OFFICE OF THE EXECUTIVE SECRETARY
SUPREME COURT OF VIRGINIA

GUIDELINES FOR THE CERTIFICATION OF MEDIATION TRAINING PROGRAMS

Adopted by the Judicial Council of Virginia October 21, 2025
Effective Date: January 1, 2026

A. SCOPE OF THE GUIDELINES

A mediation training program must be certified according to the requirements specified herein to count toward mediator certification and recertification. Certification of the training program attaches to the trainer responsible for conducting the program, and the training materials must be approved. These Guidelines apply to both the training program and trainer designated to teach the training program. These Guidelines set forth the eligibility requirements for trainer certification and approval of materials.

B. PRIVILEGE TO TRAIN

Certification to train mediators confers no vested right to the holder thereof, but is a conditional privilege subject to the oversight of Dispute Resolution Services in the Office of the Executive Secretary (DRS).

C. CERTIFICATION AS TRAINER OF "CORE COURSE" MEDIATION TRAINING PROGRAMS

1. "Core courses" are the courses required for certification as a mediator at the various certification levels or to achieve mentor status: the 20-Hour Basic Mediation Training, the 20-Hour Family Mediation Training, the 20-Hour Circuit Court-Civil Mediation Training, the 12-Hour Circuit Court-Family Mediation Training, the 8-Hour Support Matters in Virginia's Family Courts, the 8-Hour Screening for and Dealing with Domestic Abuse in the Mediation Context Training, the 4-Hour Virginia Judicial System Training, the 8-Hour Observation Course, the 4-Hour Mentoring Individuals Seeking Certification as a Court-Referred Mediator Training, and the 2-Hour Appellate Training.

2. The certification levels are General District Court (GD), Juvenile and Domestic Relations District Court (JDR), Circuit Court–Family (CCF), Circuit Court–Civil (CCC), Appellate-Family and Appellate-Civil.

3. An applicant seeking certification as a trainer of a core course shall submit

a completed OES Form ADR-2000 along with an administrative handling fee of $25.00**.** Checks should be made payable to: Treasurer of Virginia.

4. **Applications for certification must be submitted at least thirty (30) days in advance of the training date. DRS will review applications within thirty (30) calendar days of receipt. Please note that extra time should be allotted beyond the thirty days for the applicant to make any changes/revisions that may be necessary.**

5. An instructional hour is equal to fifty (50) minutes. The core courses require the following minimum instructional hours:

a.	Basic Mediation	twenty (20)
b.	Family Mediation	twenty (20)
c.	Circuit Court-Civil Mediation	twenty (20)
d.	Circuit Court-Family Mediation	twelve (12)
e.	Orientation to Virginia's Judicial System	four (4)
f.	Screening for and Dealing with Domestic Abuse	eight (8)
g.	Support Matters in Virginia's Family Courts	eight (8)
h.	Observation Course	eight (8)
i.	Mentoring Course	four (4)
j.	2-Hour Appellate Training	two (2)

6. In addition to completing the OES Form ADR-2000, the applicant shall submit a description of the course, including:

   a. the course agenda with exact times to be spent on each subject specified;

   b. the outline of subject matter to be covered;

   c. an explanation of where in the agenda and in the course materials the information required to be covered in these courses (as listed in the course content outline attached at the end of these Guidelines) is reviewed and the length of time spent on the required subjects;

   d. all course materials, handouts, exercises, role-plays, and student manual(s);

   e. the course evaluation form that will be used; and

   f. the resume(s), experience, and qualifications of the proposed trainers (more specific information on trainer qualifications is provided below).

7. An applicant for trainer certification must be a Virginia certified mediator

in good standing with DRS.

8. Prior to teaching a core course, a) an applicant must be certified as a trainer for the course by DRS and b) DRS must approve the training materials. Otherwise, the training will not count towards the trainee's mediator certification requirements.

9. Required course content for each of the core courses is attached for applicants to use in developing courses. Courses should include a mixture of lecture, discussion, exercises, and role-plays.

10. a. Sufficient experienced certified mediators must be available during trainings to observe, critique, and evaluate the performance of trainees in role-plays. Trainers are strongly encouraged to utilize one mediator observer per role-play. If that is not possible, each mediator shall be responsible for observing no more than two role-plays at any one time. For Basic Mediation, an observer must be certified at any level; for Family Mediation, at the JDR or CCF level; for Circuit Court–Family, at the CCF level; and for Circuit Court–Civil, at the CCC level.

    b. For the 20-hour Basic Mediation, the 20-hour Family Mediation, and the 8-hour Screening for and Dealing with Domestic Abuse courses, the trainer must ensure that each trainee acts as a mediator in at least two role-plays.

    c. For the 8-hour Support Matters in Virginia's Family Courts, the trainer must ensure that each trainee completes at least three child support worksheets and two corresponding written agreements.

