



Dispute Resolution Center Newsletter

Summer 2018

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DRC Annual Report Summary (Fiscal Year, April 1, 2017 to March 31 2018)

by Christy Houck, Associate Executive Director; April Rando, Director of Planning and Outreach; and Tom Pullyblank, Director of Programming

The Dispute Resolution Center (DRC) experienced many changes during the 2017-2018 fiscal year. The most significant was the merger of three Catholic Charities agency DRC programs to one Catholic Charities of the Diocese of Albany program serving seven counties. The counties being served by the Catholic Charities Dispute Resolution Center are Chenango, Delaware, Fulton, Herkimer, Montgomery, Otsego and Schoharie Counties. The program is managed by Catholic Charities of Delaware, Otsego, and Schoharie Counties.

We have also had some changes to our staffing. Christy Houck is now the Associate Executive Director of Catholic Charities of Delaware, Otsego and Schoharie Counties. Christy oversees several agency programs, including the DRC program. Tom Pullyblank was promoted to DRC Director of Programming, Diana Halstead to Coordinator of Youth Programs, and April Rando to DRC Director of Planning and Outreach.

This year we have increased our outreach efforts and improved our signage on our buildings making our presence in the communities more visible. We have met with judges in our local courts promoting mediation. We have strong relationships with the family, city and town courts in each of our counties, whether by offering

on-site mediations, staffing an office in the court building, or receiving referrals for services. Word about our programs is spreading via outreach presentations and workshops, which has resulted in an increase in referrals from courts, private and public agencies, and increase in the number of sites where we can hold mediations.

In Chenango, Delaware and Otsego Counties, our Victim's Impact Panels, held six times a year, offer presentations about how driving under the influence of drugs and alcohol can affect people's lives. The VIP's are educational and emotionally powerful. Participants tell us time and time again that the testimony of experts, families and victims of impaired driving has had an impact on their lives.

In Delaware and Schoharie Counties, our work with youth has led to some new and exciting programs. We have developed relationships with probation departments in both counties. You can read Diana Halstead's essay on her work in Schoharie County in this newsletter.

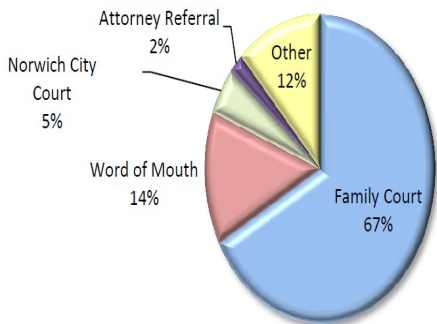
In Fulton County, we have developed a new relationship with two senior and family housing authorities, where we have offered information sessions on mediation and circle conversations for tenants to discuss the challenges they face.

In Herkimer and Otsego Counties, our custody/visitation and divorce mediations remain our most requested services. You can read about Miranda Smith and her work in Herkimer County in these pages. Also in this issue, Tom Pullyblank offers an assessment of our mediation program, looking closely at who are mediators are and what our clients experience.

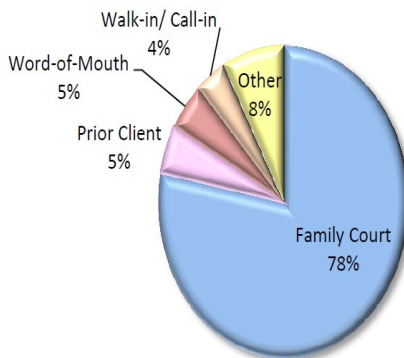
Finally, the DRC is committed to improving the quality of our services through ongoing professional development for our staff and volunteer mediators. Training was offered to both staff and volunteer mediators, including Using Circles to Facilitate Multi-Party Mediations, Divorce Mediation, Basic Mediation, and Parenting Plan Mediation. Some additional training included Basic Conflict Coaching, the Process of Facilitating Circles, and Restorative Practices, which will allow us to expand our services and programs.

