

The Katallasso Group offers a community-based collaborative service model integrating transformative family mediation to support family court officers and human services.

Author: Lisa J. Welter, Founder The Katallasso Group 2021©

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STORY OF SUCCESS IN YELLOW MEDICINE COUNTY

For the last 20 years, Yellow Medicine County Family Courts and Human Services have worked to create a hybrid alternative dispute resolution process for families engaged with child protection. This was launched out of the need for more foster homes and the lack of fostering families. They attempted a community and relationship based process that created accountability for child safety, met the needs of the court and human services to keep children safe, while also keeping the majority of children from entering foster care.

We interviewed the local team for more information and were incredibly inspired by the story and outcomes. We share our learnings to elevate/honor Yellow Medicine as a leader in the work of child welfare and processes for family justice. We learned the county courts and human services chose to launch a restorative circle program with community members (who were mostly retirees and available to provide large amounts of time for volunteering). Both the court and human services worked to develop a referral process to divert families to circles to address the necessary matters. The restorative circle program and the family courts jointly recruited community volunteers willing to meet with families on an ongoing basis. Families were immediately assigned to a team of volunteers and met in a circle process for the duration determined by the courts/human services and the outcomes were staggering.

Today, many of the parents who had once had a CPS case opened are now giving back to the community as circle volunteers. Children are minimally removed from the home as circles are launched immediately and community volunteers step in relationally and provide the cultural responsiveness the courts and human services cannot bring.

The cost was far less than the costs of out of home placements with the employment of several coordinators willing to accept referrals, train volunteers and report back to the human services and courts on progress for court orders. An incredible testament to the

¹ J. Jeppesen, Family Circles Program, Yellow Medicine County Restorative Justice Program, Interview, 2021.

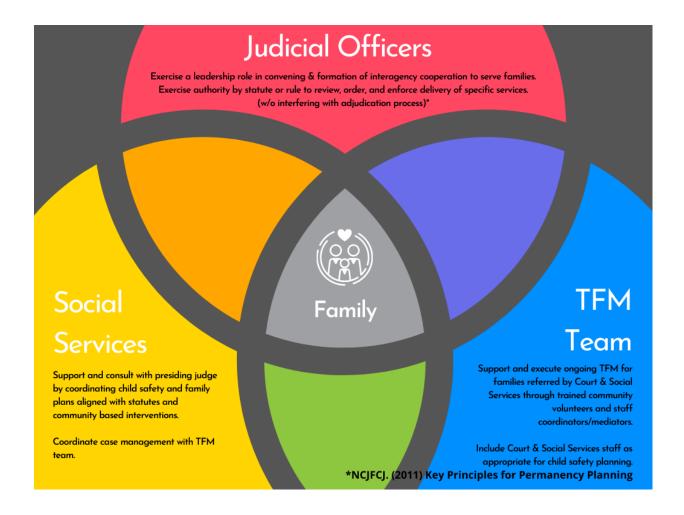
powerful need for healthy relationships for the most hurting families in the community.

Yellow Medicine staff so graciously share their knowledge and experience with as many as they have interest. They shared a captured video of family success at a Signs of Safety Conference. Please take 25 minutes to watch this inspiring story.

It Takes a Village: The Fine Art of Keeping a Family and Their Children Held

KEY TAKE-AWAYS FROM YELLOW MEDICINE:

The court and human services were willing to share power.
They employed a court-sanctioned ADR technique that was within the bounds of the
court's guidelines and human services while an accepted practice for their
community.
Collaboration between the court, human services, a new entity, and the community
were at the core of their success.
Parents and children stabilized, ultimately strengthening their community.
Unpaid volunteers were the backbone of healthy relationships that parents, youth,
and their children benefited from.



IT'S NOT WORKING. IS THERE A BETTER WAY FOR FAMILIES & COURTS?

It takes a village to raise a child. At least that was the case in my family! Why don't we have more community driven options (like Yellow Medicine has) available when it comes to child safety and parental accountability? We're here to make that a reality in your community - through your leadership.

That's what this conversation is about. We offer our support with a strong track record of

success of community collaborations between government, community partners, and community volunteers - we believe this is the best way forward when it comes to the needs of families and keeping kids safe.

