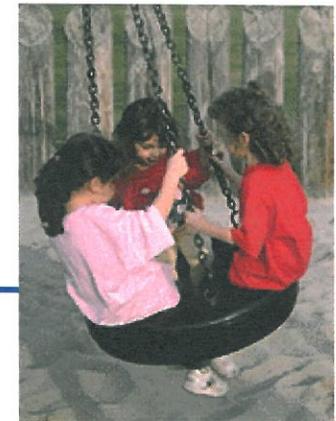


Mediation For Communication Agreement Following Adoption



Alternative Dispute Resolution
Program

520-432-8483

Why consider a Communication Agreement Following Adoption? For children who are older when they are adopted, an appropriate annual communication may give that child the knowledge that his parent is doing well and that he can be comfortable in his new family. Alternatively, having a means for the birth parent and adoptive family to communicate may also serve a child's best interests if there is a medical issue that arises which requires biological family history or intervention.

What should I expect? While there is no single arrangement that will meet the needs of every child, Communication Agreements Following Adoption strive to address the concerns of all those who care about the healthy development of the child. For children who come to adoptive families through the dependency system, therapists, counselors or psychologists may also be needed to determine what is in a particular child's

best interest relating to any future communication with their birth parents or family.

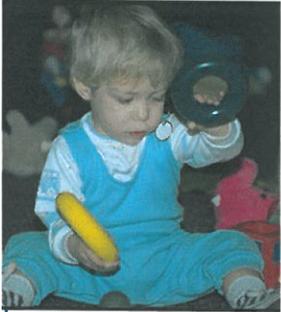


Who are the mediators? ADR Program mediators are volunteers from the community who have specialized training in mediation and child welfare issues. Each one is appointed and certified by the Presiding Judge of Cochise County.

Cochise Superior Court
Alternative Dispute Resolution Program
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Cochise Superior Court
Office of the Court Administrator

Mediation for Communication Agreement Following Adoption



The Cochise Superior Court, in cooperation with the State of Arizona Attorney General's Office, provides mediator services to adoptive parents and birth parents to discuss the possibility of a Communication

Agreement Following Adoption (CAFA).

What is a Communication Agreement Following Adoption? Occasionally, the Court determines that the best interests of the child or children may be served by maintaining some communication with the birth parents after the child has been adopted. A CAFA is a formal agreement approved by the court that would allow some form of communication between the biological parents, the adoptive parents, and in some cases with the child who has been adopted. The form of communication is usually through letters, cards and photos exchanged annually.

What is mediation? Mediation is a voluntary meeting with an impartial third-party "mediator" who can help guide the discussion and assist the parties in reaching an agreement. The mediator has no decision-making authority. The parties themselves reach their own mutually acceptable agreement in the best interests of the child or children. The mediator simply guides the process, and helps the parties draft their agreement which is subsequently presented to the court for approval.

When is a Communication Agreement Following Adoption appropriate? The integrity of the adoptive family is critical, however sometimes it is important for the child's development that some communication arrangements and parameters are formally established.

How is mediation scheduled? The Court refers the matter to the Alternative Dispute Resolution (ADR) Program for a preliminary telephone review upon a request from a parent or child. A court order is then sent to all necessary participants.

What is a preliminary telephone review? The ADR mediator telephones the adoptive parents, the biological parents and other persons whom the Court suggests may be necessary, to discuss each party's interests, issues, understandings and concerns. As part of that review, the mediator will:

Determine the following:

- ◆ Whether mediation is appropriate in this case;
- ◆ Where and when the mediation will be scheduled;
- ◆ Who should be included in the mediation;
- ◆ What additional information or persons are necessary to assist in the mediation of a CAFA;
- ◆ Whether any party wishes to remain anonymous; and
- ◆ Whether any party desires a secure setting; **and,**



Discuss the following:

- ◆ Each person's concerns and interests;
- ◆ What to expect as a participant in the mediation process;
- ◆ Ground rules for mediation;
- ◆ The role of the "child's best interests" in any Communication Agreement Following Adoption.



What happens after the preliminary telephone review? If the ADR mediator determines that mediation is NOT appropriate, the ADR office will send the Court and the parties a "Notice to Court" that no mediation is scheduled.

If the ADR mediator determines that mediation IS appropriate under the circumstances, all necessary parties will be notified in writing by the ADR Office. The notice will include:

- ◆ Who will attend the mediation;
- ◆ Where and when the mediation will occur; and,
- ◆ The mediation format.

What does "child's best interests" mean? There are many factors to consider when determining whether any communication should be recommended following an adoption, and if so, what form that communication should take. Different considerations exist for children who are older and have existing relationships with their parents than for children who are removed and adopted at a younger age.