MEDIATOR TRAINING STANDARDS AND PROCEDURES

OFFICE OF DISPUTE RESOLUTION
State Court Administrative Office
Michigan Supreme Court

Effective January 1, 2013

Introduction

This document outlines the process for approving general civil and domestic relations mediator training programs through the State Court Administrative Office (SCAO) [MCR 2.411(F)(2)(a); MCR 3.216(G)(1)(b)] and provides criteria by which ADR clerks can specially approve persons to serve on court rosters who do not meet the court rule requirements for mediator training and experience [MCR 2.411(F)(3); MCR 3.216(G)(2)]. A synopsis of training requirements for mediators appears at the conclusion of this document.

Contents:

1.0 Structural Requirements of a Mediator Training Program

2.0 Content and Instructional Requirements of a General Civil Mediator Training Program

3.0 Qualifications for Mediator Trainer, Coach, or Subject Matter Specialist

4.0 General Civil Mediator Training Program Approval Process

5.0 General Civil Mediator Qualifications for MCR 2.411 Mediation

6.0 Content and Instructional Requirements of a Domestic Relations Mediator Training Program; Approval Process

7.0 Domestic Relations Mediator Qualifications for MCR 3.216 Mediation

8.0 Domestic Violence Screening Training Program Contents and Trainer Qualifications

9.0 Advanced Mediator Training Program Voluntary Approval Process

Sections 1.0 through 5.0 and 9.0 apply to mediator training programs conducted to prepare persons to serve as general civil mediators under MCR 2.411.

Sections 1.0, 3.0, 6.0, 7.0, 8.0 and 9.0 apply to mediator training programs conducted to prepare persons to serve as domestic relations mediators under MCR 3.216.

Training Philosophy

These Standards reflect a number of key principles which although addressed separately during the mediator training, are considerations which should be reflected in each element of the training design. They include the principles of:

1. Confidentiality in the mediation process.
2. The neutrality of the mediator.
3. Party self-determination in deciding if and when to settle.

Mediator trainers should consult the Standards of Conduct for Mediators adopted by the State Court Administrative Office in preparing and presenting mediator training programs.

Mediator Training Standards and Procedures

1.0 Structural Requirements of a Mediator Training Program

The mediator training program must conform to the following framework:

1.1 Length: The training program must be at least 40 classroom hours in length.

1.2 Training format: The training day cannot exceed 8 instructional hours, excluding meals. The trainers may assign required reading or written assignments to be completed by the participants at a time when they are not under the physical supervision of a trainer; such time does not count as part of an instructional day. No more than 2.5 hours of break time may be included in the calculation of 40 classroom hours. For any training day exceeding 6 hours, there must be a meal or break scheduled at approximately one-half way through that day.

1.2.1 A training program must be conducted over a time period of not less than 5 consecutive days.

1.2.2 A training program conducted in a non-consecutive time format must be completed within the following time frames:

a. No training session can be less than 3 hours per gathering, unless it is part of an approved university-based course of study.

b. A training program conducted in multiple sessions must be completed within a 42 calendar day period, or, in the case of an approved university-based course of study, no more than 120 calendar days.

1.3 Training agenda

1.3.1 Trainers offering a mediator training program designed to fulfill the requirements of MCR 2.411 or 3.216 must have its proposed program, course materials, and designated trainers approved by the State Court Administrative Office (SCAO) in advance of the program offering, as described in Section 4.0 and Section 6.0.

1.3.2 The applicant must submit her/his materials for review at least 60 days before the date on which the proposed program shall commence. SCAO will notify the applicant of its initial determination within fourteen (14) calendar days of the receipt of the materials or as soon thereafter as possible. If a determination is made that some components of the proposed program do not meet the standards set out in Section 2.0 below but could be satisfactorily adjusted, SCAO will work collaboratively with the applicant to develop a program that can be approved. Final approval must be secured no less than 21 calendar days before the announced commencement of the program.

1.4 Training materials: Trainers must provide training participants with a manual which serves as a collection of materials both for use in the training and as a reference guide upon completion of the training. The manual must contain the following:

1.4.1 Any reading materials required by the SCAO, for which the SCAO will have obtained copyright permissions.

1.4.2 Recommended supplemental readings. The trainer must secure, where appropriate, all copyright permissions for the use and dissemination of such materials.