What do we know? My name is Lisa. I've personally led 18 county collaboratives to engage specific needs of child welfare and offer what I've learned with you. I'm also a doctoral student at Bethel Seminary working to research and validate findings of transformation in families as they are offered Transformative Family Mediation. I've also personally experienced the family courts with over 150 hearings in court for divorce, child abuse, grandparent litigation, post-decree issuses. Professionally, I've worked closely with families coming to the attention of family courts through child protective services, foster care, reunifications, adoption, and wards of the state aging out navigating life. As I engaged both personally and professionally in the family court system - I learned a powerful lesson. At the core of all of these family matters is a set of relationships that are simply not working causing conflict, harm, and/or neglect. The result is divorce, child protection interventions, foster care, and more extreme measures like the pipeline to prison, early pregnancy, and sex trafficking - just to name a few.

I saw a gap and as a trained family mediator, pastor, and nonprofit leader working in child welfare - I built what I saw missing and now offer that to you.

Today, not only do I teach community collaboration specific to child welfare, but I train Transformative Family Mediators as a MN State Court Administrator approved entity (The Katallasso Group) to train family mediators within the Minnesota General Rules of Practice, Rule 114. I also offer approved continuing education and specialize in a niche of mediation and restorative circles - offering a relationship and community based alternative dispute resolution option to communities seeking different results. All of this is under the scope for family mediation but expanded into the needs of the child welfare system.

Our Transformative Family Mediation is a certified 40 hour family mediation training option available to community members and/or family providers as a community-based pathway for conflict resolution, and decision-making to support family courts for:

- Dissolution, custody and post-decree matters
- Child abuse/neglect cases (which can include traditional foster care or kinship)

so that families can move forward while addressing everyone's needs. (We also train current Qualified Neutrals in restorative circles so they can expand their services into the needs of families in child welfare, if they wish.)

This document focuses on the relevance child abuse and/or neglect, but we want to highlight and remind readers that divorce and post-decree matters can also be included in this community-based discussion.

Our training prepares mediators for all of the above scenarios so that the service needs of the family courts and human services can be included in a mediator's work. Why? We understand The National Council of Juvenile and Family Court Judges recommend in their Enhanced Resource Guidelines for Improving Court Practice in Child Abuse and Neglect Cases and wish to come alongside the work of the court in a manner that satisfies the key principles judges are attempting to address including:

- Keeping families together
- Ensuring access to justice
- Cultivating Cultural Responsiveness
- Engaging families through alternative dispute resolution techniques
- Ensuring child safety, permanency, and well-being
- Ensuring adequate and appropriate family time
- Provision of judicial oversight
- Ensuring competent and adequately compensated representation
- Advance the development of adequate resources
- Demonstrating judicial leadership and foster collaboration²

We offer hope to judges and human services to ensure all of these key principles are

²National Council of Juvenile and Family Court Judges, *Enhanced Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases.* Reno, Nevada: NCJFCJ, 2016,14.

addressed and met in a community collaborative strategy we call the Connected Kids Initiative (CKI). We give you everything we've learned having accomplished successful community based collaboratives while also offering guidance of what we see being the core issues to tackle that can de-escalate the number of families showing up in your court rooms on a repeat basis.

A transformative family mediation process is a unique combination of two alternative dispute resolution facilitative modalities: family mediation and restorative circles. Not only can families address conflict outside the courts but they can maximize the input and participation of these parties - especially primarily for children - in search for restoration, healing, responsibility, and a long-term process that holds the established family values intact long after the difficult season of life.

When coupled with family mediation, restorative circles can jointly address the relationship damage that has occurred, enforce accountability, invite community members to speak to matters from similar ethnicity or culture, and offer long term healthy relationships to those who need it the most.

Yellow Medicine County has seen incredible success implementing a restorative circle response to child protective matters as parents are offered a community and relationship focused strategy to address harm while successfully upholding the new key principles underlying the Enhanced Resource Guidelines in NCJFCJ. Yet, we have learned from Yellow Medicine the journey was difficult when it was led by the county and didn't have a straightforward ADR process that the court already recognized. We know every community has their own ability to design something similar for families, but we also understand that every community looks different and there are unique attributes and challenges.

