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CUSTODY/VISITATION MEDIATION IN MISSOURI ;

AN EVALUATION OF THE NEED FOR IMPROVED STANDARDS AND TRAINING

**Phase III Project Report
Court Executive Development Program
Institute for Court Management
National Center for State Courts**

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**Submitted by:
Denise Kinman
Family and Juvenile Court Specialist
Office of State Courts Administrator
1105R Southwest Boulevard
Jefferson, Missouri 65109**

**Library
National Center for State Courts
300 Newport Ave.
Williamsburg, VA 23187-8798**

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Denise K. Kinman

**Custody/Visitation Mediation in Missouri:
An Evaluation of the Need for Improved
Standards and Training**

ABSTRACT

This project makes recommendations concerning Missouri's standards, training and qualifications of mediators in custody/visitation cases by comparing them to nationally accepted standards and qualifications. Through this project it is hoped that the recommendations will be adopted in order to establish the most effective and beneficial mediation program possible. The end result being programs that serve the best interests of all parties involved, especially the children.

The primary goal of the project is to examine national scope research specifically directed toward standards and qualifications of mediators in family cases as well as requirements of other states that have family courts. After collecting information from throughout Missouri on current programming and guidelines, a critical comparison is made of Missouri's current requirements.

Information was gathered concerning national trends through a review of literature. A phone survey was conducted in order to poll various family court states on the current uses and requirements on custody/visitation programming. In order to determine current program availability in Missouri, a survey instrument was developed and submitted to the presiding judge of the 45 judicial circuits.

The results of the research concerning national trends adequately satisfied the objectives. The phone surveys provided a great deal of information concerning many established programs as well as innovative programs that are in the planning and/or implementation stages. An unplanned benefit to the phone survey was the development of an excellent resource list for future contacts. The statewide court survey, although giving a fair assessment of availability of mediation programs, was disappointing in its lack of completeness.

Based on the research conducted and the results of the survey, it can be concluded that there is a need for further education and training of judicial personnel concerning the mediation process. Based on information gathered from the project, it is recommended that Missouri increase the hourly mediation training requirement of Supreme Court Rule 88.05. Also, the requirement of a graduate degree should be removed and in its place increase the years of experience and/or number of supervised mediations completed. Finally, it is recommended that the Office of State Courts Administrator shall create and maintain a list of mediators approved for conducting mediations in custody/visitation cases. These changes are necessary in order to produce the highest quality mediation program possible.

CUSTODY/VISITATION MEDIATION IN MISSOURI:

AN EVALUATION OF THE NEED FOR IMPROVED STANDARDS AND TRAINING

SECTION I: INTRODUCTION

Over the past ten years, mediation has clearly emerged as an alternative mechanism for dispute resolution in domestic relations cases. Under the crush of increased filings in family court cases, the search for alternatives to courtroom resolutions has mounted. Attached to the court system, mediation services and alternative dispute resolution programs are "generally promoted as providing faster, cheaper and better quality outcomes but, proliferation of these programs and services, particularly when they are offered or mandated by the court, raises serious issues of quality control" (Shaw, 1994, p. 157).

Judith M. Filner (1995) stated in an article in the National Institute for Dispute Resolution's *NIDR News*, "once a state judicial system decides to experiment with dispute resolution options . . . it must consider a host of issues related to managing them and assuring quality of performance. These issues include the selection, qualifications, funding, training, and monitoring of the neutrals." The Conference of State Court Administrators Committee

on Alternative Dispute Resolution (COSCA) (cited in Shaw, Singer, and Povich, 1993, p. 2-2) states that the court has full responsibility to "establish program goals, structure, procedures, and *the qualification of those that serve as mediators...*" (emphasis added). This responsibility applies to court-annexed (operated by the court) and court-referred (court refers the parties to the mediator either voluntarily or mandatorily). Although no full responsibility exists, the court must also be knowledgeable concerning services offered to the parties on a private basis without benefit of court reference. COSCA also states that judges and court administrators should continuously evaluate and monitor court-connected program performance and be prepared to modify aspects of the program that do not meet the court's goals.

The Commission on Qualifications of the Society of Professionals in Dispute Resolution (SPIDR) states that it is the court's responsibility to ensure the quality of the mediators to whom they refer cases.

The most commonly discussed purposes of setting criteria for individuals to practice as neutrals are: 1) to protect the consumer and 2) to protect the integrity of various dispute resolution processes. Concerns also have been raised, particularly about mandatory standards of certification, including 1) creating inappropriate barriers to entry into the field, 2) hampering the innovative quality of the profession, and 3) limiting the broad dissemination of peace-making skills in society. (*Qualifying Neutrals: The Basic Principles* (1989) (hereafter "SPIDR Commission").

The National Symposium on Court Connected Dispute Resolution Research (hereafter ADR Symposium) in their report found the following to be one of the five key themes of the

symposium that included court policy makers and practitioners from throughout the states and beyond:

In court-based programs, quality assurance is the responsibility of the court. To establish standards for and monitor the performance of those who provide ADR services, *courts need significantly greater knowledge about the most effective methods for training, and selecting ADR providers* (Keilitz, 1994, p. x).

California has led the way for the nation in court-annexed mediation services in domestic relations cases by statutorily creating mandatory mediation over two decades ago. In 1981, when the mandatory mediation statute passed in California, it became apparent that overall training and coordination was required to establish standards and insure the highest level of performance (Ricci, 1992). A consensually validated set of standards was necessary for the three essential elements for success: competence, credibility and control of the mediation process. Therefore, Ricci indicated, once the need for standardization of mediation services was determined, in 1988 California passed a second piece of legislation requiring the Statewide Office of Family Court Services to develop standards of practice for mediators throughout the state.

Missouri has experienced a similar evolution in mediation services. Many persons, generally attorneys, have been trained throughout the state in mediation. Although not court mandated, many of these mediators have been offering mediation services with little regulation or oversight from the courts or the legislature. As indicated above, as more courts are planning and implementing court-connected mediation programs, they must assume a greater quality assurance role for the mediators that supply services to referred parties.

In answer to this dilemma, the Missouri Supreme Court adopted Supreme Court Rule 88.05 Mediation - Qualifications of the Mediator on December 27, 1990, effective July 1, 1991. This same rule was amended June 29, 1993, effective July 1, 1994. Rule 88.05 currently reads as follows:

(a) A mediator who performs mediation in a contested child custody matter pursuant to this Rule 88 shall be a person who has stated by affidavit that he or she:

- (1) Is an attorney or a person who possesses a graduate degree in a field that includes the study of psychiatry, psychology, social work, counseling or other behavioral science substantially related to marriage and family interpersonal relationships; and
- (2) Has received a minimum of twenty hours of child custody mediation training in a program approved by the court.

(b) The court may maintain a list of mediators meeting the requirements of Rule 88.05(a) or rely on such list maintained by a bar organization.

(c) In appointing a mediator, the court shall consider:

- (1) The nature and extent of any relationship the mediator may have with the parties and any personal, financial, or other interests the mediator may have that could result in bias or conflict of interest; and
- (2) The mediator's knowledge of: (A) the Missouri judicial system and the procedures used in domestic relations cases, (B) other resources in the community to which parties can be referred for assistance, (C) child development, (D) clinical issues relating to children, (E) the effects of the dissolution of marriage on children, (F) family systems theory, and (G) mediation and conflict resolution.

Based on these broad assertions concerning the issues related to setting criteria for mediators, in this project it is proposed to determine what changes, if any, should be made to Supreme Court Rule 88.05 related to the qualifications of court-connected mediators in custody/visitation cases. This project will not address the pro and con issues of divorce mediation.

This paper will examine nationally accepted definitions and standards for court-connected mediators, as well as qualifications in other states having some type of family court system. It will also contain a brief overview of current research in the area of selection, training and qualification of mediators.

The project also involves a survey of the Presiding Judges of the 45 judicial circuits in Missouri to determine the number of circuits with mediation programs, the level of interest in court-connected mediation and the opinions as to the need for change in the qualifications required by Supreme Court Rule 88.05 for mediators in custody/visitation cases.

In the conclusion, recommendations will be made in reference to the current qualification requirements in Missouri for mediators in court-connected custody/visitation mediation programs. These recommendations will be presented to the Supreme Court's Committee on Alternative Dispute Resolution.

SECTION II: REVIEW OF RELEVANT LITERATURE AND ACTIVITIES

A. DEFINITION OF MEDIATION

According to Keilitz et al. in the National Symposium on Court Connected Dispute Resolution Research, there is a significant body of research and evaluation of Alternative Dispute Resolution (ADR). But it is also noted that "one limitation of the body of research and evaluation of ADR is that it has produced diverse and sometimes conflicting findings" (Keilitz, 1994, p. ix). Lack of uniform definitions in common ADR terminology is cited as contributing to the conflicting findings. "For example, a process presumed to be mediation in a particular study might actually be case evaluation or some hybrid of mediation and arbitration" (p. ix).

Currently there are several national scope organizations that offer guidelines and organizational support in the area of mediation. Those that are most notable, in that they are mentioned most often concerning national standards, are: Association of Family and Conciliation Courts (AFCC), Academy of Family Mediators (AFM), Society of Professionals in Dispute Resolution (SPIDR) and National Institute for Dispute Resolution (NIDR). The latter two organizations deal with dispute resolution far beyond mediation in family cases but are involved in dispute resolution on a global scale in all areas of conflict resolution. Therefore, for the purposes of this project, in determining standards and nationally accepted definitions, the Association of Family and Conciliation Courts and Academy of Family

Mediators will be used.

According to the Academy of Family Mediators in their pamphlet publication *Standards of Practice for Family and Divorce Mediation*,

Mediation is a family centered conflict resolution process in which an impartial third party assists the participants to negotiate a consensual and informed settlement. In mediation, whether private or public, decision-making authority rests with the parties. The role of the mediator includes reducing the obstacles to communication, maximizing the exploration of alternatives, and addressing the needs of those it is agreed are involved or affected. Mediation is based on principles of problem solving that focus on the needs and interests of the participants; fairness; privacy; self determination; and the best interest of all family members (AFM).

The Association of Family and Conciliation Courts defines mediation as:

A cooperative problem solving process where a neutral professional assists family members in clearly defining the issues in dispute and reaching agreements that are in the best interests of the family. The mediator does not take sides or make decisions for others but helps participants resolve misunderstandings and communicate more clearly with each other. Parents are helped to understand the needs of children, reach agreements in their best interests, and develop a cooperative parenting relationship. Hostile and competitive feelings are reduced so that individuals can better adjust to the divorce and plan for the future (AFCC, 1987).

By all accepted definitions, participation in the mediation process must be based on informed consent (Maine, 1992).

As seen in the above definitions, although coming from two different national organizations, there are obvious points of agreement as to "What is mediation?".

1. Mediation is a cooperative family centered effort between the parties using the mediator to guide the process.
2. The mediation process is a collaborative effort in helping the parties reach agreements that are in the best interest and fair to all the persons involved, especially the children.
3. The mediator is neutral. He/she does not take sides. In fact, it is widely accepted that if a mediator reaches a point of supporting the viewpoint of one party over the other, the mediator will withdraw from the mediation process.
4. Trained mediators may reduce conflicts between the parties by clearly defining the disputed issues. This is accomplished by "ton(ing) down the communication process so a rational discussion can take place and agreements can be reached" (AFCC, 1987).
5. The mediator assists the family to make decisions that are in the best interest of the family as a whole, and does not make decisions for the family. (It has been shown that mediation facilitates ownership of the agreement reached by the parties as it is based on decisions made by the parties not for the parties.)

B. PROGRAM DELIVERY

Custody and visitation mediation is generally provided to divorcing couples in two ways:

required by the court of venue by law or court rule using mediators provided by the court (court-annexed) or private practice mediators approved by the court (court-referred); or on a voluntary basis by private practice mediators with little or no connection to the court. For the purposes of this project, we will refer to programs as court-connected which includes court-annexed and court-referred.

According to Isolina Ricci, Ph.D., Statewide Coordinator of the Statewide Office of Family Court Services in California, some of the main differences between private sector mediation and court connected are "due to the working in a court setting itself, the inability in most cases to choose the mediator, the reduced choice regarding number of sessions, the mandatory nature of the mediation, that some courts require recommendations, and the fact that most clients did not pay for the services" (Ricci, 1992). It would appear that court-connected programs offer less flexibility and the parties may also feel threatened by the connectivity to the court i.e. "the court is making me do this therefore I am not a willing participant".

The mediation process generally involves an initial screening for indications of domestic violence.¹ This can be accomplished by meeting individually with the parties at the initial meeting. Screeners (generally the mediators themselves) must be very knowledgeable concerning mediation and domestic violence. After the initial screening, the disputing

¹It is generally viewed as inappropriate to continue mediation when domestic violence has been identified due to the imbalance of power in these cases. Currently there are studies related to this subject with some findings that the mediation process actually empowers the abused party by the skilled guidance of the mediator. Obviously, this is a controversial area that should not be attempted by anyone other than a highly trained mediator with specific training in the area of the dynamics of abuse.

individuals meet together with the mediator, a neutral and objective professional who is trained to help parties solve problems in a cooperative manner. According to the AFCC pamphlet "Is Mediation For Us?", the mediator guides the communication process so that everyone has a chance to be heard and personal feelings can be put aside. Conflicts are discussed one at a time and various solutions are explored so that the best possible agreement can be reached (AFCC,1987). The parties then develop options to resolve the issues through their own or suggestions by the mediator. The final agreement is up to the parties.

