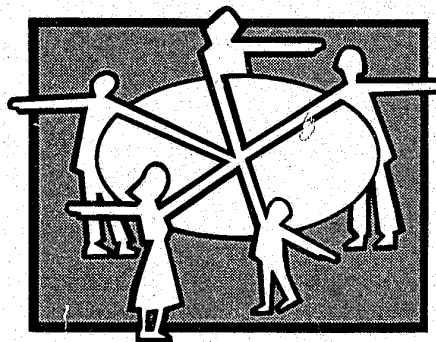


A TRAINER'S MANUAL FOR

Parent Child Mediation

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**CHILDREN'S HEARINGS PROJECT
Of Cambridge Family and Children's Service
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1984

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A Trainer's Manual
for Parent-Child Meditation

TABLE OF CONTENTS

ACKNOWLEDGMENTS

FOREWORD

INTRODUCTION

CHAPTER I: HOW LEARNING WORKS	1
I.1 Some Basic Assumptions	1
I.2 Useful Theories About Learning	2
I.3 The Experience of Being a Learner	4
I.4 Evaluation and Learning	6
CHAPTER II: AN OVERVIEW OF TRAINING	8
II.1 Who are the Trainees?	8
II.2 Setting and Preparation	9
II.3 A Sample Training Agenda	10
CHAPTER III: SHOWING HOW IT'S DONE	17
III.1 The Impact of a Live Model	17
III.2 Preparing and Presenting a Simulated Hearing	18
III.3 Discussion After the Simulation	20
CHAPTER IV: LEARNING BY DOING	23
IV.1 The Experiential Mode	23
IV.2 Role-Play Scripts	24
IV.3 Your Different Roles as Trainer	26
IV.4 Outline of Role-Plays: Mechanics and Modifications	30
IV.5 Assessments: By the Trainers, By the Participants	33
CHAPTER V: TELLING AND REFLECTING	36
V.1 The Didactic Mode	36
V.2 Presentations and Materials	37
V.3 Special Issues in Parent-Child Mediation	40
V.4 Conclusion	43

APPENDICES

- A. Packet Contents List
- B. Small Group Exercise
- C. Sample Role-Plays
- D. Evaluation of Training

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FOREWORD

The purpose of this manual is to help trainers who are engaged in the training of lay mediators for parent-child mediation programs. The mediation model used here is the one described in full in a companion text, A Mediator's Manual For Parent-Child Mediation, thus the Trainer's Manual can best be used in conjunction with that text. A Program Manual outlines how a parent-child mediation project is developed and operates.

These three manuals have been developed by staff and mediators of The Children's Hearings Project in Cambridge, Massachusetts. The principles and practices of mediation, as generally understood and applied in neighborhood justice centers, are the basis for this particular application of mediation techniques. Anyone familiar with mediation will recognize much that is already accepted practice, here adapted to the special needs and circumstances of dealing with conflicts within the family.

Terms used in this manual differ slightly from those used by some other types of mediation programs. The term "parent-child" mediation is used to distinguish this type of mediation from "family" mediation, which is generally taken to mean mediation around issues related to separation, divorce, and custody. Instead of "disputants" or "litigants," the term used for the participants is "family members." The term "staff person" refers to the person who represents the program and functions as case coordinator for a specific family. What is sometimes termed a "public session" is here called a "joint session." In defining the various stages of a mediation hearing, the term "caucus" is not used; a session between one family member and the mediator team is referred to as "private session" and the times when the mediators confer with one another privately are called "breaks" or "mediator recesses."

INTRODUCTION: TO THE TRAINER

In undertaking to act as trainer for new mediators, you set out to share the knowledge, skills and attitudes you have already acquired concerning mediation. Possibly you are well-versed in both theory and practice, a professional in the field; possibly you have done training of a similar sort before; possibly you are an experienced mediator but inexperienced as a trainer. The assumption we make in this manual is that you are familiar enough, and confident enough, and enthusiastic enough to be ready to share with others what you already know.

This manual is organized to help you become the most effective trainer possible. It is based on the experience and thinking of people who have been acting as trainers in the Children's Hearing Project from 1980 to 1984. Our aim here is to combine the theoretical and the practical in such a way that you, as trainer, can find the information and support you need.

In Chapter I we discuss aspects of the learning process as applied to training lay mediators. This will help you orient yourself to the tasks involved in helping people learn a new body of knowledge and set of skills.

Chapter II gives an overview of a training program, outlining whom you can expect to be working with, how the agenda can be set up, and the duties of trainers and training coordinators.

Chapter III describes the use of a full-length simulation of a hearing, and discusses how and why it is used in the training sequence.

Chapter IV is about the use of role-plays in the training, its rationale, the details of managing role-play sessions, and your tasks as trainer in using this method.

Chapter V describes the use of presentations and written materials as part of the training program, and discusses special considerations that are part of the experience of training people to work with family issues.

In preparing to work as a trainer, it helps to think about the different ways in which you will be functioning throughout a training program. What are your various roles? What does each require of you? Here are some ideas for you to consider:

- You are a teacher. That is, someone who knows about the subject, one who shows, tells, and enables others to gain insight and information. Teaching mediation is different from teaching a mechanical skill (i.e. sewing or bike repair) and it's different from teaching a set of ideas (i.e. chemistry or English literature). Mediation is both a set of skills and a set of understandings. Moreover you are teaching a process, one that is complex, emotionally taxing, yet based on a clear set of ground-rules and structures. You will use the teacherly skills of explaining, showing and telling; as one way to get this process across you will also use several ways to motivate the learners, such as encouragement, criticism, feedback.
- You act as a guide and an agent for change. Much of the training will be in the form of experience and practice. The learners will be going through the stages of mediation hearing in role-plays. Your job is to help them integrate these experiences and make sense of what they're finding out about being a mediator. Much of the mediator's role will be new and unfamiliar, so your task is to help the learner understand as well as perform. Becoming a mediator -- as you may know from personal experience -- involves making some quite complicated changes in one's ordinary way of interacting with others. As trainer, you can facilitate this process of change by giving support and assistance.
- You function as a model for the trainees. The principles of mediation put emphasis on respect, on rational problem-solving, on cooperation. As trainer, you demonstrate these principles. Moreover, you show, in how you work with the other trainers and with each trainee, the effectiveness of teamwork. You model, as well, the important mediator attributes of objectivity, attentiveness, and patience.

What do you bring to these roles and to your work as a trainer? You bring with you to this enterprise all your accumulated knowledge of

mediation, and your prior experiences both as a mediator and a teacher in other learning situations. And you bring your enthusiasm, your ability to communicate what you've learned. Taking part in a training program is very hard work. It involves commitment, many hours of preparation, and intensely busy and concentrated days working with the group of trainees. Most of you will find it deeply rewarding work, where the satisfaction grows out of seeing individuals grow from the early stages of training, where so much is confusing and tentative, to the final stages, where you can see how much growth has taken place, and know how much you have contributed to these results.

CHAPTER I

HOW LEARNING WORKS

Summary. We will discuss some basic assumptions about three different modes of learning (1.1) and the rationale for using each of these in mediation training. Several principles from learning theory (1.2) are examined and the experience of being a learner as an adult (1.3) is considered. Evaluation and feedback (1.4) are included as integral parts of learning.

1.1 Some Basic Assumptions.

If you think back to the last time you set out to learn something new, whether it was how to make a piecrust or how to get around in a strange city or how to operate the new power lawnmower, you will realize that mastery came about through several different means. Some of what helped you "get it" was what we will call cognitive-intellectual understanding. That is, you consulted the cook-book or the map or the user's manual, and you had somebody who knew how to do the thing act as your instructor. This is learning through the didactic mode.

Maybe you also watched someone else make a piecrust, or had the salesperson in the hardware store demonstrate the machine for you, or followed a resident of that city to where you were trying to go. Cookbooks, maps and instruction booklets never quite tell the whole story. It helps a lot to be able to observe an "expert". This mode of learning we'll call the demonstration mode.

Sooner or later, you just had to begin doing this new activity yourself, practicing your skills and gradually getting more proficient. You had to fumble around and make a few mistakes, get lost, correct yourself, ask advice, bit by bit getting more comfortable and confident until you felt you really knew what you were doing. This kind of trial-and-error learning is what we'll term the experiential mode.

Each of these modes is used in mediation training and will be described in detail in the chapters that follow. Every person uses his or her own unique "learning style" to master new information and new

ways of behaving. Thus, by offering the same material in these several different modes, we make it possible for each individual to understand what mediation is and to learn to become a mediator in his/her own fashion. People also don't learn at the same pace, so it's useful to build into the training curriculum a good deal of repetition. In presenting the same material in different ways and over a period of time, everyone has the chance to catch on, not just at a superficial level, but with gradually deeper and more integrated comprehension. Mediation, which is a complex set of skills, attitudes and behaviors, thus is taught in a manner that takes into account its complexity.

1.2 Useful Theories About Learning.

In mediation training, as in learning any new body of knowledge and technique, people are faced with the problem of making sense out of ideas that are unfamiliar. How does one go about doing this? Some understanding of the learning process will help you as trainer to work more effectively.

Jean Piaget, the learning theorist, offers us insight into how people approach new concepts. He describes the human organism as seeking equilibrium, that is, trying to find a way to put together new ideas with the ideas we're already familiar with, and he sees this happening through the twin processes of assimilation and accommodation.

- Assimilation refers to the process by which we try to fit new thoughts, ways of behaving, and knowledge into our already set ideas or patterns of thinking. An example of this would be when a person with social work or legal training starts out to become a mediator. S/he will try to talk with family members in the way a counselor or lawyer would. Only gradually will it become obvious that this style of interaction doesn't really fit with mediation. This creates disequilibrium, (and incidentally, discomfort, too) and so, eventually, the person will start to try a different approach.
- Accommodation, in Piaget's terms, is the process by which we alter our conceptual framework to fit the new knowledge that we're trying to master. To do this, we have to partly dismantle old and familiar notions, and then rebuild them differently. We thus erase a piece of the mental "map" and try to re-draw it according to new

information. This, too, is not always an easy or comfortable process.

