

# Montana Mediation Association (MtMA)

## Certified Mediator Qualifications Certified Family Mediator Qualifications Certified Elder Care Qualifications

These qualifications are intended for all Certified Mediators as conferred by the Montana Mediation Association (MtMA). These qualifications are considered basic in training content and skills, and presuppose a solid foundation of competencies gained through training, observation, practice, supervision, experience and continuing education.

Once a mediator learns skills through effective training, those skills become the groundwork for the development of mediator competencies. Competencies, such as maintaining neutrality, balancing power, being sensitive to cultural values, controlling the process and practicing within one's competencies, are difficult to measure.

This document is designed to set forth the minimum skills, training and experience, and competencies for a MtMA Certified Mediator.

MtMA Qualifications are recommended for all mediators with the exception of those mediators whose functions are already recognized and prescribed in statutes, in executive, judicial or administrative rule, or through qualifications established by executive branch agencies providing mediation assistance. Family mediators, although currently recognized by statute, are intended to be included in these Standards.

### QUALIFICATIONS FOR CERTIFIED MEDIATORS

MtMA requires a Certified Mediator (CM):

1. to have effective communication skills;
2. to be trained in "basic" mediation skills;
3. to have had observations of mediations, mentoring/consultations, supervised mediations, comediation and solo-mediation experience;
4. to have continuing educational experiences annually
5. to ascribe to MtMA Code of Ethics and Standards of Practice;
6. to fulfill the additional requirements for specialized practice.

#### (1) COMMUNICATION SKILLS

A Certified Mediator (CM) must have effective communication skills.

#### (2) MEDIATION TRAINING CONTENT AND SKILLS

Training content for a Certified Mediator (CM) will consist of the following:

- A minimum of 40 hours/5 working days of mediation training, or its equivalent\*, to include:
  - Ethics (minimum of 2 hours)

- Principles and Philosophy of Mediation
- Mediation Fundamentals
- Skills
- Role Play
- Conflict Theory
- Assessment - External Evaluation
- Agree to follow the MtMA Code of Ethics and Standards of Practice

**(3) EXPERIENCE**

After training, experience shall consist of the following:

Observation:

A minimum of 8 hours to include observation of at least two mediations and post-mediation briefings conducted by a minimum of at least two Certified Mediators approved by the MtMA Qualifications Committee.

Co-Mediation or Supervised Mediation:

A minimum of 8 hours participation in at least 2 supervised or co-meditations and post-mediation briefings with a Certified Mediator approved by the MtMA Training Committee; and

Mentoring/Consultation:

A minimum of 5 hours mentoring/consultation with a Certified Mediator approved by the MtMA Training Committee, preferably regular consults and debriefings with said mentor or the equivalent\* as approved by the board.

The foregoing experience is to be completed within one year of completion of Basic Mediator Training.

**(4) CONTINUING EDUCATION**

MtMA requires a minimum of 15 hours per year of continuing education in mediation, conflict resolution and related topics. This may include workshops, reading, peer consultation, video or audio tape review, and lecture as well as a mentoring component. The CM must maintain a record of the continuing education training.

**(5) MtMA CODE OF ETHICS AND STANDARDS OF PRACTICE**

The MtMA Code of Ethics and Standards of Practice for Certified Mediators is a separate document.

**(6) TRAINING AND EDUCATIONAL REQUIREMENTS FOR SPECIALIZED PRACTICE**

Qualifications for specialized practice, such as family mediation, are identified below:

**QUALIFICATIONS FOR CERTIFIED FAMILY MEDIATORS**

These are the requirements for a Certified Family Mediator in the Montana Mediation Association.

**(1) EDUCATION AND EXPERIENCE**

Before an individual begins training for Family Mediation, that person shall meet the following threshold qualifications:

- A) Hold a degree from a four-year undergraduate program, and
- B) Have at least five-year's experience in a human services field.

The Montana Mediation Association requires that a person specializing and practicing in Family Mediation have five years' experience working with people. Examples of qualifying experience would include five years as: an attorney in family law; a counselor working with families; a minister with experience including family-related pastoral counseling. In contrast, a family law attorney who worked exclusively on appellate court briefs would not meet the experience requirement.

After training, Experience consists of the following:

Co-mediation, at least 8 hours in 4 family cases.

## **(2) FAMILY MEDIATOR TRAINING AND SKILLS**

Training for Family Mediators will consist of the following:

Completion of the training requirements for a Montana Mediation Association Certified Mediator, plus three days (24 hours) of mediation training geared to Family Mediation, including but not limited to, training in interpersonal conflict, gender issues, communication processes, family law, and ethics relevant to conflict involving a child

## **(3) CONTINUING EDUCATION**

In addition to the requirements for CM recertification, CM/F recertification requires at least 3 hours of continuing education per year, in issues such as child development, family dynamics, psychopathology, drug and alcohol abuse, and domestic violence issues.

