

**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 to:
Indiana Office of Admissions and Continuing Education
251 N. Illinois Street, Suite 550
Indianapolis, IN 46204**

Please print

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

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.

Signature of Training Program Sponsor

Date