Awareness of this see-saw process by which people seek to comprehend new concepts can help you, as trainer, be sensitive to the experience of trainees as they try to master the principles and the art of mediation. This making and re-making of conceptual models -- which is what takes place in any learning situation -- is largely unconscious. It cannot be dealt with at a purely intellectual level; so you, as trainer, need to stand by, be supportive and empathetic, and above all patient, as each individual struggles towards comprehension. Real learning means change, and although a quick, mechanistic set of changes can be brought about under pressure, for mediators to be truly effective in their work, they need to develop the more basic and integrated kinds of changes that will hold up over time and under stress.

Some further principles about learning will help you as a trainer:

Learning is an active process. Basically all learning takes place inside the mind of the learner. As a trainer, you will work hard, but for the training course to succeed, the participants must work even harder. No matter how skillfull you may be as a teacher, it's not possible to "make" another person learn. You can only have as your aim to facilitate their learning. One important way you can do this is through motivation. Trainees enter the program with a desire to learn -- they have shown interest in becoming mediators, have been screened and interviewed and selected. Nevertheless, once training begins, they need to become even more deeply engaged and committed if the training is going to "take". Your enthusiasm and your skill can create a climate in which each individual feels thoroughly involved. Training then becomes an exciting process of discovery for each individual, one in which you function as a guide and interpreter.

Overlearning is natural. Beginning mediators often seem to give up one inappropriate way of responding -- for instance, a questioning style that is too much like interrogation -- only to substitute some kind of stereotype of mediator language or behavior. They may, for example, use the exact phrases they heard used in the simulation or

follow the guidelines in their manual in a rote fashion. This use of "stock" patterns is called "overlearning", and it's a natural step on the path to mastery. As trainees become more at home in their new role as mediator, they become more flexible, less dependent on any formula, and gradually more spontaneous and individual in their style. All this takes time and practice, so trainers need to be aware of what's happening when they see instances of over-learning.

Learners need to make mistakes. Overlearning is just one type of mistake beginners may make. When learners take the active role, they will inevitably make mistakes. Since role-playing by trainees is the major focus of training, they will learn by doing -- and by doing many things, at least initially, the wrong way. How you as trainer deal with "mistakes" is key. Here we can use some of the contributions of the behaviorists to learning theory, specifically that "positive reinforcement" -- praise for doing something well -- is more effective than "negative reinforcement" -- criticism for errors. (Otherwise said: the carrot works better than the stick.) The second finding is that any feedback is more useful if given as soon as possible after the event. For trainers, a certain tension always exists between the trainees' need to make mistakes and learn from them, and the trainers' need to give feedback. (Chapter IV will discuss critiquing.) As trainer you need to give critiques in a timely fashion, emphasize the positive, and help the learner use mistakes in a constructive way through discussing errors in a supportive atmosphere.

1.3 The Experience Of Being A Learner.

If you think back again to the last time you set out to learn something new, you may remember that you felt some anxiety about tackling this new task. If you had to perform in a situation where others were observing you, probably this made you even more anxious. Mediation training is a situation of considerable exposure, and trainees will accordingly be coping not only with everything they're hearing and trying to understand about mediation, but with their own feelings of ignorance and insecurity. Although as children we all spent a lot of time feeling awkward or foolish or dumb, as adults, we are not as frequently put into situations where we feel inadequate. While some of

us are more able to take risks than others, we generally try to protect ourselves from situations where we will again feel as helpless and incompetent as we once were. We have all developed ways of avoiding such exposure and of defending ourselves if we happen to get into such a position.

Since mediation training puts people through just such anxiety-provoking experiences, how can you as trainer help lessen the natural defensiveness and discomfort of trainees? There are several ways.

Empathy. Your inner understanding of what trainees may be feeling -- whether you voice it or not -- is a powerful help. Acknowledging that the training experience is hard, encouraging individuals who are struggling, supporting their attempts to master the skills -- all these are ways trainers can show empathy.

Group support. Trainers can build a sense of group cohesiveness and camaraderie. The sense that everyone is "in this together" offsets the isolation of feeling inadequate. Trainers can help create a trusting atmosphere, showing participants how to support one another.

Respect for individuals and their prior experience. In any new group situation, people need to have their individuality reaffirmed and their value acknowledged. Trainers can help people get more comfortable by recognizing and respecting who each person is, what they bring to the group. When each person's unique contribution is respected, the others are reassured that they, too, will be treated with respect.

Knowing what's going to happen. Fear of the unknown is a basic human emotion. Making expectations clear helps. As trainer, you can clarify (as often as needed) what each segment of the training course is about, what will happen next, who is responsible for what. People are freer to relax -- and thus, to learn -- when they don't have to worry about what's going to happen next. Just as in the Opening Remarks of a hearing, where the mediators reassure the family members by setting the stage, you as trainer can make expectations and structure clear for trainees.

Making the learner more comfortable is not just being humane, it has a very direct purpose in making the training effective. That is, when people are too anxious their capacity to learn is seriously affected. As beginners in a stressful and exposed situation, it is natural for people to react with some defensiveness and worry. Each individual has

his/her own way of coping with these reactions: some will act timid, some will talk too much, etc. As trainers, for your work to be effective, it is important to understand what's going on, and to respond in ways that will lessen defensive reactions so that learning can take place.

1.4 Evaluation And Learning.

An important part of any learning process is knowing how one is doing. Every kind of learning involves a goal, and a way of measuring progress towards some objectives. (Each time you make a piecrust, you want to do it a little better, and you want to know what you did wrong so you can correct it next time.)

In mediation training, the goal for each trainee is to become a competent beginning mediator, and the objectives are 1) to gain the necessary understanding of the principles of mediation and 2) to master the skills necessary to function securely in the role of mediator. These objectives are both implied, and -- in the course of the training -- made explicit. Before the training begins, the selection process implies certain standards. Each program screens and chooses from among the applicants those who seem most likely to become successful mediators.

Each group of trainees, at the beginning of the course, is told there will be an evaluation at the end of the training of each individual's readiness to be a mediator. When and how this evaluation will be communicated -- whether by letter or interview -- is usually made clear. It also needs to be stated at the outset that mediation is not for everyone, so that the possibility that some trainees may not qualify as mediators by the end of the training is clearly understood. This is usually the responsibility of the program director or the training coordinator.

Assessments are the means to keep track of progress towards the training objectives. They provide ongoing evaluation during training. Two assessment forms are used in connection with role-playing, one for the trainer, one for self-assessment by each trainee. Since they are

part of the training packet given out at the start of the course, they also provide participants with a list of skills to work towards. (See p.34 for assessment form.) Trainees thus are able to rate themselves using the same standards as those used by the trainers, focusing on the specific abilities needed to be an effective mediator.

In addition to the assessment forms, you as trainer are asked to make some overall judgments about each participant's readiness to be a mediator. These evaluations, which are discussed among the trainers of a given group, then form the basis for the final evaluation that will be communicated to each individual trainee. Since each trainer sees each participant in a different role at a different stage of training, and since trainers naturally vary to some degree in their responses to individuals, the pooling of information and observation which takes place results in a many-sided picture of each individual's capabilities.

For you, as trainer, the responsibility for using the tools of evaluation is an important one. It is not always easy to give feedback, but without it, the trainees lack the guidance they need to improve their understanding and their performance. You need to develop your own style as an instructor, and become comfortable in the role of a critic. In contributing to the overall evaluations, you need to think like a professional, neither getting carried away by personal reactions nor swayed by the opinions of your co-trainers.

CHAPTER II

AN OVERVIEW OF TRAINING

Summary. We will discuss who the trainees are (II.1). The setting and specifics of the training are outlined (II.2) and the role of the lead trainer or coordinator is described. A sample 32-hour training agenda is given (II.3) with comments on each session.

II.1 Who Are The Trainees?

Parent-child mediation, like other community-based mediation programs, uses volunteers from the area that is to be served. These are lay people interested in families and in mediation as a dispute resolution method. They are recruited and selected according to the criteria determined by the staff of each program. Since it is desirable to have a wide variety of mediators to draw from in the pool, the trainee group is likely to include people from diverse backgrounds and of different ages, occupations, and prior experience. For you, the trainer, it means working with individuals who bring considerable diversity to the process, and who may not have a great deal in common other than their desire to become mediators.

As trainer, you need to be prepared to communicate with participants at whatever their level of understanding and ability, and to help them work together as a supportive group during the training period. A heterogeneous group is exciting to work with, and it is a challenge. The group may include anyone from teenagers to senior citizens, many different occupations may be represented, and there may be members of disparate ethnic and religious groups. It is important for trainers to be sensitive to all this diversity, and to avoid making assumptions about values and experiences and attitudes. Although the trainees have been selected for the program, there is also no sure way to predict who will make a good mediator. Keep an open mind, and work constructively with each person using the capacities s/he brings to the enterprise.

II.2 Setting And Preparation.

The Site: The setting for the training course will be chosen by the program staff. A site that is easy to get to by public transportation, appropriately equipped, and accessible to people from different areas in the community does much to make a training successful. Some basic requirements:

- one large room where the whole group can meet
- adequate heating, ventilation, light and acoustics
- enough small rooms for role-playing sessions
- availability of facilities for providing snacks and lunches, restrooms, access to telephones, a place to smoke

Community centers, schools or church buildings are typical sites for a training course.

