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GUIDELINES FOR LAWYERS

What is Family Group Decision Making (FGDM)?

FGDM is a process that offers the extended family the opportunity to plan for the safety and well-being of their child in partnership with child welfare. FGDM involves collective decision making where everyone is encouraged to participate in a safe manner. Any person can decide not to participate, however, this does not necessarily mean that the process would be terminated; the collective family group may decide to continue and present their plan to CAS.

FGDM can also be an Alternative Dispute Resolution process (ADR) effective November 30, 2006. If a referral is being made as an ADR there must be agreement to postpone court dates until after the FGDM meeting so the family's plan can then be presented to the court. The CAS is obligated to notify the OCL in writing that an ADR FGDM has been started and the OCL will notify CAS and the coordinator if someone is appointed. Preparation of the child is done by both the OCL and the coordinator so that the child understands how the meeting will work and his/her voice is presented at the meeting.

The Referral Process

The CAS social worker is central to a referral to FGDM and makes the referral to the coordinator. The family group has to be able to accept the CAS position or "bottom lines" and be interested in participating on a voluntary basis. CAS has to be willing to allow for family decision making and believe that the family circle has the capacity to develop and implement an appropriate plan.

The Family Group Decision Making Involves the Family Network

Other relatives and friends are invited to the meeting, not just those who are considered to be legal parties. The wider the circle can be expanded, the stronger the family's plan is likely to be. The FGDM coordinator will encourage the attendance of all family members who can be located on both the maternal and paternal sides of the family.

Family Group Decision Making is not Mediation

Although there is likely to be some conflict resolution, both between family members and between the family and child welfare, and although communication is likely to be improved, the primary goal of the meeting is to develop a plan, which ensures the child's safety and well-being. The coordinator is a catalyst and facilitator in the preparation process and parts one and three of the FGDM day, but does not actively mediate disputes or conflict resolution. *FGDM is not an appropriate tool for a family that wants to challenge the CAS bottom lines,* and there must be mutual respect of the child safety concerns.

STEPS

1. When agreed to use FGDM as an ADR, CAS counsel advises the child protection worker and supervisor about a referral to FGDM. The worker notifies the OCL that an ADR FGDM is taking place and notifies the coordinator if an OCL is appointed.
2. The worker obtains consent from the primary caregiver (usually a parent) for him/her to learn more about FGDM and how it would work in their family situation and makes the referral to the FGDM coordinator if they are in agreement.
3. The Coordinator meets with the CAS worker(s) and supervisor to obtain information about the family's history with CAS, the family's strengths, and the CAS concerns regarding the

family. The CAS develops or shares their position/bottom lines with the coordinator during this meeting.

4. The Coordinator meets with the parent and/or primary caregiver to explain FGDM and obtains a FGDM "consent to participate" which includes sharing information with all family members. The coordinator then meets with all family circle members and service providers, inviting them to and preparing them for the meeting.

5. The time frame from first meeting with a caregiver to the actual FGDM meeting usually takes about 6-8 weeks. A date, which suits all parties, will be found. This is usually on a weekend and it is chosen by the family.

6. The Coordinator advises the CAS worker/supervisor and CAS legal counsel as to whether or not the FGDM will proceed.

7. Lawyers are generally not invited to participate in the meeting, although a brief statement in support of a client can sometimes be permitted as long as it does not recommend a plan. This will be read in the first part of the meeting to all parties.

8. The OCL usually attends the first and third parts of the meeting to ensure the child's voice is heard (e.g., through a written statement), but does not participate in decision making with the family.

9. The FGDM meeting usually takes about 5-7 hours to complete. Some family circles decide that they would like to come back together again in a certain amount of time and this date can be booked before everyone leaves.

10. Service providers (including CAS) are present for information sharing in the first part of the meeting and for the review of the plan in the third part of the meeting day. The family circle meets privately for the second part of the meeting without non-family members (including CAS workers, and coordinator), to develop their plan to keep their child safe. No service providers are permitted to be involved in this part of the day (including the OCL or foster parents) even if invited to do so by a family member.

11. The family plan is presented to CAS and other service providers in the third part of the day and as long as the position/bottom lines are respected, a good enough plan is approved.

12. Within ten days of the FGDM meeting, the Coordinator sends a copy of the Plan to all of those present and anyone else requested by the family including the OCL if appointed. CAS legal counsel usually provides a copy of the plan to any other lawyers involved.

13. The family's plan is then presented to the court at the next court date.

14. Any one party (i.e., family member or CAS) can request a follow-up meeting if the plan has changed, is no longer viable or if a significant new safety concern arises.

15. If, in the unusual circumstance that the family circle and CAS cannot reach agreement or agree on next steps to address the concerns, traditional legal procedures will proceed.