

Restitutional (Victim-Offender) Mediation Manual

A Step-by-Step, Easy-to-Follow Guide



To Help Caregivers Teach “Giving”
Instead of “Taking”



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Why Restitutional Mediation?

At 10 p.m., October 1, 1943, the Nazis were to round up and deport 7,500 Danish Jews to the death camps. Non-Jewish Danish citizens, from all walks of life, some only teenagers, risked their lives to rescue all but 481 Jews by boat and by bus. They sneaked them away to safety and freedom in neutral Sweden.

Louis Bulow: Denmark, Rescue of the Danish Jews; www.auschwitz.dk

Altruism is the highest act of selflessness. How many of us could love deeply enough to put our brother and sister first even if it meant giving our life to do so? How many of us have developed our conscience and our courage to the point that we can look fear in the face and do the right thing to help make the world a better place? Developing altruism is about making love stronger---stronger than fear, and strong enough to defeat apathy and self-centeredness.

If you're reading this, then it is more than likely you'd like to see children grow up to be successful, loving, giving, altruistic adults who can and who do put another's needs before their own, without being taken advantage of, of course. Restitutional mediation is a tool to help parents and teachers help their children become more responsible to self and to others, so they can better develop character, fearlessness, empathy and integrity.

When does one use restitutional mediation?

The process is used when there is a clear offender and a clear perpetrator. In the following pages, you'll read two situations, both real-life examples, where restitutional mediation was the successful remedy to correct what had happened. This process is helpful when a child has wronged another child, or maybe when a child has wronged an adult, and the adult may be you. Sometimes "I'm sorry" just isn't enough when we are trying to teach our children good morals and values. When someone has to "face off" with someone whom they have harmed in a controlled, adult-supervised setting and then make reparations, it helps to instill a better conscience and to promote better cause-effect thinking in the heart and mind of the offender.

Does the one who offended get to forego punishment if they participate in restititional mediation?

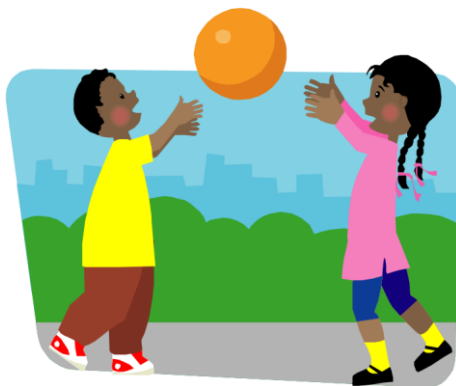
No, that's not real life. Our poor decisions should have consequences so that we don't do it again. The purpose of restititional mediation for the one who offended is to encourage in them the development of empathy, honesty, responsibility, real courage and cause-effect thinking.

What about the one who was victimized? How does restititional mediation help them?

The victim is helped to attain the inner strength to speak up and speak out against that which is wrong. The process is to help victims develop courage and a voice, so they can better protect themselves and others in the future.

Doesn't restititional mediation stigmatize the offender?

It doesn't hurt anyone if it's done correctly. Children aren't bad people. Children are in training to be successful adults. Restititional mediation is a part of the training. Read on through this booklet and pay close attention to how the mom conducted the restititional mediation in Part IV. To deliver "truth" with love and encouragement instead of with anger and shame makes such a huge difference.



From Sad Beginnings to Happy Endings with Restitutive Mediation

Ann Marie: From Bully to Body Guard

Ann Marie was CPS foster child who had a pretty rough first three years of life. The abuse and neglect she endured before CPS took custody of her taught her to hurt others as she had been hurt. Her early childhood experiences taught her to do unto others what had been done to her. As typical of so many bullies, Ann Marie tormented the weak and the vulnerable which were typically children younger or smaller than she was.

One day at school, as Ann Marie's third grade class was entering the cafeteria to eat, Ann Marie's eagle eyes selected a small, insecure kindergartner, Joe Carl, who was standing in line to eat with his class. As Ann Marie's class walked past the kindergartners, Ann Marie, laughing gleefully, tripped Joe Carl's legs out from under him, causing him to crash to the floor. As Joe Carl lay on the floor crying, Ann Marie stood over him, pointing and laughing at him.

Not only was Ann Marie seriously consequence at home and at school for what she had done to Joe Carl, but a teacher, after counseling with both children, facilitated a restitutive mediation session between them to allow Joe Carl to safely express to his offender how he felt about what had been done to him and to provide him with an opportunity to determine how his offender would compensate him for the harm she had done.

By the end of the session, Ann Marie felt remorseful. An agreement was put into writing that she would go into Joe Carl's kindergarten class and provide reading tutoring for him for a period of 4 weeks to make amends for what she had done.