We take our learnings from Yellow Medicine County, our own family mediation experience, and our pastoral backgrounds having recruited and trained many volunteer teams to operate entire churches. Did you know that almost every church is solely run on volunteer power with just a staff or two? And there are hundreds of churches in your surrounding area pulling this off weekly. Community collaboration is entirely possible with volunteers!

WHY TRANSFORMATIVE FAMILY MEDIATION?

Going back to the Enhanced Resource Guidelines of NCJFCJ, it states:

"Judges should encourage and support the development of family-centered, culturally responsive forms of dispute resolution to allow families to craft effective court-sanctioned solutions to the issues that brought them before the court. Courts should support the development and use of appropriate dispute resolution techniques including mediation, family group conferencing, differential response, and encourage all to utilize the form that will be most beneficial to the children and parents in a particular case.³"

We recommend adopting a blended approach with a Qualified Neutral willing to bring both mediation practices and restorative circles to families in need. Both are truly facilitative in nature and the combination of the two offer powerful results and transformation in the lives of families. The court and human services can feel comfortable as mediators fall within Rule 114 and are appropriately trained to ensure quality of the process.

The Transformative Family Mediation process is exactly the same as all other family mediation processes including:

- 1. Mediation office receives Initial Call or Referral (Screening out out of scope matters)
- 2. Intake Meeting (can be done in circle format to accept the case if child welfare involvement and accompanying paperwork)
- 3. Decision-making sessions on key issues (can be done in circle format and include community members for addressing Protective Factors/Signs of Safety or anything else the social work team/judicial officer hopes to accomplish).
- 4. Review Agreements

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³ NCJFCJ, 15.

5. Submit Agreements to Human Services for Court proceedings/orders.

The roles of the parents, extended family and even friends/neighbors are helpful to solve conflict when all parties have a desire to maintain decision-making and address the needs of all equally. Circle, different from Family Group Conferencing, allows ownership and responsibility to fall on all of the shoulders of the entire group while being guided by a Qualified Neutral.

Since the primary obligation is to children, a restorative practice (circles) empowers the community surrounding the family to advocate for children and youth to effectively participate in defining obligations, as appropriate - while also holding those causing harm accountable.

We've adopted a set of 3 fundamental principles (adapted, abbreviated, and updated with permission for contextualization within restorative practices) from Howard Zehr and Harry Mika's article in The Contemporary Justice Review⁴ to ensure we train and maintain the bounds of the National Council of Juvenile and Family Court Judges Enhanced Resource Guidelines. (Please also consider reading the original form of these principles in The Little Book of Restorative Justice by Howard Zehr located in Appendix I. Howard Zehr offers his permission for those using restorative principles for contextualization.)

FUNDAMENTAL PRINCIPLES OF TRANSFORMATIVE FAMILY MEDIATION

1) CHILD ABUSE AND NEGLECT IS FUNDAMENTALLY A VIOLATION OF CHILDREN AND INTERPERSONAL FAMILY RELATIONSHIPS.

⁴ Howard Zehr and Harry Mika, "Fundamental Principles of Restorative Justice," *The Contemporary Justice Review*, Vol. 1, No. 1 (1998), 47-55.

Child victims and the community have been harmed and are in need of restoration.
 Children are those most directly affected, but others, such as family members of the stated children and parents, witnesses and members of the affected community, are also harmed. The relationships affected by child abuse and/or neglect must be addressed. Resolution and restoration is a continuum of responses to the range of needs and harms experienced by children, parents, and the community.
Children, parents, and the affected communities are stakeholders in transformative mediation.
☐ Transformative family mediation (a combination of family mediation and circles) maximizes the input and participation of these parties but especially primary children as well as parents- in search for restoration, healing, responsibility, and prevention.
☐ The roles of these parties will vary according to the nature of the harm, as well as the capacities and preferences of the parties.
☐ The county has circumscribed roles, such as investigating facts, facilitating processes, and ensuring safety, but the county is not the primary victim.
☐ Agreements should be made to promote and support child safety, responsibility, and repair harm.
2) VIOLATIONS AGAINST CHILDREN CREATE OBLIGATIONS AND LIABILITIES.
Parent and agency obligations are to make things right as much as possible.
☐ Since the primary obligation is to children, a transformative mediation process empowers
the community to advocate for children and youth to effectively participate in defining
obligations.
☐ Parents/guardians or perpetrating individuals are provided opportunities and