Preparation. It is vital that trainers work as a team. This means sufficient planning time in which to go over the details of training well before the course begins. In these meetings, responsibilities for different parts of the training, schedules, transportation and other necessary details are worked out, and the team members get to know each other. The training team usually consists of a lead trainer/coordinator and one trainer for each four to five trainees. Trainers can include active mediators from a parent-child mediation program, staff people, or experienced trainers from similar mediation programs. Thus trainers bring different levels of experience to the training, just as the trainees do.

In preparing for the training program, the presentations will be divided up, giving different trainers the responsibility for preparing each segment. It is important to get clear what material each presentation is to cover, which hand-outs will be referred to, and how each talk relates to the next. Role-plays will be reviewed, so that trainers are familiar with the scripts. If necessary, old role-plays can be revised to be made more relevant to the specific circumstances of the community where the training is to take place. New role-plays may also need to be created to highlight certain situations. The purpose, the issues and the emphasis of each role-play needs to be clear to every

member of the training team. Here it can be helpful, as well, to talk over any previous experiences when a given script was used, and share some tips about the best way to coach the role-players, the most effective training strategies, and so on.

Role of the lead trainer. A training course needs a coordinator in order to run smoothly and effectively. This frees the rest of the team from having to worry about the many details involved. The coordinator can be the program director or one of the trainers, and of course some tasks can be shared or delegated. The coordinator's job includes the following tasks:

- being responsible for site arrangements
- making up the agenda of training
- assembling packets of materials for the trainees
- arranging for the planning sessions with trainers before the training
- keeping each day's agenda moving on schedule
- providing the necessary materials (paper, pencils, chalk, markers, etc.)
- overseeing arrangements for refreshments and lunch
- assigning rooms for role-plays
- handing out role-play scripts to the trainees before each session
- reviewing role-play group assignments before each day's training
- collecting trainers' assessments after each day's training
- acting as liaison with local program director (if applicable)
- coordinating final evaluations by trainers at post-training meeting

A general, catch-all heading should be added: coping with whatever emergencies may arise!

II.3 A Sample Training Agenda.

The following is a typical 32-hour training plan, using two full days and four evenings. It is designed to span a 3 to 4-week period. (Comments follow each day's plan, to help you understand how such an agenda works.)

Day One - 4 Hours

Introductions and Overview of Training Course

- Welcoming remarks

- Introduction of trainers, staff and volunteer mediators
- Overview of the training:
 - Goals, Content, Methods

History and Background of Parent-Child Mediation

- Dispute resolution methods
- Brief history of mediation
- Basic principles and process in mediation
- Mediation applied to parent-child conflict

Small Group Exercise

- Sharing personal experiences in dealing with disputes

-----Break and Refreshments-----

Introduction to the Mediation Process

- Aims and goals of a mediation hearing
- Review of the stages of a hearing
- Role and skills of the mediator

A Parent-Child Mediation Program

- The context
- Role of the staff
- Relationships with juvenile courts, social services, schools, other agencies
- A sample case from referral through mediation to follow-up
- Confidentiality issues specific to minors, including abuse and neglect

Juvenile Justice System

- History and background
- Current Massachusetts statute and procedures for status offenders (CHINS)

Comments on the first evening's program:

- Each volunteer mediator (trainee) gets a packet of materials, name-tag, etc. at the start of the session. See Appendix A for packet contents list.
- Different members of the training team are responsible for different sections of the program, so that trainees begin to get familiar with the trainers.
- Handouts in the packets give further background on topics covered in presentations. There is

recommended reading for the next meeting, as well as a "homework assignment" to learn and practice the mediator's Opening Remarks.

- The small-group exercise serves both as an ice-breaker and as a way to focus on what participants already know about dispute resolution from experiences they've had in informal situations. See Appendix B for sample group exercise.
- During the break, refreshments are provided and time is allowed for participants to begin to get acquainted with one another and trainers.

Day Two - 8 Hours

-----Coffee and Donuts-----

Overview

- Agenda for the day
- Introduction to a simulation
- Review of mediation process and stages to be observed

Simulation of a Mediation Hearing

- Demonstration of a full mediation by experienced mediators
- (Coffee break takes place during an actual recess in the simulated hearing.)

Discussion of the Simulation by Trainees

- General observations and reactions to the process
- Mediators' approach, skills, and aims at each stage
- Role of the case coordinator

-----Lunch Break-----

Preparation for Role-Playing

- Review of first stages of a hearing, from Introduction through Joint Session to Mediator's Recess

Practicing Opening Remarks in Pairs

Role-Play #1: "The Russo Family."

- Trainees are assigned to small group with a trainer
- Critique and discussion following role play

-----Break and Refreshments-----

Role-Play #2: "The Frank Family."

- Critique and discussion following role-play
- Wrap-up of the day's experience

Comments on the first full day's program:

- Usually, this is a Saturday, and follows the first evening after a two-day gap. This enables the trainees to read over and think about materials in their packets.
- The morning simulation takes about 2½ hours. The discussion following the simulation takes about 1 hour.
- Each role-play in the afternoon should take one hour with at least an additional half hour for discussion and critique.
- In preparation for the afternoon's role-playing, trainees are asked to practice their Opening Remarks.
- It's helpful if lunch is provided by the program. Lunchtimes can be a useful opportunity for trainers and participants to talk informally.

Day Three - 4 Hours

The Social Services System

- Community agencies in relation to families in mediation
- Review of materials on social services
- Involvement of third-party professionals in a mediation hearing

Preparation for Next Set of Role-Plays

- Goals and skills: mediation stages through Initial Private Sessions
- Negotiation techniques

Role-Play #3: "The Higgins Family"

- Trainees are assigned to small groups with a trainer
- Critique and discussion following the role-play

Comments on second evening's program:

- The role-playing takes longer with each practice, since trainees are expected to get further into hearing each time.

Day Four - 8 Hours

-----Coffee and Donuts-----

Settlement and Agreement Stages

- From "defining to "processing" to "resolving" the issues
- The written agreement

Role-Play #4: "The Brown Family"

- Trainees assigned to small groups with a trainer
- Critique and discussion follow role-play

-----Lunch Break-----

Role-Play #5: "The Woodworth Family"

-----Refreshments-----

Wrap-Up Discussion

- Review of skills learned
- Time to use self-assessment forms
- Reflections and reactions about the training experience

Comments on second evening's program:

- Each trainee will get 2 or 3 opportunities to act as mediator. In sessions where they don't mediate, they function either as observers or as family members.
- Since 2½ hours is a short time-span in which to reach the settlement stage -- especially for inexperienced mediators -- it is sometimes necessary for trainers to abbreviate the process (for technique see Chapter IV) in order to have trainees experience settlement and agreement-writing.

Day Five - 4 Hours

Family Dynamics and Personal Issues in Mediation

- The family as a system -- roles and rules
- How individual personal experiences can affect the mediator
- Dealing with issues that are emotionally "loaded"

Role-Play #6: "The Alonzo Family"

- Emphasis on settlement and agreement-writing stages
- Critique and discussion follows role-play

Comments:

- The discussion of family dynamics and how personal experiences may affect the mediator is based on the reactions to situations already encountered in the course of the role-plays. (See Chapter V.2 for further discussion.)

Day Six - 4 Hours

Review of the training course

- Discussion of trainees' comments and questions
- Review of mediation principles and goals

Program Operations

- Scheduling of hearings, forms to be used, stipends
- Review of confidentiality issues

Oath of Confidentiality

- Swearing in of new mediators

Award of Certificate of Attendance

Evaluation of Training by Trainees

Social Hour

Ideally, this agenda spans a four-week period. This allows time for the trainees to absorb the new material, think about it, and learn to function as mediators at a comfortable pace. It is useful to assign homework reading during the course, between each meeting of the training course. However, if necessary the training can be done within a two to three week period, or even over a long week-end. This, however, will tend to create a situation of fatigue and stress, both for participants and for the trainers, and the learning that takes place may be more superficial and mechanical. In the following chapters, we will take a closer look at the content of this training plan, in order to see how each component fits together and how you can help make it work.

CHAPTER III

SHOWING HOW IT'S DONE

Summary. This chapter discusses training by demonstration. The rationale for using a live model (III.1.) is followed by a description of a simulated hearing (III.2.) and of the group discussion that follows the simulation (III.3.).

III.1 The Impact Of A Live Model.

The initial day of training presents the trainees with an overview of the history, theory and principles on which mediation is based. It also introduces them through a lecture to the actual mediation process. This didactic framework is essential, in that it gives them a structure of ideas into which they can begin to place their understanding of mediation. The materials in the Mediator's Manual, particularly "A Mediator's Review", tell them more about the process. Thus when they return on Day Two, they should have some grasp of these new concepts and some expectations about what an actual hearing is like and how they, as mediators, will function.

The simulation of a full-length mediation hearing takes place on the second day of training. Instead of telling about mediation, it shows what it's really like. As the old saying puts it, "a picture is worth a thousand words", and it has been found that this first model of a mediation has great and lasting impact on trainees. This simulation becomes imprinted on the consciousness of the observers, and remains as a permanently available image of the mediation process, of mediator behavior and language, and of the tone and climate of a hearing.

How this simulation is presented, and how the discussion afterwards is structured is thus of central importance. Because this "show" is live -- and largely unrehearsed -- there is considerable excitement as the drama unfolds. Being unrehearsed, there is of course the potential that things will depart from the expected, that there will be mistakes. What is presented will not be perfect, but it will be dynamic and as close to reality as is possible. The observers, if well-prepared, will have to work almost as hard as the actors: the

trainees' role is to make sense of what they're viewing, and try to fit it together with what they've already learned about mediation.

It is possible, instead of using a live, full-length simulation of a hearing, to use a taped, shorter version of a mediation. Although there are advantages -- it's easier to show a tape, the model is a more controlled one, without too many flaws -- the impact on trainees is much deeper when a simulation is used. The filmed version tends to make the process look too easy, which is misleading, particularly for beginners. But the most serious disadvantage is that people viewing the process on a screen do not identify with what they're seeing to the degree they do when observing a live simulation, and that consequently the level of involvement remains much lower for the learners.