C. SKILLS, QUALIFICATIONS AND TRAINING OF MEDIATORS

The SPIDR Commission concluded that "no particular type of degree, prior education, or job experience has been shown to be an effective predictor of success as a mediator, arbitrator or other practicing neutral, and thus, that standards or required qualifications should be performance-based" (Shaw,1994). In connection with this statement, Shaw also states that various research studies have confirmed that the identity and personal characteristics of the mediator strongly correlate with the satisfaction level of the parties. Shaw also indicates that Christopher Honeyman, Coordinator of Arbitration Services for the State of Wisconsin Employment Relations Commission, led a group in 1985-86 that was assigned the task of determining the skills and styles of trained mediators in order to develop evaluation scales that could be used to test and score mediators based on performance criteria. This Test Design Project identified activities that could be used to evaluate mediators and subsequently use evaluators' ratings to predict the mediator's performance. The five activities initially identified were investigation, empathy, invention, persuasion and distraction. Later,

substantive knowledge and managing the interaction were added to the list of skills identified as predictive of success as a mediator. In the intervening years, the performance criteria have been tested in several different settings. "These findings as to consistency among evaluators and correlation between judgements and actual job performance have been found to hold true across at least three very different settings involving different types of cases (Shaw, 1994)." Although the performance criteria have not been empirically validated, there is significant promise in this research on the selection, training and qualification of mediators.

Based on the list of skills identified by Honeyman as well as the nature of the mediation process in custody/visitation cases, the responsibilities and skills of the mediator are broad. According to Pearson (1982), the amount of training and experience required for mediators handling custody/visitation cases is typically higher than that required of mediators and neutrals in other types of cases. Some of the training qualifications for mediators recognized by AFCC are knowledge of family law, knowledge of psychology, and knowledge of negotiation and mediation techniques (AFCC, 1987). According to AFM, a mediator shall acquire substantive knowledge and procedural skills in the area of practice. This may include, but is not limited to, family and human development, family law, divorce procedures, family finances, community resources, mediation process, and professional ethics (AFM).

In order to facilitate policy formulation and mediation program planning, California conducted a "snapshot study" of the Family Court Services, the department that administers the statewide court mandated mediation program. The snapshot study revealed that the clients served by the court supported mediation program did not fit the "popular image of families who construct parenting plans for children. Well educated, middle-class families are

portrayed as typical in the media. Courts serve the full socioeconomic spectrum, including many parents who are young, have limited formal education, and/or are living in poverty" (Ricci, 1992). As well as cultural diversity, this heterogeneous population is characterized by a whole array of needs and circumstances that cannot be anticipated from the narrow image portrayed by the popular media. What this snapshot study tells us is that mediators must be prepared in their training not just to deal with Ozzie and Harriet who are getting divorced, they must also be prepared to deal with persons who have limits as to their understanding of their family's needs related to the break-up of the family, which in turn increases their needs in guidance through mediation.

It is with this understanding of acute need by those receiving mediation services that this project examines the standards for mediators in Missouri and compares them to nationally accepted or endorsed standards that have been developed by those persons, national organizations and states that have been working with family mediation programs for some time. As indicated above, the knowledge required and responsibility of mediators is broad.

In visiting and talking with courts throughout Missouri, the majority of the jurisdictions in Missouri that have custody visitation mediators indicated that their mediators are trained through an Academy of Family Mediators (AFM) approved program, generally conducted by Robert D. Benjamin, M.S.W., J.D., a mediation trainer from St. Louis. The Kansas City (Jackson County) area has used Gary Kretchmer, a trainer from Johnson County, Kansas who also conducts an AFM approved program. (Mr. Kretchmer is the Director of the Domestic Court Services Department of the Tenth District Court of Johnson County, Kansas.) St. Louis County is in the process of developing a comprehensive court-connected mediation

program. In their proposal, they are requiring that mediators included on the court referral list have completed an AFM approved 40 hour training.

To be qualified as an AFM approved course, AFM has developed 30 and 40 hour Family and Divorce Mediation Training programs. AFM approves training programs based on a review of proposed materials for the training program that is submitted by the trainers with a \$100 application fee. AFM requires that the application include the training agenda, a completed AFM checklist (see Appendix A) and a proposed Training Manual. (See Appendix B and C for AFM Requirements for 30 and 40 Hour Family and Divorce Mediation Skills Training.)

To be approved by AFM, a 40 hour training program must contain a Substantive Knowledge Base. This involves four hours of training that includes a mixture of lecture, video, role play and small group discussion in each of the following areas:

- A. Experience of Divorce for Adults and Children, including a discussion of domestic violence and screening.
- B. Family Law combined with Family Economics.
- C. Mediation, Negotiation and Conflict Management Theory and Skills.

The Core Training Requirements involve two hours of training in the following areas:

- A. Information Gathering Skills and Knowledge.
- B. Relationship Skills and Knowledge.
- C. Communication Skills and Knowledge.
- D. Problem Solving Skills and Knowledge.
- E. Ethical Decision-Making and Values Skills and Knowledge.

F. Professional Skills and Knowledge.

The third component of the AFM programs requires six hours of mediation Role Plays.

Other AFM requirements include that the 40 hour training must be taught over five days or more, in blocks of three or more hours, include training manuals, include that a Practitioner Member of AFM (or a comparable qualification) be present during the entirety of the training, adequate breaks be given in training days longer than six hours, and all copyrighted material contain acknowledgements. (Other general requirements pertain to the approval application process.)

While AFM has developed their training programs around specific hours of training, other national scope projects related to qualifications of mediators have been reluctant to establish recommendations with respect to the number of hours that should be required. The *National Standards for Court-Connected Mediation Programs* developed by the Center for Dispute Settlement and Institute of Judicial Administration is one of those projects. According to their Standard 6.1, "Qualifications of mediators to whom the courts refer cases should be based on their skills" (Shaw et al., 1993). Standard 6.2 states that "Courts need not certify training programs but should ensure that the training received by the mediators to whom they refer cases includes role-playing with feedback" (Shaw et al., 1993). The accompanying commentary goes on to say, "While the Standards make no recommendations with respect to the numbers of hours of training . . . the Standards do not discourage, but do not require this practice." In agreement with the qualifications mentioned previously, the *National Standards for Court-Connected Mediation Programs* emphasizes qualifications and skills "acquired through training, experience and skills-based education" (Shaw et al., 1993). According to

Pearson (cited in Shaw et al., 1993, p. 6-1), these are the only criteria that have been correlated with successful mediation.

D. REQUIRED STANDARDS FOR MEDIATORS IN VARIOUS STATES

In order to examine the required standards for mediators in other states, numerous phone calls were made to State Court Administrators' Offices (or the equivalent) in states that had some type of family court system. A standard phone questionnaire was developed to facilitate obtaining consistent information during the contacts (see Appendix D). Many of the conversations were followed by supporting documentation supplied by the phone contact. The calls and documentation revealed a conglomeration of standards and qualifications for court-connected mediators. There is also great diversity in the types of programs that are available. Some programs are statewide, state funded, court mandated while others were similar to that found in Missouri: each circuit having the discretion to create their own program with only minimal qualifications being addressed through rule or legislation.

It would appear that the more the court is connected to the mediation program, especially when the mediators are court employees, the more specific and comprehensive the qualifications and standards. Extending this further, the more the state is involved in creating a statewide court-annexed program, the more extensive the qualifications to mediate. This difference in range of programs must be considered when weighing the benefits to the court.

Minimally, mediation is created by legislation or court rules with no educational or training requirements established. In these situations, generally attorneys are designated as

mediators.

Mediators in Hawaii are trained through statewide community mediation centers, Mediation Centers of Hawaii (MCH). These centers train mediators in various types of mediation including family court issues. MCH has comprehensive reporting requirements to Hawaii's Center for Alternative Dispute Resolution, who has as one of its primary functions to assist in designing dispute resolution systems for the courts. Michael Broderick, Director of the Center for Alternative Dispute Resolution, indicates that a pilot family court mediation program was implemented in one judicial circuit in Fiscal Year 1992-1993. Because of the success of this pilot project (70% of referred cases were settled), it is anticipated that the program will be continued on a statewide basis in the near future.

Thomas N. Farrell of the New Jersey Administrative Office of the Courts' Complementary Dispute Resolution Unit, indicated that New Jersey has court established custody/visitation that is mandatory. According to New Jersey Court Rule 1:40-10, mediators can be selected from a list of approved mediators or in some instances, a mediator employed by the court. The mediators must possess a graduate degree or certification of advanced training. AFM and SPIDR custody/visitation programs are specifically cited as meeting the requirements of the specialized training. If a mediator has not received specialized training, they "should have had at least three years experience as a mediator, and should have co-mediated with an experienced custody mediator."

The most comprehensive qualifications come from North Carolina and Florida. Florida requires that court-connected mediators have an advanced degree in psychiatry or social science or be a CPA, attorney or physician. They must have completed 40 hours in

mediation training and have four years of related experience. To qualify they must be involved in a mentorship program where they participate in observing two mediations with a qualified mediator and conduct two observed mediations. After certifying their qualifications, court-connected mediators are placed on the Supreme Court's list of approved mediators for a fee of \$100 every two years, thereafter requiring re-application and re-certification every two years. The list of certified mediators is maintained by the Office of State Court Administrator, Center for Dispute Resolution.

According to Jan Hood, Court Management Specialist with the Administrative Office of the Courts, North Carolina legislatively developed a mandated statewide Custody and Visitation program. The Administrative Office of the Courts developed the qualifications and standards required for mediators in this program. In their *Custody and Visitation Mediation Program Procedures Manual*, mediators must possess a graduate degree in a human relations field and 40 hours of basic mediation training. Mediators must attend 20 hours of continuing education every two years. To participate in the statewide mandatory mediation program, the mediator must receive training in child development along with the required mediation training. Within a sixty day probationary period, the prospective mediator must also observe 18 hours of mediation, perform 24 hours of supervised mediation and observe a contested trial court proceeding in a related case.

The latter components of supervising and being supervised appear to be very important in developing expertise in the mediators. According to Pearson (1994) in the ADR Symposium, "the only background characteristic that was associated with more favorable outcomes was the experience level of the mediator. For both lawyers and social workers,

agreement rates and approval ratings improved significantly after they had mediated five cases."

Rhode Island's mediators must attend a forty (40) hour Academy of Family Mediators approved program. Educationally they must possess a law, masters or doctoral degree in psychology, social work, marriage counseling, counseling or behavior science. According to Steve King of the Family Court Administrator's Office, after the basic training program, the mediator has fourteen months to complete five (5) memoranda of completed mediations.

According to Nevada Revised Statute 3.500, mediator qualifications are broadly addressed. They allow for the District Courts to provide standards for training, minimum educational requirements, minimum apprenticeships for non-experienced mediators and minimum continuing education requirements.

Effective July 1, 1995, Virginia, through the Office of the Executive Secretary, Supreme Court of Virginia, has established *Guidelines for the Training and Certification of Court-Referred Mediators* (See appendix E). Along with 40 hours of training in Family Mediation, it includes Observation and Co-Mediation Requirements. In keeping with recommendations previously noted, it also forgoes the requirement of a graduate or law degree but instead requires a bachelor's degree and then concentrates on developing skills through extensive training and observation components.

SECTION III: METHODOLOGY

The methodology employed in this study involves a survey designed by the author (See Appendix F) and mailed to the Presiding Judges of the 45 judicial circuits in Missouri. Although supervisors reviewed and proofread the survey before being mailed, the author was allowed great latitude in creating the survey instrument. No pretest was used on the instrument as it generally was requesting information and opinions. The survey requests basic information related to the availability of mediation in the circuits as well as opinion data related to satisfaction with mediation, benefits of mediation to the court and views on the appropriateness of qualifications per Missouri Supreme Court Rule 88.05. Surveys were mailed to the courts on December 30, 1994 under a cover letter from Ron Larkin, the State Courts Administrator (See Appendix G). The surveys were to be completed and returned by January 15, 1995.

Of the 45 surveys that were sent to the courts, 30 responses were received, a 66% response rate. Although the response rate was fairly good, many of the returned surveys were not complete with many of the questions left unanswered. This phenomenon was very disappointing and made use of the survey information limited.

In the survey itself, the respondents were first asked to identify their judicial circuit. This information is necessary in order to determine which circuits have mediation programs available. This facilitates later contacts for information regarding programming. After

circuit identification, the respondent was asked to indicate the existence of custody/visitation mediation in their circuit. They then were instructed to move to other sections based on their response.

Then the survey was divided into three sections regarding mediation programming. Because of another project that the author is involved in relating to divorcing parent education programming, seven questions are added to the end of the survey regarding this topic. None of these questions are related to the scope of this mediation project and will not be considered in this paper.

Section A of the survey is designed to elicit information from those who do not have some form of custody/visitation mediation available in their circuit. The three questions are intended to help the author determine the level of interest in the circuits for establishing these types of programs in the future. Also, respondents are requested in Question 2 to indicate whether there is currently any planning for custody/visitation mediation programming. This information will be used by the Office of State Courts Administrator or other circuits to make subsequent contacts regarding the process of developing programs.

