

Readopt with amendment Fam 600, effective 4-2-18 (Document #12507, Interim), to read as follows:

CHAPTER Fam 600 INITIAL CERTIFICATION OF FAMILY MEDIATOR TRAINING PROGRAMS

PART Fam 601 SCOPE OF THIS CHAPTER

Fam 601.01 Scope. These rules shall apply to individuals and business entities seeking initial certification to operate mediator training programs as defined in RSA 328-C:2, III.

PART Fam 602 DEFINITIONS

Fam 602.01 Definitions.

(a) “Advanced mediation” means a continuing education program designed to improve the mediation skills of experienced mediators approved by:

- (1) The Association for Conflict Resolution; or
- (2) The board.

(b) “Authorized signer” means the director or a designee of the director authorized to sign documents on behalf of a family mediator training program.

(c) “Basic course” means the training course described in Fam 604.02.

(d) “Caucus” means a meeting of the mediator with only one of the mediation parties.

(e) “Core mediation training” means the training described in Fam 303.05.

(f) “Director” means the certified family mediator designated by the training program to be responsible for the design and presentation of the basic course and any other courses offered by the training program.

(g) “Fair use doctrine” means the legal doctrine which permits partial or limited reproduction of work protected by copyright for the purpose of fostering public interests such as criticism, education, and scholarship.

(h) “Family case” means a case concerning divorce or parenting issues or both.

(i) “Family section advanced practitioner member of the Association for Conflict Resolution” means a mediator who has met the mediation training, domestic violence awareness training, and mediation experience requirements of that organization.

(j) “Model Standards of Practice for Family and Divorce Mediation” means the “Model Standards of Practice for Family and Divorce Mediation” developed by The Symposium on Standards of Practice and finalized on August 5, 2000, and available as noted in Appendix II.

(k) “Reframing” means the process of redefining a situation or seeing a conflict in a new way.

(l) “Role-play” means a training technique in which students take the role of a mediator or mediation client(s) in a prescribed scenario.

(m) “Specialist” means an individual providing a non-mediation component of a mediation training course, including, but not limited to, components relating to law, financial issues, or domestic violence.

(n) “Trainer” means a certified family mediator who trains or assists in training other family mediators or individuals seeking to become certified as family mediators.

PART Fam 603 APPLICATION PROCEDURES FOR INITIAL CERTIFICATION OF TRAINING PROGRAMS

Fam 603.01 Application Procedures.

(a) A training program seeking initial certification shall complete and submit an application packet consisting of:

- (1) A completed application form as further described in Fam 603.02;
- (2) The supporting materials specified by Fam 603.03; and
- (3) The application fee for initial certification required by Fam 304.01(c).

(b) The board shall not consider an application to certify a training program until a completed application packet has been received by the board's office.

(c) In accordance with RSA 541-A:29, I, the board shall, within 30 days of the receipt of the material specified in paragraph (a) above, notify the applicant if the application is incomplete or if the board requires additional information or material for the purpose of determining the applicant's qualifications for certification.

(d) Any notification provided under paragraph (c) above shall specify in writing the additional information or material that the applicant is required to submit.

(e) The board shall deny the application if the applicant does not submit the requested additional information or material within 45 days of the board's notification.

(f) The board shall approve or deny an application within 60 days of receiving a completed application packet and any additional information or material requested pursuant to (c) above.

(g) The board shall deny an application if the applicant fails to:

- (1) Comply with the application procedures; or
- (2) Meet the program components and standards set forth in Fam 604.01, as evidenced by the application form and the supporting materials submitted.

(h) The board's denial shall be issued in a letter to the applicant stating:

- (1) The denial;
- (2) The reason for the denial; and
- (3) The right of the applicant to challenge the denial by requesting a hearing within the applicable time period set forth in (i) below.

(i) An applicant wishing to challenge the board's denial of the application shall make a written request for a hearing of the challenge:

- (1) Within 30 days of the date on the notice of denial; or
- (2) If the applicant is an individual seeking to operate a training program and on active military duty outside the United States, within 30 days of the applicant's return to the United States or release from duty, whichever occurs later.

