

**EIGHTH JUDICIAL DISTRICT FAMILY MEDIATION
PROGRAM
ROSTER MEDIATOR REQUIREMENTS**

1. Roster of Mediators.

The District Court Administrator will place any mediator applicant on the Roster of Mediators who meets the following qualifications:

- a. Any person who has a Bachelor level degree or higher and has received 40 hours of mediation training, OR
- b. Any person, regardless of academic credentials, who has at least 60 hours of divorce and custody mediation training and has conducted ten mediations as a sole mediator or twenty mediations as a co-mediator within the twelve months before application.

2. Requirements of Mediators.

Roster mediators will follow the Roster Mediator Procedures. They are required to fulfill the following responsibilities.

a. Responsibilities

- i. Roster mediators shall maintain malpractice insurance which specifically covers mediation. A copy of the current policy must be on file with the program coordinator before a mediator can mediate through the program. It is the mediator's responsibility to ensure a current copy is on file with the program coordinator.
- ii. Roster mediators shall agree to do a limited number of pro-bono mediations assigned by the court on a rotating basis for parties who qualify as indigent as ordered by the court. "Pro-bono basis" means that the mediation fee is \$5.00 per hour per person. The program will ensure that no one is denied mediation services for financial reasons.
- iii. Every person listed as a mediator must participate in the Orientation Session for mediators.
- iv. Every person listed as mediator shall also fulfill the program's continuing education requirements.
 - i. Roster mediators are required to complete seven hours of relevant continuing education each calendar year. In addition to the required courses on domestic violence and mediation issues, relevant topics would include divorce

mediation, divorce-related issues, mediation, family law, child development, family dynamics, etc.

b. Standards of Practice and Ethical Rules

The program adopts the Association for Conflict Resolution Standards of Practice for Family and Divorce Mediation. Every roster mediator shall comply with these standards. Lawyer mediators shall also abide by the Iowa Supreme Court Rules Governing Standards of Practice for Lawyer Mediators in Family Disputes, and in the event of a conflict, the mandatory rules of the Iowa Supreme Court govern lawyers' conduct.

c. Confidentiality

See ACR Standards of Practice and the Iowa Code.

d. Program Disclaimer

Program mediators shall include the following phrase in their written agreement with the clients: "I understand that (name of mediator) _____, my mediator, operates as an independent contractor for mediation services. She/he is not an employee of the State of Iowa or of the Judicial Department."

e. Terms for roster mediators who indicate on the roster that they will mediate in counties outside their home county:

If mediation is pursuant to the program, meaning mediation is court-ordered and/or a specific mediator is court-appointed, the mediator must be willing to travel to the parties' county and the mediator cannot charge the parties for his/her time and/or transportation costs related to traveling to the parties' county for mediation. The mediator can ask the parties whether they want to come to the mediator's office to mediate. **It is the parties' decision where they will mediate.**

If the mediation is voluntary, i.e., if the mediator is contacted before the filing takes place or before parties are ordered to mediate, the mediator can charge the parties for time and/or transportation to the rural county. Again, the mediator must be willing to travel to the indicated county, but the mediation can occur in the mediator's office if that is acceptable to the parties. The mediator will inform the parties of this on the phone before the session is scheduled. If the parties are approved for pro-bono mediation, the parties must travel to the mediator who they select.

f. Forms

i. Certificate of Attendance

Immediately following the initial mediation session, the mediator will send a Certificate of Attendance form to the Clerk of Court in the appropriate (filing) county. The Certificate of Attendance indicates only the names of their parties, their attorneys, the case number, the date of the session, and the signature of the mediator. The mediator shall not provide additional information on the session, due to confidentiality.

*The mediator shall send copies of the Certificate of Attendance to the program director, to each of the party's attorneys, to the Guardian ad Litem (if any), to self-represented litigants and keep a record in their files.

ii. Mediator's Status Report

Upon completion of the final mediation session, the mediator shall complete the Mediator's Status Report and send it to the program director.

iii. Mediation Participant's Evaluation

Upon completion of the final mediation session, the mediator shall give a Mediation Participant's Evaluation form and a stamped envelope addressed to the program director, to each party. The mediator will encourage the parties to complete the form and return it.

*The mediator will provide the form and envelopes at his/her own expense.

g. Other responsibilities of roster mediators

- i. The mediator must consult with each party to help them determine whether mediation is appropriate.
- ii. The mediator shall explain the mediation process to the parties.
- iii. The mediator will encourage each party to consult with a lawyer and consult with a lawyer before the first session, between sessions, and when a tentative agreement has been reached.
- iv. If the mediator is assigned as a default mediator and cannot mediate due to a conflict of interest or a schedule conflict, the mediator shall notify the parties' attorneys immediately. If the parties do not have attorneys, the mediator shall notify the parties and the Clerk of Court.