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THE CENTER FOR DISPUTE SETTLEMENT CHILD PERMANENCY MEDIATION PROGRAM

A SURVEY OF STAKEHOLDERS AND KEY PROGRAM PARTICIPANTS

Prepared for:

Center for Dispute Settlement

Donald Pryor, Ph.D.
Project Director

One South Washington Street
Suite 400
Rochester, NY 14614
Phone: (585) 325-6360
Fax: (585) 325-2612

100 State Street
Suite 930
Albany, NY 12207
Phone: (518) 432-9428
Fax: (518) 432-9489

www.cgr.org

THE CENTER FOR DISPUTE SETTLEMENT CHILD PERMANENCY MEDIATION PROGRAM

A Survey of Stakeholders and Key Program Participants

July, 2005

SUMMARY

The Child Permanency Mediation Program of The Center for Dispute Settlement, Inc. is approaching the conclusion of the first full year of service to Monroe County Family Court child welfare cases involving abuse and neglect with TANF-eligible families. For the purpose of enhancing and improving the protocol, procedures, and processes of the Program, The Center for Dispute Settlement engaged CGR to survey Mediation Program stakeholders and key Program participants to gather their perceptions and impressions.

Sixteen individuals responded to the survey, which asked for input on perceptions of the performance of the Program. Key findings included the following:

- More than two thirds (69%) felt the Program performs well in creating an environment for meaningful exchange of ideas between parties, and also that the Program focuses on the needs of each child.
- More than half of the respondents (57%) felt the Program does well in its ability to identify issues amenable to mediation.
- Respondents were somewhat less favorable on the Program's ability to develop a child-centered, family-oriented permanency plan (44%).

- Two-thirds of the respondents felt there is at least some lack of *acceptance* of the program among Judges and others, while one-half of the respondents believe a lack of *awareness* leads to lower-than-expected referrals.
- Three-quarters of the respondents (74%) felt that visitation is an appropriate type of case/issue for the Mediation Program; more than half indicated that development of a permanency plan, determination of needed services, and surrender of parental rights are appropriate issues; and just 27% felt that adoption was an appropriate issue.
- According to respondents, the Mediation Program is providing the most value in enabling respondent parents to be heard (67%), enabling foster parents to be heard (53%) and in parental involvement and accountability in solving problems (53%). Respondents were less likely to see value in the Program in reducing foster care and other out-of-home placements (0%), or in reducing the return of cases as neglect cases to Family Court (13%).
- Respondents felt that Mediators are most well trained in their understanding of the court/legal process, visitation, and advocacy. Respondents perceive Mediators as less appropriately trained and knowledgeable in determination of needed services, understanding of the Monroe County Department of Human Services (DHS), child abuse and neglect, and development of permanency plans.
- Of the 14 respondents that answered the question about overall satisfaction, none were “very unsatisfied,” 72% had a low or neutral level of satisfaction with the Mediation Program, and the remaining 28% were satisfied or very satisfied.

While the Mediation Program appears to have a number of strengths on which to build, some areas for improvement include the following: targeting the use of mediation more

selectively; requiring additional mediation training in selected areas; increasing understanding and acceptance of the Program among Judges, attorneys, and caseworkers; increasing the focus on specific outcomes; and making referrals to mediation earlier in the process.

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ACKNOWLEDGMENTS

We would like to thank all the individuals who took the time to complete the survey regarding the Monroe County Child Permanency Mediation Program. Their input and insights are of great value, and will provide guidance for the Program in the future.

We also thank Fred Chase, CDS Director of Permanency Mediation, for initiating the survey effort in the interest of evaluating the Program's first year of operation.

STAFF TEAM

Sarah Boyce, Associate Director, played a lead role in designing the survey, overseeing the data analysis, and writing and editing the report. Katherine McCloskey, Research Assistant, conducted the primary analysis and wrote much of the report.

