

**Vermont Family Court Mediation Program
APPLICATION FOR CONTRACT**

FULL LEGAL NAME: _____

SOCIAL SECURITY NO: _____

MAILING ADDRESS: _____

PHYSICAL ADDRESS: _____

HOME PHONE NUMBER: _____ OFFICE PHONE NUMBER: _____

FAX NUMBER: _____ E-MAIL ADDRESS: _____

BUSINESS NAME: _____

Are you currently a member of any professional organizations? If yes, please list:

Have you ever been convicted of a crime? _____ Please explain (include dates and specifics):

Divorce Mediation is defined as the mediation of all issues arising out of separation and divorce, post-divorce (this may include parentage), including but not limited to parental rights and responsibilities, financial and property settlements, extenuating circumstances surrounding support, spousal maintenance and modifications.

In order to provide mediation services as a contracted mediator with Vermont Family Court Mediation Program, a mediator must indicate in writing that he/she has met the qualifications for divorce mediation as required by the program. Contract mediators must agree to abide by the protocols and requirements of the Vermont Family Court Mediation Program, participate in continuing education and peer supervision, provide professional services based on the program's Uniform Sliding Fee Scale (Exhibit C) and carry professional liability insurance.

Please complete the Mediation Application Worksheet, detailing your training, experience and supervision in the area of divorce mediation. Include documentation of trainings such as agendas, certificates of completion, etc.

MINIMUM TRAINING REQUIREMENTS FOR CONTRACT MEDIATORS

100 hours training in the following areas:

- 28 hours training Basic Mediation skills and knowledge
(including a minimum of 6 hours role play and debriefing activities)
- 72 hours advanced training to include:
 - 24 hours training in psychology of families, specifically divorcing family dynamics
(must include the effects of divorce on children, power imbalances, communication styles, child development)
 - 16 hours advanced skills mediating divorcing families
(including a minimum of 4 hours active role play and debriefing activities)
 - 16 hours domestic abuse and substance abuse
(to include a minimum of 8 hours domestic abuse training)
 - 16 hours Vermont divorce law and financial issues in divorce
(to include a minimum of 6 hours Vermont divorce/family law)

MINIMUM EXPERIENCE/SUPERVISION REQUIREMENTS

40 hours minimum actual face-to-face mediation experience, to include:

30 hours face-to-face divorce mediation experience. These 30 hours shall represent no less than 3 separate cases. While mediating the 30 hours in divorce/domestic work, in at least 3 separate cases, the applicant mediator shall be working as the primary mediator in the cases, while also working in concurrent supervision/consultation with a VFCMP approved supervisor/consultant as outlined below:

- During the 30 hours work, the applicant mediator shall receive no less than 5 hours direct case supervision/consultation with no more than two separate VFCMP approved supervisor(s)/consultant(s). The supervision/consultation may occur by phone or meeting, specifically for the purpose of case review and preparation. During the course of the 5 hours supervision, the applicant mediator (working as the primary mediator in the case) shall be observed for no less than 1.5 hours (either in person or by videotape), by one of the approved VFCMP supervisor(s)/consultant(s) while mediating one of the divorce/domestic cases.
- The applicant mediator shall provide copies of all drafts of his/her written summaries and memoranda of the 3 cases while the mediator was in supervision with the VFCMP approved supervisor(s)/consultant(s). These documents must be generated by the applicant mediator. Any revisions and/or written comments and/or suggestions made by the supervisor(s)/consultant(s) must be noted and identified and included in the application.
- The supervisor(s)/consultant(s) may, in a written document, address the mediator's strengths and weaknesses in the key areas of divorce mediation skills (such as the ability to track information, ability to maintain impartiality, willingness to allow parties to be self-directed, writing memoranda that accurately reflects work done in session, (see *VFCMP standards of practice*, etc) .
- The applicant mediator shall provide copies of all current printed promotional materials, such as brochures, business cards and press releases.