11. If an applicant proposes to use the course manual of another organization or trainer, the applicant must submit written permission to use the manual.

12. Listed below are the minimum qualifications for the certified trainer for each training program. Please note that "adult education experience" may be met through degrees in Education, through demonstrated teaching of adults in other fields and/or through experience teaching in ADR/ mediation. To request a waiver of an educational requirement, the applicant must submit a letter to DRS describing relevant work and life experience, accompanied by a resume. Additional information may be requested.

    Assistant trainers must be certified mediators and must be listed on the application, but need not have the experience listed below for the certified trainer. For Basic Mediation, an assistant trainer must be certified at any level; for Family Mediation, at the JDR or CCF level; for Circuit Court–

Family, at the CCF level; and for Circuit Court–Civil, at the CCC level. Subject matter specialists must be listed on the application and do not have to be certified mediators. Assistant trainers and subject matter specialists work under the direct supervision of the certified trainer, who is responsible for their roles in the training.

Basic Mediation

a. Certification as a mediator at any level

b. Recertification as a mediator at least one time

c. Objective evidence of completion of at least 20 hours of mediation training above the training necessary to receive GD certification

d. A minimum of a bachelor's degree (a waiver may be requested)

e. Objective evidence of participation in at least 20 mediations and 40 hours of mediation

f. Proof of at least four (4) hours of training in educating adults or evidence of adult education experience

Family Mediation

a. Certification as a JDR mediator or as a CCF mediator

b. Recertification as a JDR mediator or CCF mediator at least once

c. Objective evidence of completion of at least 20 hours of family mediation training above the training necessary to receive JDR certification

d. Juris Doctor or Masters in Social Work, Counseling, Psychology, Conflict Resolution or other related area (a waiver may be requested)

e. Objective evidence of participation in at least 20 family mediations and 40 hours of family mediation

f. Proof of at least four (4) hours of training in educating adults or evidence of adult education experience

Circuit Court-Family Mediation

a. Certification as a CCF mediator

b. Recertification as a CCF mediator at least once

c. Objective evidence of completion of at least 20 hours of family mediation training above the training necessary to receive CCF certification

d. Juris Doctor or Masters in Social Work, Counseling, Psychology, Conflict Resolution or other related area (a waiver may be requested)

e. Objective evidence of participation in at least 20 circuit court-family mediations and 40 hours of circuit court-family mediation

f. Proof of at least four (4) hours of training in educating adults or evidence of adult education experience

Circuit Court-Civil Mediation

a. Certification as a CCC mediator

b. Recertification as a CCC mediator at least once

c. Objective evidence of completion of at least 20 hours of mediation training above the training necessary to receive CCC certification

d. A minimum of a bachelor's degree (a waiver may be requested)

e. Objective evidence of participation in at least 20 circuit court-civil mediations and 40 hours of circuit court-civil mediation

f. Proof of at least four (4) hours of training in educating adults or evidence of adult education experience

Orientation to Virginia's Judicial System

a. Juris Doctor and member of Virginia State Bar (a waiver may be requested)

b. Certification as a mediator (a waiver may be requested)

c. Proof of at least four (4) hours of training in educating adults or evidence of adult education experience

Screening for and Dealing with Domestic Abuse

a. J.D. or Masters in Social Work, Counseling, Psychology, Conflict Resolution or related area (a waiver may be requested)

b. Certification as a JDR or CCF mediator (a waiver may be requested)

c. Demonstrated knowledge of domestic abuse matters

d. Proof of at least four (4) hours of training in educating adults or evidence of adult education experience

Support Matters in Virginia's Family Courts

a. J.D. or Masters in Social Work, Conflict Resolution or related area (a waiver may be requested)

b. Certification as a JDR or CCF mediator (a waiver may be requested)

c. Demonstrated knowledge and working experience with child support and related matters

d. Proof of at least four (4) hours of training in educating adults or evidence of adult education experience

