



# The Administrative Office of the Courts

## The Facilitation Process in Dependency Neglect Cases

By ordering the parties to a facilitation in lieu of a regular staffing, the court can lead the way in building a collaborative system to help families, achieving faster permanency outcomes, and improving family functioning.

### Step One: Court Orders Facilitation

When the Court determines, upon its own motion, or upon motion of a party, that facilitation is warranted, it will include such language in its written order. A sample, form-fillable [Order for Facilitation](#)\* is available at [arcourts.gov](http://arcourts.gov).

**Best Practice Tip:** The order should be entered in open court and provided to all parties before leaving.

#### The order provides:

- (1) *Two dates* that participants shall reserve for facilitation.
- (2) A *checklist of issues* which the parties are required to facilitate including one or more of the following:
  - i. develop a case plan;
  - ii. modify or individualize the case plan;
  - iii. prioritize service issues;
  - iv. develop a permanency plan;
  - v. explore relative placement options;
  - vi. develop a custody agreement;
  - vii. develop a family time agreement;
  - viii. develop a sibling visitation plan;
  - ix. resolve issues concerning an ICPC placement;
  - x. explore concurrent plan;
  - xi. develop a safety reunification plan;
  - xii. explore TPR agreement;
  - xiii. other: \_\_\_\_\_.
- (3) An order as to whether the child and/or other nonparties should participate in the facilitation.

### Step Two: Parties Complete Informational Forms

- (1) If the order is entered in open court, all persons present in the courtroom shall cooperate in completion of the [Facilitation Intake Form](#)\* before leaving the courtroom. The form should include all parties that should be invited to the facilitation. DCFS shall ensure the Facilitation Intake Form is provided to court staff before leaving the courtroom.
- (2) Parents and custodians shall be provided [Family Prep Questions](#)\* which should immediately be answered and given to parent counsel.

### Step Three: Facilitation is Arranged

- (1) Court staff should email the [Order for Facilitation](#)\* and the [Facilitation Intake Form](#)\* to [facilitations@arcourts.gov](mailto:facilitations@arcourts.gov).
- (2) The program coordinator will assign a facilitator (who must be a certified juvenile mediator).
- (3) The facilitator will then contact all parties to finalize facilitation arrangements (including the date chosen and location).

\* Required form or sample provided by the Administrative Office of the Courts.

## Step Four: Parties Prepare for Facilitation

- (1) **Parent counsel** is ordered to provide a copy of the [Family Prep Questions](#)\* to the facilitator at least 72 hours in advance of the facilitation. They should not be filed.
- (2) **DCFS** is ordered to provide a copy of any case plan, safety or protection plan, drug screens, and other relevant documentation to the mediator at least 72 hours in advance of the facilitation.
- (3) **The facilitator** will provide an [Agenda](#)\* for the upcoming facilitation.
- (4) **All parties should:**
  - i. prepare information requested on the agenda;
  - ii. be ready to discuss parent participation in case plan;
  - iii. prepare an update regarding the child;
  - iv. think about goals and action items needed to reach the goals;
  - v. consider whether you will recommend changes to the overall case goal;
  - vi. consider additional services or action items needed; and
  - vii. prepare to be actively involved in discussions regarding the child/family.
- (5) **The child's custodian/DCFS** shall ensure that arrangements are made for the child to attend facilitation if presence was ordered by the court.

## Step Five: Facilitation is Held

- (1) All participants should arrive **15 minutes early** at the location provided by the facilitator.
- (2) All participants will sign an [Agreement to Participate in Facilitation](#)\* which provides an overview of the process as well as the following confidentiality clause: *“Any communication made during the facilitation process by any person shall be considered confidential and solely for the purposes of the facilitation. This confidentiality is in accordance with Ark. Code Ann. §16-7-206. The facilitator’s Summary to the court and other documents approved by all participants that result from this process will be entered into the court record and will not be kept confidential.”*

## Step Six: Steps Following Facilitation

- (1) The facilitator will send a copy of the [Facilitation Summary](#)\* to [facilitations@arcourts.gov](mailto:facilitations@arcourts.gov) and all attorneys of record within 72 hours following the facilitation. AOC will advise the court that facilitation took place and that the Summary has been sent to all attorneys of record.
- (2) The facilitator will also send the [Payment Form](#)\* to [facilitations@arcourts.gov](mailto:facilitations@arcourts.gov).
- (3) OCC shall present the Facilitation Summary as an exhibit at the next court hearing.
- (4) The court will utilize the Facilitation Summary to ensure the services, goals, and plans are individualized for that family.
- (5) The court may order additional facilitations for a family (up to \$500 total per case- unless AOC authorizes additional funds).

\* Required form or sample provided by the Administrative Office of the Courts.