III.2 Preparing And Presenting A Simulated Hearing.

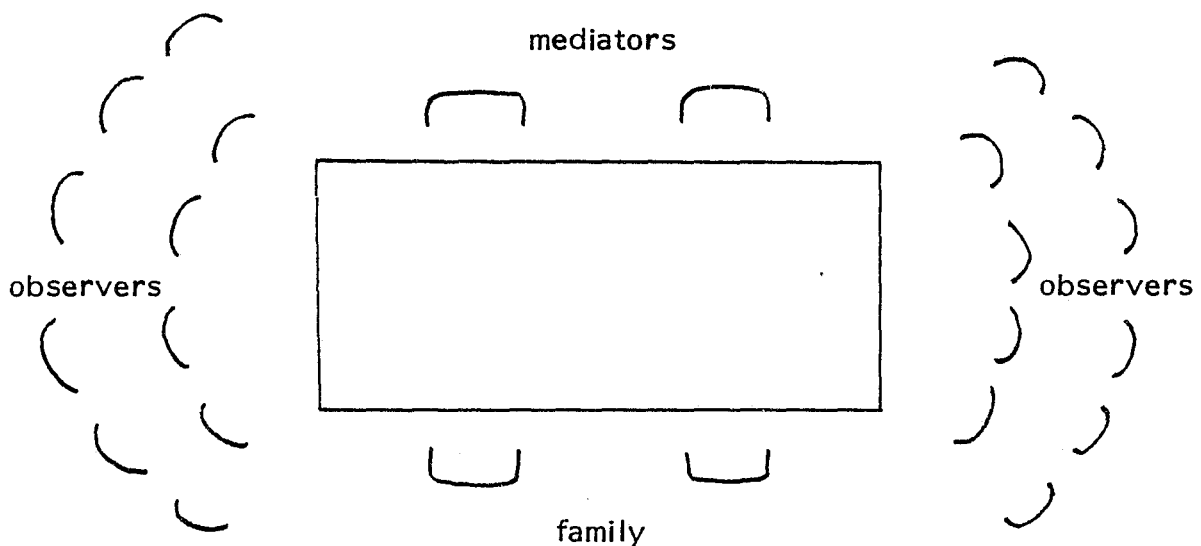
The players. Two trainers act as the co-mediators; two other people (trainers or friends of the program) play the family members; one trainer is case coordinator. It helps to create verisimilitude if a young person plays the role of the adolescent; in any case, the "family members" need to be briefed well ahead of time, so that they are familiar with their roles, the facts of the situation they're portraying, and any specific issues that should be brought out in the course of the enactment.

The role-players need to meet ahead of time, to discuss in general how the simulation will be presented. However, they do not actually rehearse since this would affect the spontaneous and realistic quality the simulation must have. The "mediators" are of course experienced, but need not have worked together prior to the simulation. In the planning meeting, they can get to know each other and share any personal techniques they might use. Some of this preparatory conversation however, should be saved, and should take place out loud at the start of the simulation in the presence of the trainees, as a model of how mediators prepare themselves before an actual hearing.

The script. One of the role-plays that has been developed for use in training is used or a new one can be written. The case should be a "typical" one, without hidden issues or unusual circumstances. The players may already be familiar, from previous trainings, with the script. This doesn't matter, since no matter how often a script has been used, it has a life of its own and will unfold differently each time it's played out. The role-players need to set aside any expectations from former role-plays using the particular story, and simply act as though they're encountering the situation for the very first time.

The setting. It is vital that the observers be able to see and hear everything that happens. They should be positioned as close to the mediation table and the players as possible, in such a way that they can observe both the mediators and the family members. Figure 1 shows a way of arranging the room for maximum benefit to observers.

FIGURE 1
ROOM SET-UP FOR THE SIMULATION



Preparing the observers. To get the most of this experience, the trainees should be encouraged to watch, to listen, to take notes if they wish, and to remain totally attentive during the whole demonstration. They should be asked to watch for the specific techniques and skills the mediators use, be alert to critical points in the course of the hearing, and think about how the goals of each mediation stage are being demonstrated. This preparation of the trainees as observers will then lead to the post-simulation discussion, where their observations can be analyzed. Thus the trainees will find that observing is an active, not a passive role -- something that will stand them in good stead when, as actual mediators, they seek to be "active listeners".

The action. The entire hearing is played out as naturalistically as possible, from the Pre-Hearing stage to the Final Joint Session, where the agreement is written and signed. The only concessions to the special situation of simulation are: 1) the players must speak loudly enough to be heard by the observers at all times, and 2) the family role-players and the case coordinator can return as observers during Private Sessions. It may also be necessary, depending on time, to 3) break the action towards the final stages and summarize some of what would happen in Later Private Sessions, in order to reach the settlement and agreement-writing phase. Except for these modifications, it is vital that all the role-players remain in character during all of the simulation, and that there be no interruptions (except for the coffee-break) or discussion until the end of the simulation.

III.3 Discussion After The Simulation

The simulation of a mediation hearing provides a model -- a working model, not an ideal or an abstract one -- for the trainees to respond to. Processing what they've observed is as an important a learning experience as the simulation itself. The experience usually generates a high level of excitement, many questions, and some confusion. The trainer who acts as discussion leader needs to be well-prepared to structure the discussion in such a way that maximum benefit is derived.

Objectives for this discussion should include . . .

- . . . getting participation from as many individuals as possible,
- . . . focusing on understanding the purpose and structure of a hearing,
- . . . clarifying the role and skills of the mediator.

To accomplish these objectives, it is necessary to keep the discussion centered on what was observed and what happened, rather than on what might have or could have happened. A generalized, theoretical discussion of the role, scope and benefit of mediation is not useful at this point; the focus should remain on what mediation is, based on the one that has just been modelled.

At this point in their training, the participants are likely to have various misconceptions and misunderstandings about the process and about underlying principles. They will also probably have a number of personal reactions to the emotionally-charged drama they've just witnessed. And the fact that they have spent half a day sitting and watching builds up a certain tension which needs release. In the early part of the discussion, the moderator should be aware of the trainees' needs, and accept their reactions and comments in a non-judgmental way. It is important for everyone to feel their contribution is valued, since much of their subsequent learning depends on their feeling it's all right to take risks and speak out. As in any group, some members will be more outspoken than others; the moderator must keep the discussion open to all, and avoid getting to get into a private dialogue with one or two individuals.

The role-players are included in the discussion. They act as informants, responding to questions from the moderator or the trainees, telling how they felt or thought at various key moments in the hearing. They can share insights about the process by answering questions such as:

"In the first Private Session, did you (the youth) feel the mediators were sympathetic to your situation or not?"

"Why did you (mediator) decide to drop that line of questioning when you did?"

Questions like these lead the trainees to see beneath the surface, and begin to understand some of the underlying dynamics of mediation. Hearing from the mediators what some of their inner reactions were helps to illuminate and humanize the process for them; they see, too, that there is no such thing as a "perfect" mediator, or a mediation session that does not have its share of surprises.

The post-simulation discussion becomes a basis for the rest of the training. It furnishes both trainers and participants with a common experience, a model they can continue to refer to at various moments during the subsequent days of training. The experience serves to bring the trainees together as a group, and to bring into focus their common purpose as participants in the training -- to become competent in the art of mediation. And it raises the level of expectations and of commitment for all involved.

CHAPTER IV

LEARNING BY DOING

Summary. This chapter is about role-playing. We look at the reasons for devoting a major part of training to this experience (IV.1). The role-play scripts are discussed (IV.2). Your tasks as trainer during role-playing (IV.3) and how the role-plays fit into the training sequence (IV.4) are examined. Assessment after role-playing is explained (IV.5).

IV.1 The Experiential Mode.

The key method used in mediation training is role-playing by the trainees. This extensive "hands-on" experience is what enables participants to move from an intellectual level of understanding -- knowledge about mediation -- to a functioning understanding, the ability to act competently and with confidence as a mediator. By repeated practice, under guidance, trainees gradually become familiar with the mediation process and acquire the necessary skill and attitudes. For this to happen, about two-thirds of the training course is devoted to role-playing in small groups, so that each trainee has the opportunity for two to three practices in the mediator role.

In addition to these opportunities to play "mediator", each trainee also will have several turns as a "family member" and as an "observer". Each experience has value in coming to understand mediation, since the different roles each offer a special perspective on the process. In changing from one role to another, trainees gain a deeper and more analytic perception of what mediation is all about. This helps integrate the learning. In the observer role, it's possible to sit back and view the process more objectively and critically, and then to have the opportunity to give the players feed-back from that viewpoint. In a family-member role, people gain insight into feelings and attitudes of parents and youngsters who are caught in situations of conflict. This fosters their sensitivity as future mediators.

From all three perspectives -- mediator, observer or family member -- role-playing involves trainees in continually processing the

experience of mediation. Thus role-plays are not merely practice, but practice which is constantly being used to deepen comprehension.

IV.2 Role Play Scripts.

For a full-length training program, as outlined in Chapter II, six role-play scripts are needed, in addition to the one which is used for the simulation. Scripts are based on typical parent-child mediation cases, and embody the issues and circumstances that are likely to be present in real family situations. (Two sample role-plays are included in Appendix C). For optimal usefulness, scripts should be tailored to reflect the specific realities of the community where the training is taking place, changing the facts to fit the locality, for instance, in place names, or references to schools, courts, agencies, places of employment and the like.

Role-play scripts need to present the gamut of issues and problems which mediators are likely to encounter. The role-play scripts at the early stages of training present relatively straightforward conflicts and less complicated family structures. As the training progresses, the stories presented for role-plays get more complex and more difficult, containing more underlying issues and more complex family dynamics. Writing or editing role-play scripts is fun, and is a good way for you, as trainer, to participate in the preparation for a training.

