

**FORTY HOUR DOMESTIC RELATIONS MEDIATION TRAINING PROGRAM  
APPLICATION FOR SUPREME COURT CERTIFICATION**

*\*\*NOTICE to APPLICANT: Applicants should refer to Forty (40)-Hour Basic Mediation Training Standards when completing this form.*

**Return completed forms via e-mail to: [ace@courts.in.gov](mailto:ace@courts.in.gov)**

**PROGRAM INFORMATION**

Program Name

Program Dates

Program Site

Sponsor Name

CLE Sponsor number

Website of Organization

Address of Sponsor

City

State

Zip Code

Contact Person

(if different then above)

Telephone

Fax

E-Mail Address

**FACILITATOR INFORMATION**

PRIMARY TRAINER(S)

--

ASSISTANT TRAINER(S)

--

Has the primary trainer completed and submitted a “Mediation Trainer Application” to the Commission for Continuing Legal Education? Yes  
No

Has each assistant trainer completed and submitted a “Mediation Trainer Application” to the Commission for Continuing Legal Education? Yes  
No

**EXPERT PROFILES**

List Expert(s) who will teach “Psychological Issues in Domestic Relations Litigation and Mediation”

List Expert(s) who will teach “Communication Skills and Knowledge” and “Interpersonal Dynamics”

List expert(s) who will teach “Issues Concerning Needs of Families over Time”

Has each expert listed submitted a mediation expert application to the Commission for Continuing Legal Education? Yes  
No

Maximum number of participants per training program:

Will each participant complete at least three (3) role plays? Yes  
No

Indicate what role participants will play

Describe how the role plays will be evaluated

Will each primary trainer and/or assistant trainer view no more than two (2) role plays simultaneously?      Yes  
No

Will you ensure that each participant will be involved in a role play as a mediator and as a party?      Yes  
No

What procedure will be instituted to ensure that participants attend the entire session?

Teaching techniques utilized during training programs will include (please check all that apply):

- Lecture
- Group Discussion
- Readings
- Written Exercises
- Mediation Simulation
- Role Plays
- Other:

## AGENDA SUMMARY

Verify the following topics will be taught according to the Standards for the course by providing the following information:

### Topic: **Indiana ADR Rules 1-8**

---

Who will teach this subject?

Indiana lawyer in good standing?                  Yes  
   No

Attorney Number

### Topic: **Mediation Case Law Update**

---

Who will teach this subject?

Indiana lawyer in good standing?                  Yes  
   No

Attorney number

### Topic: **Indiana Family Law** (reviewing statutes, rules, guidelines, and key case law)

---

Who will teach this subject?

Indiana lawyer in good standing?                  Yes  
   No

Attorney number

## **Subject checklist**

**Mediation Case Law Update:** Please verify that the following topics will be included in the discussion by marking all that apply

Conflicts of interest

Confidentiality and its limits

Facilitating fair, reasonable and voluntary agreements

Promotion of mutual respect of the participants in the mediation session including power balancing & control & decorum

Maintaining impartiality and neutrality

Dealing with claims or evidence of domestic violence, substance abuse and child abuse

Standards recommended by national associations  
Role of mediators as officers of the court  
Addressing cultural differences among the participants in mediation  
Mediator malpractice concerns  
Disciplinary procedures  
Difference between court ordered and voluntary mediation  
Relevant court rules, local procedures and forms  
Required disclosures to mediation participants  
Distinguishing between legal information or education, and legal advice  
Special considerations when dealing with self-represented mediation parties, including drafting documents  
  
Interests of third parties especially the children  
Whether and how to involve children in the mediation process

The following topics shall be taught by the primary trainer or an attorney who otherwise meets the criteria of II(C)(2)

**Indiana Family Law:** The following topics shall be taught by the primary trainer or an attorney

Property distribution (including brief overview of tax consequences of certain distributions and when to refer issues to an accountant or tax lawyer)  
Child support and related issues, e.g., health insurance, payment of medical expenses, income withholding orders (including applicable guidelines, worksheets, and forms)  
Custody and parenting time (include applicable guidelines) for parents (including applicable standards) and “children’s best interests” from the legal perspective  
Third-party custody and guardianship  
Grandparent and other third party visitation  
Distinguishing features and differences in dissolution of marriage, paternity, guardianship, abuse and neglect (CHINS), termination of parental rights, and adoption cases as these relate to mediation practice  
Tax exemptions, state and federal  
Bankruptcy considerations and referral to bankruptcy attorneys in the mediation context  
Legal context of mediation  
Durability/flexibility of mediated agreements  
Mechanics of interpreting/enforcing mediated agreements

**Psychological Issues in Domestic Relations Litigation and Mediation**

Family relationships and how they are impacted by separation and divorce  
Domestic violence

- Child abuse or neglect
- Substance abuse
- Relationship of financial and custody issues
- Psychologically dysfunctional disputants
- Use of mental health experts and resources
- Identification of other psychological issues and referral resources

