

NORTH CAROLINA
ADMINISTRATIVE OFFICE
of the COURTS

Space and Safety Recommendations for Child Custody and Visitation Mediation Programs

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Prepared by the Office for Health and Safety and the
NC Child Custody and Visitation Mediation Program



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The purpose of this manual is to help facilitate safety for custody mediators, Custody Mediation Program staff, parties in mediation, and others in the courthouse. Custody mediation is a process in which a professionally-trained neutral third-party helps parents to develop an agreement for the care of their children during and after separation. The N.C. Administrative Office of the Courts (NCAOC) is required by statute "...to provide statewide and uniform services in accordance with G.S., 50-13.1 in cases involving unresolved issues about the custody or visitation of minor children..."

The disputes of separating and divorcing parents have proven to be especially appropriate for mediation, in part due to the importance of establishing a resolution for the children quickly, and also because of the continuing nature of the co-parenting relationship. The goal of the mediation process is to provide the parents a cooperative, less stressful forum to discuss parenting issues and the continuing care of their children. The mediator provides a process for parties to discuss how the children will be cared for by each parent in the future. Parents are encouraged to focus on the future rather than dwell on past events which have been difficult for them.

But the separation process and the subsequent litigation of personal issues can create an environment of stress, distrust and animosity between the parents. Although mediation is preferable to litigation, dealing with child care and custody issues between parents who no longer live together can sometimes result in emotional outbursts and violence, even in this non-adversarial environment. Since the mediation must take place behind closed doors to provide confidentiality is protected, having armed court security officers present is not an option.

NCAOC hopes the recommendations that follow will help local court and county officials achieve an effective balance in the needs for confidentiality and safety when operating mediation programs, and when designing or assigning space for mediation offices. The fundamentals of the recommendations that follow are to maximize communication with and the availability of court security officers (in general, sheriffs' deputies), reduce mediator isolation, promote provision use of security devices like duress alarms, and encourage procedures and practices that reduce risk while supporting the mediation process.



Ensuring Safety in the Office, Equipment and Building

Reception Areas for the Parties to Mediation

The parties' first contact after a breakup may be in the mediation office or reception area. This space should be visible to the public and court security officers.

- It is preferable that the mediation programs have a reception area, and that the reception area be located in a visible, public place, such as near the Family Court reception, the clerk's office, or a sheriff's office. If the area is not visible to the custody mediator or mediation program staff, another court employee located in the reception area may notify the mediator when both parties have arrived.
- The reception area, mediation offices, and mediation rooms should be equipped with duress alarms, commonly called panic buttons, for emergencies. Duress alarms should transmit both to the law enforcement agency -- generally the sheriff -- that will respond to calls, as well as to court security officers in the courthouse (i.e., the central security monitoring station in the courthouse).
- Mediation program staff should require mediation participants to record their name and time entering the office for mediation sessions.
- It is recommended that a sensor, doorbell or manual "reception" bell be installed to notify staff of new visitors if a receptionist is not available. Signage can be effective to point parties to the reception area and the "bell" or notification system in order to receive service.
- Ideally mediation and orientation rooms should not be located within secure spaces or "restricted" judges chambers.
- It is recommended that **ONLY** parties on the petition be allowed to wait in the reception area. Parties not attending a mediation session may be asked to wait in other areas of the courthouse.

Mediation Suites

In some offices, mediators and staff have been allocated a suite that allows for multiple offices, storage space, reception area and sometimes, an orientation or conference room. These spaces are often separate from the regular traffic of the court, and therefore may be overlooked by court security officers.

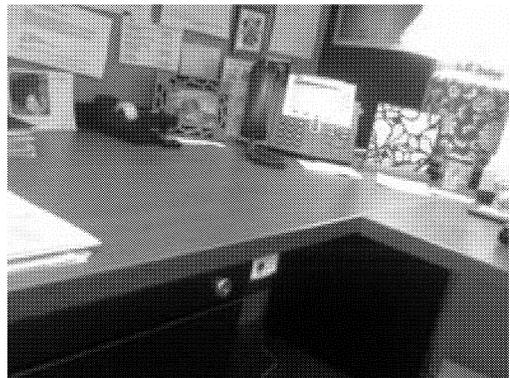
- For mediation suites or mediator’s offices/mediation rooms located in a shared suite, it is important that the number of public entrances to the space be well-monitored or limited. It is easier for all staff members in the suite to be aware of who is entering and exiting their offices when there is only one door to enter and exit the space.
- Ideally, suites should be equipped with keys or a key card system to control access to the mediator’s offices and other areas of the suite. While key card systems are most common for judge’s chambers and other restricted areas in a courthouse, this system can better control access to the mediator and are especially beneficial in isolated locations.

