



Columbia County Circuit Court

Court-Connected Domestic Relations Mediator Application

(Please note that your application will be on file and available for public inspection)

Applicant Information

1. Name: _____
Business Name: _____
2. Mailing/ Office Address: _____
3. Phone: _____ Email: _____
4. Application for (*choose one or both*):
 - ☐ Domestic Relations Custody and Parenting Time Mediation Panel
 - ☐ Domestic Relations Financial Mediation Panel
5. Please include a copy of your resume with your application.
 - ☐ A copy of my resume is attached
6. List all languages you speak proficiently and are qualified to mediate in:

Education Requirements

[Oregon Uniform Trial Rules \(UTCRC\) Chapter 12](#) requires all domestic relations mediators meet one of the following education requirements, unless a waiver or substitution is granted.

Complete the option that best fits your education:

<input type="checkbox"/> Option 1 – UTCRC 12.070(1)(a)	<input type="checkbox"/> Option 2 – UTCRC 12.070(1)(b)
<p>A master's or doctoral degree from an accredited college or university in:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Counseling <input type="checkbox"/> Psychiatry <input type="checkbox"/> Psychology <input type="checkbox"/> Social Work <input type="checkbox"/> Marriage and Family Therapy <input type="checkbox"/> Mental Health 	<p>A law degree (Juris Doctorate) from an accredited law school with:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Coursework in family law <input type="checkbox"/> CLE credits in family law
<input type="checkbox"/> Option 3 – UTCRC 12.070(1)(c)	<input type="checkbox"/> Option 4 – UTCRC 12.070(1)(d)
<p>A master's or doctoral degree from an accredited college or university, with coursework in human behavior, in a subject relating to:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Children and Family Dynamics <input type="checkbox"/> Education <input type="checkbox"/> Communication <input type="checkbox"/> Conflict Resolution <p>AND at least 1 year full-time equivalent post-degree experience in providing:</p> <ul style="list-style-type: none"> <input type="checkbox"/> ____ years in Social Work <input type="checkbox"/> ____ years in Mental Health <input type="checkbox"/> ____ years in Conflict Resolution 	<p>A bachelor's degree, with coursework in behavioral science, related to:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Family Relationships <input type="checkbox"/> Child Development <input type="checkbox"/> Conflict Resolution <p>AND at least 7 years' post-bachelor's experience in providing:</p> <ul style="list-style-type: none"> <input type="checkbox"/> ____ years in Social Work <input type="checkbox"/> ____ years in Mental Health <input type="checkbox"/> ____ years in Conflict Resolution

List your degrees and the schools where you obtained them:

Training Requirements

[Oregon Uniform Trial Rules \(UTCRC\) Chapter 12](#) requires all domestic relations mediators complete training in each of the following areas, unless a waiver or substitution is granted.

Complete the three following sections:

1. Basic Mediation Training – UTCRC 12.100

My basic mediation training:

- ☐ Was at least 30 hours
- ☐ Includes training techniques that closely simulate the interactions that occur in mediation and at least 6 hours of role play with trainer feedback and a trainee self-assessment
- ☐ Included instructions to help me:
- Gain an understanding of conflict resolution and mediation theory
 - Effectively prepare for mediation
 - Create a safe and comfortable environment for mediation
 - Facilitate effective communication between the parties and mediator
 - Use techniques that help the parties solve problems and seek agreement
 - Conduct mediation in a fair and impartial manner
 - Understand mediator confidentiality and ethical standards for mediator conduct
 - Conclude mediation and memorialize understandings and agreements
- ☐ Was conducted by a lead trainer who has:
- The qualifications of a general civil mediator as defined in UTCRC 12.060 (except the requirement in UTCRC 12.060(1)(a))
 - Mediated at least 35 cases to conclusion or completed at least 350 hours of mediation experience beyond the required general civil mediator.
 - Served as a trainer or an assistant trainer for the basic mediation curriculum outline in this section at least three times *or*;
 - Has experience in adult education and mediation and has
 - Served as a teacher for at least 1000 hours of accredited education or training for adults; and
 - Completed the basic mediation curriculum outline under this section.

