

**FAMILY COURT
OF ST. LOUIS COUNTY, MISSOURI**

**POLICY AND PROCEDURES FOR
MEDIATORS**

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FAMILY COURT
of
St. Louis County, Missouri

*INSTRUCTIONS FOR APPLYING FOR INCLUSION ON
COURT APPROVED LIST OF MEDIATORS*

- 1) Thank you