

Chart 2: Proposed UTCR Chapter 12 Court-Connected Mediator Qualifications by Case Type

Court-Connected Mediator Qualifications Advisory Committee

	Civil Mediator Qualifications	Custody and Parenting Plan Mediator Qualifications	Domestic Relations Financial Issues Mediator Qualifications
Education	<p>Not Applicable</p> <p>None Required. ORS 36.200(1): Formal education in any particular field shall not be a prerequisite to serving as a mediator.</p>	<p>12.070(1)</p> <p>Must possess one of the following:</p> <ul style="list-style-type: none"> • Master’s or doctoral degree in conflict resolution, counseling, marriage and family therapy, mental health, psychiatry, psychology, or social work. • JD with course work or CLE credits in family law. • Master’s or doctoral degree in a subject relating to children and family dynamics, education, or communication plus one year full-time post-degree substantive experience providing social work, mental health, or conflict resolution services to families. • Bachelor’s degree in a behavioral science related to child development or family relationships with coursework in a behavioral science and at least two years post-bachelor’s experience in providing social work, mental health, or conflict resolution services to families. • Six years full-time equivalent substantive experience in one of the following roles (beyond any experience outlined in 12.070(3) and 12.080(3)): as a mediator; as a professional in a family law field working directly with family law litigants in a public facing setting; as a professional in family system settings or mental health settings with experience working directly with families; or similar substantive experience consistent with any guidelines promulgated by the State Court Administrator. 	<p>12.080(1)</p> <p>Must meet the education requirements for a domestic relations custody and parenting plan mediator under UTCR 12.070.</p>
Training	<p>12.060(1)</p> <p>An applicant must have completed training in each of the following areas:</p> <ol style="list-style-type: none"> 1. The Basic Mediation Training curriculum in UTCR 12.100 (40 hours); and 2. Court-system Training in UTCR 12.130 (8 hours), or substantially similar training, education, or experience. 	<p>12.070(2)</p> <p>An applicant must have completed training in each of the following areas:</p> <ol style="list-style-type: none"> 1. The Basic Mediation Training curriculum in UTCR 12.100 (40 hours); 2. The Domestic Relations Custody and Parenting Plan Mediation Training curriculum in UTCR 12.110 (40 hours); and 3. Court-system Training in UTCR 12.130 (8 hours), or substantially similar training, education, or experience. 	<p>12.080(2)</p> <p>An applicant must have completed training in each of the following areas:</p> <ol style="list-style-type: none"> 1. The Basic Mediation Training Curriculum in UTCR 12.100 (40 hours); 2. The Domestic Relations Custody and Parenting Plan Mediation Training curriculum in UTCR 12.110 (40 hours); 3. The Domestic Relations Financial Issues mediation training in UTCR 12.120 (40 hours); and 4. Court-system Training in UTCR 12.130 (8 hours), or substantially similar training, education, or experience.