Observation Course

a. General Observation course: must meet the qualifications of a Basic Mediation instructor listed above, but must have GD certification

b. Family Observation course: must meet the qualifications of a Family Mediation instructor listed above

c. Circuit Court-Family Observation course: must meet the qualifications of a Circuit Court-Family Mediation instructor listed above

d. Circuit Court-Civil Observation course: must meet the qualifications of a Circuit Court-Civil Mediation instructor listed above

Mentoring Individuals Seeking Certification as a Court-Referred Mediator

a. Certification as a GD, JDR, CCC, or CCF mediator

b. Status as a mentor

c. Minimum of a bachelor's degree (a waiver may be requested)

d. Proof of at least four (4) hours of training in educating adults or other evidence of adult education experience

2-Hour Appellate Training

a. Juris Doctor and member of Virginia State Bar

b. Certification as a mediator (a waiver may be requested)

c. Appellate experience:

1) Service on the Supreme Court or the Court of Appeals of Virginia

OR

2) Objective evidence of litigating at least 10 cases in the appellate courts of Virginia, the U.S. Court of Appeals for the 4th Circuit and/or the United States Supreme Court within the last 10 years

d. Proof of at least four (4) hours of training in educating adults or other evidence of adult education experience

13. Notification of certification shall be made through letter. A letter denying certification shall state the grounds for the denial and refer 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 certification. 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 as to the reasons certification 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 before 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 certification. A decision by the Executive Secretary is final.

D. CORE COURSE TRAINER RESPONSIBILITIES

1. The certified trainer must:

   a. Ensure that the approved training agenda is followed and that all the areas listed on the course content outline are covered fully

   b. Ensure that the certified trainer is in attendance at all times

   c. Ensure that course evaluations are completed by all trainees and sent to DRS within twenty-one (21) days of completion of the training (or provide a statement as to why any evaluations are missing)

   d. Provide DRS with a calendar of all training programs that will be offered as soon as such schedule is determined.

   e. Provide all trainees who successfully complete the course a completed form ADR-1006 indicating that they have successfully completed the training program

   f. Submit requests in writing for any changes to 1) assistant trainers, 2) subject matter specialists, 3) course name or 4) course outline and/or materials, including changes in the law that affect the written materials, to DRS for approval. Allow at least thirty (30) days for DR to process the request. Approval in writing of the requested changes must be received from DRS prior to holding a training incorporating the changes.

2. All certified trainers of core courses must notify trainees of the following in writing prior to the commencement of each training (the notice may be prominently displayed at the beginning of the training materials):

   This course is certified by the Office of the Executive Secretary of the Supreme Court of Virginia. However, please note that mere attendance at this training does not guarantee successful completion of the course for mediation certification purposes. Recommendations by the certified trainer that a participant receive additional training before continuing in the certification process will be given great consideration by the Office of the Executive Secretary in evaluating a candidate for certification.

3. Additional Training: It is the responsibility of the trainer to recommend a specific remedial course of action for trainees who do not successfully complete the course.

4. It is a violation of the Training Guidelines to present a core course that fails to substantially conform to the course structure and content approved by DRS. It is a violation of the Training Guidelines to present a training program not taught by the training staff approved by DRS.

5. A certified trainer must demonstrate continued competency through the use of effective training methods and techniques, including those of the assistant trainers and subject matter specialists, to maintain certification. The trainer is responsible for maintaining ethical business practices.

6. Trainers may discuss the mediator certification requirements during training, but must limit such discussion to no more than fifteen minutes.

E. CERTIFICATON OF CONTINUING MEDIATION EDUCATION (CME) COURSES

1. CME courses are not considered in the initial certification of mediators, but are used toward recertification training requirements.

2. All CME courses must be certified by DRS to count toward recertification training requirements. The applicant must be certified to train the course and the course materials must be approved. DRS reviews applications for certification of CME courses on a case-by-case basis.

3. DRS will determine whether the applicant must be a certified mediator depending on the nature of the CME course. For most CME courses, the trainer will be required to be a certified mediator.

4. Requirements based on length of CME course:

   a. Applicants seeking DRS certification for a CME course two (2) hours or more in length must submit the following on ADR Form 2001:

      1) the course title and description

      2) the course agenda with exact times to be spent on each subject specified

      3) the course outline

      4) the course materials, including any handouts, exercises, manuals, role-plays

      5) the course evaluation form that will be used

6) the resume(s), experience, and qualifications of the trainer(s)

b. For a CME course less than two (2) hours in length, applicants must submit the following on ADR Form 2001:

1) the course title

2) statement summarizing the course content

3) the course evaluation form that will be used

4) names and qualifications of trainers

5. An applicant may not hold out a CME course as approved until it has been formally certified by DRS. **Applications for CME certification must be submitted at least thirty (30) days in advance of the training date. DRS will review applications within thirty (30) calendar days of receipt. Please note that extra time should be allotted beyond the thirty (30) days for the applicant to make any changes/revisions that may be necessary.**

F. CME COURSE TRAINER RESPONSIBILITIES

1. CME trainers are encouraged to provide DRS with a calendar of all training programs that will be offered as soon as such schedule is determined.