INTRODUCTION

The Child Permanency Mediation Program of The Center for Dispute Settlement, Inc. is approaching the conclusion of the first full year of service to Monroe County Family Court child welfare cases involving abuse and neglect with TANF-eligible families. For the purpose of enhancing and improving the protocol, procedures, and processes of the Program, The Center for Dispute Settlement engaged CGR to survey Mediation Program stakeholders and key Program participants to gather their perceptions and impressions.

SURVEY OF STAKEHOLDERS AND PARTICIPANTS

A two-page survey was emailed to 19 stakeholders including individuals affiliated with Monroe County Department of Human Services (DHS), the Legal Aid Society, Monroe County Family Court, and the Mediation Program. Stakeholders were asked to complete the survey and also to distribute it to any of their staff who are directly involved in the Program. A total of 16 individuals responded to the survey, which asked for input on perceptions of the performance of the Program.

Performance

Most respondents were positive regarding the performance of the Mediation Program on specific goals. Of the 16 respondents, 69% felt that the Program performs well or very well in creating an environment for meaningful exchange of ideas between parties, and also that the Program focuses on the needs of each child (a response of 4 or 5, Table 1). More than half the respondents (57%) felt the Program does well in its ability to identify issues amenable to mediation. Respondents were somewhat less favorable on the Program's ability to develop a child-centered, family-oriented permanency plan (44% selected a 4 or 5). One in five respondents (19%) indicated the Program performs poorly on

this goal. On none of the four stated goals did any of the respondents indicate that the Program is doing "very poorly."

Table 1: How well does the Child Permanency Mediation Program perform on each of the following stated goals?

# of Respondents		Performance				
		Very Poorly	Neutral	Very Well		
		1	2	3	4	5
16	a. Identify issues amenable to mediation	0%	6%	38%	44%	13%
16	b. Create an environment for meaningful exchange of ideas between parties	0%	6%	25%	44%	25%
16	c. Focus on the needs of each child	0%	13%	19%	63%	6%
16	d. Develop a child-centered, family-oriented permanency plan	0%	19%	38%	38%	6%

Referrals to the Mediation Program

Respondents believe that below-expectation referrals to the Mediation Program is due more to a lack of *acceptance* of the program than due to lack of *awareness*. About two-thirds of the respondents felt there is at least some lack of acceptance among Judges and others (69% and 64% respectively answered "yes" or "somewhat"), while about half of the respondents believe a lack of

awareness leads to lower-than-expected referrals.

Table 2: Referrals to the Mediation Program have been below initial expectations. In your opinion is this due to:

# of Respondents		Yes	Somewhat	No
16	a. Lack of <u>awareness</u> of the Program among <u>Judges</u> ?	13%	38%	50%
16	b. Lack of <u>acceptance</u> of the Program among <u>Judges</u> ?	19%	50%	31%
15	c. Lack of <u>awareness</u> of Program among <u>others</u> ? *	13%	40%	47%
14	d. Lack of <u>acceptance</u> of Program among <u>others</u> ? **	43%	21%	36%

*"Others" were listed as attorneys (private, social services, and parent's counsel).

**"Others" were listed as attorneys and DHS caseworkers.

Appropriateness of Cases/Issues

Three-quarters of respondents (74%) felt that visitation is an appropriate type of case/issue for the Mediation Program (a response of 4 or 5). More than half indicated that development of a permanency plan, determination of needed services, and surrender of parental rights are appropriate issues (57%, 53%, and 54%, respectively). By contrast, only one-quarter of respondents