REFERRAL SOURCE

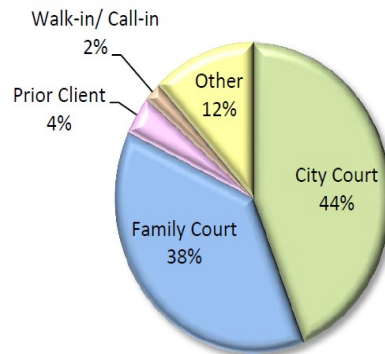
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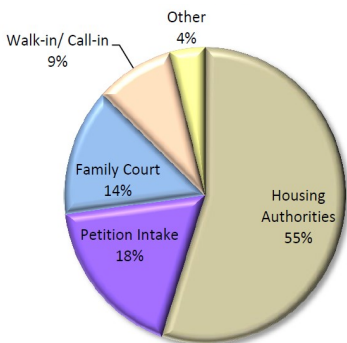
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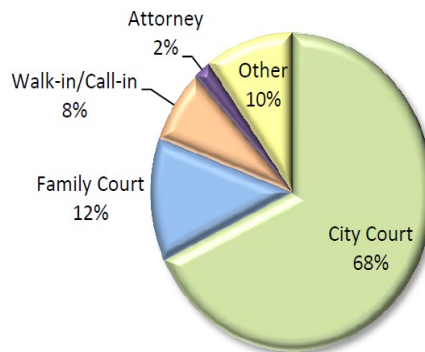
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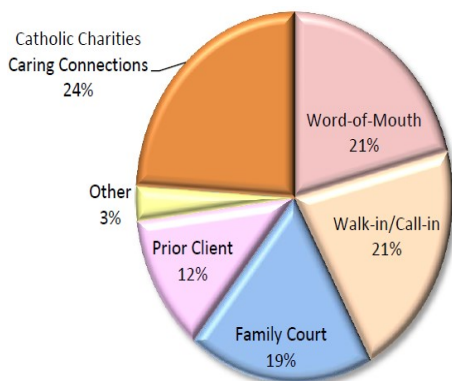
HERKIMER COUNTY



MONTGOMERY COUNTY

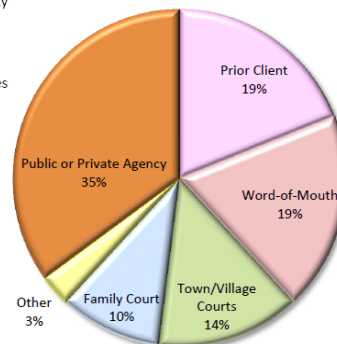


OTSEGO COUNTY



SCHOHARIE COUNTY

- Public/ Private Agencies Include:
- Schoharie County Community Action Program
 - Berkshire Farm Center and Services for Youth
 - Department of Social Services
 - Office for the Aging
 - Mediation Matters

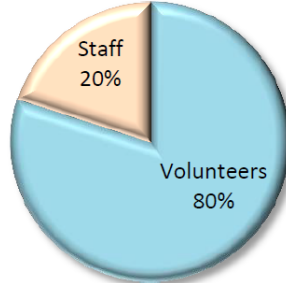


USE OF VOLUNTEERS AND STAFF IN MEDIATIONS

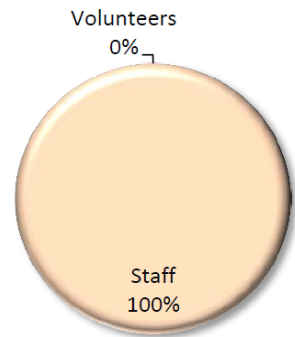
CHENANGO COUNTY



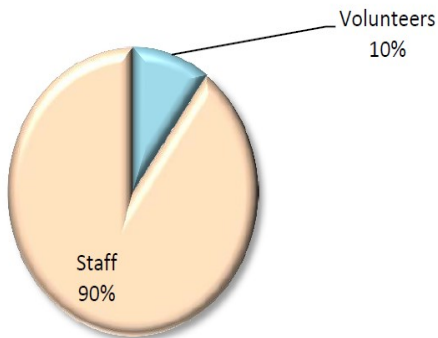
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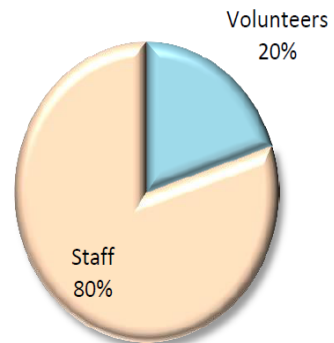
FULTON COUNTY



