



SUMMARY OF QUALIFICATIONS FOR ADMISSION: FAMILY ROSTER

THE MEDIATOR ROSTER

In March 1997, the Dispute Resolution Office (“DRO”) of the Ministry of the Attorney General initiated a consultation process regarding the creation of a province-wide Roster of mediators. As a result of that consultation, the British Columbia Mediator Roster Society (“Society”) was incorporated. In May 1998, the Society began operating a province-wide Mediator Roster (“Roster”) with the administrative support of the DRO.

Increased public support for, and public use of, mediation dictates the need for ready public access to mediators with objectively verified and adequate levels of training and experience. The Roster operates as a central and accessible list of trained and experienced mediators. In its initial form, the Roster primarily supported the use of mediation for civil/non-family cases in the British Columbia Supreme Court. As of June 2002 it expanded to create a list of mediators for family disputes.

The Roster is operated by the Society. A Board of Directors, drawn from leading practitioners in the field, is responsible for governing the operation of the Roster. Through a “Roster Committee” the Board assesses applications for admission to the Roster. The Board establishes such rules and policies as are necessary to facilitate the objective of maintaining an accessible roster of qualified mediators.

Essentially, the Roster is simply a way to organize and distribute information to the public about mediators who meet a minimum set of criteria. By defining a minimum level of training and experience the Roster provides a measure of protection to the public. At the same time, the Roster provides guidance for mediators about acceptable levels of training and, by defining standards of conduct, ensures a common understanding of standards for ethical practice.

FAMILY MEDIATOR QUALIFICATIONS

1. Training and Education Requirements

a) (i) EITHER:

Family Mediation Canada certification.

(ii) OR:

- A minimum of 80 hours of core education in conflict resolution and mediation theory and skills training – 40 hours of which are specifically focused on mediation (including 10 hours of simulated or role play mediation under supervision); and
- 24 hours on issues related to family dynamics in separation and divorce, including power imbalances, substance abuse and psychological issues (see the Society document, “*Training in Family Dynamics*”); and
- A university or college degree in law, or social sciences or related field, unless the Roster Committee exercises its discretion, as provided for under section 7(b) of this document.

b) In all cases, 40 hours of training in family law and procedures. The training is to include recognition of when to defer to lawyers/family law mediators, and:

- British Columbia family legislation, civil procedure, family law concepts and drafting memorandums; and
- may, depending on the applicant’s area of practice, include child support guideline training, spousal support, pensions, personal and business property division, and tax issues.

This requirement shall be waived if the applicant is a lawyer or retired judge.

c) Members of the current Family Roster who do not have the above qualifications will be deemed to have satisfied these requirements.

d) In all cases, after admission, 20 hours per year of ongoing professional development or continuing education related to the Roster member’s mediation practice. Ongoing professional development or continuing education are defined to include courses, conferences, workshops, coaching, mentoring or supervising family mediation trainees. Roster members are encouraged to stay current and enhance their mediation practice.

2. Experience Pre-requisites

- a) (i) EITHER:
Family Mediation Canada certification.
- (ii) OR:
Completion of a minimum of 200 hours of mediation work. The 200 hours must:
- have been completed over the course of a minimum of 20¹ family mediations²,
 - have been conducted as sole mediator or as co-mediator in a fully supervised and accepted practicum,
 - have been conducted over the past 5 years, and
 - include a minimum of 10 mediations concerned with the reorganization of the family after separation or divorce, including:
 - certain parenting issues (custody, access, maintenance or guardianship issues), or
 - financial support and property matters connected to separation or divorce.

The 20 family mediations must be:

- fee paid private mediations; or
- mediations in a structured setting under the auspices of an accepted mediation organization; or
- mediations or co-meditations in a fully supervised and accepted practicum; or
- a combination of the above.

¹ For the purpose of counting the number of mediations that qualify for admission to the Family Roster, "one mediation" means a file in which all the parties, including the mediator, signed an agreement to mediate and attended at least one mediation session.