2. CME trainers must ensure that course evaluations are completed by all trainees and sent to DRS within twenty-one (21) days of completion of the training (or provide a statement as to why any evaluations are missing).

3. CME trainers must submit requests in writing for any changes to 1) the name of the course or 2) course outline and/or materials, including changes in the law that affect the written materials, to DRS for approval. Allow at least thirty (30) days for DRS to process the request. Approval in writing of the requested changes must be received from DRS prior to holding a training incorporating the changes.

G. BARS TO TRAINER CERTIFICATION

1. Determination of Bar

a. DRS shall consider conduct unbecoming to the profession of

mediation in determining whether the applicant should be certified as a trainer, including any complaints filed against the applicant.

b. If an applicant has a conviction of, or a guilty or nolo contendere plea to, a misdemeanor involving moral turpitude or a felony, and/or if a professional privilege has been revoked or relinquished to avoid revocation, the applicant shall be denied trainer certification. Upon written request as described in Section C.13, the Executive Secretary may reconsider the denial upon the showing of extraordinary circumstances.

c. DRS may request that an applicant provide additional information or meet with the staff of DRS to discuss information contained within the application.

d. DRS will determine whether an applicant should be certified as a trainer based on whether certification would reflect positively on the integrity of the profession, or whether the applicant could act with competence, or whether any conduct implicated would not undermine the Standards of Ethics and Professional Responsibility for Certified Mediators.

2. Self-Reporting Requirements

a. Applicants for trainer certification must acknowledge any of the following:

1) convictions of, guilty pleas to, or nolo contendere pleas to violations of the law (to include the specific code section(s) violated), including traffic violations resulting in suspension or revocation of a driver's license and DUI offenses;

2) disciplinary action related to a profession, including but not limited to mediation;

3) curtailment of professional privileges;

4) relinquishment of any professional privilege or license while under investigation.

b. An applicant against whom charges are pending that may result in any of the above actions shall likewise acknowledge that fact.

c. Where an applicant acknowledges any event described in Section G.2.a. above, the applicant must also provide:

1) information concerning the background of the offense which led to conviction, plea, discipline, curtailment of professional privileges and/or relinquishment of professional privilege or license;

2) information concerning the length of time which has elapsed since the conviction, plea, discipline, curtailment and/or relinquishment;

3) the age of the applicant at the time of the conviction, plea, discipline, curtailment and/or relinquishment; and

4) evidence of rehabilitation since the conviction, plea, discipline, curtailment and/or relinquishment.

d. If an applicant for trainer certification fails to disclose any event as required in Section G.2.a. or Section G.2.b. above, DRS has the discretion to deny the applicant trainer certification.

H. TRAINING COMPLIANCE

1. DRS will review course evaluations and results of DRS live course observations to ensure trainers of core and CME courses comply with these Guidelines. Trainees, DRS staff or its representative, other trainers and mediators may raise concerns about the trainer.

2. DRS may inform trainers of any concerns, including but not limited to concerns regarding presentation, training content, structure, course evaluations and business practices.

   a. On a case-by-case basis, depending upon the gravity and/or frequency of the concerns raised, DRS may offer in writing a course for improvement to be completed within a specified time period. The offer may include curtailment, modification or suspension of a trainer's certification to train mediators during the time period for the improvement goal to be met.

   b. If a trainer is provided such offer, the trainer shall accept or reject the offer in writing within ten (10) calendar days from the date thereof. The written response must be received by DRS within five (5) calendar days after the expiration of the ten (10) day time period.

   c. If the trainer accepts the offer of DRS, the trainer shall inform

DRS when the agreed course for improvement is completed. If the trainer's certification to train was curtailed, modified or suspended, DRS will reinstate it once completion is reviewed and DRS is satisfied the agreed goal for improvement has been met.

d. If the trainer does not accept the offer of DRS, DRS has the option of filing a formal complaint against the mediation trainer pursuant to the Complaint Procedures.