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Experience	<p>12.060(2)</p> <p>The applicant must participate in at least six cases for a minimum of 10 hours under the supervision of a general civil mediation supervisor as follows:</p> <ul style="list-style-type: none"> • Must observe at least one hour of mediation before acting as a co-mediator; • Must mediate or co-mediate at least the first three cases for a minimum number of 5 hours under the supervision of a person qualified as a supervisor; and • Mediation must be performed to the supervisor’s satisfaction. 	<p>12.070(3)</p> <p>The applicant must complete two experience elements (see also Flowchart 1):</p> <ol style="list-style-type: none"> 1. Observe and debrief at least 5 separate custody and parenting time mediation cases for a minimum of 10 total hours before acting as a co-mediator or mediator in a case. 2. Mediation Cases Under Supervision: An applicant must complete one of the following three experience pathways: <ol style="list-style-type: none"> a. If applicant qualifies under section 12.070(1)(a), 12.070(1)(b), 12.070(1)(c), or 12.070(1)(d) and does not have the substantive experience listed in 12.070(3)(b)(iii), the applicant must mediate under supervision 30 separate custody and parenting plan mediation cases for a minimum of 100 hours. At least three cases must have direct observation by supervisor. b. If applicant qualifies under section 12.070(1)(e), the applicant must mediate under supervision 30 separate custody and parenting plan mediation cases for a minimum of 100 hours. At least three of the cases must have direct observation by supervisor. c. If applicant qualifies under section 12.070(1)(a), 12.070(1)(b), 12.070(1)(c), or 12.070(1)(d), and has at least 4160 hours (2 full-time years) substantive experience beyond any substantive experience used to qualify under section 12.070(1) in any of the following: mediation, family and/or couples therapy experience with an emphasis on short-term problem solving, or as a practicing attorney handling a domestic relations or juvenile caseload. The applicant must mediate under supervision 15 separate custody and parenting plan mediation cases for a minimum of 50 hours. At least three of the cases must have direct observation by supervisor. <p>Cases and hours met under 12.080(3) that included custody and parenting plan mediation may also be counted to satisfy the experience requirements of 12.070(3).</p>	<p>12.080(3)</p> <p>The applicant must complete two experience elements (see also Flowchart 1):</p> <ol style="list-style-type: none"> 1. Observe and debrief at least 5 separate domestic relations financial issues mediation cases for a minimum of 10 total hours before acting as a co-mediator or mediator in a case. 2. Mediation Cases Under Supervision: An applicant must complete one of the following three experience pathways: <ol style="list-style-type: none"> a. If applicant qualifies under section 12.070(1)(a), 12.070(1)(b), 12.070(1)(c), or 12.070(1)(d) and does not have the substantive experience listed in 12.080(3)(b)(iii), the applicant must mediate under supervision 30 separate domestic relations financial issues mediation cases for a minimum of 100 hours. At least three cases must have direct observation by supervisor. b. If applicant qualifies under section 12.070(1)(e), the applicant must mediate under supervision 30 separate domestic relations financial issues mediation cases for a minimum of 100 hours. At least three cases must have direct observation by supervisor. c. If applicant qualifies under section 12.070(1)(a), 12.070(1)(b), 12.070(1)(c), or 12.070(1)(d), and has at least 4160 hours (2 full-time years) substantive experience beyond any substantive experience used to qualify under section 12.070(1) in any of the following: mediation, family and/or couples therapy experience with an emphasis on short-term problem solving, or as a practicing attorney handling a domestic relations or juvenile caseload, domestic relations arbitrator, domestic relations judge, and Certified Divorce Financial Analyst. The applicant must mediate under supervision 15 separate domestic relations financial issues mediation cases for a minimum of 50 hours. At least three cases must have direct observation by supervisor. <p>The applicant must demonstrate proficiency in mediation of financial issues prior to the applicant mediating without an approved mediator or supervisor present in the mediation session.</p> <p>Cases and hours outlined in 12.080(3)(b) should involve mediation of financial matters in the areas the applicant intends to practice.</p> <p>Cases and hours met under 12.070(3) that included mediation of domestic relations financial issues may also be counted to satisfy the experience requirements of 12.080(3).</p>

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Continuing Education Hours	12.060(3) 12 hours every two years	12.070(4) 24 hours every two calendar years	12.080(4) 24 hours every two calendar years
Continuing Education Required Topics	12.140 (1) Of the 12 hours required every two calendar years: 1. One hour must relate to confidentiality. 2. One hour must relate to mediator ethics. 3. One hour must relate to equity, diversity, inclusion, and access. 4. Six hours may be satisfied by the mediator taking continuing education required by licensure if reasonable related to mediation.	12.140 (2) 1. Of the 24 hours required every two calendar years: a. Three hours must relate to mediator ethics in the context of domestic relations mediation, including one hour related to confidentiality. b. One hour must relate to domestic violence or intimate partner violence. c. One hour must relate to equity, diversity, inclusion, and access. d. Twelve hours may be satisfied by the mediator taking continuing education required by licensure if reasonable related to practice of mediation. 2. Domestic Relations Mediator Report to the Court training: a. An approved domestic relations mediator must complete the Domestic Relations Mediator Report to the Court training within six months of becoming an approved mediator. b. When a training is offered by the Oregon Judicial Department regarding updates to the domestic relations mediator report to the court, the approved mediator must complete the training within six months of the training being offered.	
Conduct	12.060(4)	12.070(5)	12.080(5)
Must subscribe to and comply with the mediator ethics provisions found in 12.040.			
Mediator Ethics	12.040		
An approved mediator, when mediating under ORS 36.185 to 36.210 or ORS 107.755 to 107.795, is required to:			
<ol style="list-style-type: none"> 1. Disclose to the determining authority and the participants at least one of the relevant codes of mediator ethics, standards, principles, and disciplinary rules of the mediator’s relevant memberships, licenses, or certifications. 2. Comply with relevant laws relating to confidentiality, inadmissibility, and nondiscoverability of mediation communications including, but not limited to, ORS 36.220, 36.222, and 107.785; and 3. Inform and provide as soon as reasonably practical in written form to the participants and in an ongoing manner as appropriate each of the following: <ol style="list-style-type: none"> a. The nature of mediation, the role and approach of the mediator, and the process that will be used; b. The extent to which participation in mediation is voluntary and the ability of the participants and the mediator to suspend or terminate the mediation; c. The commitment of the participants to participate fully and to negotiate in good faith; d. The extent to which mediation communications are confidential, including during private caucuses and any exceptions and limitations to confidentiality; e. All actual and potential conflicts of interest that the mediator may have that are reasonably known to the mediator and could reasonably be seen as raising a question about the mediator’s impartial regard; f. The need for the informed consent of the participants; g. The right of the parties to seek independent legal advice, including review of the proposed mediation agreement before execution; h. The procedure for expressing a concern or filing a complaint regarding the mediator or the mediation process, and; i. If applicable, the nature and extent to which the mediator is being supervised. 4. The mediator shall create a written record of the parties’ agreements to the items listed in 12.040(3); and 5. The mediator shall have information regarding their respective training, education, and experience readily available for review and will provide such information to parties upon request. 			
Public Information	Formerly 12.060(5)	Formerly 12.070(6)	Formerly 12.080(6)
Repeal references to 12.050.			