1.4.3 A bibliography of readings related to mediation and to the field of dispute resolution in general.

1.4.4 A listing of relevant professional associations or organizations in the mediation field.

1.4.5 Information on obtaining mediation experience for the purpose of meeting court rule experiential requirements.

1.5 Class size: The class size shall not exceed 30 trainees in a mediator training program.

1.6 Training techniques: Discretionary and required

1.6.1 A trainer must utilize a variety of training techniques that reflect a sensitivity to multiple learning styles, effective teaching strategies, and group-based dynamics. Techniques can include lecture, demonstration, case studies, videotapes, and role plays.

1.6.2 Trainers are encouraged to use participatory teaching techniques and to role play questions asked during the training.

1.6.3 Role playing

a. A role play is defined as an exercise in which a training participant assumes the role of a mediator or a mediation participant.

b. Minimally, each participant, during the course of the training program, must:

1. participate as a mediator in two role plays, at least one of which is supervised by a trainer or coach and is at least one continuous hour in length; and
2. participate as a party, insurance adjuster, or lawyer in one continuous role play of at least one hour in length.

c. The role play in which the participant is the mediator must have the participant begin a mediation conference and continue as far as possible towards a resolution within the allotted time frame. This role play should be observed by a trainer or coach from beginning to end. The trainer or coach must provide oral feedback to the participants. The use of videotaping in providing feedback to participants is permitted.

d. For supervised role playing, the student-to-trainer or coach ratio must not exceed 6 participants to 1 trainer or coach.

1.6.4 Web-based and other distance learning components of a training may be tested through pilot projects approved by the SCAO.

1.7 Training evaluation

1.7.1 At the close of each 40-hour training program, the trainers must have their participants complete a written evaluation form in which they have an opportunity to comment on and assess their training experience. The forms shall be developed by SCAO; the trainers must submit the original copies of the completed forms to SCAO within 14 calendar days of the completion of the training program.

1.7.2 Within14 days of the completion of a training program, a trainer must provide each participant in a training program with a written assessment of that trainee's mediator performance during the program, indicating areas of performance in which the trainee demonstrated a clear command of the relevant concepts and strategies for executing the mediator's role as well as those performance areas which, in the trainer's judgment, need improvement. The trainer should provide a recommended strategy for a participant's improving in the area(s) which need improvement.

1.8 Attendance

1.8.1 The designated lead trainer or co-trainer for the program must be in attendance at all times.

1.8.2 A certificate of completion of training must certify that each participant was present for, and participated in, the required 40 hours of training.

1.8.3 A trainee can satisfy the requirements of the 40-hour training program only by completing the program for which s/he has originally registered unless excused by the lead trainer for an exceptional circumstance, the training segment is of 4 hours duration or less, and completing the missed segment in a subsequent training would not disrupt the training program. Admittance to a subsequent training program is at the discretion of the lead trainer.

1.8.4 Any member of SCAO or its designee may attend part or all of any court-approved mediator training program as an observer.

2.0 Content and Instructional Requirements of a General Civil Mediator Training Program

2.1 A mediator training program must address, in classroom content and materials, the following elements of mediation theory and practice:

2.1.1 Core principles of Alternative Dispute Resolution:

a. conflict theory
b. Michigan court dispute resolution spectrum
c. mediation models
d. SCAO emphasis on facilitative mediation
e. appropriateness of mediation

2.1.2 Core/fundamental principles of the mediation process:

a. self-determination, including noncoercion
b. confidentiality
c. impartiality
d. party capacity
e. voluntary
f. informed decision making
g. avoiding conflicts of interest
h. avoiding substantive advice giving and unauthorized practice of law
i. mediator standards of conduct and mediator ethics

2.1.3 Core/fundamental skills of the mediator:

a. listening
b. nonverbal and verbal communication
c. rapport and trust building
d. suspending judgment and bias
e. empathy
f. emotions
g. framing and reframing
h. identifying issues
i. summarizing and reflecting
j. neutral questioning
k. drawing out needs and interests
l. facilitating negotiation
m. problem-solving strategies, including generating options
n. distinguishing giving information from giving advice
o. comediation
p. diversity and cultural competency
q. participant dynamics
r. option evaluation assistance, including reality testing
s. ability to handle the entire mediation process
t. avoiding and addressing impasse
u. working with other professionals, including attorneys, advocates, and experts
v. coaching relationship dynamics
w. persistence

2.1.4. Core elements of the mediation process:

a. intake, screening, and assessment
b. process planning, including safety considerations
c. preparation
d. contracting for mediation services
e. opening statement
f. information gathering
g. formulating an agenda
h. joint sessions
i. separate sessions
j. generating options

k. negotiation
l. agreement writing
m. concluding mediation
n. closing the case, including communication with the court

2.2 Role playing, as defined in Section 1.6.3, should constitute a minimum of 10 hours of the training program. Each participant, during the course of the training program, must participate as a mediator in two role plays, at least one of which must be at least one hour in length and supervised by a trainer or coach. The supervised role play must occur at that time during the program in which all components of the mediation process have been taught.