encouragement to	encou	rag	em	ent	to:
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 understand the harm they have caused to children and the community
 and develop plans for taking appropriate responsibility.
\square Voluntary participation by parents is maximized, coercion and exclusion is minimized.
$\hfill \square$ Obligations that follow from the said child abuse/neglect should be related to make things
right.
\square Obligations to make things right may be difficult, but not revengeful. The obligation should
have the goal of addressing the harm directly, requiring accountability, while being an
active participant in addressing their own needs.
The community ⁵ (defined as all concerned to preserve child safety) has a responsibility to
support and help neglected/abused children have their needs met.
\square The community bears a responsibility for the welfare of its members, the social conditions,
and relationships that promote both strengthening and preserving families.
\square The community has responsibilities to support efforts to integrate parents/guardians or
perpetrating individuals into the community, to be actively involved, and to ensure
opportunities for making amends.
\square Parent and agency obligations are to make things right as much as possible.
\square The community's obligations are to children and to parents/guardians and for
the general welfare of its members.

3) TRANSFORMATIVE MEDIATION SEEKS TO HEAL AND "PUT RIGHT" THE WRONGS OF CHILD ABUSE/NEGLECT.

⁵ Zehr states community is defined as all concerned to preserve child safety. This can include but is not limited to family members, neighbors, general concerned community members, family providers working with family, guardian ad litems, clergy, social workers, and more.

The needs for child safety and support are starting points.
☐ The safety of children is an immediate priority.
\square Transformative Mediation employs the circle process to provide a framework that promote
the work of recovery and healing that is ultimately the domain supporting the developmer
of the child/youth in these key relationships:
 Relationship with self (addressing self-image, self-respect, self-worth) Relationship with family (addressing sense of belonging and security) Children/youth are empowered by maximizing their input and by participation in
determining needs and outcomes.
\square Parents are involved in repairing the harm insofar as possible.
The transformative mediation process maximizes and encourages opportunities for exchange of information, participation, dialogue, and mutual consent between child advocates, parents and agency providers.
☐ Child victim needs and safety takes precedence over all mutual agreements.
$\hfill \Box$ Opportunities are provided for remorse, forgiveness, and reconciliation.
☐ Appropriate releases of information are obtained.
\square Transformative family mediators drafts agreements and provides to those enforcing
agreements.
Offenders' (those that have harmed children) needs and competencies are addressed.
\square Recognizing that offenders themselves have often been harmed, healing and reintegration
must be emphasized.
☐ Offenders are supported and treated respectfully in the justice process. The process value

personal change over complaint behavior.

The Family Courts justice process supports transformative family mediation as it includes the
community.
\square Community members are actively involved in providing justice for children and families.
\square The transformative family mediation process draws from community resources and, in turn,
contributes to the building and strengthening of the community.
$\hfill \square$ The justice process attempts to promote changes in the community to both prevent similar
harms from happening to others, and to foster early intervention to address the needs of
children and their families and the accountability of those offending.
The Family Courts are mindful of the outcomes, intended and unintended, of its
responses to child abuse and neglect.
$\hfill \square$ Justice monitors and encourages follow-through since healing, recovery, accountability, and
changes are maximized when agreements are kept.
\square Fairness is assured, not by uniformity of outcomes, but through provision of necessary
support and opportunities to all parties as well as avoidance of discrimination based on
ethnicity, class, orientation, religion, and sex.
\square Outcomes that are predominately deterrent or incapacitative should be implemented as a
last resort, involving the least restrictive intervention while seeking restoration of the
parties involved.

HOW TO GET A COMMUNITY COLLABORATIVE STARTED

We recommend that you follow these three steps and repeat over and over. These are simply recommendations and maybe you've got a better idea. That's totally appropriate, the intent is to help you get started and think bigger. These three steps are literally what Connected Kids Initiative implemented over the years in 18 different counties. Don't over complicate it and be willing to share power just as the story of Yellow Medicine offered. Simple next steps are available if you are interested in moving forward at the end of this guide.

