

## MEMORANDUM

**To:**           **Applicants for Providers of Mediator Training**

**From:**       **Ann Marie Murray, Office of Dispute Resolution**

**RE:**           **Mediator Training Approval**

This memo is to inform applicants who wish to apply to be a Nebraska Administrative Office of the Court-Office of Dispute Resolution (ODR) approved mediator training provider of the requirements for approval.

Enclosed with this memo is an application packet along with instructions to request approval of your educational course and educators.

Please submit the application:

c/o Program Analyst  
Office of Dispute Resolution, State Court Administrator Office  
12th Floor State Capitol, P. O. Box 98910  
Lincoln, NE 68509  
402-471-2911 (phone)  
nsc.mediation@nebraska.gov (email)

Facsimiles will not be accepted.

Please assemble the packet in this order:

- A. Parenting Act Educational Provider Information Sheet
- B. Educational Objectives Table for each training type you wish to be approved to provide training for
- C. Provider Guideline Compliance Statement
- D. Letters of Reference (The Provider Guidelines require three letters of reference as to the performance, proficiency, and quality of the individual facilitator/educator for the educational program.)
- E. Training agenda or course syllabus stating time allocation to education objectives

Statement of approval or denial will be mailed to each applicant within 30 days of receipt.

For more information, please contact The Office of Dispute Resolution at [Nsc.mediation@nebraska.gov](mailto:Nsc.mediation@nebraska.gov)

## Statutory Authority for Approval of Mediator Trainings

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Subsection (2) of the new Parenting Act, Nebraska Revised Statute §43-2938 states: “To qualify as a Parenting Act mediator, a person shall have basic mediation training and family mediation training, *approved by the Office of Dispute Resolution...*” The Parenting Act makes attendance at Basic Mediation Training and Family Mediation Training necessary for those who wish to qualify as an Approved Parenting Act Mediator.

The Act sets forth descriptions of content of these trainings as follows:

Subsection (2) states: “The Training shall include the following but not be limited to:

- (a) Knowledge of the court system and procedures used in contested family matters;
- (b) General knowledge of family law, especially regarding custody, parenting time, visitation, and other access, and support, including calculation of child support using the child support guidelines pursuant to section 42-364.16;
- (c) Knowledge of other resources in the state to which parties and children can be referred for assistance;
- (d) General knowledge of child development, the potential effects of dissolution or parental separation upon children, parents, and extended families, and the psychology of families;
- (e) Knowledge of child abuse or neglect and domestic intimate partner abuse and their potential impact upon the safety of family members, including knowledge of provisions for safety, transition plans, domestic intimate partner abuse screening protocols, and mediation safety measures; and
- (f) Knowledge in regard to the potential effects of domestic violence on a child; the nature and extent of domestic intimate partner abuse; the social and family dynamics of domestic intimate partner abuse; techniques for identifying and assisting families affected by domestic intimate partner abuse; interviewing, documentation of, and appropriate recommendations for families affected by domestic intimate partner abuse; and availability of community and legal domestic violence resources.

Subsection (3) of the new Parenting Act, Nebraska Revised Statute §43-2938 also states that an Approved Parenting Act mediator can also qualify as an approved specialized mediator by, “Satisfactorily completing an additional minimum twenty-four-hour specialized alternative dispute resolution domestic mediation training course developed by entities providing domestic abuse services and mediation services for children and families and approved by the State Court Administrator. This course shall include advanced education in regard to the potential effects of domestic violence on the child; the nature and extent of domestic intimate partner abuse; the social and family dynamics of domestic intimate partner abuse; techniques for identifying and assisting families affected by domestic intimate partner abuse; and appropriate and safe mediation strategies to assist parties in developing a parenting plan, provisions for safety, and a transition plan, as necessary and relevant.”



**Provider Information Sheet**  
**Mediator Training Application for Approval**



I \_\_\_\_\_ wish to seek approval for the trainings described below with the attached supporting documentation. With this form, I submit to the Office of Dispute Resolution (ODR) the following for review and consideration for approval as an **ODR-approved Mediation Training Provider** under Neb. Rev. Stat. §43-2938 and Neb. Rev. Stat. § 25-2913.