3. The procedures available herein for improvement of training shall be offered solely at the discretion of DRS. The availability herein of procedures for improvement of mediator training shall not be construed to preclude any complainant's ability to file a formal complaint under the Complaint Procedures, even when a course for improvement has begun. However, if a formal complaint is filed after a course for improvement has begun, any steps taken by the trainer under this Section toward the goal for improvement shall be considered when determining possible sanctions under the Complaint Procedures.

I. MISCELLANEOUS PROVISIONS FOR CORE AND CME COURSES

1. A trainer certified hereunder shall provide materials and present the class in a manner consistent with the Virginia Standards of Ethics and Professional Responsibility for Certified Mediators.

2. A trainer certified hereunder shall not intentionally or knowingly misrepresent a material fact or circumstance in the course of presenting a mediation training program or in the course of applying or reapplying for certification of the program.

3. Trainers must inform the DRS office of changes in mailing address, email address, and phone number promptly.

4. In addition to the initial application for certification and on-going submission of course evaluations, all certified courses shall be subject to observation and evaluation by DRS staff or its representative. Failure to allow observation and evaluation by DRS staff or its representative is a violation of the Training Guidelines.

5. Trainers must inform DRS in writing of any of the following events within thirty (30) calendar days of the event. The written notice must be received by DRS within five (5) calendar days after the expiration of the thirty (30) day time period.

a) convictions of, guilty pleas to, or nolo contendere pleas to

violations of the law, including traffic violations resulting in suspension or revocation of a driver's license and DUI offenses;

b) discipline by a professional organization;

c) curtailment of professional privileges; or

d) relinquishment of any professional privilege or license while under investigation.

A trainer against whom charges are pending that may result in any of the above actions shall likewise inform DRS of this fact within thirty (30) calendar days.

6. If a trainer fails to disclose any event as required in Section I.5. above, DRS has the discretion to revoke his or her certification. The trainer may request reconsideration by the Executive Secretary as described in Section C.13 of these Guidelines.

7. When a trainer discloses an event in Section I.5 above, DRS may curtail, modify, suspend or revoke his or her certification. If a trainer has a conviction of, or a guilty or nolo contendere plea to, a misdemeanor involving moral turpitude or a felony, and/or if a professional privilege has been revoked or relinquished to avoid revocation, the trainer's certification shall be revoked. For other events, DRS will make a determination based on whether continued certification would reflect positively on the integrity of the profession, or whether the trainer could act with competence, or whether the conduct implicated would not undermine the Standards of Ethics and Professional Conduct for Certified Mediators. DRS shall promptly notify the trainer in writing of the action taken. The trainer may request reconsideration by the Executive Secretary as described in Section C.13 of these Guidelines.

8. If a certified trainer loses his or her mediator certification, or is no longer in good standing with DRS (for example, the trainer's mediator certification has been "curtailed"), that action shall automatically result in the revocation of the trainer's certification to train. For the course to be taught, another certified mediator would have to apply for and receive trainer certification to use the course materials.

9. "Revocation" and "decertification" as used in these Guidelines mean that the trainer is no longer certified and will NOT automatically be certified once the period of time for the revocation/decertification has expired. When the revocation/decertification period expires, the trainer is uncertified. If the uncertified trainer seeks trainer certification, he or she must reapply.

10. A trainer whose certification was revoked may reapply for initial certification after two (2) years from the date of the revocation/ decertificaton, or after the time frame otherwise imposed by the revoking entity.

11. Conviction of or guilty or nolo contendere plea to a misdemeanor involving moral turpitude, conviction of or guilty or nolo contendere plea to a felony, and/or revocation or relinquishment to avoid revocation of a professional privilege are permanent bars to certification as a trainer. (Upon written request as described in Section C.13., the Executive Secretary may reconsider the permanent bar upon the showing of extraordinary circumstances.)