VFCMP may provide a provisional contract for mediators who work in the program's underserved counties. Upon request and upon approval of the Program Manager, the program may defer up to 10 hours of the 40 required hours of experience (up to a 6-month period), during which the mediator is in concurrent supervision with a VFCMP supervisor for a minimum of 1 hour for every 3 hours of casework. This provisional period's supervision requirement is in addition to the 5 hours required for the 30-hour minimum experience. The applicant mediator shall provide copies of all memoranda and summaries of the cases during which time the applicant mediator was in active supervision with the VFCMP supervising mediator in the manner outlined above

DOCUMENTATION OF TRAINING, EXPERIENCE AND SUPERVISION REQUIREMENTS

The applicant mediator shall provide title, location and dates of workshops, names of all presenters, and copies of workshop and course agendas, and certificates or certification of completion.

The applicant mediator shall also provide documentation including hours and dates outlining time spent in supervision including supervising mediator’s signature. Some of the supervision and/or training requirements may be substituted by equivalent experience upon approval of the Program Manager and the Court Administrator or the Oversight Committee.

I hereby affirm that all of the information included in this application is true and correct. Further, I understand that as a divorce mediator participating in the Vermont Family Court Mediation Program, I will: a) abide by the requirements and protocols of the VT Family Court Mediation Program, b) provide my professional services based upon the program’s Uniform Sliding Fee Scale (Exhibit C) to qualified and appropriate parties as agreed upon by the Vermont Family Court Mediation Program; c) carry a minimum of \$250,000 in professional liability insurance; d) participate in continuing education/training and supervision as required by the Vermont Family Court Mediation Program.

- *I have copies of and have read and understand the VFCMP requirements, policies and protocols including policies related to ongoing training and supervision requirements, data collecting requirements, billing requirements, complaint and removal processes, on leave and inactive mediator policies and the domestic abuse screening protocols.*

I understand that documentation of qualifications does not qualify as certification. The Vermont Family Court Mediation Program and the Vermont Supreme Court do not imply an assumption of my competence as a mediator.

Date

Applicant Signature

Please return this completed form with attached required documentation and a photocopy of your liability insurance to: Vermont Family Court Mediation Program, Office of the Court Administrator, 109 State Street, Montpelier, VT 05609-0701

Date

Approved by Manager

Name _____

Date _____

Worksheet for

MINIMUM TRAINING REQUIREMENTS FOR CONTRACT MEDIATORS

100 hours training in the following areas:

Basic Mediation skills and knowledge - 28 hours TOTAL REQUIRED

(including a minimum of 6 hours role play and debriefing activities)

Workshop/Course title _____

Workshop presenter/instructor _____

Workshop date _____ Location _____

Advanced Training - 72 hours TOTAL REQUIRED (attach course descriptions/agendas)

- **24 hours training in psychology of families**, specifically divorcing family dynamics. Must include the effects of divorce on children, power imbalances, communication styles, child development.

Workshop/Course title _____ Hours _____

Workshop presenter/instructor _____

Workshop date _____ Location _____

Workshop/Course title _____ Hours _____

Workshop presenter/instructor _____

Workshop date _____ Location _____

Workshop/Course title _____ Hours _____

Workshop presenter/instructor _____

Workshop date _____ Location _____

Workshop/Course title _____ Hours _____

Workshop presenter/instructor _____

Workshop date _____ Location _____

Workshop/Course title _____ Hours _____

Workshop presenter/instructor _____

Workshop date _____ Location _____

- **16 hours Advanced Skills mediating divorcing families** including a minimum of 4 hours active role play and debriefing activities

Workshop/Course title _____ Hours _____

Workshop presenter/instructor _____

Workshop date _____ Location _____

Workshop/Course title _____ Hours _____

Workshop presenter/instructor _____

Workshop date _____ Location _____

Workshop/Course title _____ Hours _____

Workshop presenter/instructor _____

Workshop date _____ Location _____

- **16 hours domestic abuse and substance abuse**
including a minimum of 8 hours domestic abuse training