**Provider Information:**

Name: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_  
Address: \_\_\_\_\_

**Training Information:**

Training Type(s):	Basic Mediation Training	Family Mediation Training	Specialized ADR Training
Names of Trainers/Educators	Contact information (if different from Provider)	Relationship to Provider (employee; contractor; other)	Biography Attached

**Course Schedule List**

Training Type	Dates and time	Location	Cost	Sliding Fee Scale*

\* check if sliding fee or fee waiver is available

<p style="text-align: center;"><b>I. BASIC MEDIATION TRAINING</b></p> <p><b>A. TRAINING OBJECTIVES</b></p> <p>Attendees of this training course will learn of the following topics:</p>	<b>Curriculum meets the learning objective</b>	
	<b>Yes</b>	<b>No</b>
▪ <b>Overview of alternative dispute resolution (ADR) processes</b>		
▪ <b>Principles of Mediation</b>		
▪ <b>Mediation Styles</b>		
▪ <b>Stages and Goals of Mediation Process</b>		
▪ <b>The Role of the Mediator</b>		
▪ <b>Nature of Conflict/Behaviors of Conflict</b>		
▪ <b>Mediation Skills</b>		
<i>Including, but not limited to:</i>		
○ Negotiation skills		
○ Interactive listening skills		
○ Question-asking		
○ Use of neutral language		
○ Reframing		
○ Issue and interest identification		
○ Option generation		
○ Address barriers to agreement		
○ Reality testing		
○ Agreement writing		
▪ <b>Caucus</b>		
▪ <b>Values, Self Awareness, and Bias Awareness</b>		
▪ <b>Cultural Diversity including Race and Gender</b>		
▪ <b>Power Imbalances</b>		
▪ <b>Working with Attorneys and Representatives of Parties</b>		
▪ <b>Ethical Issues</b>		
<i>Including, but not limited to:</i>		
○ Impartiality		
○ Party self-determination		
○ Informed consent		
○ Conflicts of interest		
○ Responsibilities to third parties		
○ Dealing with legal issues		
○ Withdrawal by mediator		
○ Termination of mediation		

**I. BASIC MEDIATION TRAINING**

**B. TRAINING METHODOLOGY GUIDELINES**

- The training must be 30 hours, conducted within a minimum of three days and maximum of 30 days unless otherwise incorporated into an academic curriculum.
- The training must include adult learning theory approaches to education, including but not limited to: presentations, group discussions, written and oral exercises, mediation simulations, role-plays, and additional readings. Written exercises shall include writing an agreement.
- At least 6 hours shall be devoted to mediation role plays with the participants playing the roles of the mediators and the disputants. At a minimum, every trainee must take part in at least one continuous role-play acting as a solo or co-mediator and one continuous role-play acting as a disputant. A continuous role-play is defined as one beginning with the mediator’s introduction and continuing through to a resolution, or one which is a minimum of 45 minutes in length. These role-plays are to be conducted under supervision of a qualified coach. At the conclusion of each role-play, a minimum of 15 minutes must be allocated for oral feedback to the mediator. A coach shall observe no more than one role-play at a time. Trainers must present a role-play mediation simulation (either live or video) prior to the participant’s role-play experience as a mediator.

**C. TRAINING ADMINISTRATION GUIDELINES**

- Participant attendance. Trainees must demonstrate successful completion of all components of one entire training program. The lead trainer is responsible for ensuring that the integrity of each portion of the program is not compromised. Trainers shall provide written documentation attesting to trainee’s attendance at the training. Under no circumstances may an individual be excused from attending portions of the training without making up that portion missed as directed by the lead trainer preferably during the training period. If more than 60 minutes is missed of a single subject matter presentation, the trainee must attend that portion of a future training program or comply with another ODR approved method.
- Training Evaluation. For all approved trainings, evaluations of the training and trainers shall be collected. Copies of the evaluations and a roster of participants who completed the training shall be submitted to ODR within 30 days of completion of the training.

