



Community Mediation Center Program Descriptions

Court-based Programs:

1. **Knox County General Sessions Civil Court** involves adults suing each other in matters such as landlord tenant disputes, collections, consumer issues, neighbor disputes, torts such as damages from a car accident, etc. In most cases the maximum amount a person can sue for is **\$25,000**. We also do “Sessions Divorces” for unmarried couples or roommates who have property disputes caused by splitting up.
2. **Knox County General Sessions Criminal Court involves two opportunities for mediation:**
 - a. **Where a Warrant has been issued:**

In these cases a person has been charged with a crime, and the Judge and the DA feels that mediation would be appropriate. Usually these involve assault, theft, or harassment, where the people in dispute are neighbors or have some long-standing relationship. Many of these cases involve former couples and issues of child visitation.
 - b. **Before a Warrant has issued (Pre-Warrant):**

These cases are referred from the DA, Judicial Commissioner, or law enforcement. When a person attempts to file charges against someone, they go before a Judicial Commissioner (JC) or DA. If the DA or JC feels that the case would be better served by mediation, he/she may choose to refer to mediation rather than grant a warrant to charge the defendant with a crime. Usually these cases involve similar issues & relationships to those where a warrant has been issued.
3. **Knox County 4th Circuit Court Order of Protection Court:**

This program is new and in development. We have been asked by our Judge to help negotiate terms of the Order of Protection between the Petitioner and the Respondent on the day of court. The Judge then reviews the agreement in court before approving it. The terms of the agreement do not negotiate the violent or abusive act (whether it happened, how it happened, etc.), but rather address the underlying causes of conflict such as contact between the parties, dealing with children, support issues, divorce/separation, need for treatment, etc. CMC will continue to receive referrals to mediation for parenting and divorce issues from this court, to be mediated only after excellent screening and if appropriate, referral to other agencies.
4. **Knox County Juvenile Court**
 - a. **Parenting and Visitation Cases:** These usually involve unmarried parents who have issues concerning parenting responsibilities and/or visitation. Often one parent's access to their child has been limited due to drug, alcohol, or other addictions. Sometimes a grandparent has been given custody and needs to work out visitation with the parents to maintain a relationship with the child.
 - b. **Juvenile Justice :** These cases involve **delinquent youth** who have been received a charge in situations such as school fights, theft, vandalism, or harassment. We also mediate cases involving youth who have been charged with an offense which is against the law because the offender is a minor: runaway, smoking, curfew violation, truancy. The young disputants may

resolve their case so that they have no Juvenile Court record. We also mediate cases where the child is in detention and needs a probation plan before going home.

- c. **Truancy:** CMC mediates between the truant student, the parents or legal guardians, and a school representative. When children in middle and high school are truant, their cases are referred to CMC by Knox County Schools. The successful mediation prevents both parent and child from being prosecuted for truancy by the Knox County District Attorney. Truancy is usually the “tip of the iceberg”, so we also provide a screening for special education needs, school bullying & harassment, abuse and neglect, substance abuse and other issues which may also be present. These cases are mediated before a warrant is issued.
 - d. **Parent/Teen:** We get referrals where the child/teen resides with the parent but they have communication or discipline issues. CMC will help the parent & child come up with ground rules for living together and help them work on communication and discipline. Mediation can occur prior to the parent filing a status offense complaint against their own child, or prior to the child being charged for a delinquent act.
 - e. **Dependency Mediation:** CMC receives referrals from the Department of Children's Services to mediate between parties involved in a juvenile court case when a child is removed from its parents and put into foster care because of allegations of abuse and neglect. The State of Tennessee is then the child's legal custodian, and the parent must fulfill the requirements of a "permanency plan" so that the child can be returned home. If the parents cannot do so, the parents' rights may be terminated and the child will be placed with an adoptive family. In mediation, DCS, the natural parents, the foster parents and various agency helpers may be able to solve problems which shorten the child's time in foster care.
5. **Divorce:** CMC provides divorce services on a sliding fee scale based on income and family size. Both parties must be willing to voluntarily participate. Mediators help parties draft a Marital Dissolution Agreement and Parenting Plan if applicable. Parties are given these documents and instructions to hire an attorney or go to Legal Aid (if they qualify) to file the divorce.
6. **Parenting Mediation Education Coordination:**
CMC has coordinated the program since it became one of 6 pilots in the state in 1997. Divorcing or divorced parents can be ordered to mandatory mediation by divorce courts to resolve parenting plan issues. CMC provides intake, domestic violence screening, and mediator referrals for all divorce or post-divorce cases needing assistance from either 4th Circuit or Chancery Court. Mediators are Rule 31 listed, and are paid directly by parties. We are currently exploring ways to better serve the clients, the local family bar, and the courts.
7. **Screening:** CMC is, many times, the first line of screening for the individuals coming through our door or calling our office. We assume that no other agency has screened the parties before they come to us.
- a. **Domestic Violence screening:** CMC screens all mediation cases for indicia of domestic violence during the disputants' initial interview with staff (intake). We train our volunteer mediators in domestic violence screening protocol, and in how to terminate mediation safely when it becomes necessary because of domestic violence issues arising in the context of mediation. We believe the screening process is continuous. CMC also provides domestic violence training for Rule 31 mediators and is working with the Family Justice Center to develop ways to mediate cases where there is a history of family violence.
 - b. **Need for attorney representation:** Because the majority of the individuals requesting mediation from CMC are unrepresented by counsel or “under-represented”, we screen clients

carefully to make sure they do not go into mediation needing legal advice about matters essential to their dispute. We are working with local judges and attorneys to develop a list of attorneys willing to do limited scope representation for those disputants who need legal advice or services. We also maintain a list of attorneys who will accept referrals for *pro bono* cases.