(j) Certification of a training program issued pursuant to this chapter shall be valid for a period of 3 years unless earlier terminated by the board for:

- (1) Failure of the program to maintain the program components and standards required by Fam 604.01;
- (2) Failure of the program to comply with reporting requirements established in Fam 600;
- (3) Failure of the program to have as a director an individual meeting the requirements of Fam 604.09;
- (4) Suspension of the certification of the director;
- (5) Violation of Fam 500 by the director or members of the training staff;
- (6) Fraud or deceit in obtaining or attempting to obtain certification; or
- (7) Violation by the program, the director, or a member of the training staff, of federal or state law prohibiting discrimination or other applicable federal or state law.

Fam 603.02 Application Form.

(a) The application form, "Training Program Application for Certification", provided by the board shall:

- (1) Be completed by typing or legibly printing in ink; and
- (2) Have all sections completed or designated as not applicable.

(b) The individual applying for certification to operate a training program or the representative of the business entity applying for such certification shall provide the following on the "Training Program Application for Certification" form:

- (1) Identification in the form of:

- a. The name of the individual or business entity;
 - b. Other names the training program has use in the last 5 years, the dates any such name was used, and the reason for using a different name at that time;
 - c. The business address, business telephone number, and website, if applicable, of the individual or business entity;
 - d. The e-mail address for the individual or business entity, if there is one;
 - e. If it is a business entity that seeks certification, the name of the representative, the relationship of the representative making the application to the business entity seeking certification,
 - f. The business address, business telephone number, and website, if applicable, of such representative;
 - g. The name of each member of the training program’s staff and indication of any of the following roles each has:
 1. Director;
 2. Trainer;
 3. New Hampshire law specialist; or
 4. Domestic violence specialist; and
 - h. For each person identified under g. above, the following applicable forms:
 1. “Staff Information: Director” form, effective September 2018;
 2. “Staff Information: Trainer” form, effective September 2018;
 3. “Staff Information: NH Law Specialist” form, effective 2018; or
 4. “Staff Information: Domestic Violence Specialist” form, effective 2018.
- (2) The signature of the authorized signer below the following pre-printed statement:
- “I certify that the information provided on this application form for renewal of certification and the materials provided to support the application are, to the best of the signer’s knowledge and belief, true, accurate, complete and unaltered. The signer acknowledges that, pursuant to RSA 641:3, the knowing making of a false statement on the application form is punishable as a misdemeanor. The signer also acknowledges that the provision of false information in the application is a basis for disciplinary action by the Board.”; and
- (3) The date the signature is placed on the application form.

(c) The signature shall constitute:

- (1) The certification that the information provided on the application form and the materials provided to support the application are, to the best of the signer's knowledge and belief, true, accurate, complete, and unaltered; and
- (2) The acknowledgement that, pursuant to RSA 641:3, knowingly making a false statement on the application form is punishable as a misdemeanor.

Fam 603.03 Supporting Materials. A training program applicant for certification shall submit the following materials to support the application:

(a) An agenda as described in Fam 604.05(e) showing, on a daily basis, the clock times at which the various components of the basic course will be addressed;

(b) A separate strategy sheet as described in Fam 604.05(f) for each of the types of knowledge and skills listed in Fam 604.04;

(c) For all role-play scenarios intended to be used by the program, a statement describing how each is incorporated into the training agenda and program schedule;

(d) The student manual described in Fam 604.07;

(e) For the director and each trainer:

(1) His or her family mediator certification number;

(2) A statement describing:

- a. Which portions of the training he or she will present; and
- b. His or her qualifications to present such portions; and

(3) To show completion of the continuing education required by Fam 604.09(d) and Fam 604.10(d), a certificate issued by the course provider for each course taken, showing:

- a. The name of the course provider;
- b. Whether participation was through attendance at a live presentation;
- c. The topic(s) covered by the course; and
- d. The date and number of hours of the course;

(f) For the director:

(1) Documentation of the 50 hours of experience as a presenter required by Fam 604.09(b) in the form of:

- a. The brochure(s) describing the workshop(s), seminar(s), or course(s) at which presentations were made;
- b. One or more certificates issued by the event provider(s) showing:
 - 1. The name of the provider(s) of the event(s);
 - 2. Whether the presentation(s) was live or otherwise;
 - 3. The topic(s) covered; and
 - 4. The date and number of hours of the event(s); and
- c. The evaluation forms completed to show the students' evaluations of the event(s) and the presenter; and

(2) Documentation of the 350 hours of face-to-face mediation in at least 30 family cases within the last 3 years required by Fam 604.09(c) in the form of a list of the family cases with the names redacted, showing for each case:

- a. Its starting and ending dates;
- b. The type of case; and
- c. The total number of hours expended; and

(g) For each member of the training staff:

(1) Documentation of the 50 hours of experience as a presenter required by Fam 604.10(b) in the form of:

- a. At least 10 evaluation forms completed by those taking the 40-hour core mediation training; or
- b. At least 20 evaluation forms completed by those attending the continuing education presentations; and

(2) Documentation of at least 250 hours of face-to-face mediation in at least 20 family cases within the last 3 years required by Fam 604.10(c), in the form of a list of the family cases with the names redacted, showing for each case:

- a. Its starting and ending dates;
- b. The type of case; and
- c. The total number of hours expended.

Fam 604.01 Certification Requirements. Training programs shall be eligible for certification if they comply with:

- (a) The requirements for contents of the basic course set forth in Fam 604.02;
- (b) The requirements for the duration of the basic course set forth in Fam 604.03;
- (c) The design for training outcomes set forth in Fam 604.04;
- (d) The procedural requirements and the creation of documents required by Fam 604.05;
- (e) The role-play requirements set forth in Fam 604.06;
- (f) The student manual requirements set forth in Fam 604.07;
- (g) The curriculum set forth in Fam 604.08;
- (h) The requirements relating to the qualifications of the director set forth in Fam 604.09;
- (i) The requirements relating to the qualifications of the training staff set forth in Fam 604.10; and
- (j) The additional requirements relating to the qualifications of certain directors, trainers, and specialists set forth in Fam 604.11.

Fam 604.02 Components of the Basic Course.

- (a) One component shall be at least 24 hours of core mediation training described in Fam 303.05.
- (b) One component shall be at least 16 hours of mediation training specific to New Hampshire covering at least:
 - (1) New Hampshire laws and procedures regarding divorce, including:
 - a. The grounds for divorce;
 - b. Parental rights and responsibilities;
 - c. Child support;
 - d. Health and life insurance;
 - e. The allocation of debts; and
 - f. The division of property, including the division of personal property, real property, and retirement benefits;
 - (2) Issues required by court rule to be addressed in any temporary, permanent, and modification agreements;
 - (3) The preparation of mediated agreements; and

- (4) New Hampshire statutes and rules relating to mediation, including those regarding the certification of family mediators and confidentiality.
- (c) One component shall be at least 8 hours of domestic violence training:
- (1) Delivered as part of the core mediation training described in Fam 303.05; and
 - (2) Covering at least the following topics:
 - a. The nature, scope, and dynamics of domestic violence;
 - b. What constitutes domestic violence and legal remedies for victims under New Hampshire law;
 - c. A review of standard X of the “Model Standards of Practice for Family and Divorce Mediation”, developed by The Symposium on Standards of Practice and finalized on August 5, 2000, available as noted in Appendix II;
 - d. Universal screening for domestic violence;
 - e. Role-plays of scenarios involving possible domestic violence, including use of caucuses to avoid contact between parties;
 - f. How to determine suitability of a domestic violence case for mediation;
 - g. Precautions to protect the safety of mediators and mediation parties during the mediation process;
 - h. How to formulate parenting plans that protect the physical safety and psychological well-being of children and adult victims; and
 - i. Community resources to which mediation parties might be referred.
- (d) One component shall be 3 hours of training in mediation ethics:
- (1) Including the use of the “Model Standards of Practice for Family and Divorce Mediation”, developed by The Symposium on Standards of Practice and finalized on August 5, 2000, available as noted in Appendix II; and
 - (2) Delivered as:
 - a. Part of the core mediation training described in Fam 303.05;
 - b. Separate hours of training in ethics; or
 - c. A combination of a. and b.