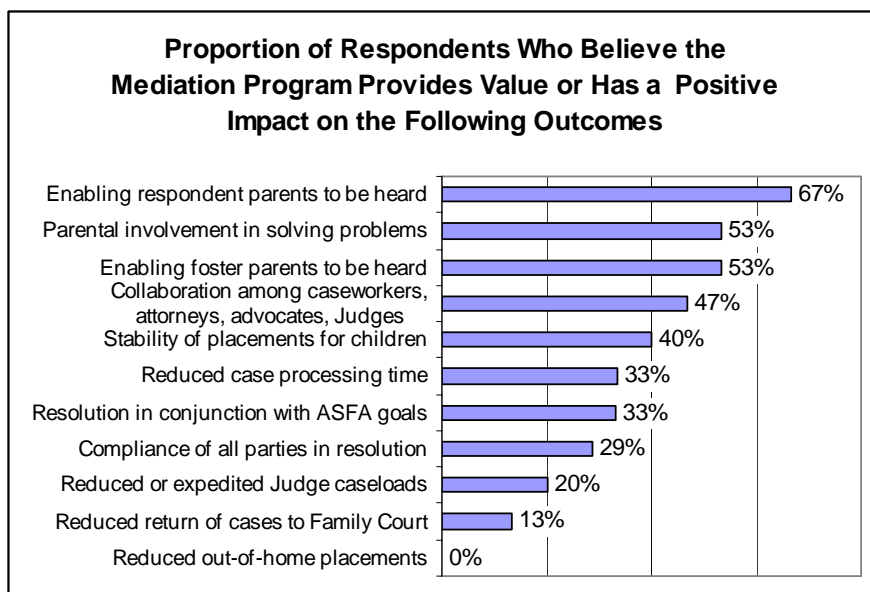
Table 3: How appropriate are the following types of cases/issues for the Mediation Program?

# of Respondents		Not Appropriate		Neutral		Very Appropriate	
		1	2	3	4	5	
15	a. Visitation	0%	20%	7%	27%	47%	
14	b. Development of permanency plan	0%	36%	7%	14%	43%	
15	c. Determination of needed services	0%	20%	27%	13%	40%	
15	d. Surrender of parental rights	0%	40%	7%	27%	27%	
15	e. Adoption	13%	40%	20%	7%	20%	

(27%) felt that adoption was an appropriate issue for the Mediation Program.

Value or Positive Impact

According to respondents, the Mediation Program is providing the most value in enabling respondent parents to be heard (67%). In addition, more than half of respondents feel the Program is positive (response of 4 or 5) in enabling foster parents to be heard



and in parental involvement and accountability in solving problems (53% each). Respondents were less likely to see value in the Program in reducing foster care and other out-of-home placements (0%), or in reducing the return of cases as neglect cases to Family Court (13%). Respondents

were especially mixed concerning the reduction of case processing time: 40% said the Program provides little or no value, 27% were neutral, and 33% said it provides some or great value in accomplishing that goal.

Level of Understanding between Judges and Mediators

Respondents were generally neutral (38%) regarding the perceived level of understanding between Judges and Mediators on referred issues, process, and expectations. To the extent that non-neutral responses were given, 37% of the respondents indicated a relatively poor understanding (1 or 2), compared with 25% indicating a good understanding.

Further, respondents were typically neutral (44%) on how well they felt the mediated discussions remained within the initial scope of the case issues as defined by Judges.

Table 4

How good is the level of understanding of referred issues, process, and expectations between Judges and Mediators?					
# of Respondents	Poor understanding		Neutral		Excellent understanding
	1	2	3	4	5
16	6%	31%	38%	25%	0%

How well do you feel the mediated discussions remain within the initial scope of the case issues as defined by Judges?					
# of Respondents	Not well		Neutral		Very Well
	1	2	3	4	5
16	0%	25%	44%	25%	6%

Mediator and Coordinator Training

Respondents felt that Mediators are most appropriately trained and knowledgeable in their understanding of the court/legal process, visitation, substance abuse, and advocacy (100%, 92%, 91%, and 88% of those responding said Mediators were at least somewhat appropriately trained and knowledgeable in these areas). Respondents perceive Mediators as less appropriately trained and knowledgeable in determination of needed services, understanding of Monroe County Human Services, child abuse and neglect, and development of a permanency plan (only 10% said unequivocally that Mediators are appropriately trained in the latter area).

Fewer respondents answered this question, stating that they were not knowledgeable about the type of training a Mediator receives, or that they were engaged in mediation only once or twice and didn't cover all topic areas. The most common comments were "I really can't answer most of these; I have no idea what training the

mediators have had; I do not have knowledge of mediation training."