Each script contains four separate items:*

a case information sheet

- only sheet the mediators will get
- basic facts about the family
- identical to type used in a real hearing

a background information sheet

- for the "family members" only
- briefs them on facts, history of situation

individual family-member sheets (usually two)

- separate briefing for parent and for child
- seen only by that role-player
- contains information known only to that person

* Or more if there is another family member or a party other than the family. See Mediator's Manual, V. 1.

The role-plays take place in small groups -- four or five trainees plus one or two trainers. The mechanics of doing a role-play need to be clear to you as trainer so that things run as smoothly as possible. Here are some useful tips:

Room set-up

- A table for mediation and enough chairs.
- Enough room for observers to see and hear all parties.
- A place outside the room for briefings.

Materials

- Enough copies of the script, to be handed out according to roles (mediators, family, observers).
- Plenty of paper for note-taking for everyone. A supply of pens.
- A copy of the agreement form.

Preparation

- Be familiar with all parts of the script.
- Brief family members, reviewing details, clarifying points in the story, helping them get into character.
- Coach mediators, going over case information sheet, reminding them about tasks at the opening of the hearing.
- Prepare observers, suggesting note-taking methods, helping them focus and define their function.

N.B. If there are two trainers with the role-playing group, these tasks can be divided. One trainer can function as the "case coordinator", the other remain purely in the trainer role.

As trainer, although you need to be familiar with the script -- and decide ahead of time with your colleagues which issues to emphasize in your briefing of the role-players -- you should not have too many preconceived ideas of how the story should play itself out, or what the outcome ought to be. Although the same role-play will be used simultaneously by several groups in other rooms, the mediation will develop differently each time. The individuals who take the roles naturally influence the way the case unfolds, so you, as trainer, should do your best to forget how this role-play may have developed at some

other training, and simply be attentive to the way it turns out this time, with these particular trainees.

IV.3 Your Different Roles As Trainer.

In role-playing sessions, a trainer works in several capacities: as director, as coach, as instructor, as group leader.

As director, you are responsible for organizing and staging the role-play. This means that you set the tone, which is serious and focused, and you keep the momentum going. You manage the role-play as it evolves, staying aware of the time, so that good use is made of the session. If there are problems, you are responsible for intervening and deciding how to proceed.

As coach, you are there to help the role-players get into their characters. You start, before the actual role-playing begins, by working with the individuals who are going to play family members. People may be initially shy or nervous about "performing". You can reassure them by going over the information sheets carefully with each person. It is also helpful, once they've had time to read over their sheets, to begin calling them by their role name, and to warm them up a little by asking them a few practice questions such as, "Susan, tell me what's been happening in the family recently?"

This is also the time to emphasize important facts about the family history, or to suggest attitudes or positions you want them to bring out. For instance, you might tell the "child" to act withdrawn or hostile or you might instruct the "parent" to get weepy or angry if asked certain kinds of questions. This sort of coaching -- both before the role-play begins and again during breaks as it goes on -- helps the players act in a realistic way, which will give the mediators practice in dealing with behaviors they'll encounter in actual hearings.

A note about family members in role-playing: at the beginning of training, people often hesitate to play their roles with sufficient depth. They also tend to forget bits of relevant information. Later on, it can

happen that people get carried away, and make it too hard for the mediators by acting very recalcitrant or withholding important information, and so on. This phenomenon can happen when they invest the role with some of their own personal issues (see Chapter V.3 for more about this) and identify too thoroughly with the characters they're portraying. Your role as coach is to keep the role-playing on track, so that the mediators are presented with as realistic a situation as possible.

As instructor, you have several tasks. Your first one is to define for the whole group what the objectives are for this particular session: how far through the process of a mediation hearing to expect to go, which stages are going to be the focus of the practice. You remind them to make use their Mediator's Review. You answer any questions about procedure. Your other task as instructor -- the main one -- is to give accurate and helpful feedback to the trainees who play the mediators in the session.

To give useful feedback, you need to take accurate and extensive notes. Your comments at the end of each role-play depend on how thoroughly you have observed and remembered every aspect of the hearing. To be able to do this, it's essential to work out a system for taking notes. In Figure 11, below, we show one such note-taking format. Dividing the page in three, there is a column for notes on each mediator, allowing the trainer to jot down what s/he does and says at each moment of the process. In the center column, there's space for noting the family members' actions and statements. Horizontal lines provide the time framework, so that it's possible to refer to occurrences in the sequence and context they happened in. A system of check-marks enables the trainer to locate specific instances -- approaches that were useful or not, language that worked well or badly -- and to pick out for discussion elements in the hearing that illustrate certain do's and don'ts of mediation. (See Figure 11.)

FIGURE II
A TRAINER'S NOTES

KAREN L.	FAMILY	ROGER B.
Opening Remarks		
explains mediation " confidentiality X-a-bit legalistic	Mrs. G "don't understand. . ."	welcomes family good language -- informal
		explains confidentiality again describes procedure X too long! X looking at notes
explains note-taking good eye-contact	kid looking sour tapping pencil	transsition o.k. leaning forward
1st Joint Session		
Mrs. G., will you tell us" X-uses "problem"	Mrs.: . . "not a 'PROBLEM!'" sounds angry	tries to soothe rephrases
X-reacts to anger: pulls back and looks at notes		

In giving feedback, your aim is to give a balanced critique, one that emphasizes positives but is also honest about negatives. The major part of this instruction takes place during the discussion after the role-play is over. It is tempting to intervene earlier, if you see the mediators losing focus or making obvious errors. However, interrupting the flow can undermine the mediators' confidence and also makes it difficult for the players to get back into character and remain fully involved. It is usually better to let the role-play run its course. If you feel it's essential to intervene, do so during a Mediator Recess. A little coaching at those times will often enable the mediators to correct themselves. Often, too, if you leave things alone, the mediators are able to retrieve the situation and get themselves out of a jam. They learn more by doing this on their own than they will if the trainer comes to their rescue.

As the training progresses, your critiques will change. At the beginning, when everyone is uncertain and inexperienced, feedback needs to be encouraging and supportive of each individual. As training progresses, you can get more direct, more specific and more critical, always remaining sensitive, of course, to people's differing abilities and their differing capacities to accept and make use of criticism.

Finally, in your capacity as group leader, you work to engage everyone fully in the role-playing experience. This means making sure that, whatever each person's role is in that session, they remain connected. Staying involved, over a period of one to two and a half hours can be difficult. It's easier for those who are actively "on stage" -- the mediators and the family members -- harder for the observers. Throughout, you can make the observers aware of the importance their input will have during the discussion period following the role-play. In fact feedback received from peers is often more acceptable and believable than that given by the "expert".

In each role-playing session, the group will be made up of different individuals, some of whom know each other from previous role-plays, some of whom you're already acquainted with and some not.

It is important to take a few moments at the beginning of the session to get comfortable with one another. In later training sessions, when individuals have been working with another trainer, they may have to do some re-adjusting as they get accustomed to your expectations and your style as a trainer. Each trainer's way of conducting a role-play and of giving a critique will be a little different. Acknowledging such differences and dealing with them, as necessary, is part of group leadership.

The discussion that follows the role-playing is vital. It cannot be allowed to ramble. It is well to begin the discussion by asking for comments from the mediators themselves. This way they have a chance to comment on their own performance before others do. They can share their perceptions of what went well or badly, their feelings, their ideas of what they might have done differently. Next you can ask the family members to comment on how they experienced the hearing. Finally, you review the whole mediation, stage by stage, using the observers as resource people, and basing comments on your notes and theirs. This format permits you to:

- go over the aims and focus of each stage of mediation
- point out specifically how mediators dealt with each stage
- emphasize particular skills and principles of mediation
- suggest alternate ways to approach topics and negotiate issues
- make use of the perceptions of everyone in the group

The discussion following a role-play is crucial both for the development of a clear understanding of mediation and of competence in the role. Always allow enough time for this critique and discussion!

IV.4 Outline Of Role-Plays: Mechanics And Modifications.

The full training agenda uses a sequence of six role-plays. The cases become progressively more difficult, involve more issues and sometimes more participants, either family members or professionals. With each case, the hearing starts at the beginning, then runs through to a given point in the mediation process. Thus the initial role-plays are short, allowing the trainees to practice the Introduction, Opening

Remarks and Initial Joint Session. Later role-plays take longer since they include the succeeding stages. As the training progresses, the trainees move more quickly through the early stages, having gained more experience and confidence. In the last practices, they thus can work on the negotiation, settlement and agreement-writing stages.

The following outline summarizes this sequence:

-- Role-plays #1 and #2:

Time frame: 1 hour for role-playing, $\frac{1}{2}$ hour for discussion

Stages to cover: Preparation, Opening Remarks, Initial Joint Session

Themes: Setting the Stage and beginning to Define the Issues

Focus of discussion:

- encouragement and support for first efforts
- skills -- establishing a climate, listening, teamwork, questioning style, non-verbal cues, etc.

-- Role-plays #3 and #4:

Time frame: 2 hours for role-playing, 45 minutes for discussion

Stages to cover: Preparation through Initial Private Session(s)

Themes: from Setting the Stage through Defining the Issues

Focus of discussion:

- support for early efforts
- skills -- see Mediator Skills Assessment, I through III (p. 34)

-- Role-plays #5 and #6:

Time-frame: 2 $\frac{1}{2}$ hours for role-playing, 45 minutes for discussion

Stages to cover: Preparation through to Final Joint Session with emphasis on the later stages

Themes: from Setting the Stage through Resolving the Issues

Focus of discussion: all skills, special emphasis on negotiating, reaching agreements, agreement-writing

In order for the role-playing to provide as much good learning and practice experience as possible for all the participants, some modifications may be necessary.