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20-Hour Basic Mediation Training

I. Mediation in Context (minimum 1 hour)
   A. Conflict Theory
      1. Understanding Conflict
      2. Conflict Styles
   B. Conflict Resolution Continuum
      1. Definitions and Comparisons of Different Forms of Dispute Resolution
         a. Negotiation
         b. Hybrids
         c. Arbitration
         d. Litigation
      2. Where Particular Dispute Resolution Processes are Appropriate
   C. History and Theory of Mediation
      1. What is Mediation?
      2. Why Mediation Works
      3. When Mediation is Appropriate
   D. Styles of Mediation
      1. Broad to Narrow
      2. Evaluative to Facilitative
      3. Transformative
      4. Directive

II. Mediation Process (minimum 3 hours)
   A. Case Management and Determination of Appropriateness
   B. Stages of Mediation
   C. Mediator Roles and Responsibilities in Each Stage
   D. Process Followed by the Mediator
   E. Impact of Lawyers and Other Professionals on the Process
   F. Mediation Statutes (including statutes regarding mandatory reporting of child abuse and to whom to report)

III. Role-plays (minimum 8 hours)
   A. Preparation
   B. Role-playing
   C. Debriefing

IV. Mediation Skills and Techniques (minimum 3 hours)
   A. Communication – Verbal and Non-verbal
   B. Barriers to Communication (e.g., angry parties, cultural differences)
   C. Active Listening
   D. Paraphrasing and Reframing

E. Use of Questions
F. Building Rapport
G. Summarizing
H. Caucus
I. Empowering Parties
J. Reality Testing
K. Dealing with Difficult Issues
L. Impasse

V. Agreement Writing (minimum 2 hours)
   A. Elements of Clear and Comprehensive Agreements
   B. Unauthorized Practice of Law Issues

VI. Standards of Ethics (minimum 2 hours)

VII. Certification Requirements Including Mentorship Component (maximum 15 minutes) (indicate where guidelines for certification and mentorship guidelines are available online)

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4-Hour Virginia Judicial System Training

The overview of the sections could be done in straight lecture. Although every trainer has a different style in designing a training program, it is clear that adults do best with a variety of training methodologies. Thus, it is suggested that the lecture portion of the training be kept to a minimum. Having a panel available to answer questions would be helpful, as would the idea of a mediator, judge, and local attorney dialogue on particular topics. Issue spotting exercises and flow charts may also be considered, depending on the size of the audience. If a videotape is used, it should be no longer than one hour in length.

I. Jurisdictional Issues
   A. Overview of each level of court and possible method of referral from each (with a focus on Juvenile and Domestic Relations District, General District, and Circuit Courts; mention appellate levels and briefly distinguish federal system)
   B. Discussion of how a referral to mediation may be generated by the Magistrate system
   C. Discussion of the role of the courts' support personnel (clerks, intake, court service units, and others) and the critical role these individuals play in integrating mediation into the system
   D. Overview of Sections 8.01-576.4 et. seq. in the Code of Virginia

II. Procedural Issues
   A. Discussion of specific process issues (note local court procedures) including:
      1. Normal course of a case from filing to appeals
      2. Referral process to mediation from each court
      3. What happens after an agreement is reached (consent order is entered, charges are dropped, continuance granted)
      4. How parties get a continuance for the purpose of pursuing mediation
      5. How criminal cases may be involved in mediation (i.e. the role of the Commonwealth's Attorney, how charges may be dropped if a case is referred and resolved)
      6. How to handle protective orders
      7. How to handle mediator communications with the court
      8. Role of Commissioners in divorce cases
      9. How court appearances are scheduled at each level (continuance, return date)

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20-Hour Family Mediation Training

I. Review of Mediation Process (minimum .5 hour)
Overview of Mediation Process/Stages
Brief Comparison of Family Mediation with General Mediation

II. Overview of Custody and Visitation (minimum 1 hour)
- A. Family Systems
  1. Never Married Parents
  2. Absent Parents
  3. Grandparents and Other Relatives
- B. Social, Emotional, and Psychological Aspects of Custody and Visitation
  1. Adult Issues
  2. Child Issues
- C. Values and Bias Awareness
  1. Personal
  2. Societal

III. Overview of Divorce and Separation (minimum .5 hour)
- A. Grounds for Divorces
- B. Contested and Uncontested
- C. Stages of Divorce
- D. Role of Lawyers, Experts, Guardians ad Litem

IV. Assessing Appropriateness for Mediation (minimum 1 hour)
- A. Conducting the Dispute Resolution Orientation Session
- B. Screening for Domestic Abuse, Child Abuse, Alcohol Abuse, Mental Competency and Capacity, and Other Factors
- C. Mediation Ethics and Statutes (including statutes regarding mandatory reporting of child abuse and to whom to report)

V. Parenting Issues (minimum 2 hours)
- A. Types of Custody
  1. Best Interests of the Child
  2. Child Development
  3. Statutes
- B. Parenting Arrangements

VI. Support Issues (minimum 1 hour)
- A. Child Support
  1. Why it matters and how it relates to Parenting Issues

2. Introduction to the Guideline for the determination of child support, and the Child Support Guideline Worksheets
3. Impact of DCSE Involvement