Three quarters of respondents (73%) felt the Program Coordinator should have an M.S.W., while one-quarter felt the Program Coordinator should have a J.D. degree. In addition, one-quarter felt that the Program Coordinator should have some other training such as "surrenders" or "adoptive parents' rights."

Table 5:

Are Mediators appropriately trained and knowledgeable in the following areas?

# of Respondents		Yes	Somewhat	No
12	a. Visitation	42%	50%	8%
9	b. Child abuse and neglect	11%	67%	22%
10	c. Development of permanency plan	10%	70%	20%
11	d. Determination of needed services	27%	46%	27%
10	e. Surrender of parental rights	30%	50%	20%
10	f. Adoption	20%	60%	20%
10	g. Domestic violence	20%	60%	20%
11	h. Mental health	27%	55%	18%
11	i. Substance abuse	27%	64%	9%
9	j. Advocacy	44%	44%	11%
12	k. Understanding the court/legal process	58%	42%	0%
11	l. Understanding of Monroe Co. Social Svcs	18%	55%	27%

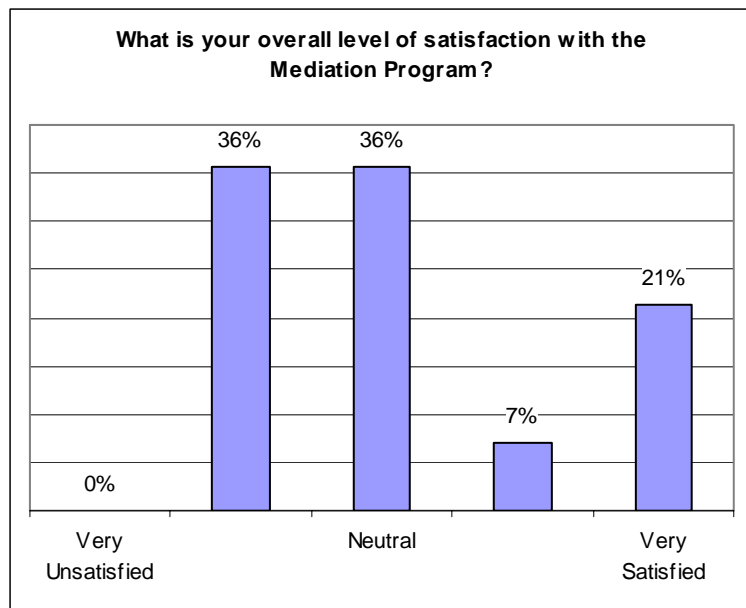
What educational/training expectation do you have for the Program Coordinator?

# of Respondents	J.D.	M.S.W.	Other *
11	27%	73%	27%

* Either M.S.W or J.D. ; surrenders, adoptive parents' rights

Overall Satisfaction

Of the 14 respondents that answered the question about overall satisfaction, none were “very unsatisfied,” 72% had a low or neutral level of satisfaction with the Mediation Program, and the remaining 28% were satisfied or very satisfied.



Strengths of the Mediation Program noted by respondents included the following:

- “[Mediators were] neutral people. They listened to all parties and explained to the requesting party why they are part of the solution. Also gave each party something to do to make the plan work so everyone had some ownership of the plan.”
- “Physical setting is appropriate and professional.”
- “Offers an alternative to standard win/lose conflict resolution, and an opportunity to alter traditional power relationships.”
- “[It gave us the] ability to focus on [the] issue or issues at hand and avoid tangents.”
- “Permitted each person to contribute to discussion; all parties have the opportunity to be heard.”
- “The program provides an opportunity for the parents to not only voice their concerns (quite loudly!) but to get some direct help for their situation- frank discussion with their social services case worker.”

Weaknesses of the Mediation Program as stated by respondents include:

- “At this point in time, due to our overwhelming time constraints, I can see no benefits.”
- “Enters too late in the process. Positions have already been staked out.”
- “Some issues, by their nature or due to the parties’ lack of agreement, must be decided by a Judge.”
- “Compromises are being sought for the sole purpose of compromise, not necessarily the best interest of the child.”
- “Lack of understanding of Court/child welfare process, or of actions CPS must take to comply with the law and ensure child safety.”
- “The first couple of mediations I attended were not well-focused – issues were scattered.”
- “The amount of time expended in the process was certainly not worth what little might have been gained.”

