

What happens if an agreement is not reached? (continued)

Regardless of whether the family and providers reach an agreement through mediation, the information they shared with the mediator will be treated with the same confidentiality as all Birth to Three records. It cannot be used as evidence in a hearing.

What happens if an agreement is not followed?

Since both parties have decided the terms of the agreement together, mediated agreements are most often followed. The agreement is in writing so that both parties can reference it as issues arise. In those few instances where the agreement is not followed, families may pursue administrative remedies, either through a written complaint filed with the Birth to Three Administrative Office, or through a request for a hearing.

For more information, contact the Birth to Three Family Liaison. Requests for a mediation or hearing must be in writing.

**Birth to Three Administrative Office
Family Liaison**

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***Principles
of
Mediation***

***An alternative way to solve
disagreements between families
and Birth to Three programs***

March, 2008

Mediation:

A way to resolve conflicts so both sides win.

What is mediation?

Sometimes, families and professionals disagree about what is best for a child with developmental delays. Both sides can spend too much time and energy trying to convince the other that their point of view is right. In the heat of an argument they may forget what they have in common – true concern for the child.

Mediation helps families and professionals reach a settlement that both sides can accept. Mediators are people trained to help with the resolution of disagreements. Both sides discuss their differences with the help of the mediator who does not take sides. The mediator helps them find points they agree on and see other choices they may have. Families may find mediation less threatening than a hearing because it ends with a written agreement that both sides have put together, instead of a decision from a hearing officer that may please no one. Often the relationship between the family and the professionals is strengthened as each side gains a better understanding of the other, and develops better skills for resolving issues.

Is mediation required?

The Connecticut Birth to Three System is required to make mediation available to complement the procedural safeguards that are part of the federal law.

Families choose whether or not they want to use mediation. If they choose mediation, the professional staff from their child's Birth to Three program will participate. If the family does not want to participate in mediation, they may request a hearing with an impartial hearing officer.

How do I request mediation?

The Connecticut Birth to Three System offers the mediation service statewide. Any family or professional who believes that mediation could help their situation should put their request in writing to the Birth to Three Family Liaison.

How will the mediation be arranged?

A trained mediator will be assigned. The mediator will contact both parties within one week to arrange details such as who needs to be present, the neutral location where the meeting will be held, when it will be held, and what will be discussed. Each party may request one other person to attend the mediation who may not participate during the mediation but may provide advice during caucus (times when each party speaks only among themselves). This limitation on who may attend is to enable both parties to actively participate in the solution of their dispute. The mediator will contact the other persons to find out if they are willing to attend.

How much does it cost?

Mediation is free to families. All of the costs are covered by the Connecticut Birth to Three System, whether or not the disagreement is settled.

What happens if an agreement is not reached?

Families may use the formal hearing process if an acceptable agreement is not reached. The mediator does not have a stake in whether a conflict is settled or how it is settled. The mediator's commitment is to provide the best opportunity for both sides to discuss their differences and explore their disagreement.

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