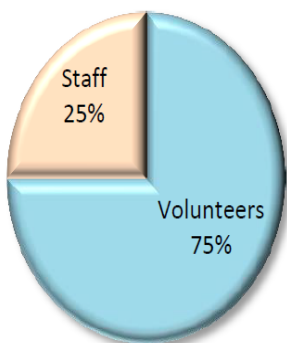
HERKIMER COUNTY



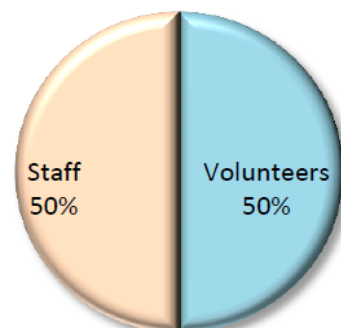
MONTGOMERY COUNTY



OTSEGO COUNTY



SCHOHARIE COUNTY





DRC Year in Review by Tom Pullyblank,
Director of Programming

Since starting my new position as Director of Programming in November, I have come to appreciate more than ever the dispute resolution work we do in our seven county service area and, equally, to appreciate the people who do it. So now that the 2017-2018 fiscal year has ended, I'd like to use this space to review our program and to share with you some of our many good accomplishments.

Who are our mediators?

Young and not so young, from diverse backgrounds and different professions, our mediators are the beating heart of our dispute resolution program. Some are paid staff. There are several of us whose work extends throughout our entire service area. I try to visit all of our counties regularly, although I've been spending most of my time in Oneonta and Herkimer. April Rando, our Director of Planning and Outreach, has had some contact with each of our counties, although her work has focused largely on Schoharie, Fulton and Montgomery Counties. Diana Halstead, our Director of Youth Services, has also traveled to and made connections throughout our service area, although the bulk of her work with youth has been in Delaware and Schoharie Counties.

We also have Coordinators and Case Managers in all of our counties whose work it is to complete intakes and schedule mediation sessions, connect with other civic organizations, share outreach and serve as mediators. In the Oneonta office, Lois Hubbard coordinates the divorce mediation program, which is one of the most important foundation stones of our dispute resolution center.

Equally important are our volunteer mediators. In fact, as you can see by the pie charts in this newsletter, volunteers perform the vast majority of mediations in Chenango, Delaware and Otsego Counties, and half the mediations in Schoharie County. These counties exemplify the true intention of a COMMUNITY dispute resolution center—people helping their neighbors to resolve disputes in a way that avoids both violence and costly litigation. But the number of mediations done by volunteers is only part of the story. Our volunteers bring to our center a wealth of diverse experience from all walks of life. The leadership our volunteers provide give life to our program.

Who are our clients?

Like our mediators, our clients come from all walks of life and all social statuses. When in need of our services, our clients are going through the same life-changing events that many of us have gone through. Our clients are parents trying to discover how to best raise their children when they, the parents, are apart. They are neighbors in a dispute over property boundaries, land use or some other issue. They are married couples seeking a non-combative way through a divorce. They are tenants and landlords

who can't see eye to eye. They are car-buyers and parents of children with special education needs. Most of all, they are ordinary people who share with each other—and who share with all of us—a deep and abiding need for some semblance of peace in their lives.

When thinking about our clients and after mediating their disputes, several themes from the Catholic Charities Diocese of Albany mission statement come to mind. Our mission is to actively offer mercy and justice. When clients come to us in the midst of a dispute, they thirst for mercy and for justice. By providing them a space where they can voice their thoughts and feelings without recrimination, we help quench that thirst. Our mission is to give special attention to the vulnerable among us. When are we more vulnerable than when in the midst of a dispute, when anger and confusion unmoor us from a place of safety and security and where our circumstances seem to be out of our control? Finally, our mission is to work with people of good will in order to create a just society. Mediators aren't the only people of good will in the mediation room—I never fail to be in awe of people who decide to take responsibility for their own disputes and who have the courage to make themselves vulnerable in a search for solutions.

