



Be Neutral

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From the Director:

Mediators and the New Child Abuse Reporting Law

Governor Deal recently signed [HB1176](#), which in part amends the “mandated reporter law” for child abuse and neglect, O.C.G.A. §19-7-5. The amended law takes effect July 1, 2012. HB1176 adds definitions for some organizations whose employees and volunteers are required to report child abuse and neglect. [Here’s a link to the relevant section of HB1176](#) (underlined text has been added, and crossed out text has been deleted).

Mediators are not mentioned specifically in the current law. GODR has always advised that mediators as a profession are not legally required to report child abuse or neglect, while adding that some mediators may be required under the law to report abuse because of other professional hats they wear (i.e., teacher, doctor, dentist, counselor, police officer, etc.). Those professionals are *always* mandated to report abuse regardless of whether they are serving as mediators of court cases.

Mediators are also not mentioned specifically in the amended law. However, language in the new law is so broad that mediators have asked if it could be interpreted to require that court mediators as a profession report child abuse and neglect. Their concerns focus on the newly added definition for child service organization personnel:

(5) 'Child service organization personnel' means persons employed by or volunteering at a business or an organization, whether public, private, for profit, not for profit, or voluntary, that provides care, treatment, education, training, supervision, coaching, counseling, recreational programs, or shelter to children.”

After talking with some experts, it seems a bit of a stretch to fit a court or court ADR program into this new definition of a business or organization, and therefore it also seems a stretch to consider court mediators to be personnel of such organizations. Also, mediators do not engage in the activities or provide the services described in the definition. Moreover, in mediating disputes where children are parties and participants, the mediators’ contact with the child is severely limited, with no expectation of the kind of ongoing professional relationship implied by the services listed.



So under the new law, we would still advise that mediators as a profession are not mandated reporters of child abuse and neglect. Of course, we can agree that reporting suspected child abuse or neglect is generally a good thing to do. And if you want to be cautious and conduct yourself as if you as a mediator are a legally mandated reporter, then you are free to do so. Nothing prohibits you from reporting suspected child abuse or neglect to the proper authorities. The ADR Rules create an exception to the confidentiality obligations of mediators:

B. Exceptions to Confidentiality:

Confidentiality on the part of program staff or the neutral does not extend to the issue of appearance. Confidentiality does not extend to a situation in which

- a) there are threats of imminent violence to self or others; or
- b) the mediator believes that a child is abused or that the safety of any party or third person is in danger.

Be sure to discuss the confidentiality exceptions in your mediator’s opening statement and include it in your agreement to mediate or mediation guidelines that participants sign before

beginning the mediation. If you are a mandated reporter, or your policy is to conduct yourself as if you are a mandated reporter, tell the participants.

Remember that accusations of child abuse and neglect are serious and should not to be made casually. If you are unsure if abuse or neglect is occurring, take a quick break and discuss the situation with your local court ADR program director. Court programs routinely assist mediators who have reason to make a referral and support their mediators regardless of their mandate.



To report suspected child abuse or neglect:

- * If you believe a child is in immediate danger, call for a break in the mediation and call 911 right away.

- * If you do not believe a child is in immediate danger, report your suspicions to your local ADR program director, and together you should call the Department of Family and Children's Services (DFCS) as soon as possible within 24 hours:

- During regular DFCS office hours (weekdays 8 a.m.-5 p.m.) call the DFCS office in the county where the child lives or the county in which the suspected case of abuse/neglect is witnessed. Contact information for county DFCS offices can be found [here](#).

- Outside of regular DFCS office hours (weekdays 5 p.m.-8 a.m., anytime on weekends, holidays, and furlough days) call the [DFCS Child Protective Services After-Hours Call Center](#) at 1-855-GA CHILD (1-855-422-4453):

More information can be found at the [DFCS website](#).

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Income Withholding Procedure for Child Support



Most of you are already aware that Federal Office of Child Support Enforcement (OCSE) and the Office of Management and Budget (OMB) issued a revised Income Withholding Order (IWO) on May 31, 2011, that is required to be sent to employers with ALL income deduction orders issued on or after May 31, 2012. The consequence of not using the required IWO form is that the employer must reject the income deduction order and return it to the sender, potentially causing an unnecessary delay in the custodial parent receiving the child support.