Section B of the survey is intended to be completed by those indicating the existence of custody/visitation programming in their circuits. Question 4 begins the section and asks the respondent to briefly describe the mediation program that is currently available in their circuit. This question is to determine the type of program available, the level of involvement of the court, cost of the program and how the court is advised of the completion of the program. Question 5 requests information about the availability of programming in all counties of multi-county circuits. This information is to identify the extent of programming

by circuit.

Questions 6, 7, 8, 9, and 10 are to gather information as to who is conducting mediation in the circuits that indicate the existence of mediation in their circuit. The questions inquire into the existence of a court employed mediator, contracts with outside mediators (either agencies or individuals) and whether the court established a referral list of mediators and the criteria used to determine inclusion of names on the list.

Question 11 determines whether the existing programs are mandatory or voluntary. Again, this information is designed to determine the level of involvement of the court in the mediation services available.

Question 12 is to collect an opinion from the survey respondent on the use of mediation in total cases available for mediation. Although this is a best "guesstimate" question, the author feels it is important to ask in order to explore the perception of value of the available mediation program to the survey respondent.

In order to create a resource for model local court rules, Question 13 asks if local court rules have been developed for the mediation program.

In order to determine the level of satisfaction with the available mediation programs, Question 14 asks the respondent to indicate if they are satisfied with their program or if they anticipate making changes in the format. This information, coupled with the description of the program given in Question 4, hopefully will give a clear impression of program design related to program satisfaction. Question 15 is an extension of this relationship in that it asks if the existing program has previously been evaluated by the circuit. The question goes on to ask, if it has been evaluated, generally are the majority of people satisfied? This information

is important in not only determining level of satisfaction but also to determine if existing programs are being evaluated. This may become significant when "marketing" mediation programs throughout the state. If we cannot point to programs in the state that have documented success, we will not be effective in convincing other circuits of the utility of mediation programs in their circuits. In keeping with this line of questioning, Question 16 requests information concerning whether reviews have been conducted to determine the numbers and effectiveness of mediated agreements.

In continuing to Section C, questions are asked of all respondents concerning the level of interest in attending a training program in mediation orientation as well as opinions concerning mediation and the required qualifications of mediators in Missouri. The funds available to the Office of State Courts Administrator to develop mediation programs in Missouri also include a pool of money for judicial orientation training. Therefore, question 17, 18 and 19 queries the respondents on interest in attending training, topics of interest and number of persons that might attend such a training. This information has been used to develop a statewide training program open to judges and other court personnel that are responsible for developing and implementing this type of programming. The training is scheduled for June 9, 1995.

Question 20 asks respondents if they see mediation as beneficial to their court. This information is used to determine resistance levels by which to compare other responses.

Question 21 deals with the perception of respondents concerning the adequacy of the qualifications for mediators as defined in Supreme Court Rule 88.05. Although the project conclusions are based on research and national trends, the author feels it is interesting to

know whether there is a perceived need for change in qualifications in the responding courts.

Question 22 requests that respondents indicate the need to include financial/property issues in the mediation process. There has been considerable discussion concerning this issue throughout the state. The large metropolitan circuit of St. Louis County has requested that these issues be included in the mediation program that they are currently developing. The argument behind the request being that it is difficult to separate these issues from the custody/visitation issues. In a companion question, Question 22 goes on to ask the respondent to list any other issues they feel should be subject to mediation opportunities. Although not a highly significant question for current policy, it does address interest in future programming possibilities.

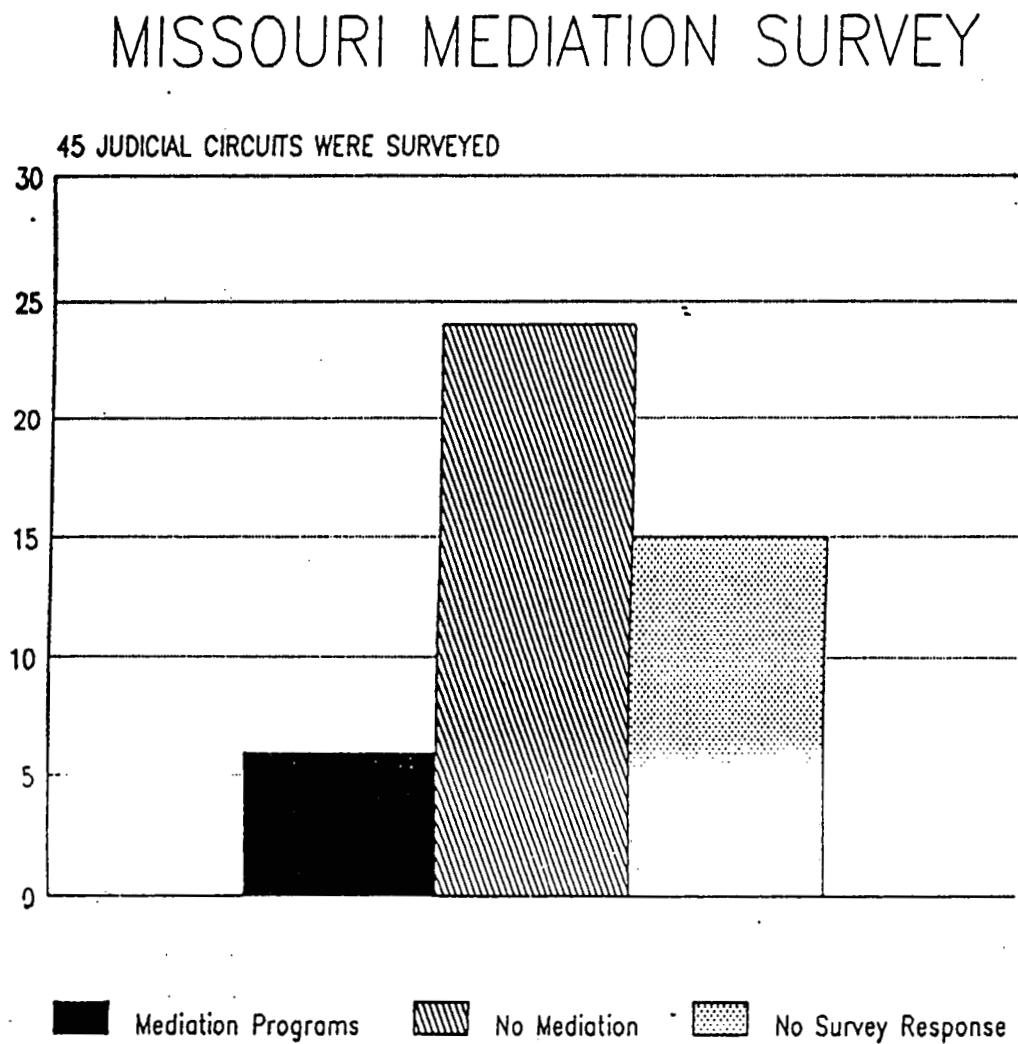
Due to the limited responses and the limited technical knowledge of the author, the responses to the survey were manually tabulated. Graphs were developed through the use of First Choice software on a Pro Choice personal computer. (A colleague was originally asked to assist in the data analysis but became unavailable due to conflicts in scheduling.)

When phone contacts were made to the family court states in reference to their qualifications and standards for mediators, a phone log was developed (See Appendix D) not as a questionnaire but more as a reminder during the course of the conversation to gather certain specific information. It has been the author's experience in conversations previous to the development of the phone log, that through these lengthy conversations many of the details that are needed are overlooked until after the conversation is over.

SECTION IV: FINDINGS

Of the forty-five circuits that received surveys, responses were received from 30, a 66% response rate. Of those 30 responses, six circuits indicated that they did have some type of mediation program (See FIGURE 1).

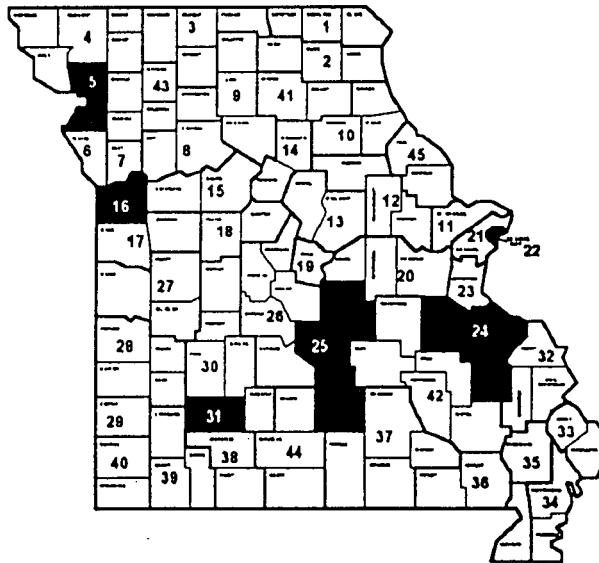
FIGURE 1



Responses also indicated that there are no regional pockets of mediation, that the few mediation programs available are distributed throughout the state. Of those circuits containing multiple counties, all counties in the circuit have mediation available (See FIGURE 2).

FIGURE 2

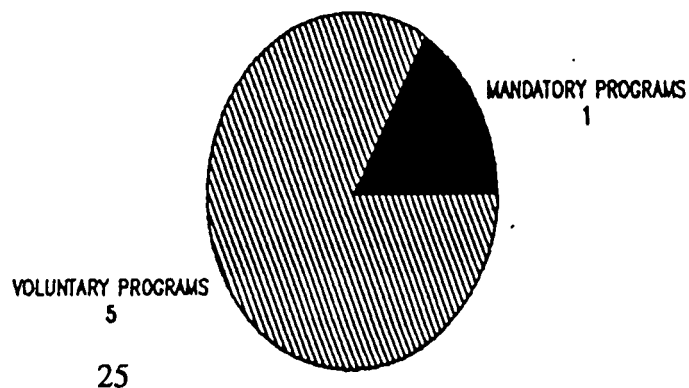
MISSOURI CIRCUITS THAT
CURRENTLY HAVE
MEDIATION PROGRAMS
PER SURVEY RESPONSES



Of those circuits that have mediation programs, one program is mandatory (16th Circuit) and five are voluntary. (See FIGURE 3)

FIGURE 3

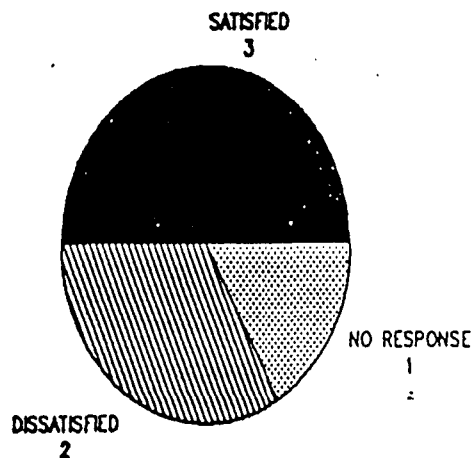
PROGRAM TYPE
FROM SIX SURVEY RESPONDENTS



Surprisingly, of those circuits that indicated having mediation programs, only half indicated that they were satisfied with their programs, while two were dissatisfied and one did not answer the question. (See FIGURE 4)

FIGURE 4

PROGRAM SATISFACTION
FROM SIX SURVEY RESPONDENTS



Two circuits were dissatisfied with their program, one, the Fifth Circuit, is anticipating changes to the program.

Overall, the responses of the circuits that indicated having mediation programs were often incomplete. Five indicated that the court had not employed a mediator. The Sixteenth Circuit was the only one which indicated that they had contracted with several individuals. Four of the others responded that they had not contracted with anyone for mediation services.

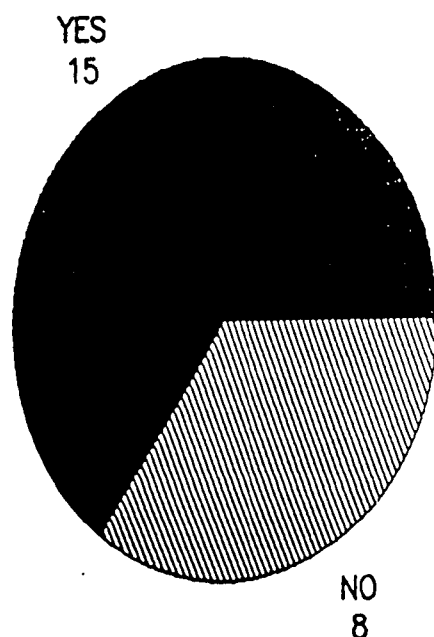
Three indicated that they had developed a court referral list, while two had not. To determine eligibility of names on the court referral list both Missouri Supreme Court Rule

88.05 and Academy of Family Mediators (AFM) qualifications were used.

Surprisingly, of 23 respondents who were asked if mediation should include financial/property issues in the mediation process, 15 answered yes. (See FIGURE 5)

FIGURE 5

SHOULD MISSOURI INCLUDE FINANCIAL AND PROPERTY ISSUES IN MEDIATION?



23 RESPONSES TO THE QUESTION

Of the 20 responses to the question concerning the qualifications of mediators, 16 believed

that there should be no change in qualifications while two each responded that they believed qualifications should be less and more stringent.