What are the results?

As the statistics clearly show, the vast majority of our clients are satisfied or very satisfied with the results of their mediations, believe that mediation made their situation better and would recommend mediation to a friend. These results come from surveys that our clients answer immediately after the mediation ends. As part of my job, I have the great joy of talking to our clients again several months after their mediation ended to follow up on these initial surveys. Here are some of the things I've been told:

“Mediation started the dialogue—we get along now.”

“Mediation taught me how to apply communication skills in my everyday personal life.”

“I can see the common ground and common interests more clearly.”

“Much less expensive for both sides!”

“I keep the Children's Bill of Rights on my fridge.”

“We were able to clear the air in the mediation session.”

I know that our dispute resolution work makes life better for our clients. I hope that you get as much satisfaction from mediating as I do. I also invite you to let me know if there's anything we can do together to improve our work in the 2018-2019 fiscal year. To all of you who support our dispute resolution program in whatever way, thank you!

- ◆ **How satisfied were you with mediation as a problem resolution process?**
 - Answer Choices/ Responses
 - Very Satisfied 65.67% (132 people)
 - Satisfied 31.34% (63 people)
 - Dissatisfied 2.99% (6 people)

- ◆ **Do you feel this is a better way to resolve problems than by alternative means (courts, other agencies, etc.)?**
 - Answer Choices/ Responses
 - Much Better 71.36% (142 people)
 - Better 26.63% (53 people)
 - Not Better 2.01% (4 people)

- ◆ **Would you use our mediation services again, if a need arose in the future?**
 - Answer Choices/ Responses
 - Yes 99% (198 people)
 - No 1% (2 people)

- ◆ **Would you recommend our services to others?**
 - Answer Choices/ Responses
 - Yes 99% (198 people)
 - No 1% (2 people)

- ◆ **Did your mediator(s) behave in a fair and impartial manner?**
 - Answer Choices/ Responses
 - Yes 99% (198 people)
 - No 1% (2 people)

- ◆ **How satisfied were you with the mediators?**
 - Answer Choices/ Responses
 - Very Satisfied 80.5% (161 people)
 - Satisfied 19.5% (39 people)
 - Dissatisfied 0% (0 people)

- ◆ **How satisfied were you with our Dispute Resolution staff?**
 - Answer Choices/ Responses
 - Very Satisfied 78.39% (156 people)
 - Satisfied 21.11% (42 people)
 - Dissatisfied 0.5% (1 person)

- ◆ **How valuable do you feel our mediation or conciliation services are to the community?**
 - Answer Choices/ Responses
 - Very Valuable 74.87% (149 people)
 - Valuable 24.62% (49 people)
 - Not Valuable 0.5% (1 person)

Youth Services Update by Diana Halstead, Director of Youth Services

After the completion of our first Conflict Resolution Youth Group, we've assessed our program and decided to launch a second round of this group. Our first session of our second Conflict Resolution Youth Group started on May 22. The group will continue to meet once a week for 8 weeks. The group will incorporate elements of Circles and also curriculum from the Interactive Journal series *Forward Thinking*. This curriculum helps participants explore their attitudes toward conflict as well as identify personal behaviors that may be linked to conflict. This group is composed of 5th-7th graders under supervision by the Schoharie County Probation Department. We hope that by adding another 8 weeks to our initial program, we're able to further assist students in implementing positive conflict resolution skills in their personal lives.

In addition to our weekly Youth Group, our Center is looking for ways to expand the services offered to young people in our area. We're actively seeking out opportunities to engage youth and families in Restorative Practices to help resolve conflict and build community. Some of our staff recently had the opportunity to participate in Conflict Coaching training, which we're hopeful to incorporate into future work with youth. If you have any questions regarding our current youth initiatives or you're looking to get involved, feel free to reach out to Diana Halstead @ 607-604-4071 or dhalstead@charitiesccdo.org.



