



MEDIA RELEASE

Hon. John Hatzistergos MLC
Attorney General
Minister for Citizenship
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Mediation to resolve more child protection cases outside of court

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Vulnerable children and families will be spared the trauma of going through a court hearing with more child care and protection cases to be resolved outside of court through a raft of Alternative Dispute Resolution measures unveiled today by the State Government.

NSW Attorney General, John Hatzistergos, and Minister for Community Services, Linda Burney, have announced a series of initiatives that will see new dispute resolution measures introduced in the Children's Court to better involve children and families in the decision making process.

The initiatives implement recommendations of the Wood Special Commission of Inquiry into Child Protection Services. They have been developed as part of the NSW Government's response to the Inquiry, the \$750 million *Keep Them Safe* action plan.

"Going to court can be quite an intimidating experience particularly if there are family violence issues involved or there is the emotional damage of a family break-up," Mr Hatzistergos said.

"Alternative Dispute Resolution processes like mediation empower children and their families in decision making, which can lead to quicker outcomes that are better informed, accepted by all parties and therefore more likely to be implemented."

Mr Hatzistergos said the new measures seek to promote Alternative Dispute Resolution at every stage of the process and include:

- **A Family Group Conferencing Pilot**, conducted by Community Services and run by an independent facilitator enabling families, extended relatives and community elders to come together and plan for children if there are child protection concerns before a case is even considered for court;
- **Dispute Resolution Conferences** for matters that end up in the Children's Court which will be conducted by specially trained Children's Registrars. They will provide parties with an opportunity to agree on the action that should be taken in the best interests of the child and allow for the direct participation of the child's family and others concerned for the safety, welfare and wellbeing of the child in the decision-making process;
- **The Legal Aid External Child Protection Pilot** for care matters in the Bidura Children's Court as an alternative to the Dispute Resolution Conferences. The pilot will offer external mediation through a skilled, neutral mediator facilitating a discussion over child protection issues between Community Services, parents or guardians, lawyers and other interested parties;
- **The appointment of five additional Children's Registrar's across NSW**, located at Wagga, Lismore, Broadmeadow and Parramatta who will also provide a service to surrounding locations.

Mr Hatzistergos said that as part of the increased focus on the role of Alternative Dispute Resolution, all Children's Registrars will be trained in mediation so that situations are determined after the input of the child, family members and carers.

Ms Burney, lead minister for *Keep Them Safe*, said the Keneally Government in adopting these measures is seeking to implement best practice approaches identified by the Wood Inquiry into Child Protection Services.

"The Pilots were chosen as a result of recommendations by an expert working party, established by the Department of Justice and Attorney General. The working party included members of the judiciary, representatives from Community Services, Legal Aid and academics," she said.

“Family Group Conferencing originated in New Zealand and variations of the model are operating in most Australian States and Territories with results showing that many child protection issues being resolved without the need to go to Court.”

Both pilot programs will begin in the second half of 2010.

“The comprehensive response to the Wood report reflects the NSW Government’s determination to ensure children at risk are given the opportunity to reach their full potential and situations are remedied with the input of family members and parties,” Ms Burney said.