**Statement of Compliance:** As a provider of basic mediation training, I affirm that my organization and the facilitator/educators meet the Guidelines as stated above.

Name/Title

Signature

Date

<p style="text-align: center;"><b>II. FAMILY MEDIATION TRAINING</b></p> <p><b>A. EDUCATION OBJECTIVES</b></p> <p>Attendees of this educational course will learn of the following topics:</p>	Curriculum meets the learning objective	
	Yes	No
<ul style="list-style-type: none"> <li>• <b>Court system and procedures used in contested family matters</b></li> </ul>		
<ul style="list-style-type: none"> <li>• <b>Family law</b></li> </ul>		
<p><i>Additional elements under this objective include:</i></p>		
<ul style="list-style-type: none"> <li>○ Custody</li> </ul>		
<ul style="list-style-type: none"> <li>○ Parenting time</li> </ul>		
<ul style="list-style-type: none"> <li>○ Visitation</li> </ul>		
<ul style="list-style-type: none"> <li>○ Other access and support issues</li> </ul>		
<ul style="list-style-type: none"> <li>○ Calculation of child support using the current Nebraska child support guidelines</li> </ul>		
<ul style="list-style-type: none"> <li>• <b>Other resources in the state to which parties and children can be referred to for assistance</b></li> </ul>		
<ul style="list-style-type: none"> <li>• <b>Child development, the potential effects of dissolution or parental separation upon children, parents, and extended families, and the psychology of families</b></li> </ul>		
<ul style="list-style-type: none"> <li>• <b>Child abuse or neglect and domestic intimate partner abuse and their potential impact upon the safety of family members</b></li> </ul>		
<p><i>Additional elements under this objective include:</i></p>		
<ul style="list-style-type: none"> <li>○ Knowledge of provisions for safety</li> </ul>		
<ul style="list-style-type: none"> <li>○ Transition plans</li> </ul>		
<ul style="list-style-type: none"> <li>○ Domestic intimate partner abuse screening protocols</li> </ul>		
<ul style="list-style-type: none"> <li>○ Mediation safety measures</li> </ul>		
<ul style="list-style-type: none"> <li>• <b>Mediation process and skills as set forth under Nebraska’s basic Mediation Training, or comparable elements</b></li> </ul>		
<ul style="list-style-type: none"> <li>• <b>Family systems theory; its application to parenting mediation</b></li> </ul>		
<ul style="list-style-type: none"> <li>• <b>Mediator’s approach and skills in working with the emotions of the separation and dissolution process and post-separation dynamics</b></li> </ul>		
<ul style="list-style-type: none"> <li>• <b>High-conflict dynamics</b></li> </ul>		
<ul style="list-style-type: none"> <li>• <b>Process to assist parties in child-centered decision-making</b></li> </ul>		
<ul style="list-style-type: none"> <li>• <b>Process to address children’s best interests, including whether and how to involve children in the process</b></li> </ul>		
<ul style="list-style-type: none"> <li>• <b>Nebraska Parenting Act and its amendments</b></li> </ul>		
<ul style="list-style-type: none"> <li>• <b>Specific knowledge of the parenting plan contents and formats</b></li> </ul>		
<ul style="list-style-type: none"> <li>• <i>Nebraska Standards of Practice and Ethics for Family Mediators</i></li> </ul>		
<ul style="list-style-type: none"> <li>•</li> </ul>		

## II. FAMILY MEDIATION TRAINING

### B. TRAINING METHODOLOGY GUIDELINES

- The training must be 30 hours, conducted within a minimum of three days and maximum of 30 days unless otherwise incorporated into an academic curriculum.
- The training must include adult learning theory approaches to education, including but not limited to: presentations, group discussions, written and oral exercises, mediation simulations, role-plays, and additional readings.
- At least 6 hours shall be devoted to mediation role plays with the participants playing the roles of the mediators and the disputants. At a minimum, every trainee must take part in at least one continuous role-play acting as a solo or co-mediator and one continuous role-play acting as a disputant. A continuous role-play is defined as one beginning with the mediator's introduction and continuing through to a resolution, or one which is a minimum of 45 minutes in length. These role-plays are to be conducted under supervision of a qualified coach. At the conclusion of each role-play, a minimum of 15 minutes must be allocated for oral feedback to the mediator. A coach shall observe no more than one role-play at a time. Trainers must present a role-play mediation simulation (either live or video) prior to the participant's role-play experience as a mediator.