2.3 At a minimum, in addition to 10 hours of role play, 10 hours of interactive exercises, such as small and large group discussion and brainstorming, fish bowl simulation and debriefing, etc., should be incorporated into the 30 hours which comprise the components of Section 2.1.

3.0 Qualifications for Mediator Trainer, Coach, and Subject Matter Specialist

3.1 Lead trainer: A lead trainer has primary responsibility for presenting a mediation training program and is an individual who has:

3.1.1 Qualified as a mediator under MCR 2.411 or MCR 3.216.

3.1.2 Served as a mediator for at least two controversies during the 12 month period preceding the training program.

3.1.3 Completed at least four (4) hours of advanced mediator training within the 12 months preceding the date of the mediator training program.

3.1.4 Served as trainer or instructor in interactive group settings in which s/he has had primary responsibility for the following in areas related to mediation:

a. the development of the agenda or course structure;
b. the development or selection of the educational materials to be used in the programs;
c. delivery of program materials utilizing multiple instructional techniques;
d. designing written or oral assessment protocols for providing evaluation to individual group participants;
e. providing oral and written feedback and evaluation to individual participants;
f. training coaches or other leaders to provide targeted, constructive feedback to mediator trainees who are practicing various components of the mediation process.

3.1.5 Served as a coach who has provided targeted, constructive feedback to mediator trainees who are practicing various components of the mediation process.

3.2 Trainer: A trainer is an individual who has:

3.2.1 Qualified as a mediator under MCR 2.411 or MCR 3.216.

3.2.2 Served as a mediator for at least two controversies during the 12 month period preceding the training program.

3.2.3 Completed four (4) hours of advanced mediator training within the 12 months preceding his/her participation in the mediator training program.

3.2.4 Served as a coach who has provided targeted, constructive feedback to mediator trainees who are practicing various components of the mediation process.

3.3 Coach: A coach is an individual who has:

3.3.1 Qualified as a mediator under MCR 2.411 (for general civil mediator training) or MCR 3.216 (for domestic relations mediator training).

3.3.2 Completed four (4) hours of advanced mediator training within the 12 months preceding his/her participation in the mediator training program.

3.3.3 Assisted or has been trained by a lead trainer to provide targeted, constructive feedback to mediator trainees who are practicing various components of the mediation process.

3.4 Subject Matter Specialist

A subject matter specialist is an individual who devotes a substantial part of his or her professional practice to the area about which s/he is presenting and has the ability to link the subject matter of her expertise to the mediation process and the challenges of mediating.

4.0 General Civil Mediator Training Program Approval Process

4.1 Individuals or organizations seeking approval of training programs for persons to serve as mediators under MCR 2.411 must submit the following documents to SCAO for review and approval:

4.2 A résumé for each of the proposed lead trainer(s), trainers, coaches and subject matter specialists who will conduct the program, and a description of those portions of the program for which each person has primary responsibility.

4.3 The proposed program agenda, with targeted dates and times that identify when the primary segments of the program shall be conducted. The application must provide a detailed outline of the proposed training sequence and time allocation for each sequence, including the number of training hours allocated to role plays.

4.4 A copy of all course materials that will be distributed to participants, including role plays, other handouts, and the manual. [See Section 1.4 for manual requirements.]

4.5 A copy of the evaluation the trainer will use to assess each trainee's performance, as required in Section 1.7.2.

4.6 Approval by SCAO for a proposed program and set of trainers shall be valid for a 5 year period. Thereafter, reapproval may be requested by submitting current copies of items listed in Sections 4.2, 4.3, and 4.4 together with a brief description of any significant previously unapproved changes to the originally approved program.