The greatest level of response came to the questions concerning mediation training. When examined in the context of the many unanswered questions on the survey, the assumption of the author is that both situations are the result of a basic lack of knowledge concerning mediation in custody/visitation programs. The promising point being the level of interest in mediation training. It was indicated that potentially 72 persons from the responding circuits would be interested in attending such a training program. (As indicated above, based on the survey responses, an orientation/training program is scheduled for June 9, 1995.)

SECTION V: RECOMMENDATIONS AND CONCLUSIONS

This evaluation of the standards and training required for mediators in custody/visitation cases in Missouri and in other states that have family court designs has been very informative. It has confirmed some previously held beliefs that most jurisdictions in Missouri do not have a well defined and maintained mediation program, emphasized other areas of weakness in current Missouri requirements especially concerning hours of mediation training required, and provided considerable information concerning types and nature of mediation programming in family courts. The project was especially significant in that this was the first study done in Missouri by the Office of State Courts Administrator related to programming that included the newly formed family courts.

Although the survey of the judges throughout the state indicated that the majority of respondents felt there should be no change in the qualifications required of mediators in Supreme Court Rule 88.05, a review of the relevant literature and the requirements of other family court states would indicate that a revision of existing rules may be in order. It is assumed from the information gathered in this project that as more courts in Missouri develop mediation programs that are connected to the court, more will realize the need for a greater level of expertise in the field of family mediation. This assumption is based on the finding that nationally, the more a court is involved in the development and sponsorship of the mediation program, the more complex and comprehensive the requirements for mediators.

RECOMMENDATIONS:

Based on the review of literature and the poll of states that have family courts and/or mediation programs in custody/visitation cases, an examination of Missouri Supreme Court Rule 88.05 results in the following recommendations.

1. Increase hourly training requirement.

Currently Missouri Supreme Court Rule 88.05 requires that court-connected mediators in custody/visitation cases must complete 20 hours of training in mediation. The family court states that were polled indicated a strong preference for requiring 40 hours of training: New Jersey, Florida, North Carolina, and Virginia. Through collateral contacts with Kansas and Minnesota, it was found that they also require a minimum of 40 hours of training for custody/visitation mediators.

Additionally, the Academy of Family Mediators recommends a minimum of 30 hours of training with 40 hour training programs preferred.

Therefore, it is recommended that the basic mediation requirement in Rule 88.05 be increased from 20 hours to 40 hours.

2. Eliminate requirement of a graduate degree and increase years of experience and/or number of supervised mediations completed.

As indicated previously, research shows that the educational degree that the mediator possesses is less likely to predict success as a mediator than the years of experience that the mediator possesses. Research supports the assumption that criteria for mediators should be skills-based and less based on arbitrary education requirements. As the SPIDR Commission indicated in 1989, certification standards should not create "inappropriate barriers to entry

into the field". It is with this understanding that the recommendation for change in the rule concerning educational requirement is based.

Therefore, it is recommended that the educational requirement of Rule 88.05 be amended to allow persons that have obtained a bachelor's degree to be considered for inclusion on a court maintained list of mediators. In addition, the persons included on the list must document a certain level of competence in the area of mediation, either through years of experience or extensive training and mentorship programs (observing mediations by a trained mediator and being observed by a trained mediator while conducting a specific number of mediations).

3. The Office of State Courts Administrator shall create and maintain a list of mediators approved for conducting mediation in custody/visitation cases.

In the interest of quality and uniformity of mediation programming throughout the state, it appears to make sense that the Office of State Courts Administrator assume the responsibility for creating and maintaining the list of mediators approved for services to the courts. The cost of this service could be defrayed by a fee similar to that in Florida that is paid by the mediator for inclusion on the list. By making the process of inclusion on the list more thorough, those that are not seriously interested in providing quality services to court clients hopefully will be discouraged from applying. The courts will also know that those included on the list are qualified and capable of providing a quality service.

CONCLUSIONS:

As the research has shown, mediators that deal with custody/visitation issues and other

family court cases require a higher level of mediation skills. The personal skills of the mediator are critical when dealing with families in crisis. The stakes are high when developing agreements that will greatly impact children and their quality of life. According to Isolina Ricci (1992, p.183), "the challenge to the Statewide Office is to continue to identify the changing needs of the courts and then respond with relevant services and information. By providing such support to . . . courts, the statewide coordination function takes a burden off the local courts and assists them in their efforts to serve the community." By assuring that those persons that are conducting this important function for the court are well-trained and well-qualified, the state is assuring that the best interest of those children caught in the middle of the court process will be fully and adequately protected.

REFERENCES

- Academy of Family Mediators. Standards of practice for family and divorce mediation.
- Association of Family and Conciliation Courts. (1987). Is mediation for us?. Madison, WI: Author.
- Filner, J. M., (1995, March/April). Dispute resolution options in state courts: NIDR survey reveals significant growth. NIDR News, p. 1.
- Maine Court Mediation Service. (1992). Mediation in cases of domestic abuse: Helpful option or unacceptable risk?: The final report of the domestic abuse and mediation project. Author.
- Pearson, J.A. (1994). Family mediation: a working paper for the National Symposium on Court-Connected Dispute Resolution Research. In S. Keilitz (ed.), National Symposium on Court-Connected Dispute Resolution Research (pp. 53-89). National Center for State Courts.
- Ricci, I. (1992). Implementing a legislative mandate for services and coordination to California's court-connected family mediation and conciliation courts. Family and Conciliation CourtsReview, 30(2), 169-184.
- Shaw, M., Singer, L.R., & Povich, E.A. (1993). National standards for court-connected mediation programs. Family and Conciliation Courts Review, 31(2), 156-225.
- Shaw, M. (1994). Selection, training, and qualification of neutrals. In S. Keilitz (Ed.), National Symposium on Court-Connected Dispute Resolution Research (pp. 157-171). National Center for State Courts.
- Society for Professionals in Dispute Resolution. (1989) Qualifying neutrals: The basic principles. SPIDR Commission.

APPENDIX A

Checklist for Trainers to Complete for Approval of 40-hour Divorce Mediation Trainings

To assist trainers in gaining approval, the following checklist has been mailed to you. You must tell the Education and Training Committee in writing in which parts of your program you cover the required areas, and for how long. In addition, your materials, brochures and advertising must be presented to the committee so that it is clear that they comply with the standards. Thank you for your assistance.

Please send this checklist in with your materials, and send \$100.00 with your application.

Please do not send materials in until everything you want reviewed is included!
If you want your materials reviewed without knowledge of who the trainers are, please mark out the trainers' names on all materials sent in.

Please send 4 copies of this checklist and your materials.

A. Core Components and Sub-Headings

To assist training programs in developing training curricula in generic family mediation that fulfill the above-described eight Integrated Generic Family Mediation Core Training Components, each core component has been broken down into sub-headings of coverage. These sub-headings are listed as recommended and appropriate for training coverage. The requirement is that the eight components must each be covered for a minimum of two hours, that they each be adequately presented, and that presentation material must be supported by written materials. Although it is not required that all sub-areas be covered, approval will be based on most of the sub-areas being covered. It is understood that some of the sub-areas and core areas will be covered by the same presentations; please designate which area you would like counted for each presentation area.

1. Information Gathering Skills and Knowledge. This core area must be covered for two hours of active instruction in the training. It must also include a structured role play dealing with a specific mediation scenario. Please list the role play which covers this component: _____
Day/time: _____ Length of time: _____

	Sections of Agenda	Amt. of Time	Manual Page No's
a.	<u>Clients</u>		
i.	performing intake _____	_____	_____
ii.	screening clients _____	_____	_____
iii.	performing a needs assessment _____	_____	_____
iv.	contracting for services _____	_____	_____
v.	other (please list) _____	_____	_____
b.	<u>Issues</u>		
i.	questioning _____	_____	_____
ii.	setting the agenda and prioritizing areas _____	_____	_____
iii.	identifying issues _____	_____	_____
iv.	screening issues _____	_____	_____
v.	exploring client interests and concerns _____	_____	_____
c.	<u>Retaining, recording and monitoring factual information</u> _____	_____	_____
d.	<u>Dealing with complex factual materials</u> _____	_____	_____
e.	<u>other</u> (please list) _____	_____	_____
	_____	_____	_____
	_____	_____	_____

2. Relationship Skills and Knowledge. This core area must be covered for two hours of active instruction in the training.

- | | | | |
|---|-------|-------|-------|
| a. forming relationships and building rapport | _____ | _____ | _____ |
| b. establishing trust | _____ | _____ | _____ |
| c. setting a cooperative tone | _____ | _____ | _____ |
| d. establishing neutrality and impartiality | _____ | _____ | _____ |
| e. empathetic listening and questioning | _____ | _____ | _____ |
| f. empowering parties | _____ | _____ | _____ |
| g. using self as a barometer for understanding client reactions | _____ | _____ | _____ |
| h. staying non-judgmental | _____ | _____ | _____ |
| j. other (please list) | _____ | _____ | _____ |
| | _____ | _____ | _____ |
| | _____ | _____ | _____ |

3. Communication Skills and Knowledge. This core area must be covered for two hours of active instruction in the training.

- | | | | |
|-----------------|-------|-------|-------|
| a. listening | _____ | _____ | _____ |
| b. responding | _____ | _____ | _____ |
| c. guiding | _____ | _____ | _____ |
| d. paraphrasing | _____ | _____ | _____ |
| e. confronting | _____ | _____ | _____ |

	Sections of Agenda	Amt. of Time	Manual Page No's
f. reframing	_____	_____	_____
g. attending to non-verbal communication	_____	_____	_____
h. identifying areas of consensus and disagreement	_____	_____	_____
i. questioning	_____	_____	_____
j. clarifying	_____	_____	_____
k. using clear, neutral language	_____	_____	_____
l. balancing communication	_____	_____	_____
m. modeling constructive behavior	_____	_____	_____
n. other (please list)	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

4. Problem-Solving Skills and Knowledge. This core area must be covered for two hours of active instruction in the training. It must also include a structured role play dealing with a specific mediation scenario. Please list the role play which covers this component: _____ Day/time: _____
Length of time: _____

- | | | | |
|---|-------|-------|-------|
| a. identifying and analyzing problems and needs | _____ | _____ | _____ |
| b. collecting data | _____ | _____ | _____ |
| c. prioritizing issues | _____ | _____ | _____ |
| d. framing issues | _____ | _____ | _____ |

Sections of Agenda	Amt. of Time	Manual Page No's
e. narrowing issues _____	_____	_____
f. converting positions into needs and interests _____	_____	_____
g. educating clients _____	_____	_____
h. identifying areas of agreement _____	_____	_____
i. identifying principles and criteria to assist decision-making _____	_____	_____
j. designing temporary plans _____	_____	_____
k. developing options and brainstorming _____	_____	_____
l. evaluating options and consequences _____	_____	_____
m. testing reality _____	_____	_____
n. developing an implementation plan _____	_____	_____
o. assisting parties to identify alternatives to a mediated agreement. _____	_____	_____
p. other (please list) _____	_____	_____
_____	_____	_____
_____	_____	_____

5. Ethical Decision-Making and Values Skills and Knowledge. This core area must be covered for two hours of active instruction in the training.

- a. understanding Academy and other mediation standards
of ethical practice* _____

(*Note: 5 a. is a required, not suggested area of inclusion in trainings.)

Sections of Agenda	Amt. of Time	Manual Page No's
b. being sensitive to parties' values, including culture		
c. being non-judgmental		
d. establishing a commitment to honest disclosure		
e. maintaining dignified behavior		
f. being respectful of the parties		
g. not imposing personal and professional values		
h. establishing and maintaining a right to self-determination by the parties		
i. honoring the uniqueness of clients		
j. ensuring individual responsibility of parties for themselves		
k. establishing the importance of each individual's participation		
l. ensuring voluntary agreements and participation		
m. recognizing responsibilities to non-present parties		
n. dealing with commonly encountered ethical dilemmas		
o. other (please list)		

Sections of Agenda

Amt. of Time

Manual
Page No's

6. Interaction and Conflict Management Skills and Knowledge. This core area must be covered for two hours of active instruction in generic training (5 hours in divorce mediation training). It must also include a structured role play dealing with a specific mediation scenario. Please list the role play which covers this component:

_____ Day/time: _____ Length of time: _____

- | | | |
|--|-------|-------|
| a. using ground rules | _____ | _____ |
| b. reducing tensions | _____ | _____ |
| c. balancing power | _____ | _____ |
| d. refocusing | _____ | _____ |
| e. confronting | _____ | _____ |
| f. strategizing/orchestrating | _____ | _____ |
| g. caucusing | _____ | _____ |
| h. managing impasse | _____ | _____ |
| i. empowering parties | _____ | _____ |
| j. distracting/redirecting | _____ | _____ |
| k. dealing with strong emotions | _____ | _____ |
| l. maintaining control of the process | _____ | _____ |
| m. managing the influence of outside parties | _____ | _____ |
| n. other (please list) | _____ | _____ |
| | _____ | _____ |
| | _____ | _____ |

Sections of Agenda	Amt. of Time	Manual Page No's
7. Professional Skills and Knowledge. This core area must be covered for <u>two hours</u> of active instruction in the training.		
a. contracting for services (also in #1)		
b. case management		
c. referring cases		
d. community and legal resources		
e. drafting memoranda		
f. working with experts		
g. obtaining, recording and monitoring factual information		
h. dealing with complex factual materials		
i. conciliation, mediation, arbitration definitions and distinctions		
j. other (please list)		