Ann Marie and Joe Carl, throughout the course of the four-week tutoring period, developed a positive little-brother-big-sister relationship. Ann Marie actually became protective of him, transforming her innate leadership tendencies to help instead of hurt. She made sure Joe Carl was safe on the bus, in the cafeteria and on the playground. Through Joe Carl, Ann Marie was learning to nurture and care for others.

David: Sensitivity Training

Sally Rose was extremely fond of and protective of her little brother, David. There was a 5-year difference between 16-year-old big sister and her little brother. Sally Rose got much of her sense of self-esteem and belonging from David because he looked up to her and allowed her to nurture him. His love for her was very much a part of what created her identity and her love for him helped him feel guided and protected.

Once when Sally Rose refused to help him clean up his room, David became angry and vengeful. She had previously given her little brother a school picture of her which was signed on the back, "To my little brother, David, from your big sister who loves you." That picture had special importance for the both of them. David, feeling abandoned and rejected because his sister wouldn't do what he wanted her to do for him brought the picture back to her, showed it to her and said, "Watch this." He then tore her picture up in front of her and threw it on the floor.

Sally Rose was devastated. Their mother couldn't help but hear all the ruckus and intervened immediately. Mom had been trained in restitutorial mediation and the next day, when tempers had calmed and feelings weren't so raw, she proceeded to help her two children correct the hurt that had been caused by David's actions. Mom, knowing both children very well, also suspected that big sister, Sally Rose, could have communicated better and let David know why she wasn't going to help him clean his room, specifically emphasizing it wasn't because she didn't care for him.

Now granted, David was consequenced accordingly for his poor decision-making, but consequences just weren't enough. Sally Rose still felt terrible, and David was the cause of it. When children learn to hurt as children, they can grow up continuing to hurt others. So mom acted fast. She first counseled with each child individually to prepare them for the mediation. She especially wanted to help Sally Rose understand how the act of having her picture torn up and thrown on the floor affected her emotionally and mentally and that she was justified in how she felt. She also wanted to help her to perhaps better communicate, so people, especially her brother, could hear that her refusal to help him was not a rejection of him. Mom wanted David to understand how hurtful his actions had been to a sister who loved him very much.

Mom then brought the two children together and seated them crosslegged on the floor, eye-to-eye, knee-to knee. She explained the rules and the steps to the mediation process and then began.

By the time the mediation was finished, David understood the error of his ways. He was remorseful, he was sensitive to the harm he had caused his sister, and he no longer felt unloved and abandoned by her. He had a better plan not only for how he would deal with future misunderstandings with her but also how he would compensate her and make amends to her for the harm he had done. On the other hand, Sally Rose better understood her brother's needs, she felt better about herself and she learned more effective ways of communicating with her brother, which would transfer over to other people. And a most important result of the mediation was that brother and sister were even more closely attached and bonded.

Restitutive Mediation Steps

I. Introduction

- A. Mediator states the steps.
- B. Mediator states the rules.
- C. Mediator makes sure the children understand the intended outcome of the mediation.

II. Uninterrupted Time

- A. Communication: Both parties explain how they perceived what happened and how they felt as a result.
 - 1. The mediator guides the mediation process and aids the communication process.
 - 2. The principal goal is that the offender feels remorseful and thinks of what he/she can do differently and more socially appropriately next time.

III. Brainstorm Solutions

- A. The mediator helps the children think of ways that the offender can make amends to the person offended. This is when “sorry” just isn’t enough.

IV. Pick the Best Solution

- A. The mediator helps the children pick the solution that makes the most sense and is likely to be carried out.

V. End the Mediation

- A. The agreement is put into writing if possible.

Step-by-Step Restitutive Mediation with David and Sibling

Step I: Introduction

A. Focus and Purpose of the Mediation

Mom: (After seating David and big sister, Sally Rose) Now, I’ve talked to both of you individually about the mediation that we’re going to do today, and both of you know what to expect. David, you’ve already been consequence by a nice, long, time out so that you could think about what you had done and I am pleased that you were able to see why what you did was wrong. I’m really proud of you for that. I am pleased that you wanted to come together and talk about how you both feel and how you, David, can help your sister feel better because of what you did. Sally Rose, I’m pleased that you are willing to talk about this directly to your brother. I have two wonderful, brave, caring children and I love you both very much. I know you can make this work.

B. Rules and Steps of the Mediation

Mom: What we're doing right now is the introduction. That's why I'm doing all the talking. The next thing that will happen is that you'll have uninterrupted time to both talk to each other about how you felt toward each other before and after the incident. Sally Rose you'll start first since you were the one who was hurt the most. Then I'll help you both brainstorm solutions for how David can make amends to you, Sally Rose, for causing you the hurt that he did. I'll help you both pick the best solution, and then we'll end the mediation by having you both put the solution into writing. I'll be following up with you to make sure it takes place. The rules to the mediation are as follows: Do not interrupt each other; tell the truth; no name calling; and really work to solve the problem. Agreed?