² "Family mediation", as defined here, includes mediation of issues about:

- reorganization of the family after separation or divorce
- parenting
- financial support and property matters connected to separation or divorce
- child protection
- family business
- family property or finances
- family inheritance and estates
- responsibility for care of elderly parents
- adoption
- pre-nuptial issues
- intra-family conflicts.

- (iii) Additionally, for applicants who are not certified by Family Mediation Canada, acceptability demonstrated by 2 positive references from individuals familiar with the applicant's work in family mediation. They must refer to work done in family mediation within the last 5 years, and must speak credibly to the applicant's mediation skills and commitment to family mediation. The referee must have observed the applicant mediating, and be familiar with the mediation process. The references cannot be from immediate relatives, business partners or parties.

3. Character and Fitness

Mediators must satisfy the Society that they are of good character and repute, and are fit to conduct mediations in a competent and effective manner, and in compliance with the Standards of Conduct endorsed by the Board of Directors of the Society.

4. Code of Conduct

As a condition of admission to the Family Roster, mediators must subscribe to the said Standards of Conduct.

5. Insurance

Mediators must have adequate liability insurance:

- (i) for mediators not licensed to practice law, professional liability insurance coverage of \$2,000,000.00 aggregate;
- (ii) for lawyers whose mediation work is not insured through the Law Society, professional liability insurance coverage of \$2,000,000.00 aggregate;
- (iii) members in good standing of the Law Society of B.C., and whose mediation work is insured through the Law Society, are assumed to be adequately covered.

6. Mediation Practice Standards

As a condition of admission to the Family Roster, mediators must indicate whether their mediation practice standards include the following:

- (i) use of an Agreement to Mediate, as contemplated in part 11 of the Society's Standards of Conduct; and
- (ii) use of a screening tool, as contemplated in part 6 of the Society's Standards of Conduct.

The Roster Committee may request further information from an applicant whose mediation practice does not include these standards.

7. Additional Discretionary Requirements

- a) The Roster Committee will, on occasion, ask for an interview as part of the admission process.
- b) Additionally, in the course of considering an application, the Roster Committee may:
 - (i) receive or request further information or submissions from an applicant;
 - (ii) decide when extensive experience and established credibility in a community of users of family mediation services, or other evidence of mediator competence, can substitute for any of the training and education requirements listed in section 1 of this document;
 - (iii) request additional evidence demonstrating that the requirements have been met;
 - (iv) make admission to the Family Roster provisional, conditional, or on terms.
- c) The Roster Committee reserves the right to refuse admission to an applicant despite the fact that the applicant meets the technical requirements for admission. In such situations the Committee will offer the applicant an interview prior to making a decision to refuse admission.

APPLYING ROSTER CRITERIA

In cases where applicants have qualifications that are not identical to those laid out above but are, in the opinion of the applicant, at least equivalent, the Roster Committee can be asked to consider the proposed qualifications and exercise discretion to admit the applicant.

The Society, through the Roster Committee and Board of Directors, will be responsible for monitoring qualifications for admission in order to determine adjustments or changes to be made from time to time. It is expected that over time, as family mediation matures as a discipline and as more is learned about family mediator qualification, the criteria for admission to the Family Roster will change.

APPLICATION PROCESS

- a) Mediators wishing to be admitted to the Family Roster will pay a one-time, non-refundable application fee and thereafter renew their membership annually:
 - (i) For applicants who are not a member of the Civil Roster, the application fee will be \$200.00 and the annual membership fee will be \$200.00.
 - (ii) For applicants who are a member of the Civil Roster, the application fee will be \$125.00 and the annual membership fee will be \$75.00, provided membership on the Civil Roster is maintained.
- b) An applicant who is refused admission may reapply at any time, provided the Roster Committee has not specified otherwise.

- c) Following admission, FMC-certified mediators will not be required to maintain their FMC certification in order to maintain their membership on the Family Roster.
- d) Questions regarding application for admission to the Family Roster should be directed to:

B.C. Mediator Roster Society

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Victoria, BC V8W 1H7

Phone: 250.381.9006

Toll Free in BC: 1.888.713.0433

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