

Harassment Prevention Mediation Training Program

Welcome

Mediation Programs
in the
Juvenile Court Department

June 24, 2022
11:30 AM to 4:00 PM



OVERVIEW

Welcome / Introductions

- Timothy M. Linnehan, Esq.
 - ADR Coordinator for the Trial Court
 - Executive Office of the Trial Court

Juvenile Court Department

- Chief Justice of the Juvenile Court Amy Nechtem



Introductions – MWI Facilitators

- Josh Hoch – Lead Facilitator
- Nnena Odum – Facilitator
- Diana Chiang – Facilitator



Introductions – Guest Speaker

- Ben Stich, LICSW, M.Ed
- Adolescent Brain Development



Training Program Purpose

Increase awareness of:

- The differences in mediating disputes between adults as opposed to mediating disputes between juveniles.
- How to conduct mediations involving Harassment Prevention Order cases.
- Understanding of how adolescent brain development affects juvenile behavior.
- How to effectively communicate with the parties in Harassment Prevention Order mediation sessions.
- Best practices for Harassment Prevention Order mediation services.
- How cases are referred to mediation.
- Expand mediation services in Harassment Prevention Order cases beyond the five programs currently approved.



Zoom Basics

- Check / Update Name
- Mute when not speaking
- Use chat to ask questions / comment
- Raise Hand
- Video On
- Breakout Rooms
- Polls
- Problems? Text Josh at 857-719-6642
- *Doomsday, 712-775-8962, Conference Code: 681708*

- www.mwi.org/harassment-prevention



Housekeeping

- End at 4:00 PM
- Stay hydrated and comfortable
- Break at 1:30 PM for 15 minutes
- Q/A
- Program Evaluation



Program Topics

- Court-Connected Dispute Resolution Services in the Juvenile Court Department;
- Harassment Prevention Mediation services for Chapter 258E cases
- How to mediate a Harassment Prevention Order case
- Adolescent brain development
- The referral process for Harassment Prevention Mediation Services
- Program Experiences and Best Practices for Mediating Harassment Prevention cases



Program Format

- Lecture
- Zoom Polls
- Large Group Discussions
- Panel Discussion
- Small Group Discussion
- Q/A



Zoom Poll - Introduction of Participants



PARTICIPANTS

Who is in the Room?

- Berkshire County Regional Housing Authority
- Community Dispute Settlement Center
- Quabbin Mediation Services
- Greater Brockton Center for Dispute Resolution
- MWI
- North Shore Community Mediation Center
- MetroWest Mediation
- Harvard Mediation Program
- Middlesex Mediation Program
- Family Services of Central MA
- Collaborative Resolutions Group
- Martha's Vineyard Mediation Program
- Metropolitan Mediation Services



Harassment Prevention Order

Presentation by
Administrative Attorney
from the
Juvenile Court

Sean Tobin, Esq.



Use & Value of Mediating HPO Cases

- Hon. Gloria Y. Tan, First Justice, Middlesex County Juvenile Court



Overview of Mediation Process

- Value of Mediation
- Referral Process
- Types of Appropriate Cases



Value of Mediation

- Empower the plaintiff
- Address and resolve the violation
- No criminal record for juvenile
- Gain experience with effective problem solving
- Reach agreement different from what a court can do
- Restore relationships
- Self-determined outcome



Value of Mediation for 258E Participants

Learning:

- Essential life-skills for resolving conflict
- Communicating effectively
- Understanding the impact of the action
- Actions have consequences
- How to generate and evaluate options and alternative solutions to problems
- How to apologize



Overview of Mediation Process

What other values of mediation can you think of?