Additional comments made by respondents include the following:

- “I was happy to be a part of this process. Perhaps this type of work needs to be done with the family a little sooner and the placement rate or stay in placement could be lower. An outside party looking at the family dynamics and being non-judgmental gives the family a feeling of power over the process and the child a chance to see why [this has happened to their family]. Gives the workers and attorney a new or different view of the family and perhaps a different solution.”
- “I was impressed with the focus the mediators kept.”

- “I do not believe parties and/or attorneys will willingly suggest mediation unless they have had a positive prior experience, so I feel the Court should make the referral and direct parties to try mediation before litigation.”
- “My concern is that mediation may be effective in the earlier stages of a neglect case, but unless the mediators have a true understanding of all the possible outcomes (i.e., a legal background) of the questions raised, they will not be effective in promoting or facilitating a positive result for the participants.”
- “The mediators don’t seem to understand DHS standard procedure in abuse/neglect cases.”
- “Perhaps it is the result of the stage of the cases that have been mediated (termination stage), but mediators have shown little or no knowledge of the power dynamics of DHS and foster parents.”
- “I think the mediators were well trained in their roles, but they lacked an understanding of DHS standard procedure in the gradual planning involved in service plan development, visitation changes, and the reunification process.”
- “Great potential with adjustments. Needs to be used earlier and DHS and Judges need to give up some of their traditional power.”
- “Must have thorough understanding of abuse/neglect issues, [and] compliance requirements of DHS obligation to families.”

CONCLUSION

Survey respondents noted both strengths and weaknesses of the Child Permanency Mediation Program at the end of its first year in operation. On balance, one-quarter are satisfied overall, one-third are dissatisfied, and the remainder are neutral. While the Program appears to have some strengths, such as creating an environment for exchange of ideas, focusing on the needs of each child, and enabling parents to be heard, room for improvement exists as well.

Selected areas for improvement include the following:

- **Targeting the use of mediation.** Respondents felt that visitation cases are most appropriate for mediation, while adoption cases are least appropriate. Perhaps the Mediation Program should focus on those cases in which it is likely to have the most impact.
- **Mediators may require additional training.** While respondents felt that Mediators were well trained on some issues, they may need additional training on the functions and services offered by Monroe County Department of Human Services, and particularly on issues surrounding child abuse and neglect, and permanency planning.
- **Program officials need to work at increasing understanding and acceptance of the Mediation program.** In particular, the Program needs to work on greater acceptance among Judges, attorneys, and DHS caseworkers, and on increasing levels of understanding between Judges and Mediators.
- **Increase focus on tangible outcomes.** While respondents feel that mediation provides an increased voice for parents and foster parents, and improves collaboration among the professionals involved in the case, they are not as positive about the impact of mediation on

reducing case time, reducing caseloads, reducing the return of cases to Family Court, or reducing out-of-home placements.

- **Mediation should occur earlier in the process.** Several respondents noted a need for the referral to mediation to occur earlier, before people have taken strong positions on desired outcomes.

The survey results provide program leadership and stakeholders with opportunities for further discussion regarding program change. While the survey responses provide some insight into current perceptions of the Mediation Program, additional reflection and strategic planning will be beneficial.

Appendix

Survey Instrument

Survey of Monroe County Child Permanency Mediation Program Stakeholders and Key Participants

1. How well does the Child Permanency Mediation Program perform on each of the following stated goals:

	Very poorly		Neutral		Very well	
a. Identify issues amenable to mediation	1	2	3	4	5	
b. Create an environment for meaningful exchange of ideas between parties	1	2	3	4	5	
c. Focus on the needs of each child	1	2	3	4	5	
d. Develop a child-centered, family-oriented permanency plan	1	2	3	4	5	

e. If you selected a "1" or "2" in a-d, please explain: _____
_____.

