

DOMESTIC RELATIONS CROSSOVER FROM CIVIL MEDIATION TRAINING PROGRAM APPLICATION FOR SUPREME COURT CERTIFICATION

***NOTICE to APPLICANT: Applicants should refer to Domestic Relations Crossover from Civil Mediation Training Standards when completing this form.*

Return completed forms via e-mail to: 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)

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ASSISTANT TRAINER(S)

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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: | | |

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:

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

Although the following topics may be repetitive of the 40-hour civil mediation training course, they must be addressed as they apply to the domestic relations arena.

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

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 domestic relations crossover from civil 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