



The Association of Family and Conciliation Courts, Ontario Chapter (AFCC-O)

REQUEST FOR PROPOSALS – Deadline - Feb. 24, 2017

Court-Based Mediation Services in Ontario: An Evaluation of Participation, Success and Best Practices

WHO WE ARE:

The AFCC is an interdisciplinary and international association of professionals dedicated to the resolution of family conflict. AFCC members share a strong commitment to education, innovation, and collaboration in order to benefit communities, empower families, and promote a healthy future for children.

We promote a collaborative approach to serving the needs of children among those of us who work in and with family law systems, encouraging information exchange, research, and identification of best practices. Our Vision is a justice system in which all professionals work together through education, support, and access to services to achieve the best possible outcomes for children and their families.

The AFCC, Ontario Chapter provides opportunities for our members to network and share their interdisciplinary views of family court matters on a local level and with the Canadian context.

The members of the Research Committee are: Ms. Andrea Himel (Co-Chair), Lawyer/Mediator, Toronto; Professor Nicholas Bala (Co-Chair), Queen's University; Keith Taller, Legal Aid Ontario; Lisa Bernstein, Legal Aid Ontario; Jay McGrory, Psychologist, Windsor; Justice Ellen Murray, Ontario Court of Justice; and, Shirley Levitan, Lawyer, Toronto.

INFORMATION ON THE PROJECT:

Project Title: Court-Based Mediation Services in Ontario: An Evaluation of Participation, Success and Best Practices

- 1. Project Start Date:** March 15, 2017
- 2. Project Completion Date:** October 2, 2017

3. Description of the Project:

- Different mediation services are provided in different locations in Ontario. As set out in greater detail below, this research seeks answers to the following questions: What mediation services are provided at various Ontario Courts?; How are the services provided similar and different from one another?; What improvements can be made so that the mediation services can achieve greater success (in terms of number of cases, client satisfaction and resolution)?

Mediation has been available at the Family Court of the Ontario Superior Court of Justice (OSCJ) for 20 years, and in all family courts in Ontario since 2011. Mediation service providers, funded by the Ministry of the Attorney General (MAG), are available onsite for parties who have matters before the court, free of charge. Mediation is also available offsite for more complex issues, or for issues that cannot be fully addressed on the day of court; these services are at a cost to the client, on a sliding scale. Legal Aid Ontario (LAO) also provides mediation services to financially eligible clients in some Greater Toronto Area courthouses, as well as offsite facilitated settlement conferences elsewhere in the province where both parties have Legal Aid Certificates.

The spectrum of available publicly funded or subsidized mediation services varies significantly among court locations, as does the range of subject matters covered by each mediation service. There are also private mediation services available at many locales.

With province-wide availability of mediation completing its fifth year, 2017 presents a timely opportunity to look at Ontario's array of mediation programs and services, with a particular focus on uptake, success rates, and ways to improve process, outcomes, and consistency.

Some specific areas of interest are:

1. Uptake/Participation

Participation rates in family mediation services will be explored, as well as the reasons litigants choose mediation, and the reasons litigants opt not to mediate. Which services (onsite, offsite, private) and which providers (mental health professional vs. lawyer, new vs. experienced) foster greater uptake, and what magnitude of impact does promotion from the bench or the bar have on participation in mediation? Finally and perhaps most importantly, the researchers shall consider how court-related mediation services can achieve greater rates of participation.

2. Availability

With the variety of mediation services available to family litigants, and the differing spectrum as between different courthouses, is there a way to streamline available

government supported services so that overlap is avoided, litigants have a clear understanding of what programs are available to them, and public dollars are not spent on duplicative services?

3. Best Practices

The identification of best practices for onsite and offsite mediation services is imperative to the goal of achieving greater success with mediation. As such the research shall include a review of the following: (a) Why are some mediation services more successful than others?; (b) How can court based mediation services be improved?; (c) In what ways can the best and most successful practices for family mediation be universalized across locations?; (d) Cases involving domestic violence call for a different set of practices; some stakeholders believe that mediation should be avoided altogether. In cases involving domestic violence, what factors indicate that mediation should not be attempted? What factors indicate it may be safely attempted, with safeguards? What safeguards should the mediator employ?; and (e) How are the child(ren)'s view(s) considered in the mediation process?

4. Outcomes

The rate of resolution in mediations needs to be identified, both overall and full vs. partial, onsite vs. offsite, and public vs. private. Is there a relationship between who provides the mediation services (mental health professional vs. lawyer, new vs. experienced) and rates of resolution? Further, the cost and process of converting a mediated agreement into a court order will be explored. This will provide a better understanding of the relationship between the provision of a mediated agreement to parents and the resolution of the family law dispute.

The required tasks are as follows:

1. To develop qualitative research questions (in consultation with the research team) and to address research ethics, confidentiality and security of records.
2. To interview key stakeholders by telephone or in-person in four (4) sites across Ontario, (in locations as agreed to in consultation with the research team), and representatives of relevant organizations.
3. To summarize the qualitative findings and write a research paper. To provide recommendations respecting areas in need of reform, and to provide a list of possible changes that could improve success rates, uptake, and best practices in mediation programs in Ontario courts.
4. To develop and administer a web-based survey of AFCC-O members related to mediation.

AMOUNT OF THE RFP:

Amount of RFP: \$ 10,000.00 (plus HST if applicable.)

The proposal itself should be no more than 5 pages (single spaced), summarizing your qualifications, proposed methodology and familiarity with the issues. Please also include your current curriculum vitae, any recent relevant publications, and the names of 3 references who can address your research and writing abilities. Please forward submissions, or any questions to AFCC-O via email: info@afccontario.ca.

DEADLINE FOR SUBMISSIONS:

February 24, 2017

AFCC-O to award RFP by: March 15, 2017

DELIVERABLES:

A progress report is due June 15, a draft report Sept 1, and the final report Oct. 2, 2017. It is anticipated that the author(s) of the report will be invited to present the findings at the AFCC-O Annual Conference, which shall take place October 20, 2017 in Toronto. The report is to be made available on the AFCC-O website, but the author(s) may publish or use the work product as they wish (with appropriate credit to AFCC-O).

EXCLUDED PROPONENTS:

The members of the Research Committee and Board of the AFCC-O and any employee of the government of Ontario or Legal Aid Ontario are excluded from making a proposal. However, those involved in mediation or the practice of law, graduate or professional students, and members of the academic and research community, are invited to apply. No preference will be given based on membership in the AFCC-O.