Fam 604.03 Duration of the Basic Course. The basic course shall be at least 48 hours, excluding any assigned or voluntary supplementary reading.

Fam 604.04 Design for Training Outcomes. The basic course shall be designed so that, after its completion, the students can demonstrate the following knowledge and skills:

- (a) The ability to explain what mediation is and what a family mediator does;
- (b) Awareness of theories, current research, and literature about underlying conflict and its resolution, and the application of such theories, research, and literature to family mediation;
- (c) The ability to contract for mediation services;
- (d) The ability to screen for appropriateness of mediation, including the ability to screen for domestic violence and provide appropriate responses when domestic violence or its potential has been identified;
- (e) The ability to assist the parties in surfacing and framing the topics to be discussed in mediation;
- (f) Understanding of the consequences of separation and divorce for adults and for children;
- (g) The ability to work with the substantive information encountered in separation and divorce mediation;
- (h) The ability to build a working relationship and a constructive process with the mediation parties;
- (i) The ability to facilitate communication between the mediation parties by using specific skills, including, but not limited to:
 - (1) Active listening; and
 - (2) Reframing, as defined in Fam 602.01(m);
- (j) The ability to facilitate problem solving between the mediation parties, especially in the area of divorce, including, but not limited to:
 - (1) Parental rights and responsibilities;
 - (2) Child support;
 - (3) Division of assets and liabilities;
 - (4) Insurance; and
 - (5) Tax filing;
- (k) Knowledge of conflict management skills;
- (l) Understanding concepts of mediator influence and neutrality;

- (m) Knowledge of standards of practice and how ethical issues are resolved;
- (n) The ability to:
 - (1) Recognize when the assistance of other professionals might be helpful to the mediation process; and
 - (2) Facilitate discussion of this topic with the mediation parties; and
- (o) The ability to identify what additional knowledge, skills, experience, or supervision are necessary for the successful practice of mediation and how to obtain them.

Fam 604.05 Training Procedural Requirements and Required Documents.

- (a) Each session of training shall:
 - (1) Be at least 3 hours in length;
 - (2) Have a minimum of 4 students participating; and
 - (3) Be taught by:
 - a. A New Hampshire certified family mediator; or
 - b. A specialist as defined in Fam 602.01(o), in the presence of a New Hampshire certified family mediator.
- (b) The components listed in Fam 604.02 shall:
 - (1) Employ a variety of training approaches including class discussion, lecture, role-play, video viewing, and demonstration; and
 - (2) Meet the role-play requirements of Fam 604.06.
- (c) The training specific to New Hampshire described in Fam 604.02(b) shall be given by a member of the New Hampshire Bar Association or jointly by such a member and a New Hampshire certified family mediator.
- (d) The component on domestic violence described in Fam 604.02(c) shall be provided or approved by NHCADSV.
- (e) A training program shall have an agenda showing, on a daily basis, the clock times at which the various components of the basic course will be addressed in order for students to achieve the types of knowledge and skills described in Fam 604.04.
- (f) A training program shall complete a separate strategy sheet for each of the types of knowledge and skills listed in Fam 604.04:
 - (1) Presented on one sided 8.5” x 11” sheets of paper;

- (2) Describing the strategies to be used to inculcate the particular knowledge or skill, including:
 - a. How the relevant information will be presented;
 - b. How the information will be delivered; and
 - c. What opportunities the students will have to demonstrate the knowledge or practice the skill; and
 - (3) Including, where necessary to describe a strategy, reference(s) to page number(s) in the student manual described in Fam 604.07.
- (g) A training program shall issue to each student completing the basic course described in Fam 604.02 a certificate showing:
- (1) The name of the training program;
 - (2) The name of the director of the training program;
 - (3) The beginning and ending dates of the student's attendance;
 - (4) The total number of hours attended by the student; and
 - (5) The number of hours the student attended which were devoted to:
 - a. Role-play;
 - b. Training specific to New Hampshire, as further described in Fam 604.02(b);
 - c. Domestic violence training, as further described in Fam 604.02(c); and
 - d. Ethics, as further described in Fam 604.02(d).
- (h) Such certificate shall be accepted by the board as attachments B, C, and D as required by Fam 302.04(b), (c), and (d), respectively.

