR** can be any dispute resolution technique developed by Indigenous peoples for use with families in their community, either on or off reserve. There is no one, specific approach. Each community can develop a strategy of local relevance.



## What is ODR?

**Original Dispute Resolution** is a term describing ADR that draws on traditional ways of decision making, problem solving and resolving disagreements. The term ODR reflects the fact that dispute resolution has been used for generations. Today, knowledge of those traditional methods is found with the Elders and other sources of traditional knowledge. Respectfully accessing their wisdom and guidance, an Indigenous community can develop ODR methods grounded in local traditional practices and in harmony with community needs and priorities. This service is available for anyone identifying as First Nation, Métis, or Inuit.

## Why use ADR or ODR?

The goal is to give the CAS and the family a time and place to discuss their different viewpoints on the children's care, so they don't end up in a courtroom asking a judge to make the decisions. Using ADR/ODR may have these advantages:

- everyone "has their say" and is listened to with respect
- it may speed up the planning process so children aren't left "in limbo" for so long
- it may improve the relationship between CAS workers and the families, so they can focus more effectively on the needs of the children
- the final plan is culturally appropriate and involves the entire family and community
- people are more likely to follow through with a plan that they had a role in creating

Everyone wants the same thing: that children are safe. ADR/ODR helps people focus on that common goal and not get bogged down arguing about past disagreements.

## Who can use the ADR/ODR?

ADR-LINK is funded by the Ministry of Children & Youth Services to support each Indigenous population within our region to develop its own ADR/ODR methods. To qualify for the MCYS funding available through ADR-LINK, there must be a clear decision made that a court intervention is being considered, is pending or is in progress. ADR-LINK serves the eight Societies and ten First Nation communities in the South West Region of Ontario, specifically:

- 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
- 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

\* served by the Mnaasgud Child & Family Services.