The Alternatives to Incarceration Dispatch

(January-March 2018)

The purpose of this report is to provide more detailed information to the A.T.I. Advisory Board regarding the number of hours ordered and completed per quarter. It will also report on the number of successful and unsuccessful completions and give the reasons why. Included in this report will be the referral sources, the defendant's charges and the worksites where the defendant has been assigned. My hope is that this report will be useful to all who serve on the A.T.I. Advisory Board. Thank you for all your support in making this program successful in our county.

Ameen Aswad
A.T.I. Chair

"Without community service we would not have a strong quality of life. It's important to the person who serves as well as the recipient. It's the way in which we ourselves grow and develop."- Dr. Dorothy Height

Referral Sources

- ◆ 1 Montgomery Probation
- ◆ 10 Oneonta City Court
- ◆ 4 Treatment Court
- ◆ 1 Otsego Town Court
- ◆ 1 Colchester Town Court
- ◆ 1 Fulton County Court
- ◆ 1 Otsego Probation

College Students

- ◆ 1 Hartwick College
- ◆ 7 SUNY Oneonta
- ◆ 1 SUNY Binghamton

Worksites Assigned

- ◆ Chase Nursing Home
- ◆ Hospice Thrift Store
- ◆ Lord's Table
- ◆ Oneonta Boys / Girls Club
- ◆ Salvation Army Store
- ◆ Salvation Army Church
- ◆ Saturday's Bread
- ◆ SPCA
- ◆ SUNY C.S.R.
- ◆ Turning Point
- ◆ Oneonta YMCA

Demographics

In the **third quarter of the 2017-2018** A.T.I. contract the program received:

- ◆ 19 referrals from the court resulting in **1,024** hours of court ordered community service.
- ◆ 875 hours of community service were completed.
- ◆ 18 successful completions.
- ◆ 9 were unsuccessful in completing their hours for the various reasons:
 - 4 were unsuccessful completions from the Adult Treatment Court.
 - 5 were administratively discharged by the Oneonta City Court.
- ◆ 1 pending case from Oneonta City Court.
- ◆ 2 pending cases from Probation.
- ◆ 1 pending case from Sharon Town Court.

In the **first three quarters of the 2017-2018** A.T.I. contract the program received:

- ◆ 63 referrals from the court resulting in **2,928** hours of court ordered community service.
- ◆ 2,526.75 hours of community service were completed.
- ◆ 49 successful completions.
- ◆ 17 were unsuccessful in completing their hours for the various reasons:
 - 8 were unsuccessful completions from Adult Treatment Court.
 - 7 were administratively discharged from Oneonta City Court.
 - 2 were administratively discharged from Probation.

Charges

- 1 Criminal Poss. Controlled Sub. 3rd.
- 1 Criminal Poss. Hypo. Instrument
- 5 Disorderly Conduct
- 2 DWAI
- 1 DWI
- 1 Grand Larceny 3rd.
- 1 Harassment 2nd.
- 1 Petit Larceny
- 3 Public Fighting
- 1 Public Urination
- 3 Unnecessary Noise

Mediation at Family Court by April Rando, Director of Planning and Outreach

Mediations that take place in Family Court present some unique challenges for the mediator, but the needs, issues, emotions, and the dynamics of the parties' relationship are very much the same as in mediations that are held outside of court. I'll admit that the first time I went to court to mediate, it was a bit unnerving having to walk through a metal detector and seeing court officers with guns and handcuffs. Safety and security, however, are the primary concerns for the officers who screen everyone coming to court, and sometimes it is good to know that if there was a potentially explosive mediation, that someone would be there to intervene if necessary. Fortunately, I have never had a situation that required that kind of intervention.

Each court is different, and my experience may or may not be similar to other mediators' experiences. The one thing that courts and mediation have in common is the need for people to tell their stories and be heard. How they resolve their conflict depends on whether they feel a judge needs to determine who's right and who's wrong, or whether they are open to the possibility of resolving their conflict in a less adversarial way. Of course, there are other considerations depending on the kind of case it is, and whether or not it is appropriate to mediate.

