

MEDIATION & TRUANCY MEDIATION



THIS PRESENTATION WILL ADDRESS:

- What is mediation?
- What is truancy mediation?
- What is different about restorative mediation?

DEFINITIONS

WHAT IS MEDIATION?

Mediation is:

- A private, usually voluntary, discussion
- A consensual decision-making process in which one or more impartial persons (the mediator/s) assist people, organizations, and communities in conflict to work toward a variety of goals.

WHAT IS A MEDIATOR?

A mediator:

- Is a neutral, disinterested third party.
- Encourages the parties to arrive at a resolution to the conflict and guides the process of achieving that resolution, but does not prescribe solutions.
- Facilitates the process of arriving at a resolution by controlling the flow of information and encouraging behavior, which is likely to result in an effective negotiation.

MEDIATORS DO NOT...

- Express personal opinions, thoughts, or judgments
- Take sides
- Assign blame
- Give advice
- Dictate the outcome of the process



MEDIATORS DO...

- Listen to understand
- De-escalate hostility
- Look for strengths and identify challenges
- Reflect and reframe
- Model positive communication
- Facilitate creativity and collaboration to develop resolution



PARTIES IN THE MEDIATION PROCESS ARE ENCOURAGED TO:

- Work toward mutual understanding to resolve a problem or dispute
- Reach their own decisions
- Resolve underlying conflicts
- Prevent problems from recurring
- Improve communication, understanding, and empathy
- Heal relationships

TWO APPROACHES TO "JUSTICE"

Traditional Criminal Justice System

What laws have been broken?

Who did it? Whose fault was it?

What punishment is deserved?

Restorative Justice

What harm was done and to whom?

What are the needs of those involved?

How can the harm be repaired?
Whose responsibility is it to make those repairs?

DEFINING "HARM" IN RESTORATIVE TERMS

- A physical injury, deliberately inflicted
- Material damage
- An adverse effect on someone

RESTORATIVE JUSTICE IS EVIDENCE-BASED

- Acknowledged to
 - Have a positive impact on crime and delinquency
 - Increase compliance with restitution and fine payments
 - Promote reparations for the harm caused by the offense
 - Improve victims' perception of fairness of the justice system

Justice Research & Statistics Association – Dec 2020

“Research on restorative justice practices”

MAKING MEDIATION RESTORATIVE

In mediation...



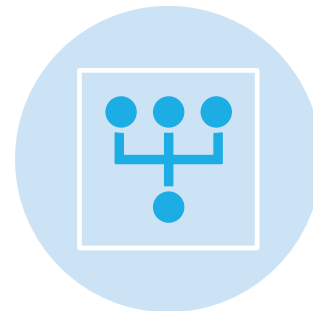
The parties can acknowledge the conflict and can vocalize their experience (whether they caused harm or were harmed)



The parties can discuss how to “make things right” (take responsibility, address/repair the harm)



The parties can talk about rebuilding relationships and trust, and what that will mean to them



The process keeps the focus on the “harm” and not the "dispute"



MEDIATION IN PRACTICE: VIDEO

[School Mediation](#)



MEDIATION IN PRACTICE: QUESTIONS

1. Why did the mediation change the words when reframing what George said?
2. What is the common ground between the two students?
3. Why did the mediator not ask for specifics of what Andrew did at the party?
4. The mediator used “rewind a camera” to ask a question. Why?
5. What words of affirmation did the mediator use?



**WHAT IS
TRUANCY
MEDIATION?**

TRUANCY MEDIATION IS...

- is a process that brings a student, parents, and school staff together to discuss the reasons for poor attendance.
- **Truancy-** is where children stay away from school without permission
- In 2022, North Carolina's chronic absenteeism rate was 31%, up from 15% in 2018.
- Nationwide, there has been an 85% increase in petitioned truancy status offense cases handled by juvenile courts over the past ten years



TRUANCY MEDIATION

- Truancy mediation employs a wrap-around approach, where all people involved with the youth work together to find the causes and solutions for the youth's truancy.
 - It is a collaborative effort between community stakeholders to assure the regular school attendance and academic success.
 - A meeting is scheduled where everyone, including the youth, comes together with a trained mediator to talk with the youth about the concerns.

GOALS OF TRUANCY MEDIATION:

- To open communication between the home, the school, and the community.
- To identify previously unknown needs and offer support to families.
- To increase parental involvement.
- To develop a plan for the student's regular school attendance.

TRUANCY IS AN OPPORTUNITY FOR PREVENTION & INTERVENTION

Absenteeism is a significant indicator of student problems that can lead to poor outcomes.

Truancy:


- May lead to later school suspensions, expulsions, and delinquency.
- May be a sign of problems in a child's home, such as lack of guidance/supervision, poverty, mental health concerns, or physical abuse.

Lack of commitment to school has been established by several studies as a risk factor for:

- substance use
- delinquency
- teen pregnancy
- school dropout.

PROTECTIVE FACTORS USED TO ADDRESS IDENTIFIED RISK FACTORS

Protective factors associated with reduced absenteeism include:

- school attachment 
- addressing family dysfunction
- reduced juvenile and adult criminality
- greater lifetime earnings and achievement
- reduced unemployment
- reduced drop-out from high school
- reduced risk factors for drug and alcohol use
- reduced risk factors for pregnancy
- addressing safety issues (fear of harm, fear of victimization)

Protective factors associated with school attachment include:

- * high self-esteem*
- * positive school attitudes*
- * pro-social activities such as sports, clubs, and volunteer work*
- * positive attitudes toward police officers*

MAKING TRUANCY MEDIATION RESTORATIVE

RESTORATIVE	NON-RESTORATIVE
We work WITH the student and family.	We do things “TO” or “FOR” the student or family, or neglect the student/family.
The family is knowledgeable and must be involved in actions and interventions with the student.	We know what is best for the family.
A belief that the student and/or their family are valuable members of the community, and our actions reflect that belief.	A belief that the student and/or their family are expendable or not worthy of our investment of time and energy.
Actions/interventions are mostly proactive (relationship-building) and reactive when needed. (relationship restoring)	Actions are mostly reactive and related to negative events.
Inclusive, participatory decision making– involvement of people in the child’s life– family, friends, community.	Decision-making excludes others – we make the decisions and announce what we decide.
Views the student/family as separate from their behavior – “separates the deed from the doer”.	Views the individual as bad or undesirable due to their behavior. Negative labeling.
Actions work to build empathy – helping individuals to understand the repercussions of their behavior and take responsibility to make corrections and reparations.	Actions contribute to alienation of student/family by lacking empathy. May avoid expressions of affect.

RESTORATIVE PRACTICES – NC JCPC POLICY MANUAL

MEDIATION/CONFLICT RESOLUTION

- **Mediation**
- **Truancy Mediation**
- **Victim-Youth Conferencing**
- **Family Group Conferencing**
- **Responsive Circles**

**THANK YOU
FOR THIS OPPORTUNITY
TO SHARE INFORMATION
ABOUT MEDIATION FOR
YOUTH AND FAMILIES**

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