4.7 Application for approval of a training program may be made to:

Office of Dispute Resolution
State Court Administrative Office
Box 30048
Lansing, MI 48909

5.0 General Civil Mediator Qualifications for MCR 2.411 Mediation

5.1 Persons meeting the criteria of MCR 2.411(F)(2) (completion of SCAO-approved training, meeting the degree or hours of experience requirement, and observation and conducting of mediation) are approved to serve as mediators on a court roster.

Two additional categories of qualification apply: persons who have completed Community Dispute Resolution Program training, and those who have completed a mediation training program outside Michigan. Persons meeting the following criteria may be accepted for appointment to a court-approved list of mediators based upon prior training and experience.

Experience as a case evaluator under MCR 2.403-2.404 does not satisfy the experience requirements of Sections 5.2 and 5.3.

5.2 Qualifying by completing Michigan Community Dispute Resolution Program (CDRP) training. An applicant must demonstrate:

5.2.1 Successful completion of the approved CDRP training.

5.2.2 Participation in advanced mediator training programs in an amount equivalent to at least 8 hours in the 2 years prior to the application if the training described in Section 5.2.1 was completed more than two years prior to an application to the court. Advanced mediator training programs may be any program related to mediation theory and practice, including conferences, workshops, or training events.

5.2.3 Observation of two general civil mediation proceedings conducted by an approved mediator, and conduct one general civil mediation to conclusion under the supervision and observation of an approved mediator. If not an attorney or holding a graduate degree in conflict resolution, mediation or comediation, following training, of at least 40 hours or 18 cases in the two years prior to application. Web-based and telephonic mediation may not be counted toward this requirement.

5.3 Qualifying by completing training outside Michigan.

5.3.1 Evidence must be presented demonstrating completion of a minimum 40-hour program targeted to prepare persons to serve as mediators for general civil cases. Accumulating a total of 40 hours of mediator training from various

trainers in different programs does not satisfy this requirement. The applicant must provide a certificate of completion of training, copy of the training agenda, name of the trainer, and dates of attendance at the request of the ADR Clerk.

5.3.2 Persons completing a training program described in Section 5.3.1 more than two years prior to application to the court must demonstrate that they have participated in advanced mediator training programs in an amount equivalent to at least 8 hours in the 2 years prior to the application. Advanced mediator training programs may be any program related to mediation theory and practice, including conferences, workshops, or training events.

5.3.3 Observation of two general civil mediation proceedings conducted by an approved mediator, and conduct one general civil mediation to conclusion under the supervision and observation of an approved mediator. If not an attorney or holding a graduate degree in conflict resolution, mediation or comediation, following training, of at least 40 hours or 18 cases in the two years prior to application. Web-based and telephonic mediation may not be counted toward this requirement.

6.0 Content and Instructional Requirements of a Domestic Relations Mediator Training Program; Approval Process

Persons seeking approval to serve as mediator trainers in domestic relations actions pursuant to MCR 3.216 must meet the criteria of this section.

6.1 A mediator training program must address, in classroom content and materials, the following elements of mediation theory and practice:

6.1.1 Core principles of Alternative Dispute Resolution:
- a. conflict theory
- b. Michigan court dispute resolution spectrum
- c. mediation models
- d. SCAO emphasis on facilitative mediation
- e. appropriateness of mediation

6.1.2 Core/fundamental principles of the mediation process:
- a. self-determination, including noncoercion
- b. confidentiality
- c. impartiality
- d. party capacity
- e. voluntary
- f. informed decision making
- g. avoiding conflicts of interest
- h. avoiding substantive advice giving and unauthorized practice of law
- i. mediator standards of conduct and mediator ethics

6.1.3 Core/fundamental skills of the facilitative domestic mediator:
- a. listening
- b. nonverbal and verbal communication

c. rapport and trust building
d. suspending judgment and bias
e. empathy
f. dealing with emotions
g. framing and reframing
h. identifying issues
i. summarizing and reflecting
j. neutral questioning
k. drawing out needs and interests
l. facilitating negotiation
m. problem-solving strategies, including generating options
n. distinguishing giving information from giving advice
o. comediation
p. diversity and cultural competency
q. participant dynamics
r. option evaluation assistance, including reality testing
s. ability to handle the entire mediation process
t. avoiding and addressing impasse
u. working with other professionals, including lawyers, mental health and financial professionals
v. coaching relational dynamics
w. persistence