Income deduction is and continues to be a complicated, burdensome procedure. This additional requirement does nothing to alleviate that. However, inspired by the release of the revised IWO and the potential consequences of not following the procedure correctly, we collaborated with the Georgia Division of Child Support Service (DCSS) to create a guideline to help streamline this process. We are hopeful that you will use this guide in your practice and will find it helpful. [Click here for the guide](#). The guide, along with frequently asked questions, forms and other resource materials are also available at the following website: www.georgiacourts.gov/csc/iwo.

Special thanks to DCSS Legal Policy Specialist Stephen Harris, Child Support Guidelines Coordinator Elaine Johnson with my office, and the rest of our workgroup for their contributions to this project. As always, we welcome your comments and feedback.

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Should Mediation Go to the Dogs?



Hospitals, medical centers and mental health agencies have long used therapy dogs to help reduce stress, anxiety, and even pain in their patients. Now schools like [Emory University Law School](#) are seeing the benefits of inviting specially trained dogs onto campus to help stressed-out students deal with the academic pressure cooker.

So why not bring dogs into mediation? That's the audacious idea proposed by California attorney, mediator and arbitrator Mitchell Chyette in his [blog post](#) "Getting to Woof." They help parties deal with the rigors of the mediation process, he proposes that mediation include not just therapy dogs but even the family pet, especially when children are involved in the mediation process.

Aside from the practical issues – allergies, access to courthouses – what do you think of the idea? Should mediation go to the dogs?

[More Info](#)



Association for
Conflict Resolution
Georgia Chapter

ACR-GA Hosts Workshop on Biblical Conflict Resolution

The Association for Conflict Resolution's Georgia Chapter is sponsoring a seminar titled, "The Way to Resolve Conflict: Workshop on Resolving Conflict Using Biblical Principles," on Saturday, June 16, from 9 am to 2 pm, at the Merle Manders Conference Center, 111 N. Davis Dr., Stockbridge, GA 30281. 4 hours of neutral CE is available. The workshop is free to ACR-GA members. The cost is \$25 for non-members (includes lunch), but the workshop fee is included for new/renewing members who pay their annual dues of \$50. ACR-GA's annual meeting will be held immediately after the workshop from 2:15 to 4 pm. For more information, go to [this link](#) or contact www.acrga.net.



CaseWatch for Mediators: Self-Employment Income Complicates Child Support Calculations

Child support negotiations can be among the most heated in mediation. And difficult income calculations can become even more daunting when one or both parties to a divorce are self-employed. In this month's CaseWatch for Mediators, Mary Ellen Cates, Esq., divorce attorney and registered mediator, examines a Supreme Court case that shows how one trial court cut through the conflicting information to arrive at a just level of child support.

[Read Full Article](#)

CaseWatch for Arbitrators: Arbitrator Can Interpret Contract Text to Allow Class Actions, Court Says



Arbitration clauses, designed to simplify and clarify the process when disputes arise under a contract, can themselves be the source of headaches, especially if they are ambiguously or poorly drafted. In this month's CaseWatch for Arbitrators, John Allgood, Esq., veteran attorney, registered mediator and arbitrator, examines a recent federal circuit case that reveals what powers arbitrators can wield when the arbitration provisions are murky.

[Read Full Article](#)



Marketing Tip: E-Marketing v. Your Physical Safety

In our competitive business environment, you must be aggressive in marketing yourself using the latest in online technology and social media. But in putting your professional name out there, are you putting yourself and your loved ones in personal danger? In this month's Marketing Tip, master marketer and mediator Michele Gibson tells you how you can balance your desire for professional exposure with your need for personal privacy and security.

[Read Full Article](#)



Theory to Practice: A Spoonful of Sugar Makes the Mediation Go Round

Do you ever get tired of making decisions? It turns out that choosing takes energy, and if you're forced to make too many decisions, your brain can run out of gas. Your mediation parties have to make decisions, often lots of very difficult ones under stressful circumstances. How can you help them to combat "decision fatigue" and to get on with the work of mediation? In this edition of Theory to Practice, Heather Pincock, assistant professor of conflict management at Kennesaw State University, highlights research that confirms the healing power of ... sugar ... in rejuvenating people's ability to make decisions.

