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Mediation a helpful process for all involved in juvenile justice cases

Although at first blush criminal law and family law may appear to have little in common, both might have complex emotional and financial components and both often involve children and family dynamics. A fact that may be just as unexpected is how successful ADR can be in resolving issues between those charged with crimes, their alleged victims and the families on each side.

According to the Cook County Circuit Court, Juvenile Justice Division, more than 22,000 youth were arrested in Cook County in 2013. One of the unifying factors across many of the crimes is the fact that the crimes committed by these youth are frequently misdemeanors or low-level felonies (i.e. vandalism, theft, simple assault).

No matter how small or "low-level" these crimes may be, they are, nonetheless, funneled through the circuit court system and adjudicated, often resulting in convictions. The criminal records stemming from this litigation have serious repercussions for young people, including the fact that a record might prevent them from getting jobs or pursuing educational opportunities.

Since 1992, the Center for Conflict Resolution (CCR) and the county court system's Juvenile Justice Division have been partnering to provide mediation services to minors charged with committing crimes, their families and the victims of the crimes as an alternative to traditional sentencing processes.

In the CCR victim-offender mediation program, the emphasis is to create a space for communication and problem-solving. Mediations may result in resolutions where the youth agrees to participate in community service projects, establish a mentoring relationship with a participating adult,

enter arts or writing programs or seek counseling.

The victims have a chance to share how the crime impacted them, while the youth offender has an opportunity to explain the events leading up to the incident. Everyone involved can share ideas for repairing the harm created by the offense.

When a victim is unwilling or unable to participate in mediation, CCR provides mediation to the juvenile and his or her parents, guardians or family members in order to discuss the incident and its impact on the family and juvenile offender. These sessions emphasize open dialogue and problem-solving among the family members.

Victim-offender mediation is a quicker alternative to traditional court processes. Research and experience dealing with these issues shows that mediation often reduces the likelihood of recidivism.

In victim-offender mediations, the mediator works with the youth offender, their families and the victim to discuss factors which may have contributed to the youth committing a crime. When there is an opportunity for youth and families to gain a better understanding of the problem, they are better situated to craft solutions.

The following story illustrates the impact of CCR's services:

Leandra, 16, was caught stealing clothing from a large department store with her younger sister. Leandra was arrested and taken to the police station. This was a scary experience for someone who had not been in trouble before. She was eventually assigned a juvenile probation officer and was referred to CCR to mediate with a store representative.

Leandra went to the mediation shaken from her first encounter with the law and shaken that her parents were upset by her actions. CCR provided a calm and neutral space for Leandra

COLLABORATIVE CONCEPTS



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and her parents to discuss the incident. They problem-solved on how their family will move forward to ensure Leandra's future success.

During the mediation, the store representative was able to tell Leandra face-to-face "what she wished someone had told her at 16." She shared what seems obvious to adults: "the consequences of getting caught shoplifting far outweighed any benefit of the attempt."

The representative shared with Leandra that she grew up in the same community as the family and had taken time off work in order to be at the mediation. She was not concerned though as she was grateful to have the opportunity to speak to Leandra and her family.

During the mediation, the family was able to share how much they care about each other. They also discussed their concern for their reputation in the community and their shared desire for a future relationship with their favorite department store.

As an employee who works to stop shoplifting, the representative was grateful for the facilitated conversation as the parents listened to her point of view and further understood the impact of the incident, and others like it, on their

community.

Through the mediation session, Leandra was able to get to understand why she stole, affirm that any kind of illegal activity was not compatible with her dream to become a doctor and learn about the ramifications of shoplifting from a successful woman in her community.

Without CCR's services, Leandra might have had only a limited opportunity to share her story with a judge or probation officer. And she almost definitely would not have had a chance to talk with the people impacted by her actions.

CCR measures party satisfaction and mediation experience using anonymous evaluations at the end of mediations for all participants.

The program's statistics show that the agreements are durable. Less than 5 percent of juvenile victim-offender mediation agreements are breached. Furthermore, 88 percent of participants in juvenile victim-offender mediation agree or strongly stated they were satisfied with their mediation experience.

Most significant for projecting the success of ADR in family law matters was sitting down with victims. These had a definite impact on these juveniles and helped them better understand the effects of their actions on the other party.

Furthermore, 80 percent of juvenile program participants report they actually felt better about the other party involved in their case after participating in the mediation.

The Center for Conflict Resolution needs your support to continue its work. Your contribution will ensure CCR can continue to help young people like Leandra, her family and members of the community repair harm and build relationships.

Please consider making a tax-deductible donation by visiting www.ccrchicago.org.