Fam 604.06 Role-Play.

- (a) Each basic course as described in Fam 604.02 shall include at least 10 hours of role-play inclusive of at least one hour in domestic violence screening as described in Fam 604.02(c)(2)e.
- (b) At least 3 student participants shall be included in each instance of role-play except those instances in which the role-play teaches:
 - (1) How to caucus; or
 - (2) Domestic violence screening.
- (c) During role-play trainers shall supervise no more than:

- (1) One large group of 5 or more participating students; or
- (2) Two small groups of 4 or fewer students.

Fam 604.07 Student Manual.

(a) The training program shall provide students with a student manual which:

(1) Includes a copy of:

- a. The “Model Standards of Practice for Family and Divorce Mediation”, developed by The Symposium on Standards of Practice and finalized on August 5, 2000, available as noted in Appendix II;
- b. RSA 328-C; and
- c. New Hampshire judicial branch forms for agreements in divorce and parenting cases;

(2) Includes materials fully covering the contents of:

- a. The topics of core mediation training described in Fam 303.05;
- b. The topics of mediation training specific to New Hampshire described in Fam 604.02(b); and
- c. The topics of domestic violence training described in Fam 604.02(c)(2);

(3) Is sufficiently complete to serve without additional materials as a comprehensive guide for the practice of family mediation after the student has become certified as a family mediator;

(4) Complies with the authorial requirements of (b) below; and

(5) Complies with the technical requirements of (c) below.

(b) The materials described in (a)(2) above shall be original materials written by the director or members of the training staff and not a compilation of materials copied from other sources.

(c) Photocopied materials shall:

(1) Make such attributions as are required by copyright law; and

(2) Be accompanied by proof that the copyright holders have given permission to use them if their use exceeds that permitted by the fair use doctrine.

Fam 604.08 Curriculum. The training program curriculum shall cover the following:

(a) The topics described in Fam 604.02;

- (b) Procedures to be used by mediators for gathering information from:
 - (1) The mediation parties;
 - (2) The mediation parties' records; and
 - (3) Sources outside those of the mediation parties themselves, such as attorneys, appraisers, accountants, therapists, and other similar outside sources;
- (c) Relationship skills, including, but not limited to:
 - (1) Contracting to supply mediation services;
 - (2) Expressing impartiality;
 - (3) Maintaining neutrality as to the mediation parties; and
 - (4) Adhering to principles of confidentiality;
- (d) Communication skills facilitating negotiation and cooperation between the mediation parties;
- (e) Facilitation of problem solving between the mediation parties with respect to:
 - (1) Parental rights and responsibilities;
 - (2) Child and spousal support;
 - (3) The division of assets and liabilities;
 - (4) Tax filings; and
 - (5) Other such topics of potential dispute in the context of divorce;
- (f) Topics related to conflict and conflict resolution, including:
 - (1) Theories of conflict and conflict resolution;
 - (2) Current research on conflict and conflict resolution; and
 - (3) The applicability of such theories and current research to family mediation;
- (g) The impact of differences in culture, gender, ethnicity, religion, and race on mediation;
- (h) Mediation theory and history;
- (i) Mediation skills;
- (j) Family relationships, including:
 - (1) Family interactions in the divorce process; and

- (2) Post-divorce family structures;
- (k) Budgeting and financial planning in the context of separation and divorce;
- (l) Stages of child development;
- (m) The effects of divorce on children;
- (n) Recognition of incapacity or unwillingness of a party to engage or proceed in mediation, including that arising from:
 - (1) Alcohol or other substance abuse;
 - (2) Personality disorders;
 - (3) Depression;
 - (4) Fear or anxiety;
 - (5) Intimidation; and
 - (6) An inability to comprehend the issues to be discussed in mediation;
- (o) Federal laws affecting divorce, including:
 - (1) The tax consequences of divorce; and
 - (2) The division of retirement benefits; and
- (p) Professional resources for mediators, such as professional associations and publications.