Family Court hears cases that pertain to children and families, including custody, parenting time (or visitation for grandparents and siblings), family offenses (domestic violence, harassment, assault, menacing, stalking), DSS-CPS investigations into allegations of child abuse and neglect, adoption, child support, and, persons in need of supervision (PINS) cases. There are many cases that I know just by looking at the docket that I cannot mediate, for example, when a person has filed a petition for an order of protection, or when there is a proceeding on child abuse or neglect. We obviously cannot mediate those cases.

Parents file petitions in Family Court for many reasons. Maybe there are concerns about the well-being of their children. Maybe a parent isn't following the parenting schedule and not letting the child build a relationship with mom or dad. Most of the petitions, however, are for custody and visitation, or a modification of a previous order. The parties come in front of the judge for an initial appearance, who will ask the respondent if he or she has received a copy of the petition and whether they agree with the allegations raised in the petition. If the respondent does not agree to the allegations raised, a general denial will be entered and the case will move to either a pre-trial conference or to trial. The parents may receive a copy of the "Children's Bill of Rights," which basically tells the parents that they should not discuss legal proceedings in front of their children, or make their children take sides. There's a lot more to this, but those are the main points.

Sometimes if the parties seem to be on relatively decent speaking terms and there's no history of orders of protection or child abuse or neglect, the judge will ask them if they might consider mediation, and points to me in the back of the room. The judge gives them a brief description of what it is and tells them they can always have their case heard in court if it doesn't work out. I bring the parents to a conference room, and depending on the county we're in, I'll do the mediation right at that moment.

Mediations that are done in a court conference room generally are resolved within an hour. When the parents have a general idea of what they want, I type up their parenting plan,

and let the court clerk know that we have an agreement. The parents are then taken back into the court room and the judge will ask them to confirm that they are in agreement, that no one forced them into the agreement, and that they have not taken any drugs or alcohol that may have impaired their ability to understand or participate fully in the creation of the agreement. If the agreement is reasonable, the judge will generally make it into an order. If an Attorney-for-the Child (AFC) has been assigned, then the AFC will also have to read and approve it, and then it can be made into an official order. I'm basically a scribe in those kinds of mediations.

There are times, however, when I have to be a little more directive in my approach especially when emotions are strong and they begin making hurtful comments to each other. There can also be a lot of blaming and shaming in these conversations. I remind the parties that they don't have to mediate, but if they go back to court, the judge will determine the outcome. I'll try to help them identify what they agree with first, and then move onto the parenting time schedule, holidays, the logistics of dropping off and picking up their child, and any other concerns they have. Because there is not much time, I do feel some pressure to keep the conversation focused, and less on the emotions they are experiencing. Usually, the parents come to an agreement, but if they don't, I tell them that's okay, too- at least they tried to work it out. Then I let the court clerk know that we're done and they go back in front of the judge with their agreement or to schedule another court date.

I am also noticing that more grandparents are filing petitions for custody of their grandchildren. One judge I spoke to mentioned that he estimated at least a 25% increase in the number of custody petitions filed by grandparents and other relatives. Why is this happening? If there are safety concerns, documented abuse or neglect, children will often be placed in the care of relatives during an ongoing CPS investigation. The involvement of CPS is usually the primary reason for these placements. But there are other circumstances that lead to the disruption of the family unit, such as extreme poverty, homelessness, the parents' substance abuse issues or incarceration will often motivate grandparents to file a petition to have custody.

Most grandparents do not want to see their grandchildren go into foster care with strangers, and they want to be supportive of the parents while they work through whatever issues they're going through. Initially, they may petition for temporary custody if the situation appears that it will end within a year or two. But then there are situations when it becomes a permanent placement, such as when the parents haven't met court ordered mandates and their parental rights have been terminated. I often think about these situations where grandparents and other relatives are taking care of someone else's children and they cannot be returned to their biological parents. What does this mean for the family relationship moving forward?

When I sit in court, I see people needing to tell their stories, express their anger, sadness and frustration to someone who will listen. But court generally doesn't work in the way people expect it will. The process can be adversarial, take a long time to resolve, and in the end, the judge will determine the outcome if parents can't work it out. But when parents can work together to resolve their dispute, mediation can be a transformative experience, and an opportunity for them to be the kind of parents they want to be for their children.