8. A Substantive Knowledge Base (Introduction to Conflict Resolution Theory, Family Systems and Development, Domestic Violence Issues and Legal Context). This core area must be covered for two hours in the training.

a. prevalent conflict resolution theories (5 hours in conflict resolution is required for divorce mediation trainings)		
b. basic concepts of family systems/dynamics		

Sections of Agenda	Amt. of Time	Manual Page No's
c. negotiation theory_____	_____	_____
d. mediation process (5 hours required for divorce mediation trainings) _____	_____	_____
e. family violence _____	_____	_____
f. family life cycle _____	_____	_____
g. legal context _____	_____	_____
h. conciliation, mediation, arbitration definitions and distinctions (also in #7) _____	_____	_____
i. relevant sociological theories _____	_____	_____
j. relevant personality, communication and psychological theories_____	_____	_____
k. research on mediation effectiveness _____	_____	_____
l. other (please list) _____ _____ _____	_____ _____ _____	_____ _____ _____

B. Divorce Mediation Training Additional Requirements (minimum of 5 hours required of each):

1. Psychological issues in separation, divorce, and family dynamics.

2. Issues and needs of children in divorce

3. Family law, including custody, support, asset evaluation and distribution, and
taxation as it relates to divorce

4. Family economics_____

- C. There must be at least one Practitioner-Level trainer present during the whole training: Please name: _____.
- D. Please include a resume for all trainers, including mediation credentials.
- E. Total number of days and hours of training, excluding at least 30 minutes each day for lunches and at least 30 min. per day for breaks: _____.
- F. Total number of hours of role play (at least six hours required): _____.
- G. Evaluation form included? ____yes
- H. Copies of all training materials included: ____yes
- I. Bibliographies included? ____yes
- J. Acknowledgement and permissions for published materials used included? ____yes
- K. Training presented over at least 5 days? ____yes
- L. Academy membership requirements included in materials distributed? ____ yes
- M. Copies of brochures and publicity included? ____yes
- N. Dates and locations of next two trainings: _____
_____.

Note to all trainers: This is the first time we have used a checklist such as this. Please comment on its usefulness, and on what would make it more useful. If you think it is not useful, please tell us what would be. Thank you for your assistance.

APPENDIX B

AFM

A C A D E M Y
O F F A M I L Y
M E D I A T O R S

REQUIREMENTS FOR 30 HOUR FAMILY MEDIATION SKILLS TRAINING (Passed by Board as interim guidelines - 12/05/93)

AFM trainings are currently approved based on a review of written materials, not on actual observations of training programs. Trainers must submit \$100 application fee, along with four copies of each of the following: 1.) Agenda (the schedule for your training); 2.) Completed AFM Checklist; 3.) Training Manual.

Upon receipt of all necessary materials, each application will be sent to two reviewers. Reviewers evaluate training materials in detail and send a written report to the chair of the Education and Training Committee, who then communicates directly with applicants. This process typically takes several months. Every effort is made to complete the process in 90 days but this is not always possible.

Programs must include:

I. SUBSTANTIVE KNOWLEDGE BASE. AFM has three categories for this area. There should be a mixture of lecture, video, role play and small group discussion. Categories include:

1. Experience of Divorce for Adults and Children
2. Family Law and Family Economics
3. Mediation, Negotiation and Conflict Management Theory and Skills

A. For all Child Custody Trainings, AFM requires:

1. Experience of Divorce for Adults and Children, including a discussion of domestic violence and screening. Four hours required.
2. Family Law and Family Economics, as relevant, left to discretion of trainer.
3. Mediation, Negotiation and Conflict Management Theory and Skills. Four hours required.

B. For other areas of family, such as parent-child and adoption, or a combination, (but *not* child custody) each section has its own specific time requirements:

1. As relevant, AFM recommends material on:
 - a. Family systems/dynamics
 - b. Relevant sociological, personality, communication and psychological theories
 - c. Family life cycle
 - d. Family violence
2. Family Law and Family Economics as relevant. No specific time requirement. Amount of time devoted to this area left to the discretion of the Trainers.
3. Mediation, Negotiation and Conflict Management Theory and Skills. Four hours required.

CORE TRAINING REQUIREMENTS: AFM requires two hours for each area.

- A. Information Gathering Skills and Knowledge
- B. Relationship Skills and Knowledge
- C. Communication Skills and Knowledge
- D. Problem Solving Skills and Knowledge
- E. Ethical Decision-Making and Values Skills and Knowledge
- F. Professional Skills and Knowledge

III. ROLE PLAYS. Six hours are required. AFM recommends that one trainer not supervise more than two role play groups of four or fewer people, or one large (more than four) group, at one time.

IV. Other requirements:

- A. AFM requires that 30 hour trainings be taught over 4 or more days, in blocks of 3 or more hours.
- B. Training manuals are required.
- C. There must be one trainer present during the whole training who is a Practitioner Member in the Academy, or has comparable standing in the field, or is otherwise substantially qualified.
- D. During each day which lasts over six hours there must be at least 30 minutes for a meal, and 30 minutes for breaks. Each day a total of 30 minutes of break time (but not the meal break), may be counted toward the 30 hour requirement.
- E. All material excerpted or copied from copyrighted materials or from someone else's materials must be acknowledged with the name of author, publication and publisher.

V. It is possible for training programs to have one training pending AFM approval, providing the training is approved substantially "as is." Retroactive approval of more than one training will be at the discretion of the Education and Training Committee. Retroactive approval will only be given to a training held within a one year period prior to the application date.

VI. Applications for AFM training approval can be done anonymously, upon request.

VII. For a more detailed breakdown of AFM training requirements, request the 30 Hour Family Mediation Skills Training Checklist and Application.

Academy of Family Mediators
1500 S. Highway 100, Suite 355
Golden Valley, MN 55416
(612) 525-8670

AFM

A C A D E M Y

O F F A M I L Y

M E D I A T O R S

To assist trainers in gaining approval for their training program, the enclosed checklist has been devised. All of the requirements for approval have been included in the checklist. You will note that in the checklist we have added subgroups under each of the categories. Some are required, others are simply for clarification. Our description as to the number of hours required is seen as a minimum. We encourage trainers to decide for themselves the areas they wish to cover in greater depth. You must tell the Education and Training Committee in writing in which parts of your program you cover the required areas, and for how long. In addition, your materials, brochures and advertising must be presented to the Committee so that it is clear that they comply with the standards.

AFM Trainings are currently approved based on a review of written materials, not on actual observation of training programs. Please include the following:

1. Agenda (the schedule for your training)
2. Completed AFM Checklist
3. Training Manual

Please send four sets of your materials and four sets of the checklist, along with the \$100 application fee. Please do not send materials in until everything you want reviewed is included. If you want your materials reviewed without the knowledge of who the trainers are, please mark out the trainers' names on all materials.

Requirements for AFM Approved 30-hour Family Mediation Trainings have been divided into three areas. These areas are:

I. SUBSTANTIVE KNOWLEDGE BASE, three categories for this area: There should be a mixture of lecture, video, role play and small group discussion. Categories include: 1. Experience of Divorce for Adults and Children; 2. Family Law and Family Economics; and 3. Mediation, Negotiation and Conflict Management Theory and Skills. The time requirement for these areas are dependent upon the exact type of training, such as child custody, parent/child or adoption. See checklist for specifics.

II. CORE TRAINING REQUIREMENTS, two hours required in each of six areas: A. Information Gathering Skills and Knowledge; B. Relationship Skills and Knowledge; C. Communication Skills and Knowledge; D. Problem Solving Skills and Knowledge; E. Ethical Decision-Making and Values; and F. Professional Skills and Knowledge.

III. SIX HOURS OF ROLE PLAY, AFM requires that all AFM approved trainings include a minimum of six hours of role play in at least three role play scenarios. AFM recommends that one trainer not supervise more than two role play groups of four or fewer people, or one large (more than four participants) group, at one time.

Thank you for your interest in gaining approval for your training program. If you have any questions or concerns regarding the approval process please call Risa Toles at the Academy office (612-525-8670) or me (708-866-6231).

Lynn Jacob - Chair-Education and Training

**ACADEMY OF FAMILY MEDIATORS
30 HOUR FAMILY MEDIATION TRAINING
APPLICATION FORM**

Training Organization: _____

Address: _____

Phone: _____ Fax: _____

Trainer Contact: _____

Names of all Trainers: _____

Trainer Phone (if not above): _____

Administrative Contact: _____

Administrative Address (if not above): _____

Administrative Phone (if not above): _____

AFM membership materials will be sent to you to pass out to all training participants.

Do you wish those to be sent to: _____ Trainer Contact _____ Administrative Contact

Notices regarding advertising and listing in *Mediation News* and conference programs, etc. will be sent to you. Do you wish those to be sent to: _____ Trainer Contact _____ Administrative Contact

Please return:

_____ Completed application form

_____ \$100 application fee

_____ 4 copies of completed checklist

_____ 4 copies of agenda (schedule for your training)

_____ 4 copies of training manual

_____ 4 copies of trainer vitae

Academy of Family Mediators
1500 South Highway 100, Suite 355
Golden Valley, MN 55416
612/525-8670

30-HOUR FAMILY MEDIATION TRAININGS

(Interim checklist - to be revised July, 1994)

Please submit your \$100 application fee, along with four copies of the following:

1. Agenda (the schedule for your training)
2. Completed AFM Checklist
3. Training Manual

I. SUBSTANTIVE KNOWLEDGE BASE. AFM has three categories for this area. There should be a mixture of lecture, video, role play and small group discussion.

1. Experience of Divorce for Adults and Children
2. Family Law and Family Economics
3. Mediation, Negotiation and Conflict Management Theory and Skills

A. For Child Custody Trainings, we require:

1. Experience of Divorce for Adults and Children. Four hours required.
 - a. Adult Psychological Issues in Separation and Divorce
 1. Stages of divorce
 2. Family Systems and post-divorce family structures
 3. Family violence and screening for abuse(Please note: While material on abuse must be covered, Trainers need not include the two hours on domestic violence that are required for practitioner status.)
 - b. Issues and Needs of Children
 1. Effects of divorce on children by age
 2. Schedules helpful at different ages (understanding there are no absolutes)
2. Family Law and Family Economics, as relevant. Length of time covered is left to the discretion of the trainer. In child custody mediation the following is required:
 - a. Legal Context - Custody
 - b. Financial Context - Support
 1. Economic impact on family members (distinguish between social and legal aspects)
3. Mediation, Negotiation and Conflict Management Theory and Skills. Four hours required.

There must be didactic material on:

- a. Definitions and distinctions between mediation, litigation, negotiation and arbitration
- b. Mediation, conflict management and negotiation theories
- c. Stages of mediation process

The following components are required:

- a. Using ground rules
- b. Balancing power
- c. Caucusing
- d. Empowering parties
- e. Dealing with strong emotions
- f. Maintaining control of the process
- g. Distracting/redirecting

B. For other areas of family, such as parent-child and adoption, (but *not* child custody) AFM requires four hours of the following, as relevant:

1. Family Dynamics, as relevant, depending on the focus of the training
 - a. Basic concepts of Family Systems/Dynamics including Family Life Cycles
 - b. Relevant Sociological, Psychological and Communication theories
 - c. Family Violence

2. Family Law and Family Economics, as relevant

3. Mediation, Negotiation and Conflict Management Theory and Skills. Four hours required.

There must be didactic material on:

- a. Definitions and distinctions between mediation, litigation, negotiation and arbitration
- b. Mediation, conflict management and negotiation theories
- c. Stages of mediation process

The following components are required:

- a. Using ground rules
- b. Balancing power
- c. Caucusing
- d. Empowering parties
- e. Dealing with strong emotions
- f. Maintaining control of the process
- g. Distracting/redirecting

PLEASE SHOW US HOW YOU COVER THE AREAS OUTLINED IN THE SUBSTANTIVE KNOWLEDGE BASE:

CHILD CUSTODY TRAININGS:

A. EXPERIENCE OF DIVORCE FOR ADULTS AND CHILDREN

1. Location in agenda:

2. Total amount of time covered:

3. Manual page numbers:

B. FAMILY LAW AND FAMILY ECONOMICS

1. Location in agenda:

2. Total amount of time covered:

3. Manual page numbers:

C. MEDIATION, NEGOTIATION AND CONFLICT MANAGEMENT THEORY AND SKILLS

1. Location in agenda:

2. Total amount of time covered:

3. Manual page numbers:

ALL OTHER AREAS OF FAMILY MEDIATION TRAINING, SUCH AS PARENT-CHILD AND ADOPTION:

A. FAMILY DYNAMICS

1. Location in agenda:

2. Total amount of time covered:

3. Manual page numbers:

B. FAMILY LAW AND FAMILY ECONOMICS

1. Location in agenda:

2. Total amount of time covered:

3. Manual page numbers:

C. MEDIATION, NEGOTIATION AND CONFLICT MANAGEMENT THEORY AND SKILLS

1. Location in agenda:

2. Total amount of time covered:

3. Manual page numbers:

II. Core Training Requirements. We require that the six components must each be covered for a minimum of two hours, that they each be adequately presented, and that presentation material must be supported by written materials. Except as noted, sub-areas are listed simply for clarification. Role play can be counted as part of the two hours.

