

Mediators encourage discussion, make suggestions, and help parties come to a mutually agreeable solution. The mediator is not a decision-maker.



## What kinds of disputes are appropriate for mediation?

Mediation may be used when disputes arise concerning the determination of eligibility, the evaluation or assessment process, or the provision of appropriate early intervention services.

## How is mediation initiated?

Either a parent or a county agency, or both, may request mediation. The process begins by completing a Request for Mediation form and sending it to the Birth to 3 Mediation System.

## Who may participate in the mediation sessions?

The parents and two representatives from the county agency may participate. With the consent of both parties, others may also participate.

## What happens at the end of mediation?

If an agreement is reached, the agreement is put into writing and signed by both parties. Implementation of the agreement is the responsibility of both the parties.

If agreement is not reached, the mediator and the parties will maintain the confidentiality of the mediation session in any future legal process. The parents may request a formal hearing before an impartial decision-maker who will make a decision about the dispute.

**Any discussions that occur during mediation sessions are confidential.**

The discussions may not be used as evidence in any subsequent impartial hearings or civil proceedings. The fact that a party did not consent to mediation or withdrew from mediation or that the mediation did not result in a resolution of the dispute can not affect the judgment of impartial decision-makers.

## The Mediation Process

### • Requesting Mediation

#### ✉ Send a written request

The Request for Mediation form must be mailed/faxed/scanned to the Birth to 3 Mediation System. This form can be obtained from your service coordinator or your Birth to 3 Program Office.

This can be a **Joint Request**: Both parties jointly sign and send a single Request for Mediation form to the Birth to 3 Mediation System which will assign a mediator from the roster.

Or, an **Individual Request**: One party may send a Request for Mediation form to the Birth to 3 Mediation System. The Birth to 3 Mediation System will notify the other party in writing and that party will have three days to decide if they would like to participate in the mediation process. The Birth to 3 Mediation System staff will be available to explain the mediation process. If the other party is willing to participate, the system will assign a mediator. If the other party is not willing to participate in mediation, the Birth to 3 Mediation staff will inform the requesting party of that decision.

### • The Mediation Session

Mediation begins within 14 days after the mediator is assigned. The mediation session will be conducted at a place, time and day agreeable to all participants.

### • The Written Agreement

If the parties resolve part or all of the dispute, the mediator will ensure that the agreement is in writing and signed by the parties. The agreement is legally binding upon the parties.

*While it is the mediator's role to help the parties resolve their disputes, it is the parents and the county representatives who must work together to reach an agreement that they can, in good faith, implement.*

The mediator does not impose a decision, but rather helps the parties identify issues, generate options and create their own solutions.

## Why use mediation?

Mediation is a voluntary process that allows parties to work to resolve areas of conflict. Mediation is private and confidential. Mediation allows parents and county representatives to express their views and concerns openly. Experience with mediation has shown that it is less adversarial, and more time and cost effective, than formal hearings. However, mediation does not delay or deny the right to a hearing. While the dispute is being resolved, the child must continue to receive early intervention services unless the parents and the county agency agree otherwise.

## Who are the mediators?

Mediators are chosen from a roster of highly skilled, qualified mediators who have completed special education and early intervention mediation training. Mediators who are not on this roster may be used, but at the parties' expense.

The Birth to 3 Mediation System is provided through a contract with Burns Mediation Services, a neutral provider of the intake, screening and mediation referral process. Burns Mediation Services also administers the Wisconsin Special Education Mediation System.

## ADDITIONAL QUESTIONS?

For more information, explore the Birth to 3 Program Mediation website:

[www.WIB3MS.us](http://www.WIB3MS.us)

Or contact:

- Jane Burns, Intake Coordinator, Birth to 3 Mediation System, 888-298-3857
- Birth to 3 Program state staff at 608-266-8276
- Your service coordinator:
- Your county Birth to 3 coordinator:



**STATE OF WISCONSIN**  
**DEPARTMENT OF HEALTH SERVICES**  
Division of Long Term Care  
Birth to 3 Program  
PO Box 7851  
Madison, WI 53707-7851  
Telephone: 608-266-8276  
Fax: 608-261-8884  
[dhs.wisconsin.gov](http://dhs.wisconsin.gov)

P-23117 (02/2010)

# WISCONSIN

# Birth to 3

# MEDIATION

# SYSTEM

**THE FOCUS IS ON MUTUAL  
PROBLEM SOLVING  
THROUGH OPEN  
COMMUNICATION.**

## The Mediation System

The Wisconsin Department of Health Services Birth to 3 Program has established a mediation system to help parents and the county agency resolve disputes concerning early intervention services for children with significant developmental delays or disabilities. The mediation system provides a voluntary form of dispute resolution that protects the child's interests while helping parents and the county agency reach a mutually acceptable solution. Mediation services are paid for using state and federal funds.

## What is mediation?

Mediation is a process in which a neutral and impartial third party, a **mediator**, helps parties to try and resolve their disputes in a private setting. The mediator focuses discussions on the disagreements and circumstances that have separated the parents and the county agency.