Mediation Offices and Mediation Rooms

The mediator’s office is a place for the mediator to conduct business related to mediation, including making and responding to confidential phone calls from clients, checking email, writing agreements, filing and other administrative tasks. Many mediators also hold mediation sessions in their office. Other mediators have access to a separate room used solely for the purposes of mediation.

Ideally, mediation rooms should:

- **always be equipped with duress alarms.** Periodic, preferably monthly, tests are recommended to ensure the system is working. Duress alarms may be placed on a desk or on the wall. Often the duress alarm is placed near the door, allowing the mediator to access it on their way out to get help. *The photo at right shows the typical location for a duress alarm on a mediator’s desk.*



- **allow for easy entry and exit, safe seating and ample mobility.** Consistent with state and local building and fire codes, the seating arrangement should provide ample space (on the order of three feet or more) between the seats, furnishings and walls to allow for movement within the room and safe exit. Mediators may occasionally stand and move about the room, in order to write on an easel or hand out calendars or other paperwork to the parties. The location of the room itself, and the type and arrangement of furnishings and other features must afford full access to persons with disabilities.

- **allow the mediator to be seated closest to the door.** If necessary, mediators can rearrange office furniture or mark “their” seat with a binder or notebook. Sitting near the door allows the mediator to exit quickly if necessary and call for assistance. *In the photo at right, parties should be seated on either side of the conference table, leaving less opportunity for physical contact with one another. The mediator positions herself closest to the door*



- **be arranged so that parties have sufficient space between them.** Mediation room seating should allow at least three feet, and more than an arm’s length, between parties. Placing furniture between the seats adds to party separation and sense of safety. Many mediation rooms are furnished with tables. Some mediators advocate for a round table, as it provides for equity in seating and generally more comfortable spacing, but mediation rooms are also frequently furnished with conference tables. Mediators may prefer to allow parties to choose their own seats at a table, but in cases where security may be a concern, it is

recommended that parties be seated strategically, to keep distance between them. It should be kept in mind that one’s physical position in a room may affect the overall feeling of safety and psychological comfort. For example, a party seated in a corner or close against a hard wall may feel pressured or “trapped” in the discussion of issues. *The photo at left illustrates appropriate room arrangement, with the parties opposite the mediator. A small*



table provides a physical and psychological barrier between them.

- **be furnished with care.** Movable objects, such as lamps, planters, flags, or statues may be picked up, knocked over, or otherwise used in physical or violent behavior. Many small objects, such as scissors, can be used as a weapon. The safe practice is to remove potentially dangerous objects from easy reach of the parties while in mediation.



- **be visible to others.** Office spaces with windows provide visual access to other staff in the suite or in the court. Parties in mediation are conscious that actions may be witnessed. Also, concerned staff or court security officers may visually monitor the mediator and parties' safety. *In the photo at left, the mediation room has a wall of glass that allows deputies and court staff to see into the room, but conversations are not heard.*

General Safety Recommendations

- All mediation parties should pass through security screening. As recommended in North Carolina's Court Security Guidelines, screening should be conducted at every courthouse entrance by deputy sheriffs, with effective screening devices. *The photo at right illustrates screening equipment and personnel.*
- There should be adequate exterior and interior lighting around the workplace and near entrances and exits.
- Stairwells and corridors should be well-lighted. Areas with poor lighting should be reported to the County Manager, or the person designated by the county or court as the court's contact for facility matters.
- Offices, conference rooms, and storage rooms should be locked when not in use.
- There is a possibility that parties may attempt to initiate conversation or interaction with mediators outside the courthouse. Mediators should discourage these conversations.
- Parking spaces and garages should be well-lit and elevators, entrances, and exits should be visible and accessible.



Through communication and coordination with the chief district court judge, the space and security needs of mediation programs should be considered in the court and county process for planning, budgeting and implementing facility and security improvements. The recommended approach is for each county to establish facility and security committees on which key county and court officials are represented. This offers a means for the changing needs of all court offices to be communicated to the county, and then assessed and addressed, in a coordinated, cost-effective manner.

