

# The Supreme Court of Ohio

COMMISSION ON DISPUTE RESOLUTION & DISPUTE RESOLUTION SECTION

## TRAINING PROGRAM STANDARDS - SPECIALIZED CHILD PROTECTION MEDIATION

### I. Purpose

To set forth specialized child protection mediation standards for Rule 16.23 of the Rules of Superintendence for the Courts of Ohio.

*(Training program sponsors may apply for Rule 16 training program approval by submitting the “Application for Training Program Approval” located on the [Dispute Resolution Section’s website](#))*

### II. General

A child protection mediation training program shall last a minimum of thirty-two hours, not including welcome, introductions, breaks and closing remarks.

Materials (written or electronic) shall be distributed to all participants prior to or at the training program.

This is an advanced training pursuant to the Rules of Superintendence for the Courts of Ohio. The purpose of the rule required prerequisites is to ensure participants have the necessary training, education, and experience to be successful in this training and to create an advanced level of collaborative learning. Prior to participating in child protection training participants shall have: 1) specialized family/divorce mediation training; 2) specialized training in domestic abuse and dispute resolution; 3) significant experience mediating family disputes; 4) at least two years of professional experience with families; 5) possess a bachelor’s degree, or equivalent education experience as is satisfactory to the court that will be referring cases to the mediator.

### III. Faculty Qualifications

Faculty shall be qualified by education, or have the necessary practical skills to conduct the program effectively in accordance with standards set by the Supreme Court of Ohio Dispute Resolution Section. A sponsor shall have an ongoing duty to report any activity, criminal or otherwise that would adversely affect the faculty’s ability to perform the functions of faculty delivering a training program.

#### **IV. Training Program Methodology**

A combination of at least three of the following teaching techniques shall be utilized:

1. Lecture;
2. Group discussion;
3. Written exercises/activities (drafting mediation documents such as confidentiality agreement, memorandum of understanding, etc.);
4. Mediation demonstration;
5. Role plays.

#### **V. Training Program, Minimum Requirements**

A. The following categories shall be addressed for the minimum time specified for each subject (examples of topics that meet the requirement are listed under each category):

1. Mediation Process (minimum of 5 hours)
  - a. Uniform Mediation Act (R.C. 2710)
  - b. Stages of Mediation
    - Stage One: Pre-mediation  
Screening (ripeness, domestic abuse, appropriateness), develop a mediation strategy (ie., room set up, discuss necessary documents and/or other information), etc.
    - Stage Two: Introduction  
Introductions, ground rules
    - Stage Three: Fact Finding  
Telling of stories, problem identification, clarification, re-framing, mediator summary
    - Stage Four: Issue Identification  
Mediator identifies and clarifies presenting and underlying issues
    - Stage Five: Generation and Selection of Solutions  
Parties propose, evaluate, and select solutions
    - Stage Six: Summarization and Conclusion  
Mediator summarizes and outlines next steps, memorializing agreement(s)
  - c. Other
2. Abuse, Neglect and Dependency: The Court Process (minimum of 6 hours)
  - a. Adjudicatory Hearing
  - b. Dispositional Hearing
  - c. Permanent Custody Hearing
  - d. Review Hearing
  - e. Case plans and permanent custody
  - f. Jurisdictional Issues (UCCJEA, HAGUE Convention)
  - g. Other
3. Mediation in the Context of Child Protection Cases (minimum of 7 hours)
  - a. AFCC Guidelines for Child Protection Mediation
  - b. Rules & Statutes

