

**New York State Unified Court System
Office of Alternative Dispute Resolution Programs**



Youth Initiatives and Educational Programs

**Office Of Alternative Dispute Resolution
Community Dispute Resolution Centers**

In New York State, the Unified Court System (UCS), Division of Court Operations, Office of Alternative Dispute Resolution (ADR) Programs administers, funds, and monitors the Community Dispute Resolutions Centers Program (CDRCP). This program is a joint local/state effort that provides a network of community forums for the resolution of disputes as an alternative to criminal, civil and Family Court litigation. This article discusses some of the Youth Initiatives and Educational Programs these alternative dispute resolution centers integrate into community, educational and judicial systems in New York State.

The centers serve as a community resource in all 62 New York counties providing a range of alternative dispute resolution programs. These programs promote understanding through improved communication and facilitate parties making their own decisions and implement their own solutions. The services of the CDRC programs include:

- Alternative dispute resolution processes including mediation, conciliation and arbitration for individual and community conflicts, disputes and decision-making;
- Multiparty facilitations for community public policy issues and managing collaborative responses between groups, agencies and organizations; and
- Consulting services on designing conflict management and dispute resolution systems for schools, courts, agencies, institutions and businesses.

The State Office of ADR Programs certifies and coordinates training opportunities for CDRC mediators and program staff. It also establishes and monitors standards for community mediator education, training apprenticeships, practice and evaluation.

**Youth Initiatives
and Educational Programs**

CDRC Youth Initiatives and Educational Programs foster individual development, healthy relationships, responsible citizenship, violence prevention, and safe communities. Youth Initiatives and Educational Programs are proactive responses to promote cooperative awareness, attitudes and choices, build social skills, and facilitate opportunities for implementing non-violent conflict resolution. The programs are offered through mediation sessions, family and group meetings, classes and workshops, adult and peer mentoring, as well as presentations for parents, youth, and the community.

The CDRC youth initiatives and educational programs include: **Conflict Resolution Education, Peer Mediation Programs, Anger Management Skills Training, Alternative Suspension, Family Court Programs, Parent/Child Mediation, PINS Diversion and Mediation, Child Permanency/Protection Mediation, Family-Group Conferencing Facilitations, Juvenile Justice and Juvenile Accountability Conferencing, Youth Court Coordination, and Community Building Projects.**

Those involved in these partnerships with CDRCs often provide financial support, through service contracts, program funding grant awards, and shared resources. Others may collaborate in the planning and development of programs or by providing opportunities for outreach, networking and referrals. Those agencies and organizations working in cooperation with the CDRCs include local, state and federal offices of the Juvenile Justice System, Law Enforcement, Departments of Education, Boards of Cooperative Educational Services (BOCES), Departments of Health, Probation Departments, Youth Bureaus, Departments of Social Services, other government agencies, non-profit organizations, foundations and the New York State Dispute Resolution Association (NYSdra).

Conflict Resolution Education and Skills Training

The CDRCs provide **instruction and training** based on research studies and programs developed by professional conflict resolution educators. The CDRCs offer these programs in convenient locations at schools and other community settings and content is customized to reflect local community needs. Participants in these programs experience concepts and skills of negotiation, mediation, consensus building and decision-making. Practice and guidance are provided with learned skills, techniques and tools for resolving disputes in a respectful nonviolent process. In this way, the learning community of parents, students, staff, faculty and administration create and support an environment essential to promoting safe and secure education and development.

Alternatives to suspension programs are developed in collaboration with local school districts for students in a disciplinary process. These programs provide valuable anger management and conflict resolution activities.

Mentoring programs offered by the CDRCs provide individualized skill-building sessions for youth to learn the life skills of anger management, problem solving and communication. With a personal adult mentor, young people practice making responsible decisions about important issues in their lives.

The CDRCs also offer **community presentations and workshops** for organizations, public forums, and in local schools for students, staff, faculty, administrators, and parents. While some of these formally address general conflict management and resolution, others may be focused on developing communication skills, facilitating discussion of particular issues or improving specific relationships.

At **Youth Summit** gatherings of peer mediators across the state, CDRCs organize these events to promote community awareness, encourage youth involvement, support community volunteers and provide participants with information and experiences to share with others and build new skills.

CDRCs' **after-school and enrichment programs** offer a variety of activities in a supportive, respectful and safe environment. Youth participants are assisting with local community projects and developing leadership skills. As part of their responsibilities, these young people also represent their peers at community meetings, practicing their communication and leadership skills

Peer Mediation

Mediation allows participants to define and clarify issues, reduce obstacles to communication, explore possible solutions, and where desired, reach a mutually satisfactory agreement. With the assistance of an impartial mediator, mediation presents opportunities to express differences, improve relations and enhance mutual understanding whether or not an agreement is reached.

The CDRCs provide Peer Mediation Training through collaborative partnerships with local school districts. Peer mediation programs are established to reduce formal disciplinary actions, improve school climate, and encourage a creative alternative forum for problem solving. Peer mediators are trained in specific mediation skills for students to help parties in a formal mediation program under the supervision of a faculty advisor. Issues of conflict typically considered appropriate for peer mediation in a school community involve bullying, fights, jealousies, misunderstandings rivalries, quarrels, rumors, and personal property concerns.

Parent/Child Mediation

Parent/Child mediation is designed to give youth and parents a facilitated opportunity to identify and resolve issues causing conflict in their lives together. The mediators facilitate families being able to talk and work on their relationships. Typical issues for parent/child mediation include responsibilities, curfews, communication, and family disputes. Referrals for parent/child mediations are commonly made by schools, community centers, probation, and clergy.