☐ I have attached a copy of my training certificate(s) with my application, if not, explain why:

2. Domestic Relations Custody and Parenting Mediation Curriculum – UTCR 12.110

My domestic relations custody and parenting mediation curriculum included:

- ☐ At least 40 hours in domestic relations custody and parenting mediation curriculum consistent with any guidelines set by the State Court Administrator.
- ☐ Multiple learning methods and training techniques that closely simulate interactions that occur in mediation and that provide effective feedback to trainees.
- ☐ Instruction with the goal of creating competency for initial practice as a family mediator in the following topics:
 - General family mediation knowledge and skills
 - Knowledge and skill with families and children
 - Adaptations and modifications for special case concerns
 - Specific family, divorce, and parenting information
- ☐ Training conducted by a lead trainer who has:
 - The qualifications of a domestic relations custody and parenting mediator as defined in UTCR 12.070
 - Completed at least 35 cases, including a total of at least 350 hours of domestic relations custody and parenting mediation beyond the experience required of a domestic relations custody and parenting mediator in UTCR 12.070
 - Served as a mediation trainer or an assistant mediation trainer for the domestic relations custody and parenting mediation curriculum outline in this section at least three times
 - An understanding of court-connected domestic relations programs
- ☐ I have attached a copy of my training certificate(s) with my application, if not, explain why:

(Continued to next page)

3. Court-System Training – UTCR 12.130

My court-system training included:

☐ At least 6 hours in the following subject areas:

- Instruction on the court system including, but not limited to:
 - Basic legal vocabulary
 - How to read a court file
 - Confidentiality and disclosure
 - Availability of jury trials
 - Burdens of proof
 - Basic trial procedure
 - The effect of a mediated agreement on the case including, but not limited to, finality, appeal rights, remedies and enforceability.
 - Agreement writing
 - Working with interpreters
 - Obligations under the Americans with Disabilities Act
- Information on the range of available administrative and other dispute resolution processes.
- 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
- How the legal information described in this subsection is appropriately used by a mediator in mediation, including avoidance of the unauthorized practice of law.

☐ At least 2 additional hours including, but not limited to, all the following:

- Working with represented and unrepresented parties, including:
 - The role of parties' attorneys in the mediation process
 - Attorney-client relationships, including privileges
 - Working with attorneys, including understanding of Oregon State Bar disciplinary rules
 - Attorney fee issues
- Understanding motions, discovery, and other court rules and procedures
- Basic rules of evidence
- Basic rules of contract and tort law

☐ I have attached a copy of my training certificate(s) with my application, if not, explain why:

Mediation Experience

[Oregon Uniform Trial Rules \(UTCRC\) Chapter 12](#) requires all domestic relations have completed at least one of the following types of experience.

Complete at least one option below:

☐ Option 1

I participated in at least 20 cases including a total of at least 100 hours of domestic relations mediation supervised by or co-mediated with a person qualified as a domestic relations custody and parenting mediation supervisor under UTCRC 12.070(7).

- At least 10 cases and 50 hours of the supervised cases are in domestic relations custody and parenting mediation.
- At least three of the domestic relations custody and parenting mediation cases have been directly observed by a qualified supervisor.

☐ Option 2

I have at least two years' full-time experience in any of the following:

- ☐ Mediation
- ☐ Direct therapy or counseling with an emphasis on short-term problem solving
- ☐ Practicing attorney handling a domestic relations or juvenile caseload

AND

- ☐ I have participated as a mediator or co-mediator in a total of at least 10 cases including a total of at least 50 hours of domestic relations custody and parenting mediation **and**
- ☐ I understand court-connected domestic relations programs.

Financial Mediator Requirements

[Oregon Uniform Trial Rules \(UTCR\) Chapter 12](#) requires applicants meet additional requirements to mediate domestic relations financial issues.

If you want to mediate domestic relations financial issues, complete the sections below, otherwise continue to the “substitution or waiver of qualifications” section.

☐ **I am not requesting to be a Domestic Relations Financial Mediator**

Education (UTCR 12.080(1))

☐ I meet the education requirements for a domestic relations custody & parenting time mediator and have indicated such qualifications on page 2.

Training (UTCR 12.080(2))

☐ I meet the training requirements for a domestic relations custody & parenting time mediator and have indicated such qualifications above on page 3, and

☐ I completed training in the following areas:

- Basic mediation curriculum in UTCR 12.100 (page 3)
- Domestic relations custody and parenting mediation in UTCR 12.120 (page 4)
- Domestic relations financial mediation training in UTCR 12.120, which includes at least 40 hours of training or education relevant to financial issues I will mediate in the following areas:
 - Legal and financial issues in separation, divorce, and family reorganization in Oregon, including property division, asset valuation, public benefits law, domestic relations income tax law, child and spousal support, and joint and several liability for family debt
 - Basics of corporate and partnership law, retirement interests, personal bankruptcy, ethics (including unauthorized practice of law), drafting, and legal process (including disclosure problems); and
 - The needs of self-represented parties, the desirability of review by independent attorneys, recognizing the finality of a judgment, and methods to carry out the parties’ agreement.