- c. The Stakeholders (prosecutors, Ohio Department of Job and Family Services (ODJFS), defense counsel, Guardian Ad Litem (GAL), parties/attorneys, children/attorneys, law enforcement, therapists, party participant, non-party participants)
  - d. Roles of Mediation Participants (mediator, parent, GAL, ODJFS, parent's attorney, grandparents, step-parents, foster parents, significant others)
  - e. Pre-adjudication and post-adjudication mediation
  - f. Role of Mediator
    - 1. Preparing party and participant to mediate
    - 2. Maintaining decorum
    - 3. Professionalism
    - 4. Control of session
    - 5. Structuring and managing the discussion
    - 6. Scheduling the time
    - 7. Location and number of conferences
    - 8. Establishing the format of each conference
    - 9. Focusing discussion
    - 10. Room set up
  - g. Mediator's Opening Statement
    - 1. Description of mediator's role
    - 2. Procedures by which discussion will be conducted
    - 3. Parent's right to be represented by attorney
    - 4. Limitation of confidentiality of mediator
  - h. Communication Skills
    - 1. Active listening
    - 2. Effective questioning
    - 3. Note-taking
    - 4. Non-verbal communication
    - 5. Legalese and Jargon
    - 6. Decision-making processes (Directive, analytical, conceptual, behavioral)
  - i. Diversity Issues (language barriers, personal biases/prejudices, cultural issues)
  - j. ADA and mediation
  - k. Caucus vs. Joint session
  - l. Managing Multiple Parties
    - 1. Room set up
    - 2. Pre-mediation conference calls
  - m. Involvement of children
  - n. Building on partial agreement
  - o. Termination-when, how, why
  - p. Needs of pro se party or participant (Rule 16 3(b))
  - q. Repeat parties and participants
  - r. Group dynamics
  - s. Other
4. Ethics and Professionalism (minimum of 2 hours)
- a. Model Standards of Conduct for Mediators (September 2005). Adopted by AAA, ABA, ACR.

- b. Model Standards of Practice for Family and Divorce Mediation Developed by The Symposium on Standards of Practice Approved by the ABA House of Delegates February 2001.
  - c. Unauthorized Practice of Law (giving advice versus giving information)
  - d. Other
5. Dynamics of Abuse (minimum of 6 hours)
- a. Sexual Abuse
  - b. Emotional Maltreatment
  - c. Neglect
  - d. Physical Abuse
  - e. Medical Neglect
  - f. Domestic Violence and Child Abuse (anger management vs. domestic violence, power and control wheel, effects of drugs and alcohol)
  - g. Effects on victims and children (emotional-depression/self-abuse; behavioral-school/truancy, caretaking, attention-seeking, ADHD; social-isolation, avoidance, passivity, bullying, regression)
  - h. Developmental Stages of a Child
  - i. Sex Offender treatment
  - j. Reporting Abuse (mandatory, optional)
  - k. Other
6. Issues Affecting Parenting Case Plans and/or Placement (minimum of 6 hours)
- a. Parental Conflict
  - b. Mental Health
  - c. Learning Disabilities
  - d. Drugs and alcohol
  - e. Prescription drugs
  - f. Driver's license
  - g. Domestic violence
  - h. Emotional Issues
  - i. Treatment options and community resources
  - j. Effect of separation/removal of children on individuals and family
  - k. Importance of permanency and stability in a child's life
  - l. Short and long-term psychological effects of placement of child in protective services, foster care, long-term relative/non-relative placement
  - m. Disclosure/recantation relating to child sexual abuse
  - n. Children's disclosures and recantations
  - o. Family member's denial
  - p. Protection Orders
  - q. Other

## **VI. Approval**

Any mediation training program, approved by the Supreme Court of Ohio Dispute Resolution Section as meeting these standards, is approved for a period of two calendar years. However, the trainer shall submit a listing of scheduled courses at least 45 days before each course, giving the date, time, location, and cost, if applicable of the training program. Any material change in the course (such as a change in a primary trainer, expert or the curriculum) requires a new application to the Supreme Court of Ohio Dispute Resolution Section.

## **VII. Revocation of Approval**

The Supreme Court of Ohio Dispute Resolution Section has the right to audit approved training programs during the period for which the training program has been approved. Such an audit may include, but is not limited to: attendance of any part of the course, examination of evaluation forms, examination of curriculum and written materials, and interviewing participants. Approval of programs which are determined to no longer comply with these standards and/or the “Obligations and Responsibilities for Sponsors” outlined in the *Instructions, Obligations, and Responsibilities for the Approval of Required Dispute Resolution Trainings under the Supreme Court Rules of Superintendence for the Courts of Ohio* will be revoked.