-- Changing the script/re-assigning the roles.

Examples: the case calls for a 15-year-old-boy -- there's nobody suitable to play that role convincingly. You can alter the script, bearing in mind that some of the details and the issues will have to be changed, too, to make the story seem realistic.

One of the people scheduled to play mediator is absent. If possible, before re-assigning the role, confer with the training coordinator, so that an appropriate trainee gets the extra practice.

-- Emphasizing what mediators need to learn.

Examples: A trainee tends to use big words or stilted language when mediating. To show how this might affect rapport with a family, you can coach-players to act baffled and say they don't understand the questions.

Or if mediators need more practice in staying objective, you can tell a family member, in your private briefing, to actively challenge the mediators by trying to enlist them on one side of the conflict, or to try to get them to lose patience.

-- Speeding up the action.

Example: Towards the later sessions of training, in order to reach the negotiation/resolution stages, it may be necessary to abbreviate part of the hearing. This can best be done by summarizing what would probably have taken place in the later private sessions. "Let's assume that the son has agreed to the following . . . and that the parent seems willing to accept this and has asked for certain other points. Now let's pick up the action at the next round of Private Sessions." This device enables you to get to the settlement stage within the available time frame.

-- Artifacts of training.

Example: In order for everyone to benefit from the role-play, it's useful to have all the trainees present during all sessions -- unlike at a real mediation, where other family members wait elsewhere during each Private Session. However, during the Mediator Recess, the role-players should not be present, otherwise they will know in advance what the mediators' strategy will be. Observers, on the other hand, should be present throughout, so that they can comment on the mediators' ability to plan as well as on the actual sessions. However, they must remain silent unless specifically invited, by the trainer, to offer comments or suggestions.

IV.5 Assessments: By The Trainers, By The Participants.

Since role-playing is so central to the process of becoming a mediator, the value of the experience is enhanced by the use of assessments. These instruments allow both trainers and trainees to keep the objectives of training in mind, and to make judgments about individual progress. The Mediator Skill Assessment (see below) is handed out after each role-play for each mediator to fill out privately. It is for private self-assessment, and is not handed in or made public. The trainer's version of the form, using the same list of skills, is filled out by each trainer as soon after each role-play as possible. It then becomes the basis for the later over-all evaluation which each trainee will get at the conclusion of the training program.

The forms filled out by the trainers are the means for recording each trainee's strengths and weaknesses. Usually, trainers will meet with the training coordinator briefly at the end of each day's training to share their impressions of each trainee they worked with and to go over the plans for the next training day. The coordinator makes use of this information in setting up the roster for the next round of group assignments. Be aware that trainers, being individuals, will naturally react differently to each trainee, so your opinions may differ from those of your colleagues at times. It is important to remain objective, and not be overly influenced by others' views. The final evaluation of each trainee will be the outcome of your pooled assessments.

At the conclusion of the training program, the trainees are asked to make an evaluation of the experience. (See Appendix D.) You, as one of the trainers, will meet at a post-training session to help the coordinator put together some kind of "report-card" to be transmitted to each trainee. Generally, three categories of competence are defined: pass, provisional pass, or fail. Standards for lay mediators are as yet not well-defined, but it is the responsibility of each program to ensure that only competent mediators are allowed to practice in community-based programs. For this reason, it is crucial that criteria be set up and understood throughout the training, that assessments be built into the entire process, and that a final evaluation be communicated to each trainee soon after the end of the training course.

FIGURE III
MEDIATOR SKILL ASSESSMENT

	<u>Comments</u>
I. Personal and communication skills:	
- active listening: attention to verbal and non-verbal cues	_____
- using clear language	_____
- asking non-threatening questions	_____
- remaining patient	_____
- maintaining neutrality	_____
- working as a team	_____
- basic understanding of context (e.g. court, school, social service)	_____
II. Setting the stage:	
- understanding the role of mediator	_____
- creating environment for mediation to work	_____
making family members comfortable	_____
clarifying expectations	_____
- handling transitions	_____
III. Defining the issues:	
- listening/note taking skills	_____
- ability to be objective and non-judgmental	_____
- fact-finding/exploring relevant events	_____
- clarifying issues	_____
- following line of questioning	_____
- utilizing open-ended questions	_____
IV. Processing the issues:	
- sorting out/defining interests	_____
- getting focused on key issues	_____
- developing a strategy	_____
- transmitting information	_____
- timing of transmittal of information	_____
V. Resolving the issues:	
- negotiating between parties	_____
- exploring options for resolution	_____
- utilizing hypotheticals	_____
- using reality testing	_____
- reassuring/keeping up momentum	_____
- ability to frame and write the agreement	_____
- closing the hearing	_____

CHAPTER V

TELLING AND REFLECTING

Summary: This chapter discusses how the didactic mode of learning is used in training mediators (V.1.) and how this mode complements the observational and experiential modes (simulation and role-playing). In V.2. the topics introduced through presentations and readings are discussed. In V.3. we consider some special issues for mediators to reflect on as they prepare to work with families.

V.1 The Didactic Mode.

As we have seen in previous chapters, the training program makes use of simulation and of role-playing as major components of the training process. Simulation is what we've termed, "showing it" and role-playing is "doing it". Presentations, discussions and readings are the methods used for "explaining" it. They provide the intellectual structure for beginning mediators to understand the history, theory and principles of mediation. They are the framework into which the trainees fit their experience. Thus the participants are presented in each day's agenda with materials which foster their understanding about parent-child mediation at the same time that they are learning how to function as mediators. Insofar as possible, the presentations -- whether in the form of talks, charts, hand-outs or discussions -- are geared to match the progressively developing familiarity with the whole subject by the trainees as they get more familiar with mediation.

The didactic mode includes a number of ways of presenting information. The goal is to provide the trainees with a mental map of mediation; the methods used are different ways of telling, showing, explaining and informing. Good timing is important: the human mind can only absorb a limited number of new concepts at a given time. The sequence in which topics are presented is important: ideas can be understood best if they are presented in a gradually expanding context. It is tempting -- but not useful -- to give the learners too much information too soon. Because it is overwhelming to try to take in a great many new ideas at one time, presentations and hand-outs for

study are given out at different times during the training, not all at once.

In any training group, there will be people who are already somewhat familiar with the field of mediation, others who are complete novices. There will also be diversity in individuals' learning style: some of us learn best from studying written materials on our own, others catch on through active discussion, still others come to understand concepts by listening to an oral presentation or looking at a diagram. In order to accommodate all these styles of learning, it's necessary to build in many different ways of presenting the same ideas, and to respect ideas in a variety of contexts. We have all had the experience of finding that some piece of knowledge will suddenly "click" for us -- make real sense for the first time -- long after we first heard about it. By repetition and review, using different instructors and ways of presentation, the training program seeks to make the central principles of mediation "click" for each trainee.

What does this mean for you as one of the trainers? It means you need to remember that telling a beginner something once, no matter how skillfully, is seldom enough. It means you need to be patient in re-stating ideas as often as necessary. It means you need to be creative and resourceful in finding ways to get ideas across to individuals who don't seem to be "getting it" quickly or easily. It means you need to familiarize yourself with the written materials in the packets and those given out during training, so that you can refer the participants to these, and so that your verbal explanations will dovetail with the printed materials available.

V.2 Presentations And Materials.

The following is a summary of topics presented in a full-length training agenda. Printed materials supplement many of the presentations. It should be noted that the written materials, unless they are specifically assigned for reading between training sessions, often will not be read by participants until later, after the training is over. They provide, however, a resource for those who prefer to

learn through reading, and give all participants a useful body of information to refer to after the conclusion of training.

-- Overview of Training.

Presentation covers:

- what will take place
- content and schedule
- objectives and goals
- expectations for participation

Materials:

- training agenda
- list of participants

-- History and Background of Mediation.

Presentation covers:

- development of informal dispute resolution methods
- characteristics of mediation as distinguished from other methods
- background of parent-child mediation

Materials:

- definitions of dispute resolution methods
- directory of other parent-child mediation programs

-- Parent-Child Mediation Program

Presentation covers:

- purpose and scope of program
- roles of staff, of mediators
- relationship to other agencies
- e.g. courts, schools, social services
- course of a typical case
- confidentiality issues

Materials:

- flow chart of a typical case from referral to mediation to follow-up

-- Stages of a Mediation Hearing

Presentation covers:

- mediation as a structured process
- sequence of stages in a hearing
- mediator's role and skill

Materials:

- a Mediator's Review to Parent-Child Mediation
- chart of mediation stages

-- CHINS and the Juvenile Justice System

Presentation covers:

- "status offender" within context of juvenile court history
- CHINS (Child In Need of Services) statute and process
- a sample CHINS case

Materials:

- overview of juvenile justice and CHINS

-- Social Services

Presentation covers:

- how mediation and social services function in relation to a family's possible needs
- how a professional can take part in a mediation
- role of case coordinator in finding appropriate services for a family

Materials:

- directory of agencies and resources in the community

-- Family and Personal Issues

Presentation covers:

- concept of family as a system
- how personal experiences of the mediator in own family can affect his/her functioning in the role
- how emotionally charged issues and reactions need to be recognized and dealt with in mediation

(N.B. This topic is discussed in greater detail in the next section, V. 3)

In addition to these major topics, short presentations are made before each new set of role-plays. These function as review sessions, to help trainees focus on the stages of the hearing which will be worked on during each day's sessions. A number of other topics may also be presented, either through readings or discussions. These might be any or all of the following:

Child Abuse and Neglect: Statutes about reporting suspected cases and the basis for petitioning the court.

Special Education: Chapter 766, the CORE evaluation process, services available through the schools

Entitlement Programs: Aid to Families with Dependent Children, Welfare, Medicaid, Supplementary Security Income

Issues around adolescence: jobs, substance abuse, sexuality, truancy, etc.