[Read Full Article](#)

GODR MEMBER BENEFIT SPOTLIGHT – PET INSURANCE



VPI Pet insurance - 5% discount for members and employees of members

GODR Registered Neutrals and employees of members seeking medical coverage for their pets may qualify for a 5% group discount with the leader in Pet Health insurance, VPI Pet insurance. A VPI Pet insurance policy helps pay for your pet's treatments, surgeries, lab fees, x-rays, and much more. VPI provides peace of mind knowing you can care for your pet no matter what the cost.

- Group discount of 5%.
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- Flexibility: VPI's plans are licensed in all 50 states.
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Program is administered through VPI Pet Insurance, the nation's oldest and largest provider of Pet Health insurance.

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Publicly Available Resources for Georgia ADR Professionals

We encourage you to visit the [blog](http://georgiaadr.wordpress.com/) created by Georgia State University law professor Doug Yarn and GSU law students Alex Salzillo and Alicia Mack to inform and encourage discussion. Please add it to your reading list, send the link to your colleagues, and visit often. The address: <http://georgiaadr.wordpress.com/>



And don't forget the [Georgia Mediators Network](#), a great Facebook resource for the latest mediation news and articles from around the world. The page has been visited tens of thousands of times in just the few short months it's been around. Use the information there to pump your own professional web pages and your expertise. The Georgia Mediators Network is the brainchild of registered mediator Michele Gibson, our marketing columnist and newsletter producer.

Benefits: Exclusive Insurance Products for Registered Neutrals



Georgia-registered neutrals are entitled to participate in several insurance and retirement programs that have been designed specifically for them. If you need insurance, are planning for retirement, talk to the experts at [BPC Financial](#). They manage our new exclusive insurance and retirement program, and they can advise you on your insurance needs and help you find good deals on major medical insurance, healthcare savings accounts, dental and vision insurance, term life insurance and more. Registered neutrals receive the benefits of underwriting concessions, enhanced benefits, or reduced premiums and fees compared to shopping for similar products on the open market. Check out the [GODR Registered Neutrals Insurance and Retirement Programs website](#).

We've also arranged for special benefits on professional liability insurance for registered mediators and arbitrators with [Complete Equity Markets](#). See our [website](#) for more information or contact [Betsy Thomas](#), 800-323-6234, ext. 472, and tell her you're a Georgia registered neutral!

Upcoming CE and Training Offerings



Check frequently at our [website](#) for the latest CE and training offerings. Remember, any ADR-related training you take counts as CE as long as you took it since your last renewal or your initial registration, whichever comes later. Lawyers, any CLE you took during that same time period counts as CE. Likewise, judges and CJE. Accountants and other professionals with CE requirements, same thing.

And remember, we posted three videos on our website that registered neutrals can watch for free to earn CE credit. Each video is one-hour long. Neutrals are free to watch the videos as many times as they wish, but we can only award 1 CE hour credit for each video once a renewal season. Please note the date you finished viewing each video so you can report it on your renewal form. Remember, registered neutrals are required to take at least 3 hours of CE each year in order to renew their registrations. Look for the link, "[Continuing Education Videos](#)," in the main menu of our website. For more information on what qualifies for CE, please see the "[Help! I Need CE!](#)" link on our website.



***Be Neutral* Back Issues Available Online**

Be Neutral is sent monthly to all registered neutrals, generally at the beginning of the month. If you missed an issue, our back issues are posted at the bottom right of our website, under "[Newsletter Archive.](#)" Please take a look. If you know people who want *Be Neutral*, please direct them to our subscription box at the bottom right of our [website](#), where they just need to enter their e-mail addresses. Please forward this newsletter to anyone who might be interested in ADR in Georgia courts. Forward it just as you would any other e-mail. If folks who are not registered neutrals want to receive the newsletter free of charge, they can submit their e-mail addresses in the subscription box at the bottom right of our [website](#). And sending us feedback is easy – just reply to this e-mail as you would any other e-mail. We want to hear from you!

Spread the Word

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