Save the Date! *Catholic Charities Dispute Resolution Center of Delaware, Otsego, & Schoharie Counties Training Opportunities:*

- **“3-Day Circle Training,” July 19-21, 2018, 8:30 AM-5:00 PM, Elm Park United Methodist Church, 401 Chestnut St., Oneonta, NY 13820; trainers: Glen Parker, Daniel Kos, and Alice Rudnick from the Office of Alternative Dispute Resolution-Unified Court System.** This training will explore what Restorative Justice means, the Circle process and its use as a restorative practice to address harm. The training is free. **R.S.V.P. by Thursday, July 5, 2018.** To register or for more information, please contact Tom Pullyblank, Director of Programming, at (607) 432-0061, or by email at tpullyblank@charitiesccdo.org.
- **“Parent-Teen Mediation Training,” Saturday, November 3, 2018, 8:30 AM-5:00 PM, Oneonta, NY (location: TBA); trainer: Duke Fischer.** To register or for more information, please contact Tom Pullyblank, Director of Programming, at (607) 432-0061, or by email at tpullyblank@charitiesccdo.org.



Each newsletter we feature articles about our staff and volunteer mediators.



Miranda Smith, DRC Case Manager, Herkimer County

I am a Case Manager and Apprentice Mediator for Herkimer County. I am responsible for the intake portion of case management, outreach, and scheduling mediations. I also conduct Fair Hearings for Housing cases. I enjoy the more personal aspect as I learn the family’s situation and get to know the incoming families before mediation. I get to act as a welcoming committee as the families come into Catholic Charities!

Entering this agency as a new Case Manager has been an eye opening experience. It has been several months since I began and I hope the years keep growing. The stories I have heard and the experiences have been incredible! Completing several trainings enables me to become a better professional, prepare for the unexpected, and be a better support for the families coming into our agency.

As an apprentice mediator, I have been able to be involved with Dispute Resolution in its finest process and support those families during their difficult moments. Being a part of a movement that enables families to be involved with a “simplified” legal system, express themselves fully, and avoid an overwhelming court experience with a lower cost for families in need is heartwarming. Alternative Dispute Resolution techniques are an excellent approach rather than potentially overwhelming court appearances and can reduce the dramatic turns a dispute can become otherwise. It can simplify a complicated dramatic situation and can be life changing. To be able to change a focus from victory or defeat to understanding and creating a resolution can be incredible.

Jocelyn Plows, Catholic Charities DRC Volunteer Mediator Honored by April Rando

Every year during “Women’s History Month” in March, the City of Oneonta recognizes women who have had a positive impact on the community. **Jocelyn Plows**, a Catholic Charities DRC Volunteer Mediator, was honored by Mayor Gary Herzig at City Hall with the “Trailblazer Award” for her work at the Oneonta Job Corps Academy. Jocelyn has demonstrated her leadership by organizing two women’s conferences at Job Corps, which focused on issues such as family planning, domestic violence and financial responsibility. Mayor Herzig praised her for being a role model and changing the lives of young women in Oneonta. Congratulations, Jocelyn!

To learn more about the Trailblazer Awards, please read Mayor Herzig’s article, “Trailblazing women make Oneonta a better place,” which was published in the Daily Star on March 25, 2018. http://www.thedailystar.com/opinion/columns/gary-herzig-trailblazing-women-make-oneonta-a-better-place/article_e4c58d6b-9eae-5849-8782-ad28b3d3f81f.html



Visit the Catholic Charities of Delaware, Otsego & Schoharie Counties’ website and “like us” on Facebook!

<http://www.charitiesccdos.org/index.html>

<https://www.facebook.com/CatholicCharitiesDOS/>



[twitter@CharitiesDOS](https://twitter.com/CharitiesDOS)



<https://www.instagram.com/charitiesdos/>

WANTED: VOLUNTEERS! Do you know someone who might be interested in becoming a volunteer mediator or a volunteer translator? Please contact Tom Pullyblank, Director of Programming, at (607) 432-0061 or by email at tpullyblank@charitiesccdo.org.