Tulsa County Family Court

Family Resource Coordinator – Cheryl Conklin
500 S. Denver, Room 607
Tulsa, OK 74103

MEDIATOR REGISTRATION FORM

Name: _____

Address: _____

_____

Phone: _____ Fax: _____ E-mail: _____

Please indicate how you have completed the Requirements set forth in the District Court Mediation Act, 12 0.S. § 1825 to be on the Tulsa County Family Court list of "Qualified Divorce & Family Mediators."

___A. I am currently certified for family and divorce mediation pursuant to the Dispute Resolution Act, 12 0.S. § 1801. (Please attach copy of certificate).

___ B. (1) I have completed a minimum of forty (40) hours of training in family and divorce mediation and training has been approved by the Mandatory Continuing Legal Education Commission of the Oklahoma Bar Association. Please list the information below and attach a copy of certificates:

Title & Course Content	Trainer	Location	Total Hours

(2) I have conducted at least twelve (12) hours of mediation with three (3) separate families, AND

(3) I will complete at least six (6) hours every other year of professional education in the area of family mediation.

___ C. I have been regularly engaged in the practice of family and divorce mediation for at least four (4) years.

Have you received training in Domestic Violence Mediation pursuant to 43 O.S. § 107.3 (B) (1)? ❒ Yes ❒ No
(Please describe the training and attach copy of the certificate and/or training brochure.)

STATE OF OKLAHOMA)
COUNTY OF TULSA) ss.

I shall conduct my activities in accordance with the Code of Professional Conduct for Mediators as set forth in 12 O.S. § Appendix A. I will adhere to the Model Standards of Conduct for Mediators approved by the Litigation and Dispute Resolution Sections of the American Bar Association, the American Arbitration Association, and the Society of Professionals in Dispute Resolution. I agree that any, or all, of the above information may be placed on the Tulsa County Family Court's List of Qualified Family and Divorce Mediators which may be disseminated to the public, including through the Internet.

I hereby certify that the information contained herein is true and correct to the best of my knowledge:

Signed: _____ Date: _____

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public: _____ My Commission Expires: _____

(Mail the completed Registration & Information Forms along with Copies of Certifications/Trainings to the above address.)

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INFORMATION FORM

Custody Evaluator, Guardian Ad Litem (GAL), Mediator, & Parenting Coordinator

Name: _____

Address: _____

_____

Phone: _____ Fax: _____ E-mail: _____

Education (JD, MSW, MA, Ph.D., etc.): _____

_____

Current Profession & Licensure: _____

_____

Registration Information (check all that apply):

❒ Custody Evaluator

❒ Guardian Ad Litem (GAL)

❒ Mediator

Check one: ❒ General
❒ Domestic Violence

❒ Parenting Coordinator

Check one: ❒ Mediation Certified
❒ Mediation & Domestic Violence Certified

Case Information:

Are there any types of cases you do not wish to work with? _____

_____

Fee Information:

What are your current hourly rates?

Custody Evaluator _____ GAL _____

Mediator _____ Parenting Coordinator _____

Do you require a retainer? Please specify terms: _____

_____

Languages:

Speak _____

Read _____

Understand _____

_____ _____

Signature **Date**

RULES AND PROCEDURES FOR THE DISPUTE RESOLUTION ACT
CODE OF PROFESSIONAL CONDUCT FOR MEDIATORS

12 O.S. § Appendix A

A. Preamble

1. A mediator is an impartial third party certified according to the provisions of the Act who enters a dispute with the consent of the parties, to aid and assist them in reaching a mutually satisfactory settlement to the issues in dispute.
2. Mediation is an informal process of resolving dispute with the assistance of a mediator. Mediation carries ethical responsibilities and duties. Those who act as mediators must be dedicated to the principle that all disputants have a right to negotiate and attempt to determine the outcomes of their own conflicts. In addition, mediators are bound by the ethical guidelines of this code, which specify their duties and obligations to parties who engage their services, to the mediation process, to other mediators, to the agencies which administer programs of mediation, and to the general public.
3. This is a personal code for the conduct of the individual mediator and is intended to establish minimum principles applicable to all mediators.