Workshop/Course title _____ Hours _____

Workshop presenter/instructor _____

Workshop date _____ Location _____

Workshop/Course title _____ Hours _____

Workshop presenter/instructor _____

Workshop date _____ Location _____

Workshop/Course title _____ Hours _____

Workshop presenter/instructor _____

Workshop date _____ Location _____

Workshop/Course title _____ Hours _____

Workshop presenter/instructor _____

Workshop date _____ Location _____

- **16 hours VT divorce law and financial issues in divorce**
including a minimum of 6 hours VT divorce/family law

Workshop/Course title _____ Hours _____

Workshop presenter/instructor _____

Workshop date _____ Location _____

Workshop/Course title _____ Hours _____

Workshop presenter/instructor _____

Workshop date _____ Location _____

Workshop/Course title _____ Hours _____

Workshop presenter/instructor _____

Workshop date _____ Location _____

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CASE # 1:

Beginning date _____ **Completion date** _____
County _____

1st mediation date	_____	# of hours	_____
2nd mediation date	_____	# of hours	_____
3rd mediation date	_____	# of hours	_____
4th mediation date	_____	# of hours	_____

Case Supervision

Date	with	_____	# of hours	_____
Date	with	_____	# of hours	_____
Date	with	_____	# of hours	_____

CASE # 2:

Beginning date _____ **Completion date** _____

County _____

1st mediation date _____ **# of hours** _____

2nd mediation date _____ **# of hours** _____

3rd mediation date _____ **# of hours** _____

4th mediation date _____ **# of hours** _____

Case Supervision

Date _____ **with** _____ **# of hours** _____

Date _____ **with** _____ **# of hours** _____

Date _____ **with** _____ **# of hours** _____

CASE # 3:

Beginning date _____ **Completion date** _____

County _____

1st mediation date _____ **# of hours** _____

2nd mediation date _____ **# of hours** _____

3rd mediation date _____ **# of hours** _____

4th mediation date _____ **# of hours** _____

Case Supervision

Date _____ **with** _____ **# of hours** _____

Date _____ **with** _____ **# of hours** _____

Date _____ **with** _____ **# of hours** _____

If contract is approved by VFCMP, please indicate how you would like to be listed in our directory:

OFFICE ADDRESS(ES) : _____

OFFICE PHONE # _____

IN WHICH COUNTIES YOU WOULD LIKE TO BE LISTED _____

VERMONT FAMILY COURT MEDIATION PROGRAM

MINIMUM TRAINING AND EXPERIENCE REQUIREMENTS FOR CONTRACT MEDIATORS

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- The applicant mediator shall provide copies of all current printed promotional materials, such as brochures, business cards and press releases.

VFCMP may provide a provisional contract for mediators who work in the program's underserved counties. Upon request and upon approval of the Program Coordinator, the program may defer up to 10 hours of the 40 required hours of experience (up to a 6-month period), during which the mediator is in concurrent supervision with a VFCMP supervisor for a minimum of 1 hour for every 3 hours of casework. This provisional period's supervision requirement is in addition to the 5 hours required for the 30-hour minimum experience. The applicant mediator shall provide copies of all memoranda and summaries of the cases during which time the applicant mediator was in active supervision with the VFCMP supervising mediator in the manner outlined above.

Vermont Family Court Mediation Program Protocols

WHO MAY BE A SUPERVISING MEDIATOR for VFCMP

The supervising mediators for VFCMP shall be:

- contracted mediators or previously contracted mediators who have completed a minimum of 6 hours of program- approved consultation training
- contracted mediators who have been contracted with VFCMP for at least 3 years
- contracted mediators with a minimum of 250 hours face-to-face divorce mediation experience in at least 25 separate divorce mediation cases
- and/or contracted mediators or previously contracted mediators who have been recommended by the Director and approved by the Court Administrator.

