



What is mediation?

Mediation is an informal, flexible, and confidential process in which a third party (mediator) facilitates a negotiation process between the parties. In mediation, the mediator will guide you through a confidential communication, information sharing, and decision-making process. The mediator ensures that all parties have a voice and that there is a power balance at the table. If a settlement is reached, the mediator will work with you to assist you in writing an enforceable agreement that is crafted by the parties. You do not lose any of your due process rights (i.e., local appeal, grievance/complaint, etc.) by participating in mediation.



When should I consider mediation?

Mediation is usually appropriate when relationships are strained, but must continue. The mediation process can help repair or build new working relationships that are critical to success of continued work. Examples include:

- A dispute with Community Mental Health or a Community Mental Health contracted provider.
- Disputes related to a person-centered plan (adequacy, delivery of services, financial, transportation issues).
- Treatment plans.
- Living, working arrangements.
- Understanding the Community Mental Health processes and how determinations were made (i.e., medical necessity). Note: Mediation will not change the outcome of the process only educate the participants on certain processes.
- A form of local dispute resolution process prior to a Medicaid Fair Hearing.
- Planning or providing of Community Mental Health services.

Learn more about Community Mental Health Services at [Michigan Legislature](#).



What are the benefits of mediation?

1. Dispute settlement in a timely manner. You are in control of how long the process takes. Mediation can help simplify correspondences and the exchange of documents and allow agreements to be reached in a timely manner.
2. Maintain control. When you agree to mediation, you agree to put forth the effort required to settle the matter, ultimately making you responsible and in control of the outcome.
3. Mediation is confidential. Different from court proceedings, mediation sessions are private. Negotiations that occur within mediation sessions do not become public record.
4. Preserve relationships. Mediation can be particularly beneficial in situations where the parties will be working together after the dispute is resolved.



How long does mediation take?

Mediation can be quicker than the traditional court system. Michigan Behavioral Health Mediation Services cases are required by law to be scheduled within 10 days and take place within 30 days. The session can be scheduled out for an additional 30 days if both parties agree to the extension in writing. The Michigan Mental Health Code defines days as business days.



Who can attend mediation sessions?

The following may attend mediation sessions:

- The disputing parties.
- An individual's legal representative (i.e., guardian, parent).
- An individual's support person.
- Anyone involved in the dispute or may have to be bound by the Settlement Agreement.



Who are the mediators?

Most mediators of Michigan Behavioral Health Mediation Services are volunteers who come from all walks of life — attorneys, former educators, nurses, and more. Regardless of their background, all of the Community Dispute Resolution Program volunteer mediators have completed the required SCAO-approved 40-hour General Civil training or SCAO-approved 48-hour Domestic Relations training, as well as practical experience needed to successfully mediate disputes. To mediate for MBHMS, volunteer mediators must complete additional six-hour Advanced Michigan Behavioral Health Mediation Services training.



What is the mediator's role?

Rather than focusing on one person's view, mediators are trained to focus on the real concerns of the involved parties.

The role of the mediator is to help parties:

- Determine whether mediation is the best option.
- Assess the capability of the involved parties to negotiate their interests in an effective manner.
- Propose the mediation process.
- Guide the establishment of agreed-upon basic rules.
- Conduct the mediation process neutrally.

Parties are encouraged to talk about their concerns, interests, issues, and options in order to contribute to the settlement. A successful mediator helps the involved parties manage emotions and maintain dignity throughout the entire process.

- Mediators are not experts on the specific dispute matters nor is it their responsibility to propose a settlement. Rather, mediators can be useful in identifying areas for the participating parties to consider exploring in crafting settlement options. Ultimately, the parties maintain ownership and control of their issues and it is their responsibility to resolve them.



What is Michigan Behavioral Health Mediation Services?

Michigan Behavioral Health Mediation Services is a free and impartial alternative for Community Mental Health or Prepaid Inpatient Health Plan participants and providers to resolve any conflict or disagreements. It is funded by a Michigan Department of Health and Human Services grant and managed by Oakland Mediation Center.



How do I know if I'm eligible?

Michigan residents who receive services from Community Mental Health or a Prepaid Inpatient Health Plan are eligible for Michigan Behavioral Health Mediation Services. Services are free for participants and paid for through a Michigan Department of Health and Human Services grant.



How much does mediation cost?

Mediation through Michigan Behavioral Health Mediation Services is free.



How is mediation set up?

If you are a client of Community Mental Health and would like to request a mediation, you can call 1-844-3-MEDIATE or email behavioralhealth@mediation-omc.org. You will speak with a Mediation Specialist who can answer any questions and will initiate your case. The Mediation Specialist will ask you for your contact information and determine if your case is eligible for mediation. Please note not all cases are eligible as certain issues are required by law to go through their own formal process.

Next, the Mediation Specialist will refer your case to the local Community Dispute Resolution Program mediation center that will contact all interested parties, conduct an in-depth intake interview to narrow down the specific issues, and schedule the mediation.

Once the mediation is scheduled, all parties will then meet with the mediator and discuss the issues.

If an agreement is reached, the mediator will assist the parties in drafting the Settlement Agreement. This is a binding contract and enforceable by law.

When the session has ended, the mediator will send the parties a Post Mediation Questionnaire to complete. This will help MBHMS determine the success of its program and ensure that the program is providing high quality services.