A. Information Gathering Skills and Knowledge. A structured role play dealing with a specific mediation scenario must be included.

Please list the role play which covers this component:

_____ Day/time: _____ Length of time: _____

1. Clients: a., b., and c. are required.

*a. Performing intake

*b. Screening clients for appropriateness for mediation and for abuse

*c. Contracting for services

d. Performing a needs assessment

2. Issues
 - a. Questioning
 - b. Setting the agenda and prioritizing areas
 - c. Identifying and screening issues
 - d. Exploring client interests and concerns
3. Retaining, recording and monitoring factual information
4. Dealing with complex factual materials

B. Relationship Skills and Knowledge. This core area must be covered for two hours of instruction in the training. Number 1. is required.

- *1. Establishing neutrality and impartiality
2. Forming relationships and building rapport
3. Establishing trust
4. Setting a cooperative tone
5. Empathetic listening and questioning
6. Empowering parties
7. Staying non-judgmental

C. Communication Skills and Knowledge. This core area must be covered for two hours of instruction in the training. Numbers 1. and 2. are required.

- *1. Identifying areas of consensus and disagreement
- *2. Paraphrasing
3. Confronting
4. Attending to non-verbal communication
5. Clarifying
6. Balancing communication
7. Being respectful of the parties

D. Problem-Solving Skills and Knowledge. This core area must be covered for two hours of instruction in the training. It must also include a structured role play dealing with a specific mediation scenario. Numbers 1. and 2. are required.

Please list the role play which covers this component:

_____ Day/time: _____ Length of time: _____

- *1. Identifying and analyzing problems and needs
- *2. Converting positions into needs and interests
3. Framing and narrowing issues

4. Identifying principles and criteria to assist decision-making
5. Designing and testing temporary plans
6. Developing and evaluating options and brainstorming
7. Testing reality
8. Assisting parties to identify alternatives to a mediated agreement.
9. Questioning

E. Ethical Decision-Making and Values. This core area must be covered for two hours of instruction in the training. Numbers 1., 2., and 3. are required.

- *1. Understanding Academy and other mediation standards of ethical practice
- *2. Not imposing personal and professional values
- *3. Ensuring voluntary agreements and participation
- 4. Being sensitive to parties' values, including culture
- 5. Establishing and maintaining a right to self-determination by the parties
- 6. Ensuring the ability of the parties to negotiate for themselves
- 7. Establishing a commitment to honest disclosure
- 8. Recognizing responsibilities to non-present parties
- 9. Dealing with commonly encountered ethical dilemmas

F. Professional Skills and Knowledge. This core area must be covered for two hours of instruction in the training. Numbers 1., 2., and 3. are required.

- *1. Drafting memoranda
- *2. Working with experts
- *3. Using self as a barometer for understanding client reactions
- 4. Case management
- 5. Referring cases
- 6. Knowing community and legal resources
- 7. Obtaining, recording and monitoring factual information
- 8. Dealing with complex factual materials

PLEASE SHOW US HOW YOU COVER THE SIX AREAS OUTLINED IN THE CORE TRAINING REQUIREMENTS:

A. INFORMATION GATHERING SKILLS AND KNOWLEDGE

1. Location in agenda:

2. Total amount of time covered:

3. Manual page numbers:

B. RELATIONSHIP SKILLS AND KNOWLEDGE

1. Location in agenda:

2. Total amount of time covered:

3. Manual page numbers:

C. COMMUNICATION SKILLS AND KNOWLEDGE

1. Location in agenda:

2. Total amount of time covered:

3. Manual page numbers:

D. PROBLEM SOLVING SKILLS AND KNOWLEDGE

1. Location in agenda:

2. Total amount of time covered:

3. Manual page numbers:

E. ETHICAL DECISION MAKING AND VALUES SKILLS AND KNOWLEDGE

1. Location in agenda:

2. Total amount of time covered:

3. Manual page numbers:

F. PROFESSIONAL SKILLS AND KNOWLEDGE

1. Location in agenda:

2. Total amount of time covered:

3. Manual page numbers:

III. Six Hours of Role Play - AFM requires that all AFM approved trainings include a minimum of six hours of role play in at least three role play scenarios. AFM recommends that one trainer not supervise more than two role play groups of four or fewer people, or one large (more than four participants) group, at one time.

- A. Include actual scenarios
- B. Show us in your agenda where the role plays are done
- C. Tell us how you use the role play, i.e. whether the role play is a demonstration or a small group participatory activity.
- D. Tell us how your role plays are supervised, including supervisor/student ratio.

IV. Training Manuals, Published Materials, Miscellaneous

A. Manuals

- 1. Manuals are required and must include the following:
 - a. Table of contents
 - b. Stages of mediation process and definitions of mediation, negotiation, arbitration and litigation
 - c. AFM Standards of Practice
 - d. Up-to-date bibliographies. (AFM recommends that these be updated every two years.)
- 2. AFM recommends that the following be included:
 - a. An overview of the mediation process, information on conducting an orientation session, and information needed from clients
 - b. Agreement to mediate, and mediation rules and guidelines
 - c. Domestic violence information
 - d. Psychological effects of divorce on adults and children if relevant
 - e. Several Memoranda of Understanding or Agreements.

B. There must be one trainer present during the whole training who is a Practitioner Member in the Academy, or has comparable standing in the field, or is otherwise substantially qualified:

Please name: _____

C. Resumes included for all trainers, including mediation credentials. ____ yes

D. During each day which lasts over six hours, there must be at least 30 minutes for a meal, and 30 minutes for breaks. Each day a total of 30 minutes of break time (but not the meal break) may be counted toward the 30 hour requirement. ____ yes

E. Evaluation form included? ____ yes

F. Copies of all training materials included: ____ yes

G. Current bibliographies included? ____ yes

H. All material excerpted or copied from copyrighted materials or from someone else's materials have been acknowledged with the name of author, publication and publisher. ____ yes

I. Training presented over at least 4 days? ____ yes

J. Academy membership requirements included in materials distributed? ____ yes

K. Copies of brochures and publicity included? ____ yes

L. Please list dates and locations of next two trainings:

Academy of Family Mediators
1500 South Highway 100, Suite 355
Golden Valley, MN 55416
(612) 525- 8670

03/29/94

APPENDIX C

AFM

A C A D E M Y
O F F A M I L Y
M E D I A T O R S

REQUIREMENTS FOR APPROVAL FOR 40 HOUR DIVORCE MEDIATION TRAINING PROGRAMS (Passed by Board as interim guidelines - 12/05/93)

AFM trainings are currently approved based on a review of written materials, not on actual observations of training programs. Trainers must submit \$100 application fee, along with four copies of each of the following: 1.) Agenda (the schedule for your training); 2.) Completed AFM Checklist, 3.) Training Manual. Trainers must submit four copies of their materials.

Upon receipt of all necessary materials, each application is sent to two reviewers. Reviewers evaluate training materials in detail and send a written report to the chair of the Education and Training Committee, who then communicates directly with applicants. This process typically takes several months. Every effort is made to complete the process in 90 days but this is not always possible.

Programs must include:

I. **SUBSTANTIVE KNOWLEDGE BASE.** AFM requires four hours in each of three areas. There should be a mixture of lecture, video, role play and small group discussion.

- A. Experience of Divorce for Adults and Children, including a discussion of domestic violence and screening.
- B. Family Law combined with Family Economics.
- C. Mediation, Negotiation and Conflict Management Theory and Skills

NOTE: It is possible to waive the two hours of either A. or B. when participants are already sufficiently knowledgeable in these areas and substitute them with two hours of information more in keeping with participants' needs. This can be done at the discretion of the Trainer, who needs only notify the AFM office once the training has been completed.

II. **CORE TRAINING REQUIREMENTS:** AFM requires two hours for each area.

- A. Information Gathering Skills and Knowledge
- B. Relationship Skills and Knowledge
- C. Communication Skills and Knowledge
- D. Problem Solving Skills and Knowledge
- E. Ethical Decision-Making and Values Skills and Knowledge
- F. Professional Skills and Knowledge

III. **ROLE PLAYS.** Six hours are required. AFM recommends that one trainer not supervise more than two role play groups of four or fewer people, or one large (more than four) group, at one time.

IV. **Other Requirements:**

- A. AFM requires that 40 hour trainings be taught over 5 or more days, in blocks of 3 or more hours
- B. Training manuals are required
- C. There must be one trainer present during the whole training who is a Practitioner Member in the

Academy, or has comparable standing in the field, or is otherwise substantially qualified

D. During each day which lasts over six hours there must be at least 30 minutes for a meal, and 30 minutes for breaks. Each day a total of 30 minutes of break time (but not the meal break), may be counted toward the 40 hour requirement.

E. All material excerpted or copied from copyrighted materials or from someone else's materials must be acknowledged with the name of author, publication and publisher.

V. It is possible for training programs to have one training pending AFM approval providing the training is approved substantially "as is." Retroactive approval of more than one training will be at the discretion of the Education and Training Committee. Retroactive approval will only be given to a training held within a one year period prior to the application date.

VI. Applications for AFM training approval can be done anonymously, upon request.

VII. For a more detailed breakdown of AFM training requirements, request the 40 Hour Divorce Mediation Training Checklist and Application.

Academy of Family Mediators
1500 South Highway 100, Suite 355
Golden Valley, MN 55416
(612) 525-8670

04/04/94

AFM

ACADEMY
OF FAMILY
MEDIATORS

To assist trainers in gaining approval for their training program, the enclosed checklist has been devised. All of the requirements for approval have been included in the checklist. You will note that in the checklist we have added subgroups under each of the categories. Some are required, others are simply for clarification. Our description as to the number of hours required is seen as a minimum. In an effort to give trainers room for creativity, we are mandating that 30 of the 40 hours cover specific topics. We encourage trainers to decide for themselves the areas they wish to cover in greater depth. You must tell the Education and Training Committee in writing in which parts of your program you cover the required areas, and for how long. In addition, your materials, brochures and advertising must be presented to the Committee so that it is clear that they comply with the standards.

AFM Trainings are currently approved based on a review of written materials, not on actual observation of training programs. Please include the following:

1. Agenda (the schedule for your training)
2. Completed AFM Checklist
3. Training Manual

Please send four sets of your materials and four sets of the checklist, along with the \$100 application fee. Please do not send materials in until everything you want reviewed is included. If you want your materials reviewed without the knowledge of who the trainers are, please mark out the trainers' names on all materials.

Requirements for AFM Approved 40-hour Basic Divorce Mediation Trainings have been divided into three areas. These areas are:

I. SUBSTANTIVE KNOWLEDGE BASE, four hours required in each of three areas: A. Family Dynamics; B. Mediation, Negotiation and Conflict Management Theory and Skills; and C. Legal and Financial Issues.

II. CORE TRAINING REQUIREMENTS, two hours required in each of six areas: A. Information Gathering Skills and Knowledge; B. Relationship Skills and Knowledge; C. Communication Skills and Knowledge; D. Problem Solving Skills and Knowledge; E. Ethical Decision-Making and Values; and F. Professional Skills and Knowledge.

III. SIX HOURS OF ROLE PLAY, AFM requires that all AFM approved trainings include a minimum of six hours of role play in at least three role play scenarios. AFM recommends that one trainer not supervise more than two role play groups of four or fewer people, or one large (more than four participants) group, at one time.

Thank you for your interest in gaining approval for your training program. If you have any questions or concerns regarding the approval process please call Risa Toles at the Academy office (612-525-8670) or me (708-866-6231).

Lynn Jacob - Chair-Education and Training

**ACADEMY OF FAMILY MEDIATORS
40 HOUR DIVORCE MEDIATION TRAINING
APPLICATION FORM**

Training Organization: _____

Address: _____

Phone: _____ Fax: _____

Trainer Contact: _____

Names of all Trainers: _____

Trainer Phone (if not above): _____

Administrative Contact: _____

Administrative Address (if not above): _____

Administrative Phone (if not above): _____

AFM membership materials will be sent to you to pass out to all training participants.

Do you wish those to be sent to: _____ Trainer Contact _____ Administrative Contact

Notices regarding advertising and listing in *Mediation News* and conference programs, etc. will be sent to you. Do you wish those to be sent to: _____ Trainer Contact _____ Administrative Contact

Please return:

_____ Completed application form

_____ \$100 application fee

_____ 4 copies of completed checklist

_____ 4 copies of agenda (schedule for your training)

_____ 4 copies of training manual

_____ 4 copies of trainer vitae

Academy of Family Mediators
1500 South Highway 100, Suite 355
Golden Valley, MN 55416
612/525-8670

**CHECKLIST FOR TRAINERS TO COMPLETE FOR APPROVAL OF
40-HOUR BASIC DIVORCE MEDIATION TRAININGS**

(Interim checklist - to be revised July, 1994)

I. SUBSTANTIVE KNOWLEDGE BASE. We require four hours in each of the three areas for a total of 12 hours. There should be a mixture of lecture, video, role play and small group discussion. All of the sub-groups are required.

A. Experience of Divorce for Adults and Children

1. Adult Psychological Issues in Separation and Divorce

- a. Stages of divorce
- b. Family Systems and post-divorce family structures
- c. Family violence and screening for abuse

(Please note: While material on abuse must be covered, Trainers need not include the two hours on domestic violence that are required for practitioner status.)