### **Issues Concerning Needs of Families over Time**

- Differing perspectives of parents and children, and how these perspectives may change over time
- Impact of legal processes on children's attitudes/behavior
- Co-parenting and shared parental responsibility
- Parenting agreements from the mental health professional's point of view
- How different parties' needs change over time and how to anticipate and manage these changes
- How needs in the initial separation differ from needs in a modification of an order or agreement
- "Best interests of the child" from the social science perspective
- Community resources and experts

### **Lawyers in Mediation**

- Role of litigants' lawyers in the mediation process
- Attorney-client relationships
- Establishing credibility with lawyers
- Attorney fees issues
- Dealing with legal issues
- Private sessions with lawyers
- Attorney malpractice concerns
- Discovery issues
- Referral criteria -- e.g., to accountants, appraisers, etc.

### **Domestic Violence Considerations**

- Characteristics, dynamics, and risks in differing types of domestic violence
- How domestic violence may affect the parties' ability to communicate, present information, and make big decisions
- How to conduct effective screening for domestic violence

How to use the results of screening to determine whether or not mediation is appropriate when there has been domestic violence

How to provide accommodations in mediation that take into account the victim's safety and ability to make voluntary, non-coerced decisions

Whether and how to mediate when there is a protective order or no contact order between the parties to a mediation

The role of a support person in mediation, if any

### **Interpersonal Dynamics in Communications**

Common issues surrounding relationship of litigants

Forming relationships and building rapport

Establishing trust

Setting a cooperative tone

Empathetic listening and questioning

Using self as a barometer for understanding party reactions

Remaining non-judgmental

### **Communication Skills and Knowledge**

Listening

Responding

Guiding

Paraphrasing

Confronting

Reframing

Attending to non-verbal communication

Identifying areas of consensus and disagreement

Questioning

Clarifying

Using clear, neutral language

Balancing communication

Modeling constructive behavior

### **Introduction to Conflict Resolution Theory**

Conciliation, mediation, arbitration-definitions and distinctions

Negotiation theory

The effect of mediation at various stages of litigation, including pre-suit

Mediation process

Review of mediation effectiveness

### **Informational Gathering Skills and Knowledge**

Questioning

Setting the agenda and prioritizing areas

Identifying Issues

Exploring parties' background, interests and concerns

### **Problem-Solving Skills and Knowledge**

Identifying and analyzing problems and needs

Collecting data

Prioritizing issues

Framing issues

Narrowing issues

Converting positions into needs and interests

Educating parties

Identifying areas of agreement

Identifying principles and criteria to assist decision-making

Designing temporary plans

Developing options and brainstorming

Evaluating options and consequences

Testing reality

Developing an implementation plan

Assisting parties to identify alternatives to a mediated agreement

### **Ethical Decision-Making and Values Skills and Knowledge**

Understanding mediation standards of ethical practice

Being sensitive to parties' values, including culture

Remaining non-judgmental

Establishing a commitment to honest disclosure

Maintaining dignified behavior

Being respectful of the parties

Not imposing personal and professional values

Establishing and maintaining a right to self-determination by the parties



Honoring the uniqueness of parties  
Ensuring individual responsibility of parties for themselves  
Establishing the importance of each individual's participation  
Ensuring voluntary agreements and participation  
Dealing with commonly encountered ethical dilemmas

### **Interaction and Conflict Management Skills and Knowledge**

Using ground rules  
Reducing tensions  
Balancing power  
Refocusing  
Confronting  
Strategizing/orchestrating  
Caucusing  
Managing impasse  
Empowering parties  
Distracting/redirecting  
Dealing with strong emotions  
Maintaining control of the process  
Managing the influence of non-parties

### **Professional Skills and Knowledge**

Case management  
Community and legal resources  
Drafting memoranda and agreements  
Effective use of outside experts  
Obtaining, recording and monitoring factual information  
Dealing with complex factual materials  
When and how to refer issues to other forms of alternative dispute resolution

**CHECKLIST**

***The following materials must accompany your application for certification***

Complete program agenda, including the time allotted and instructor assigned for each topic/segment

Bibliography of required readings

Summary of course materials

Copy of evaluation form to be used by participants

Completed Mediation Trainer Application (if not on file with the Commission office) for each primary and assistant trainer

Completed Mediation Expert Application (if not on file with the Commission office) for each expert

**VERIFICATION OF APPLICATION**

I hereby certify that the application submitted for Supreme Court certification as a Forty (40)-hour basic domestic relations mediation training program contains accurate and complete information to the best of my knowledge. I acknowledge that I have a continuing duty to inform the Commission of any material changes in information submitted in this application from the date of this application through the duration of any certification approved by the Commission. *(You may sign this form electronically)*

\_\_\_\_\_  
Signature of Training Program Sponsor

\_\_\_\_\_  
Date