Family Court and Juvenile Justice Projects

Family Mediation Programs are established in CDRCs throughout New York State. These programs primarily focus on services related to children affected by marital separation and divorce. The parties involved may use mediation for issues related to developing parenting plans including communication, decision-making, custody, and support.

PINS Mediation- Use of mediation in Family Court has expanded to include four pilot programs developed for mediating Persons In Need of Supervision (PINS) and Dependency Mediation for Child Protection cases. In these and other CDRCs not receiving specific funding, staff and volunteer mediators work with children and their parents along with other social service organizations to mediate issues related to the filing of a PINS petition. The PINS mediation process helps emphasize preventive family and social service potential. These mediation programs are coordinated in collaboration with community agencies, courts and probation to facilitate voluntary family problem solving with child and social service agencies. In addition, "Behavior/Truancy" cases are increasingly being brought to the CDRCs for mediation. These cases typically involve matters between parents and children and/or between schools and students that, if left unresolved, may become PINS cases.

Youth Court- The New York State Youth Court and Community Sanctions Program provides an alternative process to address early anti-social, delinquent and criminal behavior. It supports local responses to first-time, young offenders who have admitted culpability in low-level, illegal activity, with referrals made by police, probation, schools and/or family court. An increasing number of CDRCs are managing this program in their communities. Initial program and special project funding awards, data management systems, as well as ongoing assistance and supervision are provided through the Office of Funding and Program Assistance of the NYS Division of Criminal Justice Services.

Juvenile Accountability Conferencing-CDRCs, in partnerships with County Probation Departments, are receiving Juvenile Justice Grants from the NYS Division of Criminal Justice Services for developing and implementing these innovative programs. Juvenile Accountability Conferencing provides a safe facilitated forum for victim and offender to discuss the offense, assess personal accountability, and gain a sense of working together towards a mutually satisfactory and meaningful future. The process extends special attention to potential restoration through opportunities for communication, consequences and closure. After Probation staff screening for cases deemed appropriate by their standards and protocols, CDRC staff meet individually with the parties to ensure readiness to proceed with the mediation session.

Permanency Mediation- In 1999, Bill Number A962A was signed into law, bringing New York State into compliance with the Federal Adoption and Safe Families Act. Permanency Mediation is an application of collaborative problem solving for these complicated multi-party matters and is being developed as a service provided by several CDRCs. A statewide initiative of pilot programs is the result of collaboration with Office of Children and Family Services, the Permanent Judicial Commission on Justice for Children and the Office of ADR Programs. Planning groups include local courts and agencies. The mediators facilitate meetings of all involved parties, including but not limited to child protective workers, law guardians, parents, and each of their attorneys, county attorneys, caseworkers, foster parents, and extended family members.

Program Models- These CDRC programs operate under legal guidelines established by the NYS Unified Court System. Intake and case processing procedures are implemented to meet the needs of each local court jurisdiction. Cases can be referred to mediation at any point in their life cycle, many programs receive referrals from petition intake, after initial court appearance and even prior to a petition being filed.

CDRC staff conducts a careful intake process to educate parties and help them make an informed decision as to whether to proceed with a mediation process. If parties decide to proceed in mediation, an initial mediation session is scheduled at a mutually acceptable time and place. In some localities mediations are conducted in court facilities and in most cases the CDRCs provide professional, comfortable mediation space at their offices.

With the belief that a thorough and deliberative process will result in a durable, lasting resolution, mediators provide parties with ample time to explore the issues and work through substantive concerns. The most successful programs have worked with their local courts to develop procedures that give the process time to work without creating excessive delays in case processing.

Statewide, 85% of matters in which parties participate in an alternative dispute resolution process result in an agreement. Of equal importance, when those same parties have a need to modify that agreement, or if a new issue arises, they will often turn to mediation again as a means of resolving it.

In cases with a court filing, an agreement is typically forwarded to the court with a request that it be reviewed and made an order. Many courts may do so without requiring an appearance by the parties, although parties are informed that the court may require an appearance.

Conclusion

Across New York State, the Youth Initiatives and Educational Programs offered by local CDRCs are building community partnerships to communicate, foster, reinforce, and support healthy youth development and education. Based on extensive studies of conflict resolution, educational theory, children's development, and social systems, these programs are effective responses to juvenile justice and safe communities. Through these collaborative programs our youth gain the knowledge and experience with skills for social competence; making decisions, solving problems and

resolving conflict. Youth involved with these CDRC programs gain positive experience for participating in their families and communities with responsibility, accountability and sense of purpose with personally meaningful goals.

Resources

Building Community in Schools, T. Sergiovanni, Jossey-Bass.

Conflict Resolution Education: A Guide to Implementing Programs in Schools, Youth-Serving Organizations, and Community and Juvenile Justice Settings. D. Crawford and R. Bodine, The Office of Juvenile Justice and Delinquency Prevention of the U.S. Department of Justice and Office of Elementary and Secondary Education of the U.S. Department of Education.

Does It Work? A Case for Conflict Resolution Education in Our Nation's Schools. T.S. Jones, Ph.D and D. Kmitta, Ed.D-Editors, CREnet.

Fostering Resiliency in Kids: Protective Factors in the Family, School and Community, B. Bernard, Northwest Regional Educational Laboratory.

Overcoming the Odds: High-Risk Children from Birth to Adulthood. E. Werner and R. Smith, Cornell University.

Preventing and Producing Violence: A Critical Analysis of Responses to School Violence. P. Noguera, Harvard Educational Review.

Stress, Risk, and Resilience in Children and Adolescents. R. Haggerty, et al. Cambridge University Press.

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