

Chart 3: Proposed Court-Connected Mediation Training Requirements

Court-Connected Mediator Qualifications Advisory Committee

	Basic Mediation Training	Custody and Parenting Plan Training	Domestic Relations Financial Issues Training	Court-System Training
Mediation Training Requirements	12.100	12.110	12.120	12.130
	<p>The basic mediation curriculum is a single curriculum that is designed to integrate the elements in this section consistent with any guidelines promulgated by the State Court Administrator.</p> <p>The basic mediation curriculum shall:</p> <ol style="list-style-type: none"> (1) Be at least 40 hours consistent with any guidelines promulgated by the State Court Administrator. (2) Include multiple learning methods and training techniques that closely simulate the interactions that occur in a mediation and that provide effective feedback to trainees, including, but not be limited to, at least six hours participation by each trainee in role plays with trainer feedback to the trainee and trainee self-assessment. The trainee must play the role of a mediator or co-mediator for at least three of the six hours. (3) Include instruction to help the trainee effectively: <ol style="list-style-type: none"> (a) Gain an understanding of conflict resolution and mediation theory; (b) Effectively prepare for mediation; (c) Support a safe, accessible, and comfortable environment for the mediation including understanding and applying trauma-informed practices in mediation; (d) Facilitate effective communication between the parties and between the mediator and the parties; (e) Understand and apply the protections of mediation confidentiality and its exceptions; (f) Use techniques that help the parties solve problems and seek agreement; (g) Understand and apply ethical standards for mediator conduct adopted in Oregon; (h) Conclude a mediation and effectively memorialize any understandings and agreements; (i) Effectively navigate power dynamics in mediation; and (j) Appropriately embed principles of equity, diversity and inclusion into mediation. 	<p>The custody and parenting plan mediation curriculum is a single curriculum that is designed to integrate the elements in this section consistent with any guidelines promulgated by the State Court Administrator.</p> <p>The domestic relations custody and parenting plan mediation curriculum shall:</p> <ol style="list-style-type: none"> (1) Include at least 40 hours consistent with any guidelines promulgated by the State Court Administrator. (2) Include multiple learning methods and training techniques that closely simulate the interactions that occur in a mediation and that provide effective feedback to trainees, including, but not be limited to, at least six hours participation by each trainee in role plays with trainer feedback to the trainee and trainee self-assessment. The trainee must play the role of a mediator or co-mediator for at least three of the six hours. (3) Provide instruction to help the trainee effectively: <ol style="list-style-type: none"> (a) Prepare for domestic relations custody and parenting plan mediation; (b) Practice within current Oregon law, professional standards of practices, codes of ethics, and local court rules, policies, and procedures; (c) Manage safety before, during, and after mediation; (d) Mediate custody and parenting plan mediation cases; (e) Help parties develop parenting plans based on relevant factors; (f) Identify how different case scenarios may impact mediation and the parties' abilities to mediate; implement tools and techniques for mediating cases involving such experiences; and (g) Access mediator tools, resources, and continuing education opportunities in the future, and connect with other custody and parenting plan mediators for continued development. 	<p>The domestic relations financial mediation curriculum is a single curriculum that is designed to integrate the elements in this section consistent with any guidelines promulgated by the State Court Administrator.</p> <p>The domestic relations financial mediation curriculum shall:</p> <ol style="list-style-type: none"> (1) Include at least 40 hours consistent with any guidelines promulgated by the State Court Administrator. (2) Include multiple learning methods and training techniques that closely simulate the interactions that occur in a mediation and that provide effective feedback to trainees, including, but not be limited to, at least six hours participation by each trainee in role plays with trainer feedback to the trainee and trainee self-assessment. The trainee must play the role of a mediator or co-mediator for at least three of the six hours. (3) Provide instruction to help the trainee effectively: <ol style="list-style-type: none"> (a) Prepare for domestic relations financial mediation. (b) Assist parties in allocating marital assets and debts within Oregon standards. (c) Facilitate discussion of: <ol style="list-style-type: none"> (i) Child support and costs potentially not covered by child support; (ii) Federal and state taxes; (iii) Medical insurance coverage for the children; (iv) Spousal support; (v) Real property; (vi) Business allocation; (vii) Personal property allocation; and (viii) Allocation of responsibility for debts. (d) Describe finality of judgments and any applicable post-judgment options. 	<p>The court-system training shall include at least eight hours including, but not limited to, the following subject areas:</p> <ol style="list-style-type: none"> (1) Instruction on the court system including, but not limited to: <ol style="list-style-type: none"> (a) Basic legal vocabulary; (b) How to read a court file; (c) Confidentiality and disclosure; (d) Availability of jury trials; (e) Burdens of proof; (f) Basic trial procedure; (g) The effect of a mediated agreement on the case including, but not limited to, finality, appeal rights, remedies, and enforceability; (h) Agreement writing; (i) Mediator opening statements; (j) Working with interpreters; and (k) Working with people who have disabilities including but not limited to obligations under the Americans with Disabilities Act. (2) Information on the range of available administrative and other dispute resolution processes. (3) Information on the process that will be used to resolve the dispute if no agreement is reached, such as judicial or administrative adjudication or arbitration, including entitlement to jury trial and appeal, where applicable. (4) How the legal information described in this subsection is appropriately used by a mediator in mediation, including avoidance of the unauthorized practice of law. (5) Working with represented and unrepresented parties, including: <ol style="list-style-type: none"> (a) Available resources for unrepresented parties who have legal questions, and (b) Issues that arise when working with attorneys. (6) Local court programs and procedures. Topics may include: <ol style="list-style-type: none"> (a) Scheduling of mediation sessions; (b) Submitting mediator reports and mediated agreements to the court; (c) Process for parties to complain about the mediation process; (d) Expectations around professional engagement with the court and the parties; and (e) Anything else the local court determines to be appropriate.