B. The Code

1. The responsibility of the mediator to the parties.
   a. Initiating mediation.

   Any agency or person may make recommendations, suggestions, or urgings, but the decision to engage in mediation is made solely by the disputing parties themselves, unless mediation is mandated by legislation, by court order, or by contract.

   b. Involvement of parties.
      (1) The mediator urges that the parties agreeing to mediation take an active role in the mediation process.
      (2) In the event of non-resolution, the mediator informs parties of the options available to them under the provisions of the Act.
   c. Parties' mutual agreement on the mediator. The mediator begins mediation only with mutual consent by the parties.
   d. Responsibility of the parties in mediation.
      (1) The parties, not the mediator, are responsible for decisions made during mediation, as they are not being represented independently by the mediator.
      (2) The mediator never forces parties into reaching a settlement.
      (3) The mediator never makes decisions for parties.
   e. Termination of mediation.
      (1) The mediator suspends or terminates mediation when it appears that continuation would harm or prejudice any party.
      (2) The mediator terminates the mediation session when it appears that a party is unable or unwilling to make an effort to meaningfully participate in the mediation process.
      (3) The mediator terminates mediation when it appears that mediation is not productive, and the parties are unwilling to continue.
      (4) The mediator shall not proceed when a party appears to be intoxicated, irrational or exhibits impaired judgment.
2. The responsibility of the mediator to the mediation process.
   a. Mediator's expertise.
      (1) The mediator performs mediation services only where qualified to do so by experience and training.
      (2) The mediator makes appropriate referrals when parties need additional information in order to resolve their conflict.
   b. When it is improper to be mediator.

(1) The mediator who has represented or counseled a client beforehand shall not accept the role of mediator.

(2) The mediator who has prior acquaintance with a party shall not accept the role of mediator, unless the current parties, when informed of the prior acquaintance, mutually agree that the mediator shall conduct the mediation.

(3) The mediator who has biases or prejudices either for or against one of the parties or the issues in dispute shall not accept the role of mediator.

c. Mediator's impartiality.

(1) The mediator shall maintain impartiality at all times.

(2) The mediator does not represent a party of mediation in court concerning the issues which were the subject of mediation.

d. Mediation and the law.

(1) The mediator shall not offer legal advice to parties.

(2) The mediator shall allow parties to independently assess their legal position and/or seek the assessment of an attorney.

3. The responsibility of the mediator toward other mediators.

a. Joining mediation in progress.

(1) The mediator shall not enter a session already in progress without first conferring with the other mediator.

b. Working with other mediators.

(1) The co-mediator shall keep the other mediator(s) fully informed of developments during the course of mediation.

(2) The co-mediator shall not show disagreement with, nor criticism of, the other mediator(s).

4. The responsibility of the mediator to the sponsoring agency and to the profession.

a. Mediator's role during mediation.

(1) The mediator shall accept full responsibility for the honesty and merit of interventions or suggested options initiated by the mediator.

(2) The mediator shall withdraw when requested to by the parties, or upon discovering an inability to fulfill the requirements of the Act or the Oklahoma Rules and Procedures for the Dispute Resolution Act.

(3) The mediator shall work within the policy of the sponsoring agency, and shall avoid the appearance of impropriety.

(4) The mediator shall not use the third-party role for personal gain or advantage.

(5) The mediator shall not accept money nor anything of value for services, other than the collection of fees listed elsewhere in the Oklahoma Rules and Procedures for Dispute Resolution Act.

(6) The mediator shall not voluntarily incur obligations or perform professional services that might interfere with the ability to act as an impartial mediator.

5. The responsibility of the mediator to the general public.

a. Confidentiality of mediation.

(1) The mediator shall not reveal, outside the negotiations, information gathered during mediation.

(2) The mediator may disclose information from mediation after obtaining the expressed, written permission of all pertinent parties or when permitted by statute.

(3) Under the Protective Services for the Elderly Act of 1977 (Title 43A Section 801 et seq.), and Title 21 Section 846 which deals with persons under age eighteen, the mediator is responsible for reporting information to the proper agencies upon learning that any elderly or handicapped person or child has had physical injury or injuries inflicted upon him or her, by other than accidental means, where the injury appears to have been caused as a result of physical abuse or neglect.