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	12.050		
Maintaining Publicly Available Information	Repeal 12.050 requirement. Instead require: <ul style="list-style-type: none"> The determining authority to keep the mediator’s application on file for public inspection (12.030(3)); and The mediator to have qualifications readily available to participants in the mediation (12.040(5)). 		
Insurance	Not Applicable	Not Applicable	Formerly 12.080(7)
	Silent on this topic.	Silent on this topic.	Repeal ongoing insurance obligations.
	Now 12.060(5), Formerly 12.060(6)	Now 12.070(6), Formerly 12.060(7)	Now 12.080(6), Formerly 12.080(8)
Qualified Supervisor	A qualified general civil mediation supervisor is an individual who has: <ul style="list-style-type: none"> Met the qualifications of a general civil mediator; Mediated at least 35 cases to conclusion for a minimum total of at least 150 hours beyond the experience required to be an approved general civil mediator; and An understanding of court-connected civil mediation services. 	A qualified domestic relations custody and parenting time mediation supervisor is an individual who has: <ul style="list-style-type: none"> Met the qualifications of a domestic relations custody and parenting plan mediator; Mediated at least 60 cases for a minimum total of at least 200 hours beyond the experience required to be an approved domestic relations custody and parenting plan mediator; and An understanding of court-connected domestic relations services. 	A qualified domestic relations financial issues mediation supervisor is an individual who has: <ul style="list-style-type: none"> Met the qualifications of a domestic relations financial issues mediator; and Mediated at least 60 separate cases for a minimum total of at least 200 hours beyond the experience required to be an approved domestic relations financial issues mediator. An understanding of court-connected domestic relations services.
12.030 Authority Over Qualifications			
12.030(2)(a). For good cause, the determining authority may allow an applicant additional time to meet the minimum requirements while allowing the applicant to mediate under supervision. As a condition of approval, the determining authority will require the applicant to commit to a written plan to meet the minimum qualifications within a specified reasonable period of time.			
Conditional Approval Permitted?	Yes. Mediator may not mediate without an approved mediator present in the mediation session until the requirements described in 12.060 are met.	Yes, except for the following: <ul style="list-style-type: none"> If the applicant has not yet completed the Custody and Parenting Plan Training, conditional approval may only be granted if the applicant has completed the Basic Mediation Training. 	Yes except for the following: <ul style="list-style-type: none"> If the applicant has not yet completed the Financial Issues Mediation Training, conditional approval may only be granted if the applicant has completed the Basic Mediation Training.
12.030(2)(b). The determining authority may authorize a substitution when an applicant does not meet the strict requirements of the rule but has other experience, education or training that is the functional equivalent of the minimum requirement that is being substituted.			
Substitutions Permitted?	Yes.	Yes, except beginning August 1, 2026, the determining authority may not authorize a substitution for the following qualification requirements: <ul style="list-style-type: none"> The Custody and Parenting Plan Mediation Training described in 12.110. The custody and parenting plan mediation experience cases and hours described in 12.070(3). See above regarding conditional approval options. 	Yes, except beginning August 1, 2026, the determining authority may not authorize a substitution for the following qualification requirements: <ul style="list-style-type: none"> The Custody and Parenting Plan Mediation Training described in 12.110. The Domestic Relations Financial Issues Mediation Training described in 12.120. The financial issues mediation experience cases and hours described in 12.080(3). See above regarding conditional approval options.