## **(4) MTMA ETHICAL STANDARDS**

MtMA Certified Family Mediators shall adhere to the MtMA Code of Ethics and Standards of Practice in Montana.

# **QUALIFICATIONS FOR CERTIFIED ELDER CARE MEDIATORS**

These are the requirements for a Certified Elder Care Mediator in the Montana Mediation Association.

QUALIFICATIONS FOR CERTIFIED MEDIATOR WITH ELDER CARE DESIGNATION (CM/E) requires a Certified Mediator (CM):

- (1) to have effective communication skills;
- (2) to be trained in "basic" mediation skills;
- (3) to have had observations of mediations, mentoring/consultations, supervised mediations, co-mediation and solo-mediation experience;
- (4) An additional Twenty-four hours of training geared to Elder Care Mediation, including but not limited to, training in estate law, probate, diseases of the elderly, interpersonal conflict, gender issues, communication processes, family law, and ethics relevant to conflict involving an elder;
- (5) to have continuing educational experiences annually;
- (6) to ascribe to MtMA Code of Ethics and Standards of Practice.

## **CONTINUING EDUCATION**

In addition to the requirements for CM recertification, CM/E recertification requires at least 3 hours of continuing education per year, in issues such as family dynamics, psychopathology, drug and alcohol abuse, estate law, probate, diseases of the elderly, interpersonal conflict, gender issues, communication

processes, family law, and ethics relevant to conflict involving an elder with a minimum 1 hour of training in elder abuse.

## **\*EQUIVALENCY & RECIPROCITY**

In exceptional cases, applicants may be awarded the CM designation upon their request to submit alternative training or experience or to have a requirement waived. This will be considered when the applicant has demonstrated an exceptional and long-term commitment, competency and involvement in the field of mediation. A review of the applicant's competency may include direct or recorded observation. Such exceptions shall be reviewed on a case-by-case basis by the Qualifications Committee and shall be approved by a consensus of the full Board of Directors.

### **COMPETENCIES**

Some of the competencies expected of a practicing mediator may be difficult to measure empirically; however, it is believed these competencies will be gained through the above training, observation, practice, supervision/mentoring, experience and continuing education.

#### Information Gathering:

Intake, screen, conflict assess, fact find, identify issues, explore interests, deal with complex factual situations, and track information.

#### Relationship Skills:

Have empathy, build rapport, establish trust, maintain neutrality, listen sympathetically, question appropriately, recognize and handle power imbalances, function as a fulcrum to achieve equity for the disputants.

#### Communication Skills:

Listen "actively", paraphrase, reframe, question, clarify, and identify areas of common ground. Advanced skills include: guide, use neutral language, and understand nonverbal communication.

#### Problem Solving Skills:

Identify, analyze, prioritize, deconstruct and brainstorm potential solutions to issues, collect data, frame issues, "reality test" the consequences of proposed solutions to issues, identify areas of agreement and disagreement, and identify and explore other alternatives (where do we go from here?) if mediation is unsuccessful.

#### Recognize power imbalances:

Screen for the presence and possibility of physical, sexual, and emotional violence and apply reasonable protective measures for all participants during mediation sessions.

#### Interaction and Conflict Management:

Reduce tensions, balance power, refocus, confront, strategize, caucus, empower, redirect, handle strong emotions, and control the process.

#### Professional Skills:

Write a lucid, coherent, specific and balanced agreement or memorandum of understanding; know and keep current with applicable laws; know the institutional context (i.e. for family mediators: the court system, laws and legal procedure for divorce and parenting plans); know mediator's responsibility; answer questions concerning the processes of mediation, arbitration, adjudication, and counseling intelligently; work with other professionals.

Ethics/Values:

Be sensitive to parties' cultural values; be honest and nonjudgmental; have respect for the mediation process; have respect for the parties' rights to self-determination and empowerment, respect for the individual's responsibility for her/himself, and respect for the importance of the individual's participation; abide by the MtMA's Standards of ethical practice; practice within one's competency; know appropriate resources; have appropriate boundaries both within the mediation process and beyond; be conscious of and practice neutrality, confidentiality, voluntarism and empowerment. A mediator must not engage in conduct that is considered contrary to professional standards of justice, honesty and ethics, including but not limited to misrepresentation of credentials, criminal convictions that may compromise professionalism, crossing of professional boundaries, and truth in advertising.

Self Knowledge:

Have an aware, secure self concept, a sense of humor, patience, emotional stability; have the ability to handle high degrees of conflict; know one's boundaries and competencies; be able to accept feedback and self-correct (learn from one's experiences); be able to attend well to other's needs without projection of own biases or hidden agendas; have empathy and compassion, neutrality and impartiality, and attentiveness; have life skills and common sense ("grey-hair factor").