Overview of Mediation Process

- Referral process for expanding services
 - May differ by division
 - Court contact: Martha E. Gill, Esq.
 - martha.gill@jud.state.ma.us
 - 617-788-6550



Types of Appropriate Cases

- Classmates
- Neighbors
- Friends
- Romantic partners (if defendant is under age 18)
- Strangers / Stalking
- Teammates
- Co-workers



Types of Inappropriate Cases

- Sexual assaults
- Both parties over age 18
- Further direction by the Court



Case Example 1 of 3

Over summer break, a song was released on social media sites by a senior from a local public school that contains inappropriate and derogatory lyrics about two other classmates in the grade below. The two classmates felt threatened and embarrassed. They are afraid and neither wants to return to school. A parent took the matter to court and filed a 258E. The judge referred the case to mediation.

Mediate?
or
Don't Mediate?



Case Example 2 of 3

- Plaintiffs: ten-year-old girl, her mom and her dad.
- Defendants: 10-year-old boy, his mom and 11-year-old boy with his mom, dad, & family friend, a 3L

The plaintiffs are accusing the defendants of committing indecent assault and battery on the ten-year old neighbor girl given it is alleged that the boys tore the clothing off the girl and started wrestling with her. She got scared and ran home crying. All three families live on a cul-de-sac. The parents of the ten-year-old inform you that their daughter has developmental delays related to speaking and expression. Everyone agreed to mediation with the hope of working together to resolve this and prevent it from happening again.

Mediate?

or

Don't Mediate?



EXAMPLE

Case Example 3 of 3

Two 13-year-olds. One identifies as male and the other identifies as female. Both are in 8th grade at a small private school; there are only 14 students in the class. The parties had been friends for two years and had become "boyfriend and girlfriend" within the week preceding the events at issue. On June 1, 2022, the defendant contacted the plaintiff through FaceTime. The tone of the conversation initially was friendly, but it changed when the boy said, "Sometimes in history class when I act like I'm staring at nothing I'm actually staring at your big jugs." This made her sad, afraid, angry, and embarrassed, and she hung up the call. The boy was recording the call and shared it with his classmates.

Mediate?

or

Don't Mediate?



Mediation Outcomes

Outcomes can include:

- Written Agreement
- Continuance
 - Future date for check-in / dismissal
- Do not abuse or harass the plaintiff
- Do not contact the plaintiff
- Stay away from the plaintiff (home or work)
- Pay restitution
- Apology (verbal or written)
- Repaired friendship
- Rejoin team
- Revisit discipline or stay away order in school
- Other mediated outcomes you've seen?



Understanding the Adolescent Brain

Ben Stich, LICSW, M.Ed



AWARENESS

Zoom Poll – Best Practice



Program Experiences

Facilitated by:

Timothy M. Linnehan, Esq.

Panelists:

- MetroWest Mediation Services (MWMS)
 - Eric Greene
- North Shore Community Mediation Center (NSCMC)
 - Hannah Bowen
- Community Dispute Settlement Center (CDSC)
 - Daniele Natali Goldberg



Program Experiences

Referrals

- What is the best kind of cases (characteristics) to refer?
- What makes a good referral?

Working with the Court

- How do you interface with the court?
- Do you interact with Probation and/or Clerks Office?



Program Experiences (continued)

Value of Mediation

- Describe how mediating 258E cases is successful?
- Describe the benefits of mediating 258E cases?
- Describe the typical kind of Agreements

Best Practices for 258E Cases

1. Referral Process
2. Agreements
3. Referral and Mediation Logistics
 - What suggestions do you have to improve this process



Facilitated Breakout Group Discussion

- 3 groups
- Be prepared to report back
- Interest of Programs to Provide Harassment Prevention Mediation Services
- Ability of Programs to Provide Harassment Prevention Mediation Services
- Next Steps



Questions



Next Steps

- For more information regarding your program providing 258E Mediation Services, please contact:
 - Martha E. Gill, Esq.
 - martha.gill@jud.state.ma.us
 - 617-788-6550



Resources and Evaluation

Resources

www.mwi.org/harassment-prevention

Program Evaluation

www.mwi.org/harassment-prevention-eval