6.1.4 Core elements of the mediation process:
a. intake, screening, and assessment, including separate screening meetings for domestic violence and other impediments to mediation
b. process planning
c. preparation
d. contracting for mediation services
e. opening statement
f. information gathering
g. formulating an agenda
h. joint sessions
i. separate sessions
j. generating options
k. negotiation
l. agreement writing, including interim agreements, and drafts of agreements for more complex agreements
m. concluding mediation
n. closing the case, including communication with the court

6.1.5. Substantive areas:
a. family dynamics
.1 dynamics of co-parenting
.2 child development
.3 grief process
.4 impact of divorce on family systems, including adults, children, and adult children

.5 domestic violence awareness
.6 long-term high conflict

b. financial
.1 support (child, spousal, family)
.2 property distribution (including debts, bankruptcy and foreclosure)
.3 retirement and deferred compensation plans, including QDROs, EDROs
.4 taxes
.5 budgeting
.6 health care/health insurance
.7 education

c. legal
.1 Michigan family law
.2 court process
.3 friend of the court
.4 immigration
.5 bankruptcy
.6 public benefit systems
.7 resources for divorcing parents
.8 unauthorized practice of law

d. parenting
.1 custody
.2 parenting time
.3 traditional and nontraditional families, including never-married, LGBT (Lesbian, Gay, Bisexual, Transgender), and blended family issues
.4 paternity
.5 anticipating problems

6.2 Role playing and interactive exercises should constitute a minimum of 10 hours of the training program.

6.2.1 Each training participant should participate in the role of the mediator for at least one hour.

6.2.2 One role play must focus on the use of the domestic violence screening protocol over the course of the mediation.

6.3 Individuals or organizations seeking approval of training programs for persons to serve as mediators under MCR 3.216 must submit the following documents to SCAO for review and approval:

6.3.1 A résumé for each of the proposed lead trainer(s) and trainers, coaches or subject matter specialists who will conduct the program, and a description of those portion(s) of the program for which each person has primary responsibility.

6.3.2 The proposed program agenda, with targeted dates and times that identify when the primary segments of the program shall be conducted. The application must provide a detailed outline of the proposed training sequence and time allocation for each sequence including the number of training hours allocated to role plays.

6.3.3 A copy of all course materials that will be distributed to participants, including lecture outlines, role plays, and the manual. See Section 1.4 for manual requirements.

6.3.4 A copy of the evaluation the trainer will use to assess each trainee's performance as required in Section 1.7.

6.3.5 Trainers and coaches must demonstrate that they have completed an 8-hour program on domestic violence that includes the ability to screen for domestic violence and appropriate responses when domestic violence or its potential has been identified.

6.4 Approval by SCAO for a proposed program and set of trainers shall be valid for a 5 year period from the date of approval. Thereafter, reapproval may be requested by submitting current copies of items listed in Section 6.3 together with a brief description of any changes to the originally approved program.

6.5 Application for approval of a training program may be made to:

Office of Dispute Resolution
State Court Administrative Office
Box 30048
Lansing, MI 48909

7.0 Domestic Relations Mediator Qualifications for MCR 3.216 Mediation

Persons meeting the criteria of MCR 3.216(G)(1) (completion of an SCAO-approved training, meeting the degree or experience requirement, and observation and conducting of mediation) and who have completed an 8-hour program on domestic violence screening approved by the SCAO are approved to serve as mediators on a court roster.

Persons who completed an SCAO-approved 4-hour domestic violence screening training program prior to December 31, 2012 are not required to meet the 8-hour training requirement.

Persons may also meet the training requirement through completion of an out-of-state training program approved by the Association for Conflict Resolution or other training program targeted to prepare persons to serve as mediators for domestic relations cases.

Under either category, persons must demonstrate completion of an 8-hour program outlining domestic violence considerations in domestic relations matters.

Experience as an arbitrator of domestic relations matters, mediator of general civil matters, or as a case evaluator does not satisfy the experience requirements of Section 7.1.

7.1 Completion of ACR-approved training or other training programs targeted to prepare persons to serve as mediators for domestic relations cases. An applicant must demonstrate:

7.1.1 Successful completion of an ACR-approved training or a comprehensive mediator training program approved by a court or agency targeted to prepare persons to serve as mediators for domestic relations cases.

a. The training must have included the core elements of mediation theory and practice outlined in Section 6.1.[1]

a. The training program must have been at least 40 hours in duration and conducted by one trainer or training organization. Accumulating a total of 40 hours of mediator training from various trainers in different programs does not satisfy this requirement. The applicant must provide a certificate of completion of training, copy of the training agenda, name of trainer, and dates of attendance at the request of the ADR Clerk.

