



WHY to Make a Referral?

Permanency Planning Mediation is designed to:

- Prevent children from suffering even more loss of important relationships
- Ensure continuity of sibling relationships
- Help families think about children's needs and who can help support them
- Build bridges between families (birth & adopting/guardianship) who do not know each other
- Help to establish and maintain good boundaries in relative/ NRFM adoptions/guardianships
- Create a more collaborative relationship between the families
- Expedite permanency when possible and appropriate
- Ensure the best outcomes for children

Services Provided to Families

Free caucus style mediation between the Prospective Permanent Family and:

- Birth Parents
- Other Birth Family Members
- Minor Sibling Care Providers/Adult Siblings
- Nation or Tribe through ICWA Representative
- Other Important People in the Child's life

Key Points regarding Services Provided

- Mediation is voluntary and completely confidential
- Parties have control of the outcome
- 90-day time frame – completed prior to the Selection and Implementation (366.26 TPR) Hearing
- Field based or remote services provided at times and locations convenient for the parties
- An initial meeting with the Mediator is informational and is not a commitment to mediate
- Agreeing to mediate is not a promise of a Post Adoption Contact Agreement (PACA)
- **Contact does not necessarily mean visits**

Potential Benefits of Participation

For The Child:

- Often benefit from continuing significant relationships
 - “Parents are gone but not forgotten.”
 - Siblings are source of support for past shared experiences
 - Loss of parents does not require loss of all birth family
 - Help to stabilize placement
- As they develop questions about the “Why” of placement and adoption/legal guardianship, continued relationship with birth family may:
 - Offer important opportunities for understanding
 - Help with children's healing processes
 - Create a sense of peace with who they are



Potential Benefits of Participation

For Birth Families:

- PACA is the only way to have any certainty of post-adoption contact
- PPM Mediation is not a concession of legal rights; it may be best plan-B option should they lose parental rights
- Opportunity to develop a relationship with the family adopting their child(ren)
- Reduce the need to “fight” in order to maintain the relationship with child(ren)

For Prospective Adoptive Families/Legal Guardians:

- Child(ren) may benefit from continuing significant relationships, especially for siblings
- Opportunity to learn about child(ren)’s personal and family history and cultural connections
- Link to birth family can permit important medical and genetic information to be updated
- Get to know the family who created their child(ren)
- Reduces or Prevents covert search for birth relatives by child(ren) in adolescence or later in life
- Reduce the need for birth family to “fight” in order to maintain the relationship with children

Research on openness in adoption:

https://www.childwelfare.gov/pubs/f_openadoptbulletin.cfm

<https://www.childwelfare.gov/pubs/siblingissues/index.cfm>

REFERRAL PROCESS

WHEN Can a Referral be made?

Re: Birth Parent/Extended Family Members

- MUST BE NO LATER THEN 75 Days prior to Termination of Parental Rights (TPR) .26 Hearing
- Ideally at Termination of Reunification Services (.21 Hearing)

Re: Sibling Contact

- Referral taken anytime up to 90 days prior to finalization of Adoption/Guardianship

HOW to Make a Referral:

Go to “County Resource Center” click on “learn more” at www.consortforkids.org for

- Link to secure intake portal
- Referral filing instructions
- Information sheets for clients

For all referred parties: Name, Address, Phone Number, Relationship to child,
(Attorney name and contact info, if represented)

For each referred child: Date of birth, CWS/CMS number, .21 and .26 Hearing dates
Child’s attorney name and contact info, CASA (if available)
(Provide email addresses for any listed professional, if known.)



Steps of Mediation Process

1) CFC Intake Coordinator reviews referral information

- A. Contact made with referring professional/CWW to complete info as needed
- B. Case accepted if meets referral guidelines
 - or -
 - Referring professional contacted to explain reasons it cannot be accepted

2) Case Opened

- A. Supervisor reviews - communicates with Child Welfare Worker (only if needed) to clarify referral issues
- B. Mediator assigned
- C. Introductory Letters and Information Sheets sent to all parties listed on referral
- D. Introductory emails sent to child's attorney, parties' attorneys, and CASA (if assigned)
(Distributed by postal mail when email addresses are not available)

3) Mediator contacts Child Welfare Worker, Adoption Worker, Child's Attorney, Parent's Attorney, other parties' attorneys and CASA (if assigned)

4) Mediator meets separately with each of the referred parties

- a. Party signs an "Agreement to Mediate" form (see note below)

5) Mediator meets with parties separately, or together (if all consent), to develop plans for

Post Adoption/Legal Guardianship communications and contact

6) Draft Agreement completed (see note below)

Draft reviewed by all of the Parties

- a. Parties SIGN consent to show draft to collateral professionals
- b. Draft provided to Child Welfare Worker, Adoption Worker, Parent's Attorney & Child's Attorney for Feedback/Approval
- c. Further mediation/further professional reviews as needed if changes are required

7) Signatures provided on Agreement and Court 'Adopt 310' Form by parties

(Children 12 & over and that child's attorney also must sign)

8) Original Documents sent to Adoption Worker for filing in Court at finalization

Copies of Documents sent to all parties, their attorneys and Child Welfare Worker

NOTE: If a party does not want to sign the Agreement to Mediate, case closed and CWW, AW and Attorneys notified (by email) that no mediation will be occurring. Mediator communicates information to parties. If parties try to mediate, but are not able to reach an agreement, a "No Agreement" letter is sent to Child Welfare Worker, Adoption Worker, and all Attorneys. Mediator communicates information to parties.



Post Adoption/Legal Guardianship Agreement – Content Areas:

1. Identify parties and their relationship to child(ren)

2. Description of the children

Parties' hopes and dreams for the children
Summary of why parties are choosing to create the Agreement

3. Post Adoption/Legal Guardianship Contact Plans

Wide range of plans possible – from annual updates only to face-to-face visits
Provides the "road map" for how and when contact will be implemented

4. Modification

How changes in circumstances/needs of child or parties will be handled

5. Suspension & Resumption

What actions would constitute grounds for terminating contact?
What changes might allow contact to be re-initiated?

6. Future Mediation

Clear understanding that families can always return to Consortium for Children for FREE
(This service is not available for families who do not file a PACA/PLGCA at finalization)

7. Implementation

Parties may request to begin prior to finalization of adoption/legal guardianship
Clearly noted this is conditional on Department permission

8. Certification - explains:

PACA is legally binding at finalization of adoption/legal guardianship
Parties have been advised to review with legal counsel
Compliance or noncompliance cannot in any way affect the adoption
Footnote – provides applicable Family Code sections

9. Signature of parties, including children over 12 and the Child's attorney

Enforceability:

- "Self-Enforcement" Starts with first Mediation contact: People generally develop voluntary contact plans and file a PACA with the Court because they believe it is good for their child(ren).
- The Foundation of a good agreement is helping people to recognize they are on the same team; and to help them develop an understanding of what each person can do to support the child(ren).
- Any agreement is based on these factors and develops as parties discuss how that could look at the time of finalization and moving forward as the child(ren) grow up.
- All agreements are written for the minimum amount of contact to which parties can commit, with reference to how changes in children's needs or party circumstances will be addressed.
- Some families do return to CFC for help with 'derailed' agreements; most often a few phone calls successfully resolve the issues. Rarely a case is reassigned for full mediation.
- If re-mediation does not work, a party can request judicial review by filing an "Adopt 315", but must be able to document 'good faith' effort to re-mediate.
- Court that finalized the adoption retains limited jurisdiction to review written statements or hear testimony to determine if the PACA remains in the child's best interest.

