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Connecting Children's Aid
Societies with ADR Professionals
in the South West Region of Ontario



First Nations ADR/ODR

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This Child Protection ADR Initiative is Funded by:
Ministry of Children and Youth Services

ADR-LINK connects parties in dispute with an independent mediator or family group conference coordinator. None of the mediators or family group conference coordinators are employees of the Centre for Children and Families in the Justice System (London Family Court Clinic, Inc.) or are affiliated with the Centre. However, all mediators are certified in child protection mediation by the Ontario Association for Family Mediation and listed on its roster and all family group conference coordinators have been trained and mentored through the George Hull Centre and listed on its roster. By participating in the ADR-LINK service, you acknowledge that the ADR service is not being provided by the Centre, and agree to hold harmless ADR-LINK and the Centre for Children and Families in the Justice System (London Family Court Clinic, Inc.) for any and all claims, actions, suits, etc. brought against ADR-LINK directly or indirectly.



According to the Child & Family
Services Act of Ontario, Children's
Aid Societies must consider

Alternative Dispute Resolution (ADR)

when appropriate for child protection cases.



ADR can address any issue related to a child who is or may be in need of protection, or a plan for the child's care. ADR is used mostly, but not always, when a family and the CAS don't agree on the CAS plan for a child or children.

If a case is in the family court system, or may be soon, the ADR is funded by the Ministry of Children & Youth Services. That court case could involve a supervision order, a Crown or Society wardship application, or the openness arrangement of an adoption order. When the case is in court, a judge can ask the parties to consider ADR. Or, the case can be referred to ADR-LINK by the CAS, with the family's consent.

What is ADR?

Three categories of ADR are prescribed:

- **Child Protection Mediation**
- **Family Group Conferencing (FGC)**
- for **First Nation** families, an ADR approach established by their band or community, or other approach deemed appropriate by them

This last category is sometimes called "Aboriginal Approaches."

Mediation is used for disputes between two people or among a small group of people. The family meets with their CAS worker in the presence of a neutral Mediator who has no decision-making power over the case. The Mediator helps the family and the worker each tell their views of the children's needs. The goal is to agree on a specific plan that everyone can support.

Family Group Conferencing (FGC) was developed by the Maori of New Zealand. An FGC Coordinator, who is neutral and has no decision-making power, arranges a meeting of family members, community supporters, involved professionals and anyone else who could contribute to a plan for the children. The meeting could last for several hours or take all day. By the end of the meeting, the goal is to have a plan developed and approved by the family but also acceptable to the CAS.

The **Aboriginal Approaches** can be any dispute resolution technique developed by a First Nation for use with families in its community, either on or off reserve. There is no one, specific approach. Each community can develop a strategy of local relevance.





What is ODR?

Original Dispute Resolution is a term describing ADR that draws on traditional ways of

decision making, problem solving and resolving disagreements. The term ODR reflects the

fact that dispute resolution has been used for generations. Today, knowledge of those traditional methods is found with the Elders and other sources of traditional knowledge. Respectfully accessing their wisdom and guidance, a First Nation community can develop ODR methods grounded in local traditional practices and in harmony with community needs and priorities.

Why use ADR or ODR?

The goal is to give the CAS and the family a time and place to discuss their different viewpoints on the children's care, so they don't end up in a courtroom asking a judge to make the decisions. Using ADR/ODR may have these advantages:

- everyone "has their say" and is listened to with respect
- it may speed up the planning process so children aren't left "in limbo" for so long
- it may improve the relationship between CAS workers and the families, so they can focus more effectively on the needs of the children
- the final plan is culturally appropriate and involves the entire family and community
- people are more likely to follow through with a plan they had a role in creating

Everyone wants the same thing: that children are safe. ADR/ODR helps people focus on that common goal and not get bogged down arguing about past disagreements.

Who can use the ADR/ODR?

ADR-LINK is funded by the Ministry of Children & Youth Services to support each First Nation within our region to develop its own ADR/ODR methods. Those communities are:

- Aamjiwnaang First Nation* (Chippewas of Sarnia)
- Caldwell First Nation*
- Chippewas of Nawash First Nation
- Chippewas of Kettle & Stony Point First Nation*
- Chippewas of the Thames First Nation*
- Delaware Nation Moravian of the Thames*
- Munsee Delaware Nation*
- Oneida Nation of the Thames*
- Saugeen First Nation
- Walpole Island First Nation

The communities marked with an * are served by the Mnaasged Child & Family Services.

Over time, key members of each First Nation will collaboratively develop an approach grounded in local traditional practice and in harmony with community needs and priorities.

ADR/ODR could also be used by First Nations people who live in other parts of the South West Region (Bruce County, Chatham-Kent, Elgin-St. Thomas, Huron-Perth, London-Middlesex, Owen Sound and the County of Grey, Oxford County, Sarnia-Lambton, and Windsor-Essex).



What if no ADR/ODR method is available yet in our community?

Families are welcome to use Child Protection Mediation or Family Group Conferencing. Or contact ADR-LINK to see if we can arrange a First Nations ADR/ODR professional to come from another part of Ontario.

What is ADR-LINK?

ADR-LINK is housed at the Centre for Children & Families in the Justice System, in London. ADR-LINK is funded by the Ministry of Children & Youth Services. Quite simply, ADR-LINK matches referrals for ADR/ODR with an experienced person who guides the ADR/ODR process with the family. ADR-LINK pays that person when the case is over, using funds set aside by the Ministry to support ADR in the child protection context. ADR-LINK is there so the CAS does not select and pay the ADR professional, to ensure the process is neutral and un-biased.

How do I make a referral for ADR/ODR?

For information explaining the ADR-LINK referral process, see our web site or give us a call.



For more information

or to make a referral, contact:

Dawn Lashbrook, Manager of ADR-LINK

Tel: 519-679-7250, ext 150

Cell: 519-282-0349

Fax: 519-679-4234

Pamphlets in this series are:

- **Child Protection ADR**
- **Family Group Conferencing**
- **Child Protection Mediation**
- **First Nations ADR/ODR**
- **Accessing ADR-LINK**