Fam 604.09 Qualifications of the Director. Each training program shall have a director who:

- (a) Is currently certified as a family mediator;
- (b) Has at least 50 hours of previous experience as a presenter in any combination of workshops, seminars, or courses for mediators or those seeking to be mediators;
- (c) Has performed, within the last 3 years, at least 350 hours of face-to-face mediation in at least 30 family cases; and
- (d) Has completed, within the last 3 years, at least 6 hours of training in:
 - (1) Advanced mediation;
 - (2) Teaching the adult student; or
 - (3) A combination thereof.

Fam 604.10 Qualifications of the Training Staff. Each non-specialist trainer employed by the training program shall:

- (a) Be a currently certified family mediator;
- (b) Have at least 50 hours of previous presentation experience gained through:
 - (1) Presenting a portion of a 40-hour core mediation training as further described in Fam 303.05;
 - (2) Presenting continuing education for mediators in presentations that are each at least 3 hours long; or
 - (3) A combination of (1) and (2) above;
- (c) Have performed, within the last 3 years, at least 250 hours of face-to-face mediation in at least 20 family cases; and
- (d) Have completed, within the last 3 years, at least 6 hours of training in:
 - (1) Advanced mediation;
 - (2) Teaching the adult student; or
 - (3) A combination thereof.

Fam 604.11 Additional Qualifications of Certain Directors, Trainers, and Specialists.

- (a) Directors, trainers, and specialists responsible for presenting domestic violence training, training in mediation skills, and training in mediation ethics shall have had at least 3 hours of education in the topics they are responsible for presenting:
 - (1) In accordance with the continuing education rules in Fam 404.01; and
 - (2) Within the 12 months just preceding the program's application for certification.
- (b) Trainers and specialists responsible for presenting New Hampshire law shall have had at least 3 hours of education in that topic:
 - (1) In accordance with the continuing education rules in Fam 404.01; and
 - (2) Within the 6 months just preceding the program's application for certification.

Appendix

| RULE | STATUTE IMPLEMENTED |
|-----------------------|---------------------------------------|
| Fam 601 and Fam 602 | RSA 541-A:7 |
| Fam 602.01 | RSA 541-A:7 |
| Fam 603.01(a) and (b) | RSA 328-C:4-a, II; RSA 541-A:29, I |
| Fam 603.02 | RSA 328-C:4-a, II; RSA 328-C:8, I(b) |
| Fam 603.03 | RSA 328-C:4-a, II; RSA 328-C:8, I(b) |
| Fam 604.01 | RSA 328-C:4-a, III; RSA 328-C:8, I(a) |
| Fam 604.02 | RSA 328-C:4-a, III; RSA 328-C:8, I(c) |
| Fam 604.03 | RSA 328-C:4-a, III; RSA 328-C:8, I(c) |
| Fam 604.04 | RSA 328-C:4-a, III; RSA 328-C:8, I(c) |
| Fam 604.05 | RSA 328-C:4-a, III; RSA 328-C:8, I(c) |
| Fam 604.06 | RSA 328-C:4-a, III; RSA 328-C:8, I(c) |
| Fam 604.07 | RSA 328-C:4-a, III; RSA 328-C:8, I(c) |
| Fam 604.08 | RSA 328-C:4-a, III; RSA 328-C:8, I(c) |
| Fam 604.09 | RSA 328-C:4-a, III; RSA 328-C:8, I(c) |
| Fam 604.10 | RSA 328-C:4-a, III; RSA 328-C:8, I(c) |
| Fam 604.11 | RSA 328-C:4-a, III; RSA 328-C:8, I(c) |

Appendix II

| Rule Number | Incorporated Material | How Obtained |
|---|---|--|
| Fam 602.01(j) Fam 604.02(c)(2)c.; Fam 604.02(d)(1); Fam 604.07(a)(1)a. | “Model Standards for Practice of Family and Divorce Mediation”, finalized August 5, 2000 Developed by The Symposium on Standards of Practice | Available free of charge from the Association of Conflict Resolution, at: https://acrnet.org/general/custom.asp?page=ModelS |