MEDIATOR ON LEAVE

- If a mediator indicates that he/she chooses to go "on leave" for a Quarter or more (up to 12 months), the VFCMP will not print that mediator's name on any listings or on the subsequent booklet printings (if printing is during that time) for the duration of the leave. The VFCMP expects that the mediator will not be billing the program for work done during the "on leave" period.
- If a mediator chooses to go on leave for a period of more than 12 months or during a contract renewal time, that mediator must again renew a contract with the VFCMP when they return to program work. The mediator on an extended leave will not be included on any printed lists until the time of approval of the contract renewal.
- The mediator shall be required to complete the required 20 hours of continuing education prior to contract renewal.

INACTIVE MEDIATORS

A mediator may be considered inactive and removed from the program for the remainder of the fiscal year if:

- he/she has not submitted any invoices within any Quarter
- and/or is not generally responsive to parties' requests for subsidized service or does not routinely notify parties of the availability of subsidized services
- and/or has not responded in writing as to good cause for inactivity to the Program Director.

The mediator must then reapply to be contracted with the program. The mediator may be required to complete an additional 20 hours of continuing education and/or supervision hours prior to contract renewal. Additionally the mediator must document why there should be a change in status. The program is not obligated to renew a contract.

ADDITIONAL SUPERVISION/TRAINING REQUIREMENTS

- The Director, ADR Oversight Committee, and/or the Court Administrator may require an applicant or contracted mediator to obtain additional supervision hours and/or training prior to receiving and/or renewing a contract.
- During a contract year, the Director, ADR Oversight Committee, and/or Court Administrator may require an applicant or contracted mediator to obtain additional supervision hours if the Director has concern regarding the mediator's practice and/or knowledge.

CONTINUING EDUCATION/TRAINING REQUIREMENT

- VFCMP contracted mediators shall be required to attend a minimum of one full day of program-sponsored training within any contract year. (The program sponsors at least 2 full days of training each contract year.)
- Mediators shall complete an additional minimum of 8 hours continuing education every 2 years specifically to include topics such as:
 - development of mediation skills, family mediation practices, financial matters, psychological aspects of families, VT Family Court process and procedures, domestic and substance abuse, ethical issues in mediation
 - including specifically a required minimum of 2 hours on VT Family Law procedures

COMPLAINT PROCESS

Complaint comes to VFCMP office.

If from client:

- VFCMP takes name and address of complainant.
- VFCMP sends Complaint Form and Client Satisfaction Form to complainant.
- When the completed forms are received in the office, the Director reviews the complaint with the mediator.
 - A. Director may be satisfied with the mediator's response related to the written complaint.
 - B. Director may suggest voluntary professional development/training or supervision.
 - C. Director may bring complaint to the ADR Oversight Committee and suggest required number of hours of supervision.
 - D. Director, Court Administrator, or the Chair of the ADR Oversight Committee may recommend non-renewal and/or removal of the contract.

If from Court personnel, Judge, or Attorney:

- Complaint may come to VFCMP directly or through Court Administrators Office or through the Chair of the ADR Oversight Committee.
- VFCMP Director consults with complainant or source.
- Either the Director, the Court Administrator, or the Chair of the ADR Oversight Committee brings the complaint to the mediator.
 - A. Program Director, Court Administrator, or the Chair of the ADR Oversight Committee may be satisfied with the mediator's response related to the complaint.
 - B. Program Director may suggest voluntary professional development/ training or supervision.
 - C. Program Director may bring complaint to the ADR Oversight Committee and suggest required number of hours of supervision.
 - D. Program Director, Court Administrator, or the Chair of the ADR Oversight Committee may recommend non-renewal and/or removal of the contract.

REMOVAL OF CONTRACTED MEDIATOR

A contracted mediator may be removed from contract status without cause as stated on the contract signed by both the mediator and the Court Administrator.

DOMESTIC ABUSE PROTOCOLS

In order for mediation to be useful and appropriate, it is essential that both parties feel free to negotiate for themselves and are willing to consider the needs of others. Family members who have experienced domestic violence will be influenced by a fear of retribution and by a desire to control the other. The mediator cannot guarantee protection for the victim or for the abuser at all times. By agreeing to mediate a case of domestic abuse, the mediator is in danger of being a party to the recurrence of abuse. The following procedure for identifying domestic abuse will be followed by any Program Directors or mediators who screen for the Vermont Family Court Mediation Program.