PHASE 1: BUILD "RIGHT FIT" COMMUNITY PARTNERSHIPS & UNDERSTANDING
GOAL: Alignment of vision, collaborative spirit, and pioneer together.
☐ County Family Courts & Human Services identify Transformative Family Mediator/s (entity, agency).
 Develop localized plan including referral process, volunteer recruitment strategy, funding Leadership matters: pay attention to small areas of disunity to ensure leaders remain on "the same page" and united around common goal/vision. Recruit community volunteers and train together. Circle process (TFM), Signs of Safety (Human Services/Social Services), and court-sanctioned approved process explained.
PHASE 2: IDENTIFY, LAUNCH, & MONITOR APPROPRIATE REFERRALS
GOAL: Joint agreement of referral process and plan.
 Joint agreement on referral process, plan, recommended situations, and communication loops throughout TFM. Refer, monitor, and feedback.
PHASE 3: RECRUIT VOLUNTEERS & EXPAND REFERRALS

GOAL: As capacity is built and success seen in families, look at expanding referrals to more complex family issues through case identification.

Recruit more volunteers, launch more TFM circles through broader community education into local business area by building partnerships:

• With a local workforce center for parent referrals.

processes)

families.

- With local businesses to participate in workforce center programming for job openings, etc.
- With local businesses potentially financially investing in local TFM programming.

NEXT STEPS TO TAKE

If you are a Qualified Neutral:
\square Take our approved Continuing Education Course (18 hrs): INTEGRATION OF
RESTORATIVE PRACTICES IN FAMILY MEDIATION: RESTORATIVE CIRCLE
FACILITATION
$\hfill\square$ Start reaching out to your local judicial team and human services. Share this
resource with them.
\square Grab any interesting resources from our website you feel would be helpful to
successfully launch CKI in your community.
\square CKI Toolkit includes custom grant template (FYI you can apply for grants
even as a for-profit), CKI logo, volunteer job descriptions, referral

☐ Preferred Network offers monthly continuing education focused on

restorative circles to keep your skills shared as it relates to mediating with

$\hfill\square$ Practice in a Box for those looking to launch a new mediation practice.
If you are a Judicial Officer or Judicial Staff:
\square Join our next Zoom meeting (always scheduled on a court holiday). Check
calendar here: https://www.thekatallassogroup.com/cki
\square Identify a Qualified Neutral to take the above training recommended for
Neutrals OR identify a trusted community member/lawyer/professional to take
TFM training (see below).
\square Begin conversations with your team, human services, etc and share this
document.
If you are an interested Community Member, Lawyer, or other Professional:
$\hfill\square$ This collaborative is built on a pathway the court is most familiar with (family
mediation). First, get trained in Transformative Family Mediation (Court
approved 40 hour training) and apply for the Rule 114 Roster.
https://www.thekatallassogroup.com/mediationtraining
\square Grab any interesting resources from our website you feel would be helpful to
successfully launch CKI in your community.
\square CKI Toolkit includes custom grant template (FYI you can apply for grants
even as a for-profit), CKI logo, volunteer job descriptions, referral
processes)
\square Preferred Network offers monthly continuing education focused on
restorative circles to keep your skills shared as it relates to mediating with
families.
\Box Practice in a Box for those looking to launch a new mediation practice.
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Bibliography

- Jeppesen, J. interviewed by Lisa Welter, Family Circles Program, Yellow Medicine County Restorative Justice Program, August 2021.
- Signs of Safety. Produced by SOS 2017 International Conference. *It Takes a Village:*The Fine Art of Keeping a Family and Their Children Held. 31 min. 2017.

 https://www.signsofsafety.net/presentation/it-takes-a-village-the-fine-art-of-keeping-a-family-and-their-children-held/
- National Council of Juvenile and Family Court Judges. *Enhanced Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases.* Reno, Nevada: NCJFCJ, 2016.
- Zehr, Howard and Harry Mika. "Fundamental Principles of Restorative Justice," *The Contemporary Justice Review,* Vol. 1, No. 1 (1998), 47-55.