2. Issues and Needs of Children

- a. Effects of divorce on children by age
- b. Schedules helpful at different ages (understanding there are no absolutes)

B. Family Law and Family Economics

1. Family Law

- a. Custody
- b. Support

2. Family Economics

- a. Budgeting and asset development
- b. Asset evaluation and distribution
- c. Taxation as it relates to divorce
- d. Medical and life insurance

C. Mediation, Negotiation and Conflict Management Theory and Skills

1. There must be didactic material on:

- a. Definitions and distinctions between mediation, litigation, negotiation and arbitration
- b. Mediation, conflict management and negotiation theories
- c. Stages of mediation process

2. The following components are required:

- a. Using ground rules
- b. Balancing power
- c. Caucusing
- d. Empowering parties
- e. Dealing with strong emotions
- f. Maintaining control of the process
- g. Distracting/redirecting

NOTE: It is possible to waive either two hours of A. (Experience of Divorce for Adults and Children) or B. (Family Law and Family Economics) when participants are already knowledgeable in these areas and substitute them with two hours of information more in keeping with participants' needs. This will be done at the discretion of the Trainer, who needs only to notify the AFM office once the training has been completed.

PLEASE SHOW US HOW YOU COVER THE THREE AREAS OUTLINED IN THE SUBSTANTIVE KNOWLEDGE BASE:

A. EXPERIENCE OF DIVORCE FOR ADULTS AND CHILDREN

1. Location in agenda:

2. Total amount of time covered:

3. Manual page numbers:

B. FAMILY LAW AND ECONOMICS

1. Location in agenda:

2. Total amount of time covered:

3. Manual page numbers:

C. MEDIATION, NEGOTIATION AND CONFLICT MANAGEMENT THEORY AND SKILLS

1. Location in agenda:

2. Total amount of time covered:

3. Manual page numbers:

II. Core Training Requirements. We require that the six components must each be covered for a minimum of two hours, that they each be adequately presented, and that presentation material must be supported by written materials. Except as noted, sub-areas are listed simply for clarification. Role play can be counted as part of the two hours.

A. Information Gathering Skills and Knowledge. A structured role play dealing with a specific mediation scenario must be included.

Please list the role play which covers this component:

_____ Day/time: _____ Length of time: _____

1. Clients: a, b., and c. are required.
 - *a. Performing intake
 - *b. Screening clients for appropriateness for mediation and for abuse
 - *c. Contracting for services
 - d. Performing a needs assessment
2. Issues
 - a. Questioning
 - b. Setting the agenda and prioritizing areas
 - c. Identifying and screening issues
 - d. Exploring client interests and concerns
3. Retaining, recording and monitoring factual information
4. Dealing with complex factual materials

B. Relationship Skills and Knowledge. This core area must be covered for two hours of instruction in the training. Number 1. is required.

- *1. Establishing neutrality and impartiality
- 2. Forming relationships and building rapport
- 3. Establishing trust
- 4. Setting a cooperative tone
- 5. Empathetic listening and questioning
- 6. Empowering parties
- 7. Staying non-judgmental

C. Communication Skills and Knowledge. This core area must be covered for two hours of instruction in the training. Numbers 1. and 2. are required.

- *1. Identifying areas of consensus and disagreement
- *2. Paraphrasing
- 3. Confronting
- 4. Attending to non-verbal communication
- 5. Clarifying

6. Balancing communication

7. Being respectful of the parties

D. Problem-Solving Skills and Knowledge. This core area must be covered for two hours of instruction in the training. It must also include a structured role play dealing with a specific mediation scenario. Numbers 1. and 2. are required.

Please list the role play which covers this component:

_____ Day/time: _____ Length of time: _____

- *1. Identifying and analyzing problems and needs
- *2. Converting positions into needs and interests
- 3. Framing and narrowing issues
- 4. Identifying principles and criteria to assist decision-making
- 5. Designing and testing temporary plans
- 6. Developing and evaluating options and brainstorming
- 7. Testing reality
- 8. Assisting parties to identify alternatives to a mediated agreement
- 9. Questioning

E. Ethical Decision-Making and Values. This core area must be covered for two hours of instruction in the training. Numbers 1., 2., and 3. are required.)

- *1. Understanding Academy and other mediation standards of ethical practice
- *2. Not imposing personal and professional values
- *3. Ensuring voluntary agreements and participation
- 4. Being sensitive to parties' values, including culture
- 5. Establishing and maintaining a right to self-determination by the parties
- 6. Ensuring the ability of the parties to negotiate for themselves
- 7. Establishing a commitment to honest disclosure
- 8. Recognizing responsibilities to non-present parties
- 9. Dealing with commonly encountered ethical dilemmas

F. Professional Skills and Knowledge. This core area must be covered for two hours of instruction in the training. Numbers 1., 2., and 3. are required.

- *1. Drafting memoranda
- *2. Working with experts
- *3. Using self as a barometer for understanding client reactions
- 4. Case management
- 5. Referring cases
- 6. Knowing community and legal resources
- 7. Obtaining, recording and monitoring factual information
- 8. Dealing with complex factual materials

PLEASE SHOW US HOW YOU COVER THE SIX AREAS OUTLINED IN THE CORE TRAINING REQUIREMENTS:

A. INFORMATION GATHERING SKILLS AND KNOWLEDGE

1. Location in agenda:

2. Total amount of time covered:

3. Manual page numbers:

B. RELATIONSHIP SKILLS AND KNOWLEDGE

1. Location in agenda:

2. Total amount of time covered:

3. Manual page numbers:

C. COMMUNICATION SKILLS AND KNOWLEDGE

1. Location in agenda:

2. Total amount of time covered:

3. Manual page numbers:

D. PROBLEM SOLVING SKILLS AND KNOWLEDGE

1. Location in agenda:

2. Total amount of time covered:

3. Manual page numbers:

E. ETHICAL DECISION MAKING AND VALUES SKILLS AND KNOWLEDGE

1. Location in agenda:

2. Total amount of time covered:

3. Manual page numbers:

F. PROFESSIONAL SKILLS AND KNOWLEDGE

1. Location in agenda:

2. Total amount of time covered:

3. Manual page numbers:

III. Six Hours of Role Play. AFM requires that all AFM approved trainings include a minimum of six hours of role play in at least three role play scenarios. AFM recommends that one trainer not supervise more than two role play groups of four or fewer people, or one large (more than four participants) group, at one time.

1. Include actual scenarios

2. Show us in your agenda where the role plays are done

3. Tell us how you use the role play, i.e. whether the role play is a demonstration or a small group participatory activity

IV. Training Manuals, Published Materials, Miscellaneous

A. Manuals

1. Manuals are required and must include the following:

- a. Table of contents
- b. Stages of mediation process and definitions of mediation, negotiation, arbitration and litigation
- c. AFM Standards of Practice
- d. Up-to-date bibliographies. (AFM recommends that these be updated every two years.)

2. AFM recommends that the following be included:

- a. Forms for practice
- b. An overview of the mediation process, information on conducting an orientation session, and information needed from clients
- c. Agreement to mediate, and mediation rules and guidelines
- d. Budget and asset work sheets
- e. Guidelines for asset division and either an overview of support guidelines or material on support in your state
- f. Psychological effects of divorce on adults and children
- g. Information on child support or child support guidelines
- h. Domestic violence information
- i. Several Memoranda of Understanding or Agreements and/or AFM Sample Guideline Standard for Memorandum of Understanding

B. There must be one trainer present during the whole training who is a Practitioner Member in the Academy, or has comparable standing in the field, or is otherwise substantially qualified:
Please name: _____

C. Resumes included for all trainers, including mediation credentials. ____ yes

D. During each day which lasts over six hours, there must be at least 30 minutes for a meal, and 30 minutes for breaks. Each day a total of 30 minutes of break time (but not the meal break) may be counted toward the 40 hour requirement. ____ yes

E. Evaluation form included? ____ yes

F. Copies of all training materials included: ____ yes

G. Current Bibliographies included? ____ yes

H. All material excerpted or copied from copyrighted materials or from someone else's materials have been acknowledged with the name of author, publication and publisher. ____ yes

I. Training presented over at least 5 days? ____ yes

J. Academy membership requirements included in materials distributed? ____ yes

K. Copies of brochures and publicity included? ____ yes

L. Please list dates and locations of next two trainings:

02/02/94

APPENDIX D

Mediation:

Mandated

Court connected (who certifies or verifies court maintained list)

Qualifications: **By court rule or statute**

Level of Education

#of hours of mediation training,

Defined curriculum

Liability insurance

Years of experience

Attorney or non-attorneys

Required hours of observation/observed mediation

Other conditions

APPENDIX E

**OFFICE OF THE EXECUTIVE SECRETARY
SUPREME COURT OF VIRGINIA**

**GUIDELINES FOR THE
TRAINING AND CERTIFICATION OF COURT-REFERRED MEDIATORS
Effective July 1, 1995**

STATEMENT OF INTENT: It is the right and expectation of the citizens of Virginia to have access to a highly competent and responsive judiciary. Where the judicial system includes dispute resolution alternatives such as mediation, citizens should expect the same level of service. The following Guidelines for the Training and Certification of Court-Referred Mediators are intended to ensure that court-referred mediators also meet a high standard of competence and ethical responsibility.

A. Scope of the Guidelines

All mediators receiving referrals from a court should be certified pursuant to guidelines promulgated by the Judicial Council of Virginia. The following sets forth the eligibility requirements for certification.

B. Application for Certification as a Mediator

1. An applicant for certification shall make application to the Office of the Executive Secretary of the Supreme Court of Virginia on OES Form ADR-1000. Form ADR-1000 shall be made available through the Office of the Executive Secretary.
2. An application for certification shall be accompanied by an administrative handling fee of \$15.00.
3. An applicant for certification shall have a bachelor's degree from an accredited college or university or shall submit evidence of relevant experience and qualifications sufficient to support certification.
4. Documentation required to complete OES Form ADR-1000 includes:
 - a. statement of educational background;
 - b. evidence of successful completion of appropriate mediation training for level of certification requested within 24 months prior to application;
 - c. evidence of compliance with observation/mentorship requirements;
 - d. evaluations by trainers;
 - e. evaluations by certified co-mediators with specific recommendations that the applicant be certified and statements to support such recommendation;
 - f. statement of experience/areas of expertise;
 - g. statement of adherence to ethical standards; and
 - h. statement certifying accuracy of information contained in application.

5. Applications for certification shall be acted upon by the Office of the Executive Secretary of the Supreme Court of Virginia. Any applicant denied certification shall have the right to request reconsideration of such denial.
6. Notification of certification shall be made through letter and certificate. A letter denying certification shall state the grounds for the denial and make reference to the right of the applicant to request reconsideration or an opportunity to be heard by making a written request to the Executive Secretary of the Supreme Court of Virginia within 30 days of receiving notification of denial of certification. Within 15 days of reconsideration and, if requested, a hearing, the Executive Secretary shall render a final decision on certification.
7. An applicant denied certification may reapply for certification after six months from the date of the final denial.

C. Training Requirements

1. **General Mediation:** An applicant for certification in General Mediation must submit evidence of successful completion of 20 hours of training in basic mediation skills offered by a certified training program in addition to the requirements set forth below.
2. **General and Family Mediation:** An applicant for certification must also submit evidence of successful completion of at least four hours of additional training in Virginia's judicial system or experience sufficient to justify a waiver of this requirement.
3. **Family Mediation:** An applicant for certification as a Family Mediator to mediate cases filed in Juvenile and Domestic Relations District Court and/or to mediate domestic relations cases in Circuit Court, must demonstrate successful completion of 40 hours of mediation training. This training may be 20 hours of basic mediation training and 20 hours of training in family-related matters (including issues of domestic violence and the best interest of the child), provided by a certified training program. The training may also be received in one 40-hour certified family mediation course.
4. **Family Mediation:** In addition to the 40 hours of training in the family area, an applicant for certification as a Family Mediator must have four hours of training or education in screening for and dealing with domestic violence, or must demonstrate sufficient experience or familiarity with dealing with domestic violence in the mediation context to justify a waiver of the training requirement. While family mediation training courses must also include information on domestic violence, this requirement can not be met through the first 40 hours of training.

D. Observation and Co-Mediation Requirements

1. **General Mediation:** In addition to meeting the training requirements set forth above, applicants must submit evidence of successful completion of:
 - a. observation of at least two complete cases conducted by certified mediators; or,
 - b. where applicants are unable to meet the requirement of two observations, successful completion of additional certified training in mediation practice during which the applicant is evaluated by at least one certified mediator in at least two role plays simulating possible mediation scenarios; and,
 - c. supervised co-mediation of at least three complete cases, evaluated by certified mediators, such evaluation to include a recommendation by the certified mediator as to whether the applicant should be certified along with reasons for the recommendation.
2. **Family Mediation:** In addition to meeting the training requirements set forth above, when the application is for certification as a Family Mediator, applicants must submit evidence of successful completion of:
 - a. observation of at least two complete domestic relations cases conducted by certified mediators; or,
 - b. where applicants are unable to meet the requirements of observation, successful completion of additional certified training in domestic relations mediation practice during which the applicant is evaluated by at least one certified mediator in at least two role plays simulating possible mediation scenarios; and,
 - c. supervised co-mediations of at least five complete domestic relations cases, evaluated by certified mediators, such evaluation to include a recommendation by the certified mediator as to whether the applicant should be certified along with reasons for the recommendation.
3. **Explanation of Observation/Co-Mediation Requirements:** A complete case is one which, whether one mediation session or more than one session, is long enough and includes enough stages of the process to allow the trainee to demonstrate competence in mediation skills. If the certified mediator acting as mentor/co-mediator is unable to determine the trainee's competence (whether because the mediation was too brief or for any other reason), the certified mediator should not make a recommendation as to certification.

