

**State Court Administrator Guidelines
Relating to Oregon Judicial Department
Court-Connected Mediator Qualifications Rules Section 12.110
Domestic Relations Custody and Parenting Plan Mediation
Training Curriculum - UPDATED**

Pursuant to UTCR 12.110, the domestic relations custody and parenting plan mediation training curriculum should include instruction to help the trainee effectively:

1. Prepare for domestic relations custody and parenting plan mediation including how to:
 - a. Explain:
 - i. The mediation process including:
 1. How parties access mediation services;
 2. Court rules and procedures related to mediation;
 3. Conditions for opting out of mediation;
 - ii. Custody and parenting plan terminology;
 - iii. The role of the mediator and what the mediator can and cannot do; and
 - iv. The role and scope of family mediation in the dispute resolution context and how it relates to current and potential legal processes or related domestic relations services.
 - b. Determine mediation participants; and
 - c. Work with self-represented litigants and attorneys in the domestic relations context.
2. Practice within current:
 - a. Oregon law;
 - b. Professional standards of practice;
 - c. Codes of ethics; and
 - d. Local court rules, policies, procedures.
3. Manage safety before, during, and after mediation including how to:
 - a. Recognize and plan for safety risks;
 - b. Screen for domestic violence issues;
 - c. Make decisions about the appropriateness of mediation;
 - d. Structure mediation;
 - e. Navigate information sharing between parties;
 - f. Address power imbalances;
 - g. Identify when crisis intervention is needed, such as threats of physical harm to a person's self, or to others; and
 - h. Uphold safety in written agreements.
4. Mediate custody and parenting plan mediation cases, including how to:
 - a. Implement a constructive mediation agenda and process;
 - b. Work with parents in different stages of the domestic relations process;
 - c. Offer culturally appropriate, inclusive, and accessible mediation services;
 - d. Build working relationships with parties;
 - e. Facilitate communication and problem solving between the parties;

- f. Balance power dynamics;
 - g. Apply trauma informed practices;
 - h. Work effectively with grief, loss, anxiety, anger, defensiveness, and other common emotions of family conflict;
 - i. Respond to ethical concerns;
 - j. Navigate financial discussions relevant to the parties' case (for example, child support);
 - k. Identify when referrals to other professionals may be appropriate, and how to facilitate this discussion with parties;
 - l. Conclude mediation;
 - m. Memorialize agreements reached in mediation;
 - n. Complete any post-mediation follow-up; and
 - o. Describe post-mediation next steps to parties.
5. Help parties develop a parenting plan based on relevant factors, including:
 - a. Best interest of the child(ren);
 - b. Safety;
 - c. Child(ren)'s ages, developmental stages and special needs;
 - d. Parents' knowledge and abilities;
 - e. Attachment between parents and child(ren);
 - f. Parenting knowledge and skill;
 - g. Family and school schedules;
 - h. Distance and environmental factors;
 - i. Maintaining sibling and extended family relationships;
 - j. Planning for relevant possible changes in circumstances; and
 - k. Any other factors relevant to the case.
 6. Identify how different case scenarios may impact mediation and the parties' abilities to mediate and implement tools and techniques for mediating cases involving such experiences including, but not limited to:
 - a. Domestic violence, power and control, or intimidation issues in families;
 - b. Mental health issues of parents or child(ren);
 - c. Substance use treatment, and recovery;
 - d. Long distance parenting plans;
 - e. Child-caregiver contact problems;
 - f. Incarceration of a parent;
 - g. Disabilities of parents and/or children, including developmental disabilities;
 - h. Oregon Department Human Services Child Welfare involvement; and
 - i. Intervenors, step-parents, guardians of a parent, or other third parties.
 7. Access mediator tools, resources, and continuing education opportunities in the future, and connect with other custody and parenting plan mediators for continued development.