DISTRICT COURT MEDIATION ACT
DISTRICT COURT LIST OF QUALIFIED MEIDATORS - REQUIREMENTS

12 O.S. § 1825

A. A district court may maintain a list of qualified mediators to assist the parties in selecting a mediator. In order to be placed on any such list, an individual shall meet the following minimum requirements:

1. Civil and commercial mediators shall:
    a. be certified pursuant to the Dispute Resolution Act, or
    b. (1) complete a minimum of twenty-four (24) hours of mediation training, which training has been approved by the Mandatory Continuing Legal Education Commission of the Oklahoma Bar Association,
    (2) observe a minimum of two (2) mediation proceedings, and
    (3) complete at least six (6) hours every other year of continuing professional education in the area of mediation, which education has been approved by the Mandatory Continuing Legal Education Commission of the Oklahoma Bar Association; and
2. Divorce and Family Mediators shall:
    a. be certified for family and divorce mediation pursuant to the Dispute Resolution Act, or
    b. (1) complete forty (40) hours of training in family and divorce mediation, which training has been approved by the Mandatory Continuing Legal Education Commission of the Oklahoma Bar Association,
    (2) conduct at least twelve (12) hours of mediation with three (3) separate families, and
    (3) complete at least six (6) hours every other year of professional education in the area of family mediation, or
    c. have been regularly engaged in the practice of family and divorce mediation for at least four (4) years.

B. Nothing in this act shall preclude the parties from agreeing:

1. To participate in any alternative dispute resolution process, including mediation, independent of this act 2 or any related court order; or
2. To select a mediator not identified on any list of qualified mediators maintained by the district court.

C. Mediators who are not certified pursuant to the Dispute Resolution Act, upon request by the court, any party, or legal counsel, shall provide information demonstrating the mediator's compliance with the requirements of Section 4 of this act, and shall agree to adhere to the Model Standards of Conduct for Mediators approved by the Litigation and Dispute Resolution Sections of the American Bar Association, the American Arbitration Association, and the Society of Professionals in Dispute Resolution.

D. The following form shall be used to order mediation pursuant to this act:

IN THE DISTRICT COURT OF
_____COUNTY
STATE OF OKLAHOMA
Order of Referral To Mediation

This case is ordered to mediation pursuant to the District Court Mediation Act. Parties and legal counsel shall proceed in good faith to resolve this case. The parties shall select and contact a mediator or mediation program or service within five (5) business days to make appropriate arrangements for the mediation proceeding. Mediation shall be completed within ____ days from the date of this order.

Mediation shall be attended by persons with full settlement authority. Both parties shall participate in mediation; attorneys may participate as agreed by the parties and the mediator. Named parties shall be present except for a named party who has no interest in the outcome and no settlement authority. Each party who is represented by legal counsel shall be accompanied at mediation by an attorney who is fully familiar with the case. In addition, any interested non-party, including any insurance company or other entity that is contractually required to defend or to pay damages, shall be represented by a person with full settlement authority.

DOMESTIC VIOLENCE REFERRAL TO MEDIATION

43 § 107.3 (B) (1)

B. When property, separate maintenance, or custody is at issue, the court:

1. May refer the issue or issues to mediation if feasible unless a party asserts or it appears to the court that domestic violence or child abuse has occurred, in which event the court shall halt or suspend professional mediation unless the court specifically finds that:

    a. the following three conditions are satisfied:

        (1) the professional mediator has substantial training concerning the effects of domestic violence or child abuse on victims,

        (2) a party who is or alleges to be the victim of domestic violence is capable of negotiating with the other party in mediation, either alone or with assistance, without suffering an imbalance of power as a result of the alleged domestic violence, and

        (3) the mediation process contains appropriate provisions and conditions to protect against an imbalance of power between parties resulting from the alleged domestic violence or child abuse, or

    b. in the case of domestic violence involving parents, the parent who is or alleges to be the victim requests mediation and the mediator is informed of the alleged domestic violence.