Kids: Yes

Mom: Great, Let's begin.

Step II: Uninterrupted Time

A. Communication: Both parties explained what happened and how they felt.

Sally Rose: Well, David, I just wanted you to clean up your room by yourself because if I help you do it all the time, you're never going to learn to do it by yourself and you're always going to expect me to do it with you. I see now I should have told you why, in a nice way, why I wasn't going to help you, instead of just saying, "No, you're going to have to do it yourself." But you still shouldn't have torn my picture up. And you did it right in my face! That hurt my feelings so badly. It was like tearing me up and throwing me back in my face. I gave that picture to you because I love you and I wanted you to be able to carry me with you always, if you wanted, so you could remember how important you are to me.

David: I'm sorry.

Mom: David, how did you feel when Sally Rose wouldn't help you clean your room?

David: Mad.

Mom: Why was what you did to her a bad idea? Tell your sister directly and look her in her eyes.

David: Because it hurt you, Sally Rose, and you thought I didn't love you.

Mom: Very good, David. I'm happy that you know how you made your sister feel. And that you feel bad because of what you did. It was wrong, wasn't it? How would it have made you feel if she had done that to you?

David: Terrible.

Mom: David, how did you feel when your sister wouldn't help you clean up your room?

David: Like she didn't care.

Mom: Now, listen again to your sister as she tells you, differently this time, that she won't help you, but she tells you why.

Sally Rose: David, I can't help you clean up your room because if I keep helping you clean up your room, you'll never learn how to do it yourself. If you learn how to do it yourself, you'll feel more grown up.

Mom: David, now how do you feel?

David: Better.

Mom: David what will you do next time you get this mad at your sister because you think she doesn't care about you?

David: Umm, I could use my words and tell her I felt like she didn't care about me, instead of doing something hateful.

Mom: Good. And should you tell her in a nice voice or a yelling voice?

David: In a nice voice.

Sally Rose: Okay.

Mom: Good thinking. And then your sister could reassure you that she did care about you, couldn't she?

David: Yes, ma'am.

Step III: Brainstorm Solutions

A. Possible solutions are stated.

Mom: Now, David and Sally Rose, I want you both to think about what David can do to really show he's sorry for what he's done. Both of you think of a way David could show his love for his sister so that it'll help him think better and make better choices the next time he gets mad at someone and so that Sally Rose can better forgive the harm that David caused her.

David: How about I do the dishes for you tomorrow night?

Step IV: Pick the Best Solution

Mom: So, you think that'll work out?

Kids: Yes.

Step V: End the Mediation

Mom: Great. This mediation is now officially completed. Let's put our agreement in writing and I'm really proud of both of you for the good work you've done today.

The Twelve Step Program was pioneered by Alcoholics Anonymous. As you read through this booklet, which of The Twelve Steps directly relate to the restititional mediation process? (Hint: This is a test question!)

The Twelve Steps (modified)

1. We admitted we needed help.
2. Came to believe that a Power greater than ourselves could help us.
3. Made a decision to turn our will and our lives over to the care of this Higher Power, as we understood him.
4. Made a searching and fearless moral inventory of ourselves.
5. Admitted to our Higher Power, to ourselves, and to another human being the exact nature of our wrongs.
6. Were entirely ready to have our Higher Power remove all these defects of character.
7. Humbly asked our Higher Power to remove our shortcomings.
8. Made a list of all persons we had harmed and became willing to make amends to them all.

9. Made direct amends to such people wherever possible, except when to do so would injure them or others.
10. Continued to take personal inventory and when we were wrong, promptly admitted it.
11. Sought, through prayer and meditation, to improve our conscious contact with our Higher Power as we understood him, praying only for knowledge of our Higher Power's will for us and the power to carry that out.
12. Having had a spiritual awakening as a result of these steps, we tried to carry this message to others and to practice these principles in all our affairs.

Quiz for Kids

Parents, present these questions to your children after you both have reviewed the manual in order to boost their comprehension.

Questions: Circle the best answer (only 1) for each question.

1. Which of the twelve steps relate to the Restitutive Mediation process?
 - a. Step 3
 - b. Step 9
 - c. Step 11
 - d. None of the above
2. In the Restitutive Mediation Steps, children probably can't talk to each other:
 - a. In Step 1
 - b. In all the steps
 - c. In Step III
 - d. Only in Step II

3. Restitutional Mediation teaches children the following except:
- a. Courage
 - b. Cause-Effect Thinking
 - c. Empathy
 - d. Codependency
4. _____ facilitated Ann Marie's and Joe Carl's mediation.
- a. A teacher
 - b. A parent
 - c. Another student
 - d. Ann Marie
5. David was mad at Sally Rose because:
- a. Sally tore up his picture.
 - b. He tore up Sally's picture.
 - c. Sally wouldn't help clean his room.
 - d. Sally broke the vacuum cleaner.