7.1.2 Observation of two domestic relations mediation proceedings conducted by an approved mediator, and conduct one domestic relations mediation to conclusion under the supervision and observation of an approved mediator. Web-based and telephonic mediation may not be counted toward this requirement.

7.1.3 Persons completing a training program as described in Section 7.1.1 more than two years prior to application to the court must demonstrate that she/he has participated in advanced mediator training programs in an amount equivalent to at least 8 hours in the 2 years prior to the application. Advanced mediator training programs may be any program related to mediation theory and practice, including conferences, workshops, or training events.

7.1.4 Completion of an 8-hour program on domestic violence approved by SCAO.

7.1.5 The degree requirements of MCR 3.216(G)(1)(a) may be waived upon demonstration of completion of 80 hours or 20 cases in domestic relations mediation.

8.0 Domestic Violence Screening Training Program Contents and Trainer Qualifications

Individuals and organizations seeking approval to serve as presenters of the 8-hour domestic violence screening training program for domestic relations mediators must meet the criteria of this section.

8.1 Qualifications of the training team

8.1.1 The training team should consist of a domestic relations mediator and domestic violence expert.

[1] A 40-hour ACR-approved domestic relations training program is presumed to meet this requirement.

8.1.2 The mediator trainer must demonstrate all of the following:

a. completion of an approved 40-hour domestic relations mediation program;
b. direct domestic relations mediation experience totaling 40 hours or 10 cases;
c. current use of the SCAO approved domestic violence screening protocol in mediation practice; and
d. completion of 8 hours of prior domestic violence training.

8.1.3 The domestic violence trainer must demonstrate all of the following:

a. current or prior direct work with domestic violence survivors or batterers (prior work experience would ideally be within the past five years);
b. three years (consecutive or equivalent) direct service to survivors of domestic violence in a program the primary purpose of which is to serve survivors of domestic violence (direct service experience would ideally be the past five years);
c. completion of 40 hours of training on issues related to domestic violence; and
d. if the trainer is a batterer interventionist/counselor, the applicant must demonstrate a masters level education and continued education in the field of batterer intervention and domestic violence. This may be through such means as professional memberships in organizations addressing domestic violence, attendance of advanced mediator training programs related to domestic violence, or active involvement in the local domestic violence coordinated community as evidenced by a letter of recommendation from a local survivor service organization.

8.1.4 The mediator and domestic violence trainers have shared responsibility for designing and presenting the entire training program. The training program must be designed to prepare mediators to effectively screen cases for domestic violence and to take appropriate action should domestic violence be detected at any point during mediation. Both trainers must demonstrate prior training experience and capacity to perform adult education, citing any of the following factors:

a. the development of a training program agenda or course structure;
b. the development or selection of the educational materials to be used in the programs;
c. delivery of program materials utilizing multiple instructional techniques;
d. designing written or oral assessment protocols for providing evaluation to individual group participants;
e. providing oral and written feedback and evaluation to individual participants; and
f. training coaches or other leaders to provide targeted, constructive feedback to mediator trainees who are practicing various components of the mediation process.

8.1.5 Served as a coach who has provided targeted, constructive feedback to mediator trainees who are practicing various components of the mediation process.

8.1.6 A person who meets the requirements of both Sections 8.1.2 and 8.1.3 is not required to provide a co-trainer.

8.2 Training program content

8.2.1 The training program must be at least 8 hours in duration.

8.2.2 The training program must be structured around developing familiarity with and practical use of the document: "Domestic Violence and Child Abuse/Neglect Screening for Domestic Relations Mediation." This document's strong presumption against mediation in cases of domestic violence must be underscored throughout the training.

8.2.3 The training must include one hour on the nature and dynamics of domestic violence. The approved manual contains an example of content and sequencing of this segment in the form of a PowerPoint presentation.

8.2.4 Domestic violence issues should be integrated throughout the presentation screening practices, particularly in identifying for training participants why particular screening measures are required. The training must also include at least 3 hours incorporating:

a. a demonstration and practice of the domestic violence screening interview;
b. the decision to mediate;
c. safety planning;
d. procedures for on-going screening throughout mediation sessions;
e. strategies for safe termination of mediation;
f. specialized processes for mediating where there is a history of domestic violence and the case is nevertheless assessed as appropriate for mediation; and
g. identifying for training participants why particular screening measures are required.