### C. TRAINING ADMINISTRATION GUIDELINES

- Participant attendance. Trainees must demonstrate successful completion of all components of one entire training program. The lead trainer is responsible for ensuring that the integrity of each portion of the program is not compromised. Trainers shall provide written documentation attesting to trainee's attendance at the training. Under no circumstances may an individual be excused from attending portions of the training without making up that portion missed as directed by the lead trainer preferably during the training period. If more than 60 minutes is missed of a single subject matter presentation, the trainee must attend that portion of a future training program or comply with another ODR approved method.
- Training Evaluation. For all approved trainings, evaluations of the training and trainers shall be collected. Copies of the evaluations and a roster of participants who completed the training shall be submitted to ODR within 30 days of completion of the training.

**Statement of Compliance:** As a provider of second level parent education, I affirm that my organization and the facilitator/educators meet the Provider Guidelines as stated above.

Name/Title

Signature

Date

<b>III. SADR (SPECIALIZED ALTERNATIVE DISPUTE RESOLUTION) TRAINING</b> <b>A. EDUCATION OBJECTIVES:</b> Attendees of this course will be learn of the following topics:	Curriculum meets the learning objective	
	Yes	No
• Advanced education in regard to the potential effects of domestic violence		
• Nature and extent of domestic intimate partner abuse		
• Social and family dynamics of domestic intimate partner abuse		
• Techniques for identifying and assisting families affected by domestic intimate partner abuse		
• Appropriate and safe mediation strategies to assist parties in developing a parenting plan, provisions for safety, and a transition plan		
• Distinguishing the SADR intervention process from the customary family mediation process		
• Techniques for assisting parties engaged in high conflict dynamics		
• Identifying and skills for working with persons with mental illness or substance abuse issues		
• Information and tools that can be used to increase the likelihood of providing a safe environment for the child and victim parent		
• Information and skills to ensure that SADR process takes into account the safety needs of the children, the parties, and the SADR facilitator		
• Advanced process skills for SADR facilitators using primarily a caucused-based approach to negotiation		
• Information as to the availability of community and legal domestic violence and resources		
• Standards and ethics as applicable to SADR facilitators		



### **III. SADR TRAINING**

#### **B. TRAINING METHODOLOGY GUIDELINES**

- The training must be 30 hours, conducted within a minimum of three days and maximum of 30 days unless otherwise incorporated into an academic curriculum.
- The training must include adult learning theory approaches to education, including but not limited to: presentations, group discussions, written and oral exercises, mediation simulations, role-plays, and additional readings.
- At least 6 hours shall be devoted to mediation role plays with the participants playing the roles of the mediators and the disputants under the supervision of a qualified coach.

#### **C. TRAINING ADMINISTRATION GUIDELINES**

- Participant attendance. Trainees must demonstrate successful completion of all components of one entire training program. The lead trainer is responsible for ensuring that the integrity of each portion of the program is not compromised. Trainers shall provide written documentation attesting to trainee's attendance at the training. Under no circumstances may an individual be excused from attending portions of the training without making up that portion missed as directed by the lead trainer preferably during the training period. If more than 60 minutes is missed of a single subject matter presentation, the trainee must attend that portion of a future training program or comply with another ODR approved method.
- Training Evaluation. For all approved trainings, evaluations of the training and trainers shall be collected. Copies of the evaluations and a roster of participants who completed the training shall be submitted to ODR within 30 days of completion of the training.

**Statement of Compliance:** As a provider of child of divorce education, I affirm that my organization and the facilitator/educators meet the Provider Guidelines as stated above.

Name/Title

Signature

Date