Of the training required in UTCR 12.120 for Domestic Relations Financial Mediation:

- 24 of the hours were integrated training (a training designed as a single cohesive curriculum that may be delivered overtime)
- 6 hours must be in three role plays in financial mediation with trainer feedback to the trainee
- 15 hours must be in training accredited by the Oregon State Bar.
- Court-system training in UTCR 12.130 (page 5)

☐ I have attached a copy of my training certificate(s) with my application, if not, explain why:

Experience (UTCR 12.080(3))

☐ Option 1

I participated in at least 20 cases including a total of at least 100 hours of domestic relations mediation supervised by or co-mediated with a person qualified as a domestic relations custody and parenting mediation supervisor under UTCR 12.070(7).

- At least 10 cases and 50 hours of the supervised cases are in domestic relations custody and parenting mediation.
- At least three of the domestic relations custody and parenting mediation cases have been directly observed by a qualified supervisor.

☐ Option 2

I have at least two years' full-time experience in any of the following:

- ☐ Mediation
- ☐ Direct therapy or counseling with an emphasis on short-term problem solving
- ☐ Practicing attorney handling a domestic relations or juvenile caseload

AND

- ☐ I have participated as a mediator or co-mediator in a total of at least 10 cases including a total of at least 50 hours of domestic relations custody and parenting mediation **and**
- ☐ I understand court-connected domestic relations programs.

Insurance (UTCR 12.080(7))

- ☐ I certify that I will maintain at least \$100,000 in malpractice insurance or self-insurance with comparable coverage.

Name of insurance company: _____

Amount of coverage: _____

- ☐ I understand that if required, I may be expected to insure for a greater amount.

Substitution or Waiver of Qualifications

The court's determining authority may allow a substitution or waiver for any of the minimum qualifications for an approved mediator.

1. Do you meet all the requirements for the area of practice(s) for which you are applying?

☐ Yes ☐ No (if no, answer questions 2 & 3)

2. If you do not meet the specific criteria outlined in UTCR 12 do you have other training, experience or education that qualifies you to mediate. Please explain:

3. What is your plan, including a timeline, to meet the minimum requirements?

Mediator Ethics

When mediating under ORS 107.755 to 107.795, I understand I must:

- Disclose to the determining authority and the participants at least one of the relevant codes of mediator ethics, standards, principles, and disciplinary rules of the mediator's relevant memberships, licenses, or certifications. It is not the court's responsibility to enforce any relevant codes of mediator ethics, standards, principles, and/ or rules
- Comply with relevant laws relating to confidentiality, inadmissibility, and non-discoverability of mediation communications including, but not limited to ORS 107.785
- Inform the participants prior to, or at the commencement of, the mediation of each of the following:
 - The nature of mediation, the role and style of the mediator, and the process that will be used
 - The extent to which participation in mediation is voluntary and the ability of the participants and the mediator to suspend or terminate the mediation
 - The commitment of the participants to participate fully and to negotiate in good faith
 - The extent to which disclosures in mediation are confidential, including during private caucuses
 - Any potential conflicts of interest that the mediator may have, i.e., any circumstances or relationships that may raise a question as to the mediator's impartiality and fairness
 - The need for the informed consent of the participants to any decisions
 - The right of the parties to seek independent legal advice including review of the proposed mediation agreement before execution
 - In appropriate cases, the advisability of proceeding with mediation under the circumstances of the particular dispute
 - The availability of public information about the mediator pursuant to UTCR 12.050
 - If applicable, the nature and extent to which the mediator is being supervised.

By signing this mediator application, I acknowledge that the information provided may be subject to verification and that references and programs may be contacted. I consent to the release of any necessary information for this purpose.

I also certify I have read, understand, and will comply with the Oregon Revised Statutes, the Supplemental Local Court Rules for Columbia County relating to court connected mediation, and the Oregon Uniform Trial Court Rule 12.

Signature

Date

Return your application to:

Trial Court Administrator's Office
230 Strand Street
St. Helens, OR 97051
Torja.A.Fraser@ojd.state.or.us