Definition of Domestic Abuse: Either physical, psychological or verbal actions which are intended to, and have the effect of control, coercion, intimidation, physical harm or cause fear on the part of a family member.

All mediation referrals will be screened in the following manner to identify for the presence of domestic abuse:

- Intakes will occur privately and individually with each party.
- Confidentiality will be exercised and will be explained at least twice during the intake process.
- A Program approved screening model will be used to identify for the presence of abuse, whether or not the term is applied by the parties. Approved screening models include the following: The Tolman Screening Model, The National Center on Women and Family Law Checklist, The National Coalition Against Domestic Violence Guidelines, or the Marriage and Family Counseling Service Checklist.
- Screeners will remain alert for indications of abuse throughout the intake process.

All screeners must:

- Meet the Qualifications for Mediators for the Program.
- Regularly attend Advanced Trainings for the Program.

The following situations are not appropriate for mediation:

- When a Relief from Abuse Order or simple assault charge is currently in place on one of the parties.
- When one of the parties indicates there has been chronic (repeated) physical or emotional abuse by the other party.
- When one of the parties indicates there have been isolated incidents of abuse, and,
 - The abuser denies, or makes excuses for the activity, or
 - The victim fears a recurrence of the abuse, or
 - The victim feels unsafe in the presence of the other, or
 - The victim feels unable to negotiate with the abuser.

When the screener suspects the existence of domestic abuse, s/he will:

- Establish that the victim is safe and protected.
- Discourage the victim from mediation.
- Provide appropriate referrals to the victim.
- Only to the extent that it is acceptable to the victim, inform the abuser of the reason why the situation is not appropriate for mediation.

When a screener identifies domestic abuse, explains the dangers of mediation, suggests available alternatives for the victim, and the victim still chooses mediation, the screener will explain to the victim the need for the following arrangements before mediation can be arranged:

- Consultation with the Statewide Program Director.
- Acknowledgment from both parties of the abusive behavior.
- Advocates for the victim and the abuser (legal council and/or domestic violence advocates) before, during, and after the mediation.
- A mediation site with separate waiting rooms and available emergency support.
- At least one mediator who is approved for mediating domestic abuse cases in the Program.

vermont family court mediation program

Mediation Standards of Practice

- Standard I A family mediator should recognize that mediation is based on the principle of self-determination by the parties.
- Standard II A family mediator should be qualified by education and training to undertake the mediation.
- Standard III A family mediator should define and describe the process of mediation and facilitate the parties' assessment of their capacity and readiness to mediate before the parties reach an agreement to mediate.
- Standard IV A family mediator should disclose to each party all actual and potential conflicts of interest reasonably known to the mediator. The need to protect against conflicts of interest also governs the conduct that occurs during and after the mediation.
- Standard V A family mediator should fully disclose and explain the basis of any compensation, fees, subsidy availability, and charges to the parties.
- Standard VI A family mediator should conduct the mediation in an impartial manner.
- Standard VII A family mediator should structure the mediation process so that the parties make decisions based on sufficient information and knowledge.
- Standard VIII A family mediator should maintain the confidentiality of all information acquired in the intake and mediation process, unless the mediator is permitted or required to reveal the information by the Vermont Family Court Mediation Program protocols, by law, or by agreement of the parties. A family mediator should recognize a family situation involving child abuse or neglect and report it to the proper authorities.
- Standard IX A family mediator shall draft agreements that are impartial in nature and accurately reflect the work done in session.
- Standard X A family mediator should recognize a family situation involving domestic violence and follow the Vermont Family Court Mediation Program domestic abuse protocols.
- Standard XI A family mediator should withdraw from further participation in the mediation process when the mediator reasonably believes that further participation will not further the parties' self-determination.
- Standard XII A family mediator should be truthful in the advertisement and solicitation for mediation.
- Standard XIII A family mediator should improve the practice of mediation.