In conclusion, the use of presentations and readings -- what we've called the didactic mode -- helps to broaden the trainees' understanding both of the mediation process, and of the social and historical context

into which parent-child mediation fits. Throughout the training, the concepts and information presented are interwoven with the role-play experience, so that learning can take place on both the intellectual and the experiential level.

V.3 Special Issues In Parent-Child Mediation.

It is fitting to end this manual with some thoughts about the particular challenges of mediation as applied to situations of family conflict. To be a mediator between parents and youth is to enter into the private territory of a family system. The experience differs significantly from that of a mediator who seeks to settle disputes between neighbors, or between a buyer and a seller, an employer and a worker, or quarrelling roommates.

Families bring into the mediation room a great deal of power, and all their own histories of how they deal with one another. Whereas it is easier for a mediator to remain objective in the types of non-family mediations mentioned above, it is much harder to keep your balance when intervening in a family dispute. This is for good reasons: each of us has grown up in a family, some of us have become heads of families of our own. We have all been children and gone through adolescence. Whatever this experience was like, it has left its mark. As mediators, people inevitably find that some issues trigger emotionally-loaded responses that are connected with events and experiences, past or present, which have personal significance for them.

As trainer, you need to be aware of these factors -- aware, that is, of which situations and issues have special meaning for you, as well as which ones set off reverberations for the trainees. The objective is not to suppress or ignore your reactions or theirs, but to realize the emotional force they have, so that it becomes possible to avoid over-reaction and distortion. Here are some examples of issues that are likely to trigger strong, personally-colored responses:

- Adolescence. Our society tends to view teenagers as dangerous or difficult. Alternately, they're seen as misunderstood victims who are powerless. Depending

on one's own adolescent experience, one can read into a given situation the characteristics one expects.

In mediation, youth may act hostile, or helpless, defiant or dependent. They may seek to replicate, in relation to the mediator, the conflict they're engaged in with their parents. The mediator may respond by 1) reacting like the parent or 2) trying to play "rescuer", or 3) acting like a "buddy". Instead, the mediators need to remain clear about their role as neutral yet empathetic third parties.

- Identification and Blaming. Just as it's easy to get "hooked" into identifying with the youth, it can happen that the mediator over-identifies with the parent. A family in trouble usually "chooses" (i.e. unconsciously assigns the role) one member to act out the family's distress. Often that person is the teenager, who's seen then as the "bad one". The mediator may get co-opted by the family, viewing this child as the source of all the trouble. However, the potential success of mediation lies in shifting the blame away from this individual, and addressing the problem as a set of issues that belong to the family as a system.
- "Hot Issues." Death, divorce, illness, adoption, family violence, alcoholism are topics that may emerge as a family reveals some of the underlying stresses that have brought them into mediation. Depending on their own experiences, mediators (and trainers, too) may find these subjects very hard to deal with. The reaction, usually, is to ignore or shy away from such an issue. To help trainees cope, these issues are built into some of the role-play scripts. Trainers can support individuals as they practice dealing with "hot issues" honestly, compassionately, and without over-reaction.
- Issues of Ethnicity, Class or Religion. Through early experiences, most people acquire some fixed ideas about different ethnic groups, about the behavior of different social classes, about the values of different religious groups. These ideas color perceptions about families and can interfere with mediator objectivity. It is easy to make assumptions without even being aware that we are doing so. To do a good job as mediators, people need to be helped to become aware of these assumptions, so they can set them aside.

How can you, as trainer, help the participants deal constructively with reactions that are based on personal experiences and attitudes? The goal is not to eliminate or deny or ignore these responses. The

first objective is to help them be aware of times when a situation in mediation triggers a personal reaction. Acknowledging that this happens and that it can happen to everyone is the vital first step. Next, you can help them identify the particular issue that they are sensitive to, so that they can work to remain objective.

The role-plays embody many potential "trigger" issues and situations. As trainer, you can use every opportunity to bring out, in a frank yet tactful manner, instances when mediators lose their objectivity. You can make use of the group, to mirror back what an individual said, or how body language revealed feelings when confronted by a specially disturbing issue. Feedback from those playing family members can be useful, and may be easier to accept than your intervention by itself. Remember that your goal in training is not to change anyone's basic values or to re-make their personalities. Your aim is to help them function successfully in the role of mediator. Extensive personal discussions, such as one might have in a therapy group, are not appropriate. However, when an individual wants and chooses to share some insight gained through the process, it can be helpful for everyone. As group leader, you can work to create an atmosphere where this kind of openness and sharing becomes part of the learning process.

Finally, as trainer, you can help the participants see and understand why parent-child mediation is stressful. You can acknowledge that everyone feels some fatigue, confusion, or discouragement -- that these feelings are universal. And you can confirm that these reactions have a reason: working with families stirs up a good deal of emotional material carried over from earlier experiences. Recognizing this fact, and respecting the extra difficulty it adds to the task of mediation, helps the trainees come to terms with it. They then can realize that it is the nature of the role, not some failure or weakness on their part.

In summary, although these special issues for family mediation are addressed in a presentation, they are so important that they need to be

constantly dealt with during the training course. The presentation serves only to frame them in an intellectual fashion. This is useful, especially if done relatively late in training, when there has been sufficient role-playing experience to give the ideas a meaningful context. However, one presentation is not enough: as trainer, you need to be ready to use every teachable moment to help the trainees integrate these factors into their understanding of mediation and of themselves in the mediator role.

V.4 Conclusion.

This manual, used in tandem with A Mediator's Manual for Parent-Child Mediation, is intended to help you become a confident and effective trainer. But it is what you yourself bring to the training process -- your experience and understanding of mediation, your empathy and skill as a teacher, your concern for the learner -- which in the end counts the most. As trainers, each of us has a real contribution to make, both towards the individuals we are training as mediators, and towards the rapidly expanding field of family mediation. We must approach the task responsibly as professionals, aware of the impact good mediation programs, using well-prepared lay mediators, can have on the families and communities they serve.

APPENDICES

MEDIATION TRAINING PACKETS

- Colored folders
- Roster of participants
- Agenda
- A Mediator's Manual for Parent-Child Mediation
- Self-assessment form
- Program operations
- "The Juvenile Justice System and Status Offenders"
- A guide to special education
- A guide to community services and resources
- Evaluation (to be handed out at end of training)
- Certificate of Attendance (to be handed out at end of training)

SMALL GROUP EXERCISE

The purpose of this exercise is to help trainees focus on some of the skills necessary for mediation, by describing and analyzing situations in which they have already functioned as a third party in a problem-solving capacity.

1. One of the trainers asks the participants, "Think of a situation in which there was a conflict between two parties, for instance between co-workers, or in the family, or in the neighborhood, and in which you helped."
2. The trainees are asked to form pairs (A good way to mix them up, so that they will be talking with strangers instead of the friends they may have come to the course with, is to number off, or else direct them to pair off with someone across the room.) Direct the participants to move into separate areas or other rooms for the first part of the exercise.
3. Members of each pair then interview one another. The object is to find out a few basic facts about your partner, then have him/her tell the story about the incident in which s/he helped resolve a situation or conflict. (10 to 15 minutes for this part.)
4. Trainers then gather two or three pairs together into a small group. Each person is asked to "introduce" his/her partner and tell about the conflict s/he was involved in. As the stories are told, trainers point out what roles individuals took in each situation, what skills were used, and -- where appropriate -- how the roles or skills were similar to those used in mediation, or else different. (20 to 30 minutes for this part.)
5. The whole group meets briefly and one member of each group reports, highlighting the ways in which a third party can function in helping deal with conflicts. It's useful to have one trainer moderate, and to write on newsprint or a blackboard the functions that are identified and the techniques used. Those that are particularly important for mediation can be underscored, as well as those (such as "giving advice") which don't belong to the mediator's role. This list can then be referred to later, at different moments in the training.

Useful outcomes of this exercise are that people begin to see how much they already know about mediation, from their own experience, and that they start to know and appreciate one another. In this way, both individual self-esteem and group cohesiveness are enhanced.

THE FOLIAS SITUATION

Parties & Relationships

- Rosalie Folias and her son, John Folias

Complaint

- CHINS Petition - Stubborn Child

Referral Source

- Court

Background Information

- John, age 15, lives with his mother and younger brother, Frank, age 12, in a six-family apartment house. He is shy for his age, of average intelligence, but is doing poorly in school. He has been something of a behavior problem at home for the last three years. Recently he has become a problem at school, and has been suspended repeatedly for disrespectful behavior towards teachers and for fighting with other kids.
- John was active in a youth group sponsored by his church. One of his main activities was basketball. However, his mother received several reports that John had problems getting along in this group, displaying a quick temper and little respect for most adults.
- Frank, the younger brother, has a learning disability and is in special classes at school.
- Mrs. Folias feels overwhelmed by the task for being a single parent. She has raised the boys alone since their father deserted the family when the youngest son was two. Her only close relative is a brother who lives in a neighboring town.
- Mrs. Folias used to work as a salesperson, but she became ill two years ago, eventually had to have a gallbladder operation, and has been unable to work. She receives AFDC. A few weeks ago she applied for a part-time job as a clerk.
- She has asked John to help out more around the house but he has developed an increasingly belligerent attitude about this work and often ignores her requests.
- Last week, John came home after 11:00 p.m. When Mrs. Folias reprimanded him, he became violent, throwing things and threatening her. Mrs. Folias finally ran to a neighbor's house and called the police. The police recommended that she file a CHINS application in the the District Court.

