

Readopt with amendments Fam 803.01, effective 12-5-18 (Document #12687), to read as follows:

Fam 803.01 Standards.

(a) A certified family mediator shall make reasonable efforts to recognize a family situation involving domestic violence or abuse and shall take appropriate steps to shape the mediation process accordingly, including but not limited to the following:

(1) Establishing appropriate security arrangements to protect the safety of the participants, including but not limited to the location of mediation sessions, travel arrangements, and the timing of arrivals and departures.

(2) Holding separate sessions with the participants even without the full agreement of all participants;

(3) Allowing a friend, representative, advocate, counsel, or attorney to attend the mediation sessions. **In the event that either party objects to the presence of a friend, representative, or advocate, then the mediation shall not proceed;**

(4) Encouraging the participants to be represented by an attorney, counsel, or advocate throughout the mediation process;

(5) Referring the participants to appropriate community resources; and

(6) Suspending or terminating the mediation sessions, with appropriate steps to protect the safety of the participants, including but not limited to keeping the reason for stopping mediation confidential, and the order of the participants' departures.

(b) A certified family mediator shall make a reasonable effort to screen for the existence of domestic abuse prior to starting substantive mediation. The certified family shall continue to assess for domestic violence or abuse throughout the mediation process.

(c) The certified family mediator shall facilitate the participants' formulation of parenting plans that protect the physical safety and psychological well-being of themselves and their children.

Appendix

Rule	Specific State Statute the Rule Implements
Fam 803.01	RSA 328-C:8, I(e)