VII. Property Issues (minimum .5 hour)
- A. Assets
- B. Liabilities

VIII. Communication and Specialized Techniques (minimum 1 hour)
- A. Impasse
- B. Dealing with Strong Emotions
- C. Caucus

IX. Memorandum/Agreement Writing (minimum 1 hour)
- A. Writing Clear, Comprehensive Memoranda
- B. Unauthorized Practice of Law Issues

X. Ethics (minimum 1 hour)

XI. Role-play (minimum 8 hours)
- A. Demonstration
- B. Role-plays
- C. Debriefing

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8-Hour Support Matters in Virginia's Family Courts

I. Mediating Support Issues (minimum 5 hours)
   A. Income Share Model of child support, approach used in VA and many states
   B. Basic monthly child support obligation
      1. Statutory schedule – based on parents' combined gross income and number of children, specifies different support amounts for different income levels.
      2. Deviations
   C. Guidelines – how to select from three primary models with day-counting based on custody and visitation agreement or parenting plan
      1. Running Sole guidelines
      2. Running Shared guidelines
      3. Running Split guidelines
      4. Complex guidelines (advanced)
   D. Calculating income – what is statutorily defined as income and what is not, specifying deductions and exclusions to determine an individual's financial resources.
      1. Gross monthly employment income
      2. Self-employment income and differences with tax liability
      3. Social security benefits / income
      4. Adjustments for other children and/or spousal support
   E. Income adjustments
      1. Healthcare costs
      2. Daycare costs
   F. Special Considerations
      1. Military leave and earning statement
      2. Tax implications
      3. Imputing income – understanding factors involved
   G. Spousal Support – *pendente lite* petitions depending on jurisdiction

II. Role-play (minimum 3 hours)
   A. Demonstration
   B. Role-plays
   C. Debriefing

In addition to lecture and classwork, an experiential component of scenario work and hands-on interaction with the child support guidelines is required to assist trainees in understanding the math and complexity of these issues. All trainees must produce at least 3 (three) complete child support worksheets and 2 (two) corresponding written

agreements, using the DC-631 form as an example. The worksheets may be developed in class or as homework and should be reviewed for accuracy by the trainer, or qualified individual (i.e. mentor, family law attorney, DCSE personnel) in contact with or assisting the trainer. The Special Considerations in section I.F. may be discussed as time permits or based on geographic need or trainee interest.

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SUPREME COURT OF VIRGINIA

8-Hour Screening for and Dealing with Domestic Abuse in the Context of Mediation Training

I. Overview (minimum 1 hour)
   A. Spectrum of domestic abuse and the cycle of violence
   B. Scope of the domestic abuse problem
   C. Views regarding the use of mediation in cases in which domestic abuse has existed
   D. How to identify cases where there has been domestic abuse
   E. Relevant statutes related to domestic violence, the mediation statutes regarding the dispute resolution orientation session, and the ethical rules related to assessing the appropriateness of a case for mediation
   F. Model Code on Domestic Violence, the AFM Guidelines regarding domestic violence, and the Commission on Family Violence Reference Manual

II. Initial Screening (minimum 2 hours)
   A. Why screening is important (the ethical obligation to determine issues related to balance of power, coercion, and voluntariness and assess appropriateness of case for mediation
   B. How to conduct screening (use of separate sessions, screening instruments)
   C. What to do with information once screening is conducted
      1. Deciding not to mediate where abuse is disclosed
      2. Deciding to mediate where abuse is disclosed, but with procedural modifications (conditional mediation)
   D. Referral to other sources

III. Ongoing Screening (minimum 2 hours)
   A. How to address abuse issues that are disclosed or suspected during mediation
   B. When and how to terminate where the decision is made that mediation is inappropriate

IV. Safety Issues (minimum 1 hour)
   A. Setting up the mediation
   B. Conducting the mediation
   C. Terminating the mediation
   D. Mediator safety
   E. Safety of other parties at the mediation

V. Other Issues (minimum 1 hour)
    A. How to deal with allegations of child abuse (statute regarding mandatory reporting of child abuse and to whom to report)
    B. Legal issues around domestic violence (protective orders, court process)
    C. Power issues (voluntary participation, good faith, ability to negotiate)
    D. Confidentiality of mediation proceedings
    E. Other types of domestic abuse (elder abuse, sibling abuse, cultural awareness)
    F. Mediation versus crisis intervention
    G. How to network with domestic violence advocates/shelters

An experiential component is required to assist trainees in understanding the complexity of these issues. It is recommended that a screening demonstration be provided. All trainees must participate in a role-play in which they serve as a screener. A second role-play involving abuse discovered during the mediation and subsequent termination must also be offered.