8.2.5 Role plays. Trainers must use scripted role plays provided by SCAO.

8.3 Training participant manual

8.3.1 Each training participant must be provided with a copy of the current Domestic Violence Screening Manual approved by SCAO and instructed as to its contents.

8.3.2 Materials which have not been approved by SCAO may be made to the training participants, but trainers must clearly identify them as not being part of the approved materials. Materials which may be inconsistent with the approved manual's contents may be made available during the training only by mutual agreement of both co-trainers.

8.4 Applying for approval of a domestic violence screening training program.

The following documents must be submitted to SCAO for review and approval at least 60 days prior to commencement of the program:

8.4.1 A résumé of the proposed trainer(s) who will conduct the program and a description of those portions of the program for which each person has primary responsibility.

8.4.2 A copy of the proposed program agenda and a detailed outline of the proposed training sequence and time allocation for each sequence.

8.5 Training evaluation

At the close of each training program, the trainers must have their participants complete a written evaluation form in which they have an opportunity to comment on and assess their training experience. The forms shall be developed by SCAO; the trainers must submit the original copies of the completed forms to SCAO within 14 calendar days of the completion of the training program.

8.6 Approval period

Approval by SCAO for a proposed program and set of trainers shall be valid for a 5 year period from the date of approval. Thereafter, reapproval may be requested by submitting a brief description of any proposed substantive changes to the originally approved program.

8.7 Application for approval of a training program may be made to:

Office of Dispute Resolution
State Court Administrative Office
Box 30048
Lansing, MI 48909

9.0 Advanced Mediator Training Program Voluntary Approval Process

MCR 2.411(F)(4) and MCR 3.216(G)(3) require that mediators approved to serve on court rosters of mediators obtain 8 hours of advanced mediator training during each 5 year period. Examples of advanced mediator training include programs offered in identifying new developments in the field of ADR, ethics considerations, ADR process skill-building, the application of ADR techniques to specific types of conflict, etc. Mediators must present documentation of having completed advanced training in the manner identified by a court and may participate in either general civil or domestic relations advanced training programs to fulfill the requirement. SCAO-approval of advanced training programs is voluntary. A training program need not be approved by SCAO to serve as an advanced training program for purposes of MCR 2.411(F)(4).

9.1 Individuals or organizations voluntarily seeking SCAO approval of advanced mediator training programs offered in Michigan must submit the following documents to SCAO for review and approval:

9.1.1 A résumé for each of the proposed trainers who will conduct the program.

9.1.2 A brief explanation outlining the credentials of the trainer(s) to present the particular program.

9.1.3 The proposed program agenda and objectives.

9.1.4 A brief description of how the agenda directly relates to the practice of mediation or one or more of the core training elements identified in Section 2.1 (general civil) or Section 6.1 (domestic relations) and identification of which training techniques will be used. [See Section 1.6 for additional information on training techniques.] Applications for approval of programs which are exclusively lecture in format will not be approved.

9.1.5 A summary of materials intended to be provided to program participants.

9.1.6 A copy of the program evaluation the trainer will use.

9.2 Approval by SCAO for a proposed program which will be repeated essentially as proposed shall be valid for a 5 year period.

9.3 Application for approval of an advanced mediator training program may be made to:

Office of Dispute Resolution
State Court Administrative Office
Box 30048
Lansing, MI 48909

2012 Staff Comment

The 2012 revisions incorporate recommendations, following publication, of the Mediation Training Review Committee. This committee was convened in 2011 to review current training practices and to provide recommendations to the State Court Administrative Office for enhancing mediation training practices. Additional detail is provided as to training program content, provision has been made for piloting web-based instructional methods, and various grandparenting provisions no longer relevant are removed.

2005 Staff Comment

These standards and procedures were originally adopted January 4, 2001 as "Interim Mediation Training Standards and Procedures," effective until December 31, 2002. In early 2002, the State Court Administrative Office convened the Mediation Training Work Group to provide recommendations for improving mediation training practice for persons intending to serve as mediators on court rosters. The document was revised in April, 2005 chiefly to adopt criteria for approving domestic violence screening programs (Section 8.0) and advanced mediator training programs (Section 9.0).

Revised October 1, 2012