John Folias

- The pressure of having to be the 'strong one' in the family makes John feel angry. It seems to him he always has to do everything around the house. He would like to be able to go out and be with his friends when he wants to, to play his stereo, and to act like kids his age without feeling guilty.
- John used to like school pretty well. Last year his closest friend moved to another part of the state, and this year John is in High School, which seems big and impersonal. He hasn't been able to make close friends, feels out of things and daydreams in class so much that he's fallen behind in his schoolwork. He dislikes his homeroom teacher, who John thinks enjoys picking on him. When he feels too much pressure, he blows up, either getting abusive or walking out. He's gotten into fights with other kids too, although he gets along with the kids he plays basketball with at the school gymnasium.
- John is jealous of the attention his mother gives Frank. Although John wants his privacy, he took his mother's moving into the same bedroom with Frank as a personal rejection. He also is tired of his mother's constant illness.
- John is confused about his feelings. He knows that he should be understanding of Frank and his mother, but he resents them. This resentment causes him to feel high levels of guilt. Sometimes he bosses Frank around.

Mrs. Folias

- Mrs. Folias is sickly, recovering from an operation, and in need of help maintaining the house. She feels guilty that Frank has a learning disability and tends to favor him to compensate for it. She is somewhat protective of Frank. She took extra care to ensure that he was in the right school and often meets with his teachers to monitor his progress.
- After one recent argument about John's playing of the stereo, when he got abusive towards Frank, Mrs. Folias decided to move into the bedroom in order to separate the boys. Now she feels resentful that John has the single bedroom and she has no privacy.
- Mrs. Folias perceives John as stronger than Frank--someone on whom she could depend. She feels that he is not doing his share of work around the house and that he consistently defies her wishes.
- John is doing poorly in school and refuses to obey authority. She realizes that he is not really a bad kid, but she no longer feels able to control him. At times, she is frightened by his violent behavior.
- Mrs. Folias realizes she needs help in getting her family back to normal. She especially thinks she needs help with John.

<u>TYPE OF HEARING:</u>	
<u>DATE OF HEARING:</u>	Feb. 4, 1984
<u>TIME:</u>	9:30 a.m.
<u>CASE COORDINATOR:</u>	Althea Cali

CASE INFORMATION

INVOLVED FAMILY MEMBERS:

Mrs. Rosalie Folias

John Folias

AGE: 15

OTHER FAMILY MEMBERS:

Family lives in Springfield. Others at home are Frank (age 12), brother.

CHINS STATUS: CHINS Stubborn filed at Springfield Juvenile Court.

REFERRAL SOURCE: Probation Officer referred the case for mediation.

INVOLVEMENT WITH OTHER AGENCIES: None

SCHOOL: John attends Springfield High School and is in the 9th grade. Case Coordinator spoke with a school representative on 1/27/84 who stated that the school will be filing a CHINS truancy if John's attendance doesn't improve.

EXTENT OF CONTACT WITH CHILDREN'S HEARINGS PROJECT:

An intake interview was scheduled for 1/26/84 at which time both parties agreed to participate.

ADDITIONAL INFORMATION:

Mrs. Folias is presently unemployed and collects AFDC.

The Brown Situation

Background Information:

- 13-year-old Joanne lives with her mother and two younger brothers, Eric, age 8, and Paul, age 7, in a housing project. An older sister, Marie, left home about a year ago. She is living in Fall River with her boyfriend and their baby.
- Mr. Brown died three years ago in a car accident. Eric is retarded and attends special classes. Paul is in the 2nd grade at the local elementary school.
- Joanne is in the 7th grade. She has been absent from school repeatedly this year despite several warnings from teachers and school officials. When she does go to school, she often leaves after a few periods.
- School personnel have contacted Mrs. Brown from time to time to discuss Joanne's truancy, but this has not made much difference in her attendance.
- Mrs. Brown came to the area from New Jersey, having met and married Mr. Brown when he was in the Navy. She works on the 11 p.m. to 7 a.m. shift at the local hospital as a nurse's aide.

Joanne

- You used to like school but this year the work seems too hard and it's confusing taking 6 subjects and changing rooms every period. Your homeroom teacher is really down on you. You particularly hate Math and Gym, so those are the times you often cut and leave school.
- You miss Marie a lot, and sometimes sneak off to visit her and play with the baby. You wish your mom and Marie would get along and that Marie could come home and live with the family again.
- You daydream a lot about getting a job as a nurse and taking care of babies. Then you could have more money and help your mother. You worry about how hard she works and how tired she is all the time.
- Mr./Ms. Vance is always poking around in other people's business, asking questions. You don't want to talk about "why you cut school" or "what do you do when you're not at school."
- Being home is nice. You can read or watch T.V. while you mom is sleeping and then make lunch and eat together when she gets up in the afternoon. She never hassles you or asks questions.
- First your Dad got killed and then Marie got in trouble and moved out. It seems as if the family is just going to fall apart. Nobody understands what that feels like, even your best friend, because they haven't been through it.

Mrs. Brown

- Joanne has always been successful at school and you were stunned to hear about all her absences and cutting of classes. You don't understand what's been going on - you thought she was going to school every day, unless she was sick.
- Joanne is a good kid. She helps around the house and is like another mother to the little boys. She and Marie really helped you pull through when your husband died.
- Marie should have finished high school but instead she quit and had a baby and is living on welfare. Nobody in your family ever took any charity or lived the way she's living.
- You like your job, though working at night isn't the greatest. You are tired a lot of the time, and the only socializing you do is to talk on the phone to your girl-friend. Being a widow has cut you off from many old friends. You feel like an outsider anyway, because you came from a different part of the country and New Englanders aren't really friendly.
- Being taken to court was horrible. You wish Joanne would go to school and you've told her that she has to. What else can you do? Why did the school system act in such a high-handed way? It really isn't fair - there are kids in a lot worse trouble, so why pick on Joanne?
- Your husband had two years of college though you only finished high school. You both always hoped at least one of your kids would get to go to college. Marie used to get straight A's and the teachers always said Joanne was just as smart.

Chris Vance (School adjustment counselor)

- Joanne is a bright girl who is falling behind because of repeated absences. She has the ability to do above average work but her performance is steadily deteriorating.
- Efforts to reach Mrs. Brown have been useless. She is usually asleep until early afternoon, says she'll call back but rarely does so.
- If Joanne answers the phone when home is called, she says that she is sick, or that her mother is sick and wanted her to stay home that day.
- Joanne is quite shy and reserved. In trying to talk with her, you haven't been able to find out why she doesn't come to school, or why she leaves, or where she is when she's supposed to be in school.
- The principal sent the family a letter 3 weeks ago warning that a CHINS Truancy action would be taken unless Joanne's attendance improved or unless Ms. Brown came in for a conference to discuss the matter. There was no response.
- You are new to this school system, and really want to do a good job. You feel baffled by this child and this mother, and wonder whether there aren't some underlying psychological issues that need to be addressed.
- Joanne's records from elementary school don't indicate any difficulties before this year. She has never had, or needed, a CORE evaluation.

TYPE OF HEARING:

DATE OF HEARING:

TIME:

CASE COORDINATOR:

4 / 1 / 84

2:00 p.m.

CASE INFORMATION

INVOLVED FAMILY MEMBERS:

Mrs. Virginia Brown

Joanne Brown

AGE: 13

OTHER FAMILY MEMBERS:

Marie (age 18) - not living at home

Eric (age 8) - living at home

Paul (age 7) - living at home

CHINS STATUS: CHINS - Truancy filed at the New Bedford court.

REFERRAL SOURCE: Probation Officer

INVOLVEMENT WITH OTHER AGENCIES: None

SCHOOL: Joanne is in the 7th grade at the Keith Junior High School. The school adjustment counselor, C. Vance, will represent the school at the mediation.

EXTENT OF CONTACT WITH CHILDREN'S HEARINGS PROJECT:

The case coordinator met on 3/30/84 with Mrs. Brown, Joanne, and C. Vance, the school adjustment counselor. All parties agreed to participate in mediation.

ADDITIONAL INFORMATION:

Mr. Brown is deceased.

Ms. Brown supports the family by working at the local hospital and with Veteran's and Social Security benefits.

THE CHILDREN'S HEARINGS PROJECT

of

CAMBRIDGE FAMILY AND CHILDREN'S SERVICE

99 Bishop Richard Allen Drive, Cambridge, Massachusetts 02139

Phone: (617) 661-4700

TRAINING EVALUATION

This evaluation will be kept confidential. We appreciate the time you take to fill this out. It will help us in planning future training sessions.

In general, were you satisfied with the training program? ☐ YES ☐ NO

Which part(s) of the training was most helpful in providing you with a sound foundation to become a mediator?

Which part(s) of the training was least helpful? _____

Do you feel role plays were a good way to learn the mediation process? ☐ YES ☐ NO Please explain: _____

Did you think any aspects of the mediation process were not addressed or were addressed inadequately? ☐ YES ☐ NO Please explain: _____

What are the specific areas in the process about which you feel most confident?

Least confident? _____

Do you feel the trainers presented the material in a clear manner?
____ YES ____ NO If not, what could have been done differently?

Did you find the critique of the role plays to be helpful?
____ YES ____ NO

Did you like the way in which the critiques were done? ____ YES ____ NO
If not, what could have been done differently? _____

Please use the space below to give us your critique of our performance as trainers. How well did each person you worked with meet your needs as a learner? In what ways could each improve? Be frank and specific- we need to know.

Trainer #1 _____

Trainer #2 _____

Trainer #3 _____

Trainer #4 _____

Were the written materials useful? ☐ YES ☐ NO Please explain:

Is there anything which is unclear to you at this point about the program or the process which should be clarified before you participate in a mediation hearing? ☐ YES ☐ NO Please explain:

Do you feel at this point you have a sufficient understanding of the juvenile justice, social service and educational system?

☐ YES ☐ NO

What areas/topics would you suggest for future training? _____

Do you have other suggestions for future training, i.e., different place, time, etc.

Additional comments/concerns _____

- Thank you -