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8-Hour Mediation Observation Training

Each observation course should be designated as appropriate for those seeking certification at a particular level; i.e., the General District Court level, the J&DR District Court level, the Circuit Court-Family level or the Circuit Court-Civil level. An individual seeking Circuit Court-Civil level, for example, will not be given credit for attending a General District Court level observation training. The demonstrations and role-plays must be specific to the level of court for which the observation course is intended.

I. Review of the mediation process

II. Opportunity for students to view two complete mediations, at least one of which is a live demonstration conducted by a certified mediator

III. Opportunity for students to debrief following the mediations

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20-Hour Circuit Court-Civil Mediation Training

I. Overview of Mediation Process

II. Negotiation Theory and Practice

III. Mediating Complex Civil Disputes
- A. Planning and Preparation
  1. Roles of Lawyers
  2. Collaborative Negotiating
- B. Role of Experts/Other Third Parties
- C. Skills and Techniques
  1. Caucus/Shuttle Diplomacy
  2. Role of/Need for Substantive Knowledge
  3. Impasse

IV. Facilitating Multi-Party Meetings
- A. Planning and Preparation
  1. Logistics/Information Gathering
  2. Getting the Right People to the Table
  3. Developing the Agenda and Ground Rules
  4. Settlement Authority, Hidden Agendas
- B. Skills and Techniques
  1. Building Rapport and Credibility
  2. Facilitation Skills
  3. Multiple Parties
  4. Dealing with Resource People
  5. Consensus Building
  6. Understanding the Relationship of a Defense Attorney and His/Her Client to the Client's Insurance Carrier
  7. Recognizing Common Negotiation Techniques and Tactics and How to Handle Them

V. Agreement Writing

VI. Standards of Practice

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12-Hour Circuit Court-Family Mediation Training

I. Legal and Procedural Aspects of Divorce in Virginia
   A. Grounds for Divorce
   B. Contested and Uncontested Divorce
   C. Stages of Divorce

II. Overview of Child Support

III. Overview of Spousal Support

IV. Overview of Legal Issues in Equitable Distribution
   A. The Four-Step Model
   B. Issue of Marital and Separate

V. Debt Issues and Bankruptcy Issues

VI. Specific Assets
   A. Tangible Personal Property
   B. Real Estate
   C. Bank Accounts
   D. Stocks, Bonds, Miscellaneous Investments
   E. Business Interests
   F. Life Insurance
   G. Retirement/Deferred Compensation

VII. Tax Issues

VIII. Process Issues and Facilitating Decision Making
   A. Planning/Information Gathering
   B. Identification of Issues/Goals/Options
   C. Dealing with Impasse
   D. Caucusing
   E. Balancing Power
   F. Empowering Parties
   G. Enhanced Communication Techniques
   H. Handling Anger and Strong Emotions

IX. Use of Experts, Role of Attorneys, Multi-Party Mediation

X. Agreement Writing

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4-Hour Mentoring Individuals Seeking Certification as a Court-Referred Mediator Training

As with other certified courses, a mixture of lecture, role-play, demonstration, exercises, and discussion is useful.

I. Review of Mentor Guidelines/Procedures (1 hour)
How to Complete Mentee Evaluation Form and Mentee Portfolio Form

(This segment must include the entire Mentor Guidelines packet developed by Dispute Resolution Services and available on the Supreme Court of Virginia website)

II. Role of Mentor (30 minutes)
Mentor Responsibilities to Mentee

III. Pre-Mediation Planning (30 minutes)
Co-Mediation Model
Post-Mediation Debriefing

IV. Tips and Techniques for Providing Constructive Feedback (2 hours)

(This segment should include role-plays or vignettes to enable the trainees the opportunity to consider challenging mentoring situations and practice providing feedback effectively to mentees)

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2-Hour Appellate Training

I. Rules and Procedures (minimum .5 hours)
   A. Supreme Court of Virginia (SCV)
   B. Court of Appeals of Virginia (CAV)

II. Current Practices / Standards of Review (minimum .5 hours)
   A. SCV
   B. CAV

III. Recent Statistical Outcomes by Case Type (minimum .5 hours)
   A. SCV
   B. CAV