

BRIEF INTERVENTION MODEL
&
Top Ten Tips

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At-Court FDR Model
Tulare Superior Court

- Parties are primarily referred to Family Court Services for CCRC from the three morning family law calendars.
- The judges have agreed that no more than 10 cases will be sent down each morning, although sometimes there are more and sometimes fewer.
- 5 CCRC's and the director and/or deputy director are available for cases.

Process Continued

- Parties in the courtroom are given a short orientation each morning which describes the process including recommendation and domestic violence protocol.
- Calendar role is called by the CCRC.
- Cases eligible for CCRC (both parties are present and response filed) are sent down to FCS to fill out intake sheets
- Case files are brought from the family law departments to FCS by the CCRCs after orientation and distributed.

Process Continued

- Parties and CCRC work to resolve the issues. Separate sessions for DV cases.
- If an agreement is reached, the stipulation is drawn up immediately and signed. If attorneys are involved, it is handed to them for review with their clients and the attorneys take it back to the courtroom.
- If there is no resolution, the CCRC immediately starts writing the contested report which includes a recommendation. Staffing is available for cases if necessary.

Process continued

- CCRC can recommend a limited investigation as part of the CCRC process to obtain more information – DV or drug assessments, child interviews, collateral contacts. Individual sessions can all fall under this investigation process. The matter is set for a hearing a number of weeks out.
- Very few cases are sent to private psychological evaluations.

Ten Tips for Brief Focused Sessions

**Number One:
Prepare yourself**

- Read the file and/or the database to find out as much as you can about why they are in the session. Have they been in the office before?
- Have information available about specialty cases, child abuse reporting, domestic violence procedures, etc.

**Number One:
Prepare yourself (cont'd)**

- Make initial notes of names, employment, residences, and main issues.
- Clear the area of other paperwork if possible so the focus is on the parties.

**Number 2:
Prepare the parties**

- Implement mandated orientation on a regular basis so that it becomes the norm to have parties in attendance.
- Remind parents with posters, flyers, etc. and intake sheets about the process and its focus on resolution, not litigation.

**Number 2:
Prepare the parties (cont'd)**

- **Develop quick rapport** with the parties as they enter the office – introductions, looking them in the eye, small talk as appropriate.
- **Set up the parameters** – our goal is to help you with resolution, only talking about custody and visitation not support, looking at current issues, not those already adjudicated, one parent at a time, listen to each other.

Number 3:

**ACKNOWLEDGE THAT
THE TIME IS LIMITED**

Number 4:

**Explore the context and develop the focus
on solutions (cont'd):**

- Express confidence that they can make their own decisions. (50% of the parties reach an agreement!)
- What do you want to happen in court/this session today?
- What happened that caused you to bring this matter in today?
- Support their concerns in neutral language.

Number 5

Ask questions about the custody plan currently in effect

- Is there an order in place, if so, is it being followed?
- What, if anything, has been working (i.e., they have no problem with holidays, they can share summer vacation).

Number 5

Ask questions about the custody plan currently in effect (cont'd)

- How has each parent tried to change the problem issues?
- Make lists of their concerns either for yourself so they can see that you are attending or on a surface where they can see them.

Number 6

- Focus on the future – that was then, this is now. The issues are important, but the solution is more important.

Number 7

- Commend the parents/parties for what they have been doing well and for working toward resolution

Number 8

- Make focused suggestions about what some of their alternatives might be to generate ideas.

Number 9

- If parents have an agreement, review it with them and be specific. Ask if anything is missing.

Number 10

- If parents do not agree, review their differences, and make clear what the next step involves.

TOP TEN TIPS

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Top Ten Tips-Yuba

- 1. Orientation:**
 - a. Date and time for Orientation is stamped on the front of the OSC/DV request in red.
 - b. If attended in the past 12 months, they are exempt.
 - c. Have it at night. We have it at 6:00pm which gives people time to get home from work, feed kids and get to appointment (no children allowed). Changing this from an afternoon time has resulted in litigants showing for the class 91% of the time compared to 73% of the time for afternoon classes.

Top Ten Tips-Yuba

1. **Orientation: (Cont'd)**

- d. Limit it to 1 hour max.
- e. Have exit survey so you can assess how well the class is received. After making changes 3 years ago, we receive an overall rating of excellent 93% of the time.
- f. Give them a date and time for mediation on an appointment card before they leave Orientation.

Top Ten Tips-Yuba

1. **Orientation: (Cont'd)**

- g. Give them the Intake Questionnaire to take with them before they leave with instructions to fill it out and bring it back to Mediation. This reduces the amount of time you have to wait for them when they appear for their Mediation Appointment.

Top Ten Tips-Yuba

2. **Remember this is Mediation not Therapy.**

Top Ten Tips-Yuba

- 3. At the beginning of Mediation explain that there is a limited amount of time to arrive at a parenting plan that is in the child's best interest and that you will spend time addressing that issue. If an agreement is not reached, you will make a recommendation to the court based on information in the file and on what they have related to you and the manner in which they presented the information.

Top Ten Tips-Yuba

- 4. Always review the file and any related criminal and dependency files, if there are any, prior to Mediation.

- 5. If allegations are made regarding specific issues (truancy, excessive tardiness, bad grades, dirty or unsafe home environment, law enforcement contacts, etc.), request a 2 to 3 week continuance to perform a limited, (fast track) investigation into those issues only and set another Mediation date for them to return. Request the court continue the matter for the time period necessary to complete your partial investigation. We use an Unsuccessful Mediation Report or a Declaration Memo to the court for the request.

Top Ten Tips-Yuba

- 6. Pay attention to the positive things that are going on in each home and expand on those things. It breaks the negative cycle.

Top Ten Tips-Yuba

- 7. Have very clear enforceable boundaries of what is acceptable behavior during mediation (no name calling, cursing, pointing fingers, or threatening behavior) or mediation will be stopped and a recommendation will be made. If people cannot act appropriately in your office, what makes you think they can do so with only their child/children present?

Top Ten Tips-Yuba

- 8. Give a lot of positive feedback on progress they are making regardless of how small it is. This will encourage them to continue in a positive direction.

Top Ten Tips-Yuba

9. Do not make the parents wait too long in the lobby area. Bring them into your office as soon as possible. This decreases the amount of time they have to engage in possible negative behavior prior to seeing you. There are times that the parents have not been in close proximity since their separation.

10. Always have parents read the mediation agreement in its entirety prior to signing it and take the time to answer any questions they may have. The last thing you want is for the case to go to court and the parents' state they didn't know a certain thing was in the agreement. We have a sentence at the end of our agreements that states the parents have read and understand the entire report prior to signing it. Mediators review the statement with the parents prior to the mediator initialing it themselves. This is a time saver.

Questions & Answers
