

D. APPLICATION FOR RECERTIFICATION AS A MEDIATOR

1. ~~To maintain certification, Recertification of a mediator must recertify is required every two (2) years on November 1. (Note that the first recertification may come less than two years after initial certification. (For example, all mediators initially certified between November 1, 20107 and October 31, 20118 will be required to be recertified must recertify as of November 1, 20129. Their next recertification date would be November 1, 201421.)~~

2. ~~An applicant for recertification must s~~Submit OES Form ADR-1003. ~~Each summer DRS will notify by email all mediators whose recertification is due on October 31st of that year. Recertification forms and instructions are available on the court web site at: <http://www.courts.state.va.us/courtadmin/aoc/djs/programs/drs/mediation/forms/home.html>. Each summer DRS will notify by email all mediators whose recertification is due on October 31st of that year.~~

3. Cases mediated and continuing mediation education (CME) training taken must be completed during the two-year certification period that falls between the last previous recertification date and October 31st of the year currently due for recertification. (For example, the “last recertification date” for a mediator who requested an extension and then recertified on December 17, would be December 17. The mediator would be able to count only cases and training that took place after December 17 for his or her next recertification, which still would be due on October 31.)

~~Mediation Ethics Training: An applicant for recertification must submit objective evidence of having completed two (2) hours of mediation ethics training/education. The two (2) hours of ethics may be counted to reach the eight (8) hours of training required in Sections D.4.and D.5. below, but it may be counted only once. For example, a mediator with six (6) hours of general training may use the two (2) ethics hours to complete the eight (8) hour general training requirement. However, if the same mediator also seeks Juvenile and Domestic Relations recertification, he or she may not recount the two (2) hours of ethics toward the eight (8) hour family training requirement. If the mediator had seven (7) hours of general training and seven (7) hours of family training, the two (2) hours of ethics may be split to complete both requirements. If the mediator happened to have a total of four (4) hours of ethics training, only two (2) hours may be used toward recertification.~~

4. CME Requirements:

a) Submit objective evidence of having completed six (6) hours of approved non-ethics mediation training during the certification period. Mediators may retake core courses (Basic Mediation, Family Mediation, Circuit Court-Civil Mediation, Circuit Court-

Family Mediation, Orientation to Virginia's Judicial System, Screening for and Dealing with Domestic Abuse, Observation Course, Mentoring Individuals Seeking Certification as a Court-Referred Mediator ~~Mentoring Course~~) in place of CME approved trainings.

b) Submit objective evidence of having completed two (2) hours of approved mediation ethics training during the certification period. ~~If the A mediator has a total of with -four (4) hours of ethics training may use; only two (2) hours may be used toward recertification. Only mediator ethics trainings will satisfy this requirement.~~

c) Mediators with multiple certifications need only six (6) hours of non-ethics and two (2) hours of ethics during the certification period. Mediators with multiple certifications who recertify every year may reuse trainings as long as they take place during the two year certification period. ~~(for a total of 6 hours non-ethics and 2 hours ethics).~~

4. General District and Circuit Court-Civil Case Requirements~~Mediation: An applicant for recertification as a General District and/or Circuit Court-Civil mediator must s~~Submit objective evidence of having completed a ~~minimum of~~ five complete general cases or fifteen (15) hours of general mediation during the ~~certification period of certification~~. ~~These e~~Cases may be court-referred or privately referred. Restorative justice conferencing cases, ~~parent-child, truancy, peer mediations, child dependency,~~ and victim-offender mediation cases may count as a maximum of three (3) of the five (5) complete cases.

~~The applicant must also submit objective evidence of having completed a minimum of eight (8) hours of approved general mediation training/education. Cases mediated and training taken must be completed during the two-year period that falls between the last recertification date and October 31st of the year currently due for recertification. (For example, the "last recertification date" for a mediator who requested an extension and then recertified on December 17, would be December 17. The mediator would be able to count only cases and training that took place after December 17 for his or her next recertification, which still would be due on October 31.)~~

5. Juvenile and Domestic Relations and Circuit Court-Family Case Requirements~~Mediation: An applicant for recertification as a Juvenile and Domestic Relations District Court and/or Circuit Court Family mediator must s~~Submit objective evidence of having completed a ~~minimum of~~ five (5) complete domestic relations cases or fifteen (15) hours of domestic relations mediation during the ~~certification period of certification~~. ~~These e~~Cases may be court-referred or privately referred. Restorative justice conferencing cases, ~~and~~ parent-child, truancy, ~~child dependency,~~ and peer mediations may count as a maximum of three (3) of the five (5) complete cases.