It is not necessary for the mediation to end in agreement for the case to be considered complete. An applicant will not be eligible for certification, however, if he or she has not had the opportunity to participate in finalizing any mediated memoranda of agreements.

Successful completion shall be demonstrated through copies of evaluations completed by the certified mediators and mentors to be attached to OES Form ADR-1000. Evaluations should indicate at a minimum the nature of the work or training observed, the length of time observed, whether the trainee participated in the finalizing of a memorandum of agreement, and the opinion of the certified mediator as to the level of ability of the trainee. Evaluation Form ADR-1001 is available through the Office of the Executive Secretary, but use of these particular forms is not a requirement for certification.

A dispute resolution evaluation session is not considered a mediation case for certification purposes.

4. Certified mediators have the responsibility to provide supervision, evaluation, and mentorship to individuals seeking certification.
5. At the conclusion of every mediation, the participants shall be given an evaluation form (OES Form ADR-1002) and asked to complete the form and return it to the mediator or the mediation program, or to forward it directly to the Office of the Executive Secretary. The substance of the responses provided on these forms may be considered by the Office of the Executive Secretary in making determinations regarding the continuing certification of the mediator.

E. Application for Grandfathering of a Mediator

1. An applicant for certification who was engaged in the provision of mediation services in the Commonwealth of Virginia prior to July 1, 1993 but does not meet the training and/or mentorship requirements set out in Section B.1-10, above, and who desires to have such requirements waived on the basis of experience in the field may request such exception by:
 - a. submitting a completed OES Form ADR-1000 along with an administrative handling fee of \$15.00; and
 - b. demonstrating competence in the field through means that include:
 1. description of training completed;
 2. three letters of recommendation regarding the applicant's performance as a mediator from mediation programs, clients, court personnel, certified mediators, or other professionals with whom the applicant has worked; and
 3. evidence of having completed a minimum of five mediations or ten hours of mediation within the 12 months preceding the application for certification.
2. An applicant who desires to be certified as a Family Mediator through this provision for "grandfathering" must indicate that training received and mediations conducted

have been in the area of domestic relations.

F. Application for Recertification as a Mediator

1. Recertification of a mediator will be required every two years on July 1. (Note that the first recertification may come less than two years after initial certification. For example, all mediators certified between July 1, 1993 and June 30, 1994 will be required to be recertified as of July 1, 1995. Their next recertification date would be July 1, 1997.)
2. An applicant for recertification must submit OES Form ADR-1003.
3. **General Mediation:** An applicant for recertification as a General Mediator must submit evidence of having completed a minimum of five complete cases or 15 hours of mediation during the preceding two year period. These cases may be court-referred or privately referred. The applicant must also submit evidence of having completed a minimum of eight hours of approved mediation training/ education, including a minimum of two hours in mediation ethics.
4. **Family Mediation:** An applicant for recertification as a Family Mediator must submit evidence of having completed a minimum of eight complete cases or 24 hours of mediation during the preceding two year period, with a minimum of five complete cases or 15 hours in the family area. These cases may be court-referred or privately referred. The applicant must also submit evidence of having completed 16 hours of approved mediation training/education, including a minimum of eight hours in the family area and two hours of mediation ethics.
- 4.a. **Special Requirement for All Mediators Certified Prior to June 30, 1995:** All applicants for recertification in Family Mediation on July 1, 1994 or July 1, 1995 must submit evidence of successful completion of four hours of training or education in screening for and dealing with domestic violence in the mediation context or must demonstrate education in the domestic violence area and sufficient experience in dealing with domestic violence in the mediation context to justify a waiver of the specific training requirement.
5. Applicants for recertification may request approval by the Office of the Executive Secretary of training or education relevant to mediation practice they receive from organizations such as the Academy of Family Mediators, the Society of Professionals in Dispute Resolution, the Virginia Mediation Network, appropriate courses sponsored by the Virginia Committee on Continuing Legal Education, and others to meet the requirements for continuing education. Certified training programs (other than basic courses) will also meet these requirements.

6. Applicants who are unable to meet the requirements for number of complete cases or mediation hours may apply for a partial waiver of these requirements, which may be granted at the discretion of the Office of the Executive Secretary based on the individual circumstances of the case and on the condition of additional training being taken.
7. Client evaluations received by the Office of the Executive Secretary pursuant to Section B.10 of these Guidelines and/or any other written communication concerning the performance of the mediator may also be considered in the recertification process.
8. Notification of recertification shall be made through letter and certificate. A letter denying recertification shall state the grounds for the denial and make reference to the right of the applicant to request reconsideration or an opportunity to be heard by making a written request to the Executive Secretary of the Supreme Court of Virginia within 30 days of receiving notification of denial of recertification. Within 15 days of reconsideration and, if requested, a hearing, the Executive Secretary shall render a final decision on recertification.
9. A mediator denied recertification may reapply for certification after six months from the date of the final denial.

G. Removal

1. At any time during the period of certification or subsequent recertification, upon notice and an opportunity to be heard, a certified mediator who is found to have engaged in conduct that reflects adversely on his impartiality or on the performance of his duties as a mediator, or is found to have persistently failed to carry out the duties of a mediator, or is found to have engaged in conduct prejudicial to the proper administration of justice, shall be removed from the list of certified mediators.
2. A letter indicating removal from the list shall state the grounds for such removal and make reference to the right of the mediator to request reconsideration or an opportunity to be heard by making a written request to the Office of the Executive Secretary within 30 days of receiving notice of removal. Within 15 days of reconsideration and, if requested, a hearing, the Office of the Executive Secretary shall render a final decision on removal.
3. A mediator removed for cause from the list of certified mediators may reapply for certification after two years from the date of the final decision on removal.

APPENDIX F

**CUSTODY/VISITATION MEDIATION SURVEY
OFFICE OF STATE COURTS ADMINISTRATOR**

This survey is related to custody/visitation mediation only. Please do not include other types of mediation when considering your responses.

CIRCUIT # _____

Is there currently some form of mediation available in your circuit related to visitation/custody mediation?

No ☐ Proceed to Section A.

Yes ☐ Proceed to Section B.

SECTION A

1. Is there interest in your circuit for establishing mediation programs?
☐ Yes ☐ No
2. Is your circuit currently planning for the establishment of a mediation program for custody/visitation?
☐ Yes ☐ No
3. If your response to #1 is no, please describe briefly why mediation is not being considered.
If the response to #2 is yes, please describe the plans for establishing mediation in your circuit.

PLEASE CONTINUE TO SECTION C

SECTION B

4. Briefly describe custody/visitation mediation that is currently available in your circuit. (Include in this description how referrals are made to the program, cost to parties, time limits for parties to access & complete mediation, who is conducting the mediation program and how is the court advised of the outcome. Use back of survey if necessary.)

5. If yours is a multi-county circuit, do all of the counties have a mediation program? (If not please indicate how many counties in your circuit do not have mediation programs.)
☐ All have programs _____ Number of counties without mediation programs
(Please list the counties without mediation on back of survey)
6. Has your court employed a court mediator or trained an existing staff person in mediation?
Employed a mediator:
☐ Yes ☐ No
Trained an existing staff person:
☐ Yes Name(s) _____
7. Has your court contracted with a person/agency for court ordered mediation?
☐ Yes ☐ No
8. If yes, note the name of any agency contracted with. (Individual's names not needed.)

PLEASE CONTINUE TO NEXT PAGE

9. Has your court developed a referral list of mediators to provide to parties?
☐ Yes ☐ No
10. What criteria is used to determine the names included on the referral list?
☐ Supreme Court Rule 88.05 ☐ Academy of Family Mediators (AFM) Standards
☐ ABA standards ☐ Other standards (please describe on back of survey)
11. Is your court's mediation program mandatory or voluntary?
☐ Mandatory ☐ Voluntary
12. To the best of your knowledge, what percentage of mediation eligible cases are being referred for mediation?
☐ 0-20% ☐ 21-40%
☐ 41-60% ☐ 61-80%
☐ 81-100% ☐ No estimate

Briefly describe how you made your estimate whether general knowledge or formal evaluation.

-
13. Have you developed any local court rules to specifically address mediation?
☐ Yes ☐ No
14. Are you satisfied with the mediation program in your circuit or do you anticipate making changes? (If changes are anticipated, briefly describe them.)
☐ Satisfied ☐ Not satisfied, but no changes anticipated
☐ Not satisfied, changes planned (please describe briefly)
-
15. Has your circuit conducted an evaluation to determine the level of satisfaction of users of your mediation program? If so, what have been the results of the evaluation?
☐ No evaluation ☐ Evaluation conducted
☐ $\geq 50\%$ satisfied
☐ $\leq 49\%$ satisfied
16. Has your court conducted a survey or internal review to determine the number of mediated agreements that subsequently returned to court for modification compared to those cases not involved in mediation?
☐ Yes ☐ No
- If a survey was conducted, please briefly describe the results.

PLEASE CONTINUE TO SECTION C

SECTION C:

17. Would the judiciary and/or court administration in your circuit be interested in attending a program in mediation orientation?
☐ Yes ☐ No
18. Which of the following topics would you like included in a mediation orientation program?
☐ Implementation of mediation programs.
☐ Description of the mediation process.
☐ Practices for referring parties to mediation including common time standards.
☐ Development of local court rules related to mediation.
☐ Acceptable qualifications for mediators and developing court referral lists.
☐ Developing court sponsored/supported mediation programs.
☐ Costs to the court and the parties related to mediation programs.
☐ Other topics: (Use other side of survey if needed)

PLEASE CONTINUE TO NEXT PAGE

19. How many persons from your circuit would you anticipate attending a mediation orientation program?
Judges/commissioners # _____ Court administrators # _____
20. Do you see mediation as beneficial to your court?
☐ Yes ☐ No
21. Do you believe that Missouri should set more stringent or less stringent qualifications for court referred mediators than defined in Supreme Court Rule 88.05 ?
☐ More stringent ☐ Less stringent ☐ No change
22. Do you believe that Missouri should include financial/property issues in those issues included for mediation?
☐ Yes ☐ No
22. Are there other family court case issues that should be subject to mediation opportunities?

COMMENTS: (please attach additional pages if needed)

PARENT EDUCATION PROGRAM SURVEY

1. Do you currently have divorcing parent education programming available in your circuit?
☐ Yes, PLEASE CONTINUE! ☐ No, STOP HERE, you have completed the survey!
2. Is your parent education program court mandated?
☐ Yes ☐ No
3. What are the sanctions if a party does not attend/complete the program?
-
4. Do all counties of your circuit offer the parent education programs?
☐ Yes ☐ No (Please list counties with programs.)
5. Who conducts your parent education program(s)?
☐ Open to any interested agency who meets program criteria.
☐ One private agency conducts all classes.
☐ One state/public agency conducts all classes.
☐ Court staff conduct classes.
☐ Other (please describe on back of survey.)
6. What is the cost of the program to each participant?
\$ _____ each
7. How are costs of the program assessed to the parties?

Thank you for your assistance in completing this survey. Your responses will be used to improve services to families in court in Missouri.

Please return by January 15, 1995 to: Denise Kinman, Family & Juvenile Court Specialist
Office of State Courts Administrator
P.O. Box 104480
Jefferson City, MO 65110

APPENDIX G



OFFICE OF STATE COURTS ADMINISTRATOR


1105 R. Southwest Boulevard
P. O. Box 104480
Jefferson City, Missouri
65110

RONALD L. LARKIN
ADMINISTRATOR

M E M O R A N D U M

PHONE (314)751-3585
FAX (314)751-5540

TO: Presiding Judges

FROM: Ron Larkin 

DATE: December 30, 1994

In the last session of the Legislature, we were authorized a Family and Juvenile Court Specialist position that will allow us to begin to provide service in this extremely important area. Ms. Denise Kinman has been appointed to that position.

Denise's position is partially funded by the Division of Child Support Enforcement and much of her initial work has been directed on subjects of mutual concern. Two of those areas are custody/visitation mediation and divorcing parent education. Her preliminary work indicates that several versions of these programs are already in existence in the state.

We are trying to identify programs currently available and to obtain some basic information about those programs. We are also interested in learning of any interest your circuit might have in participating in these programs in the future.

We request your assistance by either filling out the enclosed survey or referring it to someone else who might have the information. We would like to use some of the results in the New Judges Training Program and need to have the surveys returned by January 15.

I hope all of you had a very happy holiday season. Sorry to interrupt it with another survey, but we really do appreciate you and the support you give this office.

If you have questions concerning this survey, please contact Denise Kinman at (314) 526-5809.

RLL/jr
Enclosure

Division Directors

Carolyn Steidley, Information Services
(314)751-4377

Kay Pedretti, Court Services
(314)751-3585