- c. **Harm or threat of harm to others:** Our staff and mediators screen parties and understand their role as mandatory reporters of harm under the Tennessee Code. In addition, our family mediators will suspend a mediation to refer a family to Juvenile Court so that a child can be appointed a *Guardian ad Litem*.

Non-Court Programs:

1. School Mediation:

- a. **Peer Mediation Training and Mentoring in Knox County Schools:**
CMC has partnered with nationally known peer mediation trainer, CRU Institute in Seattle, to train 72 students and 24 adults in six local middle schools to set up and participate in peer mediation programs. Over the school year, CMC's Peer Mediation Advisory Committee and staff supervise University of Tennessee student interns to provide ongoing assistance to the trained schools.
- b. **Community Schools Project:** CMC is participating, at the invitation of our board member, Dr. Bob Kronick, University of Tennessee Department of Education and Baker Public Policy Center, in his program currently starting up at Pond Gap Elementary School. Our staff and volunteers will be providing after school services at the school: conflict awareness education for students and faculty; information about how to access mediation for family conflict; and on-site mediation.

2. Neighborhood Mediation:

CMC mediates disputes within homeowners and neighborhood associations, as well as between individual neighbors. We work with local police & sheriff departments so that people can be referred before the conflict rises to level of lawsuits or arrest. Cases often include boundary disputes, landlord tenant and public housing disputes, noise, dogs, boundary issues, etc.

3. Adult Protective Services:

We have received referrals to mediate cases where there is concern that an elder or disabled person is receiving inappropriate care in an institution, nursing home, or at home.

4. Non-profit organization and small business mediation:

CMC mediates disputes or communication problems within nonprofit organizations and small businesses (staff-staff disputes, staff-board disputes, etc.) and between the organization/business and customers/members/constituents. We have also facilitated between groups who would like to consider working together or merging around a common project.

5. SWORPS Visitation:

CMC has a contract with the UT School of Social Work, Research and Policy. CMC will mediate referrals from a new program developed by SWORPS in conjunction with Child Support Enforcement Services. These cases are similar to those received from Child Support Court, in that they are usually unmarried parents with child support and visitation issues. The parties may or may not be involved in a court process, but the staff at the Enforcement office may refer the parties to mediation to resolve visitation and parenting (not child support) issues.

Fee Based Services:

1. Organizational Mediation:

When governmental agencies, nonprofits and private businesses, big and small, have an internal conflict, or when two organizations are in dispute or would like to collaborate, mediation is a confidential and thoughtful way to clarify and resolve issues.

2. Elder Mediation:

We provide mediation for families who request help in dealing with issues of healthcare, nursing home/assisted living care, estate planning, property division, and sibling disputes.

Training:

1. Volunteer Training:

Training is held at least once each year, in the Fall. Usually 14-24 students per class, **35-46 hours total**. Class is held over a two or three week period, with most class time occurring on weekends and evenings. CMC staff and seasoned volunteers assist with teaching and role-play. CMC charges participants a low tuition to cover our costs; in addition, new volunteers must agree to mediate for CMC for one year. The volunteer mediator has an opportunity to observe real mediations done by our experienced mediators, and has access to our year-round mentoring and training modules.

Mediation Center in a Box: We also offer tailored training and training materials for **new and existing community mediation programs** state-wide. We have trained 3 mediation program staff and volunteers.

2. Volunteer "Bridge" Training: This training is for those mediators who have already taken approved Rule 31 training (civil or family) and who would like to volunteer to co-mediate for CMC. Mediators benefit from experience, and CMC provides the professional with interesting and challenging mediations, as well as providing an opportunity to give back to the community. Each spring, we conduct bridge training for civil mediators and bridge training for juvenile/dependency mediation.

3. Rule 31 Family Mediation Training and Civil-to-Family Crossover Training:

We offer training approved by the Tennessee Supreme Court for Rule 31 Family Mediators to our volunteer mediators in good standing who have mediated with us for a year so that they can apply to the Alternative Dispute Resolution Commission (ADRC) to become a listed mediator.

4. Employer Training/Mediation:

This is a fee-based service. CMC has occasionally been asked to provide mediation for local businesses and non-profit organizations. CMC has also provided several 2-3 hour workshops for non-profit employees on conflict resolution. Our fees for these workshops are based on the income and staff size of the organization.