The applicant must also submit objective evidence of having completed eight (8) hours of approved mediation training/education in the family area, *such as child support training and family law updates.* ~~Cases mediated and training taken must be completed during the two-year period that falls between the last recertification date and October 31st of the year currently due for recertification.~~ (For example, the “last recertification date” for a mediator who requested an extension and then recertified on December 17, would be December 17. The mediator would be able to count only cases and training that took place after December 17 for his or her next recertification, which still would be due on October 31.)

6. ~~Applicants for recertification~~ Mediators may request DRS approval by DRS of training ~~or education relevant to mediation practice they receive~~ from organizations such as the Association for Conflict Resolution, the American Bar Association Section on Dispute Resolution, appropriate courses sponsored by the Virginia Committee on Continuing Legal Education, and others to meet ~~the CME requirements for continuing education.~~ ~~Approved mediation training programs (other than basic courses) will also meet these requirements.~~

7. Mediators participating in an approved Peer Mediation Consultation Project program may receive up to four (4) hours of ~~non-ethics general or~~ family CME credit for attendance at such sessions.

8. Mediators who provide ~~either advanced general or family~~ mediation skills training or present an ~~advanced~~ CLE seminar related to the subject of mediation may receive up to four (4) hours of ~~general or family-non-ethics~~ and/or up to two (2) hours of ethics CME credit. Objective evidence of providing such training, ~~information on~~ the length of the training, the number of times the training was offered during the ~~recertification~~ period as well as the number of hours spent ~~in~~ preparation for the ~~course~~ training must be provided.

9. ~~Mediators~~ Applicants who are unable to meet the case or CME requirements for number of

~~complete cases or mediation hours, or approved training, may apply for an extension of time to meet the requirements, which may be granted at the discretion of DRS based on the individual circumstances. Certification as a mediator~~ Mediation certification lapses during any recertification extension period. ~~H;~~ however, the mediator applicant will not have to reapply for initial certification as long as the recertification requirements are met during the extension period. During

~~the extension, the mediator applicant may not hold him or herself out as a certified mediator, may not train others seeking certification and if he or she has~~

~~mentor status, may not mentor others. The mediator applicant should co-mediate any court-referred cases with a certified mediator during the extension period.~~

10. Forms ADR-??????????1002 (~~Evaluation of~~ Mediation Feedback Form Session(s) and Mediator(s)) received by DRS and/or any other written communication concerning the performance of the mediator may also be considered in the recertification process.
11. Notification of recertification shall be made through letter and certificate. A letter denying recertification shall state the grounds for the denial and make reference to the right of the applicant to make a written request for reconsideration to the Executive Secretary of the Supreme Court of Virginia within thirty (30) calendar days of the date of the notification of denial of recertification. The written request must be received by the Executive Secretary within five (5) calendar days after expiration of the thirty (30) day time period. An applicant's request for reconsideration must include a statement of the reasons recertification is warranted. If the Executive Secretary decides it would be helpful, the Executive Secretary may convene a meeting as part of the reconsideration process. Meetings with the Executive Secretary are confidential. Within forty-five (45) calendar days of receipt of the written request, the Executive Secretary shall reconsider the denial. Within fifteen (15) calendar days of reconsideration, the Executive Secretary shall render a decision on recertification. A decision by the Executive Secretary is final.
12. A mediator denied recertification may reapply for initial certification after six (6) months from the date of the final denial. In the sole discretion of DRS, ~~deviations from the initial certification requirements partial waivers of training and mentorship requirements~~ may be allowed or required ~~granted~~ on a case-by-case basis.
13. Mediators who do not meet the recertification requirements may not hold themselves out as certified mediators, ~~mediation mentors, or certified mediation trainers may not mentor others seeking certification, and may not train others seeking certification.~~
14. A mediator whose certification ~~has~~ lapsed as a result of not meeting the recertification requirements in a timely manner must reapply for initial certification. In the sole discretion, of DRS, ~~deviations from the initial certification requirements partial waivers of training and mentorship requirements~~ may be allowed or required ~~granted~~ on a case-by-case basis.