Ensuring safety during Custody Mediation Orientations

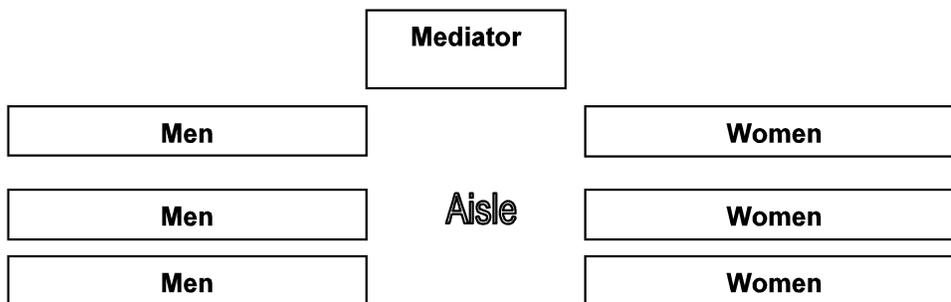
Parents are ordered to attend a Custody Mediation Orientation session before they are scheduled for mediation. Often parents attending orientation are seeing the other parent for the first time after separation or whatever divisive issue led them to the courts. Parties in orientation sessions may be tense, angry, or frightened, and in this more public sphere, parties may be more likely to engage one another. Below are suggestions to reduce the risk of violence during orientation.

General Safety Recommendations for Orientation Sessions

- Adequate signage should be posted to guide parties to the orientation location.
- Court security officers should be knowledgeable about the orientation schedule and informed of the orientation session location, so that they can answer questions from parties. Knowing when orientation is scheduled may also enable court security officers to maintain a heightened vigilance or take extra care in screening these individuals.
- If possible, a court security officer should be present in the orientation room or in the doorway of the orientation room. This officer presence provides an instant deterrent and a visual reminder that the group is being watched.
- In the event that a party attending Custody Mediation Orientation has a current domestic violence (50B) protective order against the other party in the custody action, the mediator must be able to arrange for parties to sit apart and leave separately from the Custody Mediation Orientation, with the alleged victim leaving first and the alleged perpetrator leaving at least five minutes later. Law enforcement or security personnel should be available to provide an escort if needed.

Recommended Seating

When a large number of people attend orientation, it may be preferable to separate the parties by gender. This divided seating arrangement may minimize the risk of violence. This practice also creates “buffer zones” that can reduce the risk of one participant assaulting another. One example of a gender-divided room may look like this:



The aisle provides a physical barrier to separate the men and women, and reduces the risk of physical interaction during or after the orientation session.

Building Security Personnel

Many NC custody mediation offices do not have easy access to court security officers. Developing collaborative relations with the court security officers in the courthouse can be instrumental toward achieving oversight and protection. Custody mediators often have limited opportunity to assess their parties and are unable to predict their behavior during mediation, creating obvious safety vulnerabilities. Effective strategies and comfortable communication with court security officers can effectively diminish these vulnerabilities so that injury to a mediator or parties may be limited or prevented. Some measures to promote security include the following:

- Introduce mediators and support staff to all security personnel.
- Provide copies of mediators' photo identification to law enforcement or security staff.
- Provide court security officers with detailed schedules of orientations and mediation sessions for that day or week.

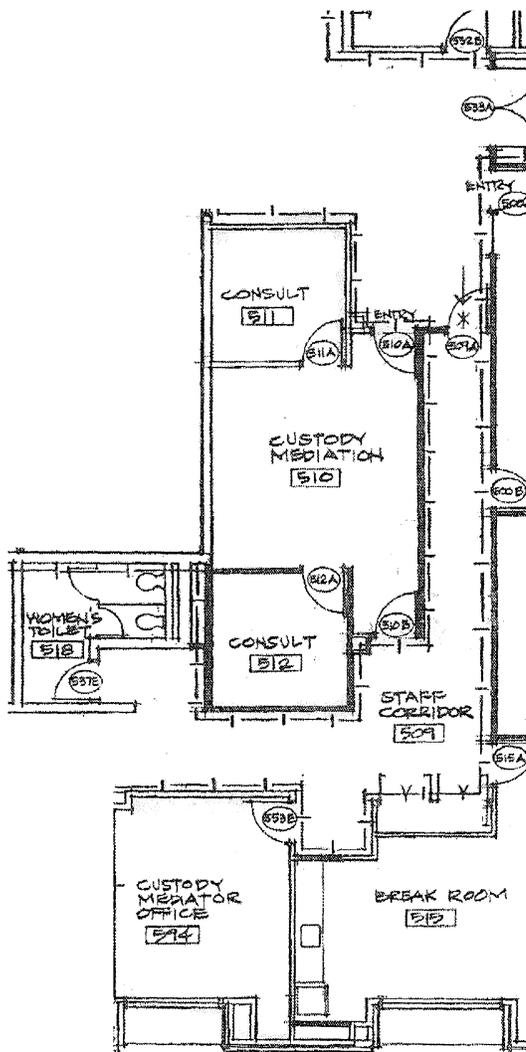
- Ask court security officers to include custody mediation suites and offices as part of their daily patrols.
- If a mediator is aware of a possible security concern, they should be able to request security personnel be more vigilant or more visible to the parties upon entry.
- Immediately share concerns about safety vulnerabilities within the building with the chief district court judge and court security officers.
- Encourage development of emergency plans and crisis response.
- In coordination with the chief district court judge, ensure that the needs of the mediation program are considered in the committee (or other) processes used in the county for facility, security, and continuity of operations planning.



