

The Supreme Court of Ohio

COMMISSION ON DISPUTE RESOLUTION & DISPUTE RESOLUTION SECTION

TRAINING PROGRAM STANDARDS – SPECIALIZED DOMESTIC ABUSE ISSUES AND MEDIATION

I. Purpose

To set forth fundamentals of domestic abuse issues and mediation standards for Rule 16.23 of the Rules of Superintendence for the Courts of Ohio.

(Training program sponsors may apply for Rule 16 training program approval by submitting the “Application for Training Program Approval” located on the [Dispute Resolution Section’s website](#))

II. General

A domestic abuse issues training program shall last a minimum of 14 hours, not including welcome, introductions, breaks and closing remarks.

Materials (written or electronic) shall be distributed to all participants prior to or at the training program.

III. Faculty Qualifications

Faculty shall be qualified by education, or have the necessary practical skills to conduct the program effectively in accordance with standards set by the Supreme Court of Ohio Dispute Resolution Section. A sponsor shall have an ongoing duty to report any activity, criminal or otherwise that would adversely affect the faculty’s ability to perform the functions of faculty delivering a training program.

IV. Training Program Methodology

A combination of at least three of the following teaching techniques shall be utilized:

1. Lecture;
2. Group discussion;
3. Written exercises/activities (drafting mediation documents such as confidentiality agreement, memorandum of understanding, etc.);
4. Mediation demonstration;
5. Role plays.

V. Training Program, Minimum Requirements

A. The following categories shall be addressed for the minimum time specified for each subject (examples of topics that meet the requirement are listed under each category):

1. Mediation Process (minimum of 180 minutes/3 hours)
 - a. Uniform Mediation Act (R.C. 2710)
 - b. Stages of Mediation
 - Stage One: Pre-mediation
Screening (ripeness, domestic abuse, appropriateness), developing a mediation strategy (i.e., room set up, discuss necessary documents and/or other information), etc.
 - Stage Two: Introduction
Introductions, ground rules
 - Stage Three: Fact Finding
Telling of stories, problem identification, clarification, re-framing, mediator summary
 - Stage Four: Issue Identification
Mediator identifies and clarifies presenting and underlying issues
 - Stage Five: Generation and Selection of Solutions
Parties propose, evaluate, and select solutions
 - Stage Six: Summarization and Conclusion
Mediator summarizes and outlines next steps, memorializing agreement(s)
 - c. Other
2. Screening & Procedures (minimum of 360 minutes/6 hours)
 - a. Methods of Screening for Violence or Fear of Violence
 1. Document Review
 2. On-site written questionnaires
 3. Face-to-face separate interviews
 4. Caucus if abuse an issue or suspected during mediation
 - b. Challenges and Benefits of Mediating Family Matters when Domestic Violence Exists
 - c. Assessing Capacity to Mediate
 1. Voluntariness
 2. Informed consent
 3. Full disclosure
 4. Withdrawal from mediation
 5. Separate rights and needs
 6. Mediation agreements
 7. Absence of cognitive or emotional impairment
 8. Absence of drug or alcohol abuse
 - d. Knowing the Context of the Dispute
 1. Relationship of the parties
 2. Duration of the problem
 3. Ranking the issues

4. Cultural influences
5. Power imbalances
6. External factors
- e. Termination of Mediation
 1. Crisis/Danger Assessment
 2. Preparing the Party at Risk
 3. Preparing the Abusive Party
- e. Conditions of Mediation
 1. Essentials (safety, free from coercion)
 2. Designing Conditions for mediation to proceed
 3. Office Safety
 4. Contracting to Mediate
 5. Decision-making
 6. Building in Physical Safety in Custody and Visitation Arrangements
 7. Rules Regarding Contact
 8. Prevention of Serious Violations of Custody Agreements and Child Abduction
 9. Beyond Physical Safety: Building in Freedom from Fear and Control
 10. Closing Mediation
- f. Power and Influence
 1. Sources of a Party's Power
 - a. Coercive Threats
 - b. Rewards
 - c. Emotional
 - d. Rational/Logical
 - e. Calling for Sense of Fairness
 - f. Association
 - g. Information
 2. Sources of Mediator Power
 - a. Formal Authority
 - b. Expertise/Information
 - c. Associational Power
 3. Procedural Power
 - a. Ability to move people from positional bargaining to interest-based bargaining
 - b. Control over agenda formation and mediation process
 - c. Control over structure of communication (i.e., ability to call a caucus)
 - d. Control over room setup
 4. Mediator's Exercise of Power
 - a. Empowering parties
 - b. Procedural equity
 - c. Reinforcing (awards, sharing information, response to interests, exploring BATNA)
 - d. Intercedes (when threats, intimidation, coercion, etc., are present)

- e. Review short and long-term needs
 - f. Can stop mediation
 - g. Resources
 - h. Other
3. Dynamics of Domestic Abuse (minimum of 300 minutes/5 hours)
- a. Policies regarding Domestic Violence and Custody Mediation
 - 1. Definitions of Domestic Abuse and Family Violence
 - 2. NCJFCJ Model Code
 - 3. State law
 - 4. Court rules
 - 5. Local agency policy and procedures
 - b. Domestic Abuse
 - 1. Behavioral Characteristics of Domestic Abuse
 - 2. Power and Control Wheel (Duluth)
 - 3. Stay/Leave Decisions
 - 4. Violence among Ethnic Minorities
 - c. The Impact of Domestic Abuse on Children
 - 1. Protective factors and other risk factors
 - 2. Frequency and severity of the abuse
 - 3. Exposure and involvement
 - 4. Developmental stage of the child
 - 5. Gender of the child
 - d. Safety Planning
 - 1. Principles of Safety Planning
 - 2. Phases of Safety Planning
 - 3. Safety at Home
 - 4. Safety at Work
 - 5. Safety at Court
 - 6. Safety planning for children
 - 7. Document abusive incidents
 - 8. Domestic Violence Resources
 - 9. Referral to support services
 - d. Other

VI. Approval

Any mediation training program approved by the Supreme Court of Ohio Dispute Resolution Section as meeting these standards is approved for a period of two calendar years. However, the trainer shall submit a listing of scheduled courses at least 45 days before each course, giving the date, time, location, and cost, if applicable of the training program. Any material change in the course (such as a change in a primary trainer, expert or the curriculum) requires a new application to the Supreme Court of Ohio Dispute Resolution Section.

VII. Revocation of Approval

The Supreme Court of Ohio Dispute Resolution Section has the right to audit approved training programs during the period for which the training program has been approved. Such an audit may include, but is not limited to: attendance of any part of the course, examination of evaluation forms, examination of curriculum and written materials, and interviewing participants. Approval of programs which are determined to no longer comply with these standards and/or the “Obligations and Responsibilities for Sponsors” outlined in the *Instructions, Obligations, and Responsibilities for the Approval of Required Dispute Resolution Trainings under the Supreme Court Rules of Superintendence for the Courts of Ohio* will be revoked.