Chart 3: Proposed Court-Connected Mediation Training Requirements

Court-Connected Mediator Qualifications Advisory Committee

	Basic Mediation Training	Custody and Parenting Plan Training	Domestic Relations Financial Issues Training	Court-System Training
Lead Trainer Requirements	12.100(4)	12.110(4)	12.120(4)	N/A
	<p>Be conducted by a lead trainer who has:</p> <ul style="list-style-type: none"> (1) The qualifications of a general civil mediator as defined in UTCR 12.060; (2) Mediated at least 35 separate cases to conclusion for a minimum total of 150 hours of mediation beyond the experience required of a general civil mediator in UTCR 12.060; and either: <ul style="list-style-type: none"> (a) Served as a co-trainer for the basic mediation curriculum outlined in this section at least three times. A co-trainer must be present for the majority of a training and lead sections of curriculum delivery under the direct observation of a lead trainer. Someone serving only as a basic mediation role play coach will not be considered a co-trainer for purposes of this section; or (b) Served as a teacher for at least 250 hours of accredited education or training for adults. 	<p>Be conducted by a lead trainer who has all of the following:</p> <ul style="list-style-type: none"> (1) The qualifications of a domestic relations custody and parenting plan mediator as defined in UTCR 12.070; (2) Mediated at least 60 separate domestic relations custody and parenting plan cases for a minimum total of 200 hours of domestic relations custody and parenting mediation beyond the experience required of a domestic relations custody and parenting mediator in UTCR 12.070. Mediation experience cases and hours required of a domestic relations custody and parenting mediator in UTCR 12.070 that included domestic relations financial issues may also be counted to satisfy the requirements of 12.110(4); (3) Served as a co-trainer for the domestic relations custody and parenting plan mediation curriculum outlined in this section at least three times. A co-trainer must be present for the majority of a training and lead sections of curriculum delivery under the direct observation of a lead trainer; and (4) An understanding of court-connected domestic relations services. 	<p>Be conducted by a lead trainer who has all of the following:</p> <ul style="list-style-type: none"> (1) The qualifications of a domestic relations financial mediator as defined in UTCR 12.080; (2) Mediated at least 60 separate domestic relations financial mediation cases including a minimum total of 200 hours of domestic relations financial mediation beyond the experience required of a domestic relations financial mediator in UTCR 12.080. Mediation experience cases and hours required of a domestic relations financial mediator in UTCR 12.080 that included domestic relations custody and parenting plan mediation may also be counted to satisfy the requirements of 12.110(4); (3) Served as a co-trainer for the domestic relations financial mediation curriculum outlined in this section at least three times. A co-trainer must be present for the majority of a training and lead sections of curriculum delivery under the direct observation of a lead trainer; and (4) An understanding of court-connected domestic relations mediation services. 	<p>No lead training requirements.</p>
Corresponding State Court Administrator Curriculum Guidelines?	Yes, see attached.	Yes, see attached.	Yes, see attached.	No corresponding curriculum guidelines.