Examples of Recent Space Renovations Wilmington, NC

The renovation and addition for the New Hanover County Judicial Building was finished and dedicated in October 2002 under the leadership and supervision of Chief District Court Judge John Smith.

The new mediation space strategically placed the mediator within feet of the deputies' break room and places waiting parties in a public and supervised room before being allowed access behind the locked mediation suite door. The mediator emphasizes that the space allows her to provide an informal, even homey setting, where the parties' anger and tension will tend to defuse, increasing their comfort and decreasing risk.



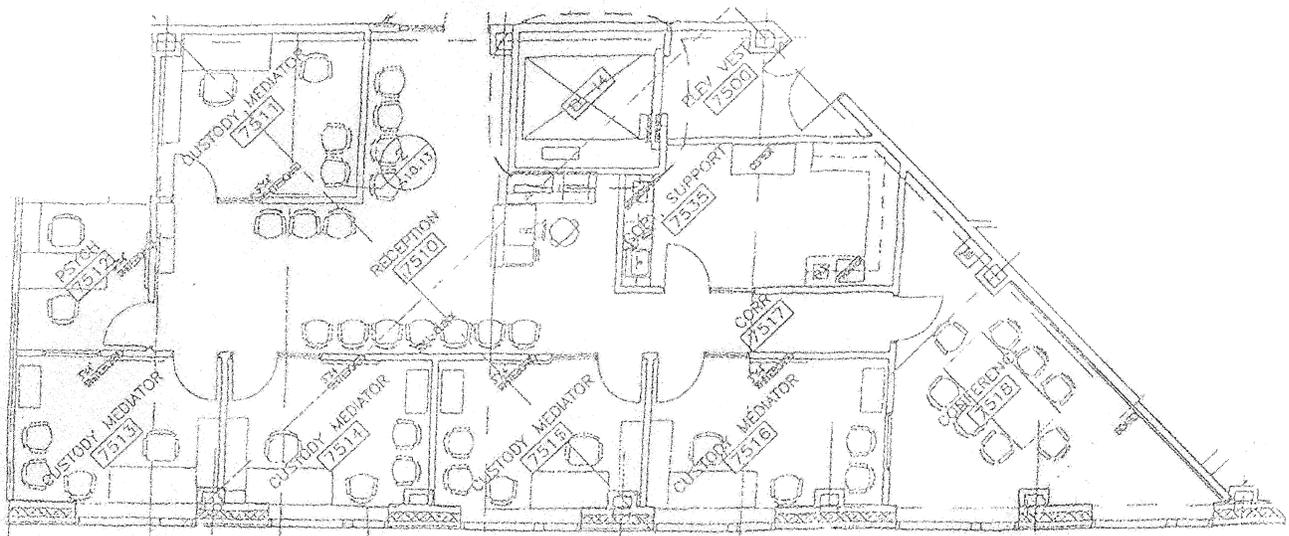
- The waiting area outside the mediation suite is dual use space, often populated by visitors to domestic violence and small claims court. Clerks, deputies and other court personnel frequent the space, lessening the opportunities for parties to interact with each other.
- The room marked “break room” on the plan is actually the central “headquarters” for the security personnel in the courthouse. A deputy is always stationed there or passing through the narrow hallway adjacent to the mediation suite. The deputies will knock or gain entry to the mediation room if the parties become loud or uncontrolled.
- The mediator retains a small portable duress alarm in her pocket at all times. The deputies’ response to the alarm is forceful and practically immediate.
- The entry to the mediation suite is locked, preventing parties from directly accessing the mediator’s office. Parties announce their arrival with a door buzzer.
- This suite is equipped with two small rooms adjacent to the main mediation room. This advantageous setup allows the mediator to hold separate sessions with each of the parties, assured that the conversation with each will not be overheard.

Examples of Recent Space Renovations Charlotte, NC

The new Mecklenburg County Courthouse was dedicated in February 2007, with design and construction supervised by Chief Judge Bill Jones.

When creating the mediation suite, designers were encouraged to prioritize security, create adequate dual mediation /office spaces and create space where parties were afforded equal space and privacy. The suite takes advantage of the building dynamics, placing a spacious conference room in a triangular corner and placing mediator's offices along an outside wall with spacious windows. This provides mediators and clients a sense of enclosure and openness at the same time.

- The waiting area outside the mediation suite is L-shaped, allowing parties to sit apart from one another. The Custody Mediation Program administrative assistant has a clear view of the waiting parties, all of the mediator's office doors, and the entry door and hallway beyond.
- All mediators' offices, conference rooms, and the reception desk are equipped with duress alarms. Mediator offices allow ample space for parties to sit apart from one another with at least 2 ½ feet separating them.
- The suite has one access door only, preventing people from "wandering in" unsupervised or circling around to enter at a separate door. The entry door is set in a wall of glass, allowing the visitor to be seen before entering. This also allows law enforcement and security personnel to view the space during patrols.

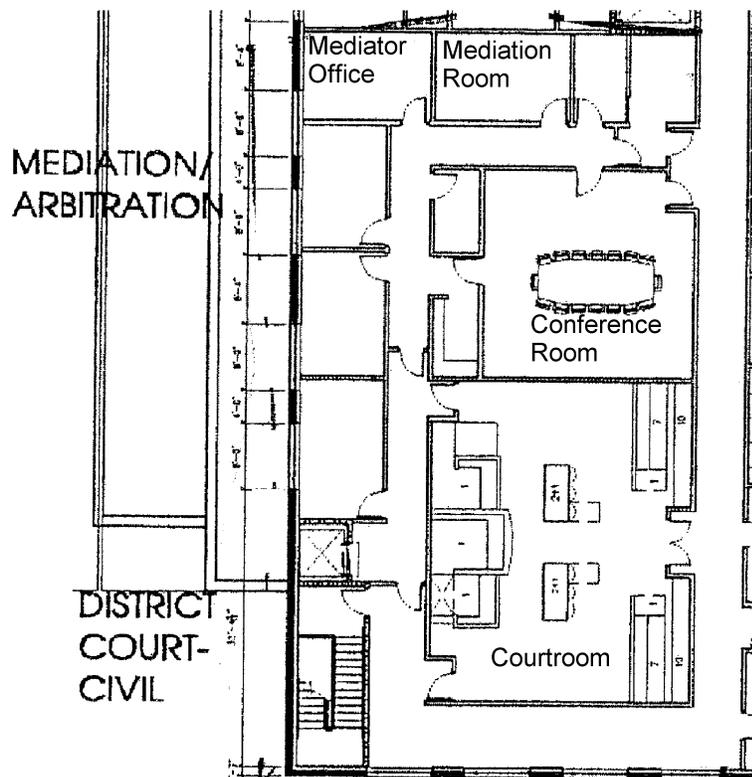


Examples of Recent Space Renovations Wentworth, NC

A new Rockingham County Courthouse is currently under construction (as of spring 2010), under the supervision of Chief District Court Judge Frederick B. Wilkins. Completion is expected in 2012.

The new mediation suite provides for safety and comfort by placing the mediator's office behind controlled access doors in a shared suite. Unique features of the space are the special courtroom for near exclusive use by the mediator and the choice of a mediation room or conference room to hold mediation sessions.

- The suite has limited entries and they are accessible only to courthouse personnel.
- The suite provides the mediator with a dedicated courtroom. Arranging to use a courtroom for orientation can often be problematic in busy courthouses.
- The mediator's office will be equipped with a buzzer allowing her to be notified when parties have arrived.



- The mediator will have access to both a mediation room and a conference room. Larger groups benefit from the larger mediation spaces, and clearance for chairs in the conference room is ample.
- The mediator's office and the mediation and orientation rooms are equipped with duress alarms.
- Placing mediation in a shared suite allows others to intervene in emergencies.

Examples of Recent Space Renovations Greensboro, NC

The Guilford County Courthouse renovation was completed in 2009 under the supervision of Chief District Court Judge Joseph Turner.

Space has been an issue for this county for some time, so special emphasis was placed on future expansion. This suite provides a separated “L” shaped waiting room that may be supervised when parties are waiting. The two mediators each have ample space to mediate in their office or they use one of the two dedicated mediation rooms. All rooms are equipped with duress alarms.

- The suite has two access doors, and the mediators use this to their advantage to allow parties to exit directly into the corridor. Both doors must be opened from the inside.
- The suite is arranged to allow the assistant at the reception desk to view the entire waiting room while she continues to have the protection and support of other court staff.
- Mediators may use their office or a separate mediation room. This is especially convenient when there are more than 2 people in mediation.