2. Referrals to the Mediation Program have been below initial expectations. In your opinion is this due to:

a. Lack of <u>awareness</u> of the Program among <u>Judges</u> ?	<input type="checkbox"/> Y	<input type="checkbox"/> Somewhat	<input type="checkbox"/> N
b. Lack of <u>acceptance</u> of the Program among <u>Judges</u> ?	<input type="checkbox"/> Y	<input type="checkbox"/> Somewhat	<input type="checkbox"/> N
c. Lack of <u>awareness</u> of Program among <u>others</u> (who? _____)	<input type="checkbox"/> Y	<input type="checkbox"/> Somewhat	<input type="checkbox"/> N
d. Lack of <u>acceptance</u> of Program among <u>others</u> (who? _____)	<input type="checkbox"/> Y	<input type="checkbox"/> Somewhat	<input type="checkbox"/> N
e. Other reasons (please list _____)	<input type="checkbox"/> Y	<input type="checkbox"/> Somewhat	<input type="checkbox"/> N

3. How appropriate are the following types of cases/issues for the Mediation Program:

	Not appropriate		Neutral		Very appropriate	
a. Visitation	a.	1	2	3	4	5
b. Development of permanency plan	b.	1	2	3	4	5
c. Determination of needed services	c.	1	2	3	4	5
d. Surrender of parental rights	d.	1	2	3	4	5
e. Adoption	e.	1	2	3	4	5

4. Does the Mediation Program provide value, or have a positive impact on the following outcomes:

	Provides no value		Neutral		Provides great value	
a. Reduced case processing time, time to closure	a.	1	2	3	4	5
b. Reduced likelihood of return as neglect cases to Family Court	b.	1	2	3	4	5
c. Resolution of cases in conjunction with ASFA permanency goals	c.	1	2	3	4	5
d. Stability of placements for children	d.	1	2	3	4	5
e. Enabling respondent parents to be heard	e.	1	2	3	4	5
f. Enabling foster parents to be heard	f.	1	2	3	4	5
g. Collaboration among caseworkers, attorneys, advocates, Judges	g.	1	2	3	4	5
h. Reduced foster care and other out-of-home placements	h.	1	2	3	4	5
i. Parental involvement and accountability in solving problems	i.	1	2	3	4	5
j. Compliance of all parties in assuring resolution of cases	j.	1	2	3	4	5
k. Reduced or expedited Judge caseloads	k.	1	2	3	4	5

5. How good is the level of understanding of referred issues, process, and expectations between Judges and Mediators?

Poor understanding		Neutral		Excellent understanding	
1	2	3	4	5	

6. How well do you feel the mediated discussions remain within the initial scope of the case issues as defined by Judges?	Not well 1	2	Neutral 3	4	Very well 5																																																
7. Are Mediators appropriately trained and knowledgeable in the following areas? <table border="0" style="width: 100%;"> <tr> <td>a. Visitation</td><td><input type="checkbox"/> Yes</td><td><input type="checkbox"/> Somewhat</td><td><input type="checkbox"/> No</td> <td>g. Domestic violence</td><td><input type="checkbox"/> Yes</td><td><input type="checkbox"/> Somewhat</td><td><input type="checkbox"/> No</td> </tr> <tr> <td>b. Child abuse and neglect</td><td><input type="checkbox"/> Yes</td><td><input type="checkbox"/> Somewhat</td><td><input type="checkbox"/> No</td> <td>h. Mental health</td><td><input type="checkbox"/> Yes</td><td><input type="checkbox"/> Somewhat</td><td><input type="checkbox"/> No</td> </tr> <tr> <td>c. Development of permanency plan</td><td><input type="checkbox"/> Yes</td><td><input type="checkbox"/> Somewhat</td><td><input type="checkbox"/> No</td> <td>i. Substance abuse</td><td><input type="checkbox"/> Yes</td><td><input type="checkbox"/> Somewhat</td><td><input type="checkbox"/> No</td> </tr> <tr> <td>d. Determination of needed services</td><td><input type="checkbox"/> Yes</td><td><input type="checkbox"/> Somewhat</td><td><input type="checkbox"/> No</td> <td>j. Advocacy</td><td><input type="checkbox"/> Yes</td><td><input type="checkbox"/> Somewhat</td><td><input type="checkbox"/> No</td> </tr> <tr> <td>e. Surrender of parental rights</td><td><input type="checkbox"/> Yes</td><td><input type="checkbox"/> Somewhat</td><td><input type="checkbox"/> No</td> <td>k. Understanding the court/legal process</td><td><input type="checkbox"/> Yes</td><td><input type="checkbox"/> Somewhat</td><td><input type="checkbox"/> No</td> </tr> <tr> <td>f. Adoption</td><td><input type="checkbox"/> Yes</td><td><input type="checkbox"/> Somewhat</td><td><input type="checkbox"/> No</td> <td>l. Understanding of Monroe Co. Social Svcs.</td><td><input type="checkbox"/> Yes</td><td><input type="checkbox"/> Somewhat</td><td><input type="checkbox"/> No</td> </tr> </table> <p>7a. If "somewhat" or "no" for any of the above, please explain (use additional space if necessary): _____</p> <p>_____</p>						a. Visitation	<input type="checkbox"/> Yes	<input type="checkbox"/> Somewhat	<input type="checkbox"/> No	g. Domestic violence	<input type="checkbox"/> Yes	<input type="checkbox"/> Somewhat	<input type="checkbox"/> No	b. Child abuse and neglect	<input type="checkbox"/> Yes	<input type="checkbox"/> Somewhat	<input type="checkbox"/> No	h. Mental health	<input type="checkbox"/> Yes	<input type="checkbox"/> Somewhat	<input type="checkbox"/> No	c. Development of permanency plan	<input type="checkbox"/> Yes	<input type="checkbox"/> Somewhat	<input type="checkbox"/> No	i. Substance abuse	<input type="checkbox"/> Yes	<input type="checkbox"/> Somewhat	<input type="checkbox"/> No	d. Determination of needed services	<input type="checkbox"/> Yes	<input type="checkbox"/> Somewhat	<input type="checkbox"/> No	j. Advocacy	<input type="checkbox"/> Yes	<input type="checkbox"/> Somewhat	<input type="checkbox"/> No	e. Surrender of parental rights	<input type="checkbox"/> Yes	<input type="checkbox"/> Somewhat	<input type="checkbox"/> No	k. Understanding the court/legal process	<input type="checkbox"/> Yes	<input type="checkbox"/> Somewhat	<input type="checkbox"/> No	f. Adoption	<input type="checkbox"/> Yes	<input type="checkbox"/> Somewhat	<input type="checkbox"/> No	l. Understanding of Monroe Co. Social Svcs.	<input type="checkbox"/> Yes	<input type="checkbox"/> Somewhat	<input type="checkbox"/> No
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8. What is your overall level of satisfaction with the Mediation Program?	Very unsatisfied 1	2	Neutral 3	4	Very satisfied 5																																																
9. What educational/training expectation do you have for the Program Coordinator? (check all that apply)	<input type="checkbox"/> J.D. <input type="checkbox"/> M.S.W. <input type="checkbox"/> Other: _____																																																				
10. Please indicate your affiliation:	<input type="checkbox"/> County Law Dept. <input type="checkbox"/> County Defenders Ofc. <input type="checkbox"/> DHS/OCFS <input type="checkbox"/> Law Guardian <input type="checkbox"/> CDS <input type="checkbox"/> Advocate <input type="checkbox"/> Family Court (non-judge) <input type="checkbox"/> Other: _____ Your title (optional) _____																																																				

11. Please describe what you perceive as the strengths of the Mediation Program:

12. Please describe what you perceive as the weaknesses of the Mediation Program:

13. Please feel free to attach any additional comments below.

Please return the survey as an attachment by email to KMcCloskey@cgr.org by Friday, July 8, 2005.

Thank You Very Much For Your Time.