

**Department of Health and Family Services (DHFS)
Children's Long-Term Support (CLTS) Mediation Services**

**Frequently Asked Questions
As of February 1, 2007**

1. *Where is mediation held?*

Mediations are generally held in a neutral location that is convenient for all parties. Some examples of this may be the local library, chamber of commerce or any room that has adequate seating for all of the parties. It may also be held at a state office building if convenient and available.

2. *What is mediation?*

Mediation is facilitated negotiation. It is a voluntary process. A neutral party, a mediator, helps the county and family resolve their disputes in an informal meeting or series of meetings. All communication during the mediation process is confidential. For additional information, refer to the Marquette University Center for Dispute Resolution website:

www.marquette.edu/disputeres/

3. *What types of issues can go to mediation?*

Mediation is an option for any issue related to Medicaid waiver services that a child is receiving that cannot go to fair hearing. Fair hearing applies to any issues related to eligibility, termination, elimination and reduction of services. Examples of issues that may be considered for mediation include identification of priority needs, choice of providers, access to services and denial of services.

4. *What are the benefits of mediation?*

- Early intervention is crucial in decreasing the escalation of a conflict.
- Communication may be improved and may establish a model for future collaboration.
- The process may establish or reestablish trust.
- The process may result in a binding agreement.
- All communication during the mediation is confidential.

5. *How do you request mediation?*

- Individually: a parent or county agency representative may request mediation.

OR

- Jointly: after discussing the issues, the parent and the county representative may decide they need a neutral person to help them resolve the issues.

To determine if you are eligible for mediation services, please contact Katie Sepnieski with the Children's Services Section by calling (608) 267-3377.

6. *Who may participate in mediation?*

The waiver participant and/or parents/guardians of the waiver participant may invite others, including a relative, family friend, advocate, or attorney. A county representative with decision making/settlement authority and, most likely, the county service coordinator/case manager will often be in attendance.

7. *What is a caucus?*

A caucus refers to a private meeting between the mediator and each of the parties. During these private sessions the mediator has a chance to talk to each party alone. It can be helpful to further determine the issues and positions of the parties and what alternatives might be considered to the proposed plan. Parties may want to share confidential information with the mediator. The information shared during the private session is not revealed to the other party unless the mediator is given permission to do so.

8. *When might a caucus be used in mediation for children on a Home and Community-Based Waiver?*

A caucus would be used when the mediator or participant (or participants) request one. A caucus could be requested for a variety of reasons, including to clarify information, share confidential information, test possible solutions, and/or to discuss differences in views between the parents or the county staff. Caucuses are held after a joint session with all participants present, and during the course of the mediation session. If more than one mediation session is required, the mediator may caucus with participants by telephone between sessions.

9. *How long does mediation take?*

It varies depending upon the needs of the parties. It can last anywhere from an hour to a day. If necessary, more than one session may be scheduled.

10. *Should I bring my child with me?*

Child care is not available during mediation. If the child has information and ideas that can contribute towards the process of reaching a resolution they should attend.

11. *How long does a settlement agreement last?*

The length of time of the agreement is decided by all of the parties during the mediation session.

12. *Who pays for mediation?*

Mediation is free to families and county agencies. It is funded through the Department of Health and Family Services. Initial billing is from Marquette University Dispute Resolution Center to the county. The county then claims an administrative expense for reimbursement. Participants involved with the system, however, must pay for their own travel or their attorney fees if they choose to hire an attorney.

13. What if the county has a policy regarding the request of the family and is not willing to enter into mediation?

Mediation is completely voluntary and all parties must agree that mediation is the appropriate way to attempt to resolve the dispute.

14. What if an agreement cannot be reached?

There is the additional option of discussing these issues with the regional Children's Service Specialist from the Department of Health and Family Services or the Regional Administration staff. Counties also have local complaint and grievance procedures that families may access.

15. What if the solution requires additional funding and there is no funding available?

Parties may be placed on their respective county's waiting list unless it directly affects the ability to assure the participants health and safety. For additional information, see section 1.06 of the Medicaid Waiver Manual. <http://dhfs.wisconsin.gov/bdds/waivermanual>

16. Could decisions reached in mediation set precedent for future conflicts?

All decisions are confidential and are not intended to establish policy. An additional benefit of mediation may be that the parties find new ways of identifying needs and outcomes. Mediation may be a way of educating parents, recipients and county personnel to each other's needs and establishes a collaborative, problem-solving relationship.

17. What is Marquette University Dispute Resolution Center's Role?

- Coordinating case intake, screening and referral.
- Explaining the process and benefits of mediation to the parties.
- Providing training and technical support for the mediators.
- Providing the professional mediators
- Conducting system evaluation.

18. How are people informed that mediation is an option?

Brochures are available electronically for county staff to share with families. These brochures can be found online at:

www.marquette.edu/disputeres/DepartmentofHealthandFamilyServicesMediationInformationBrochure.htm

A brochure may also be requested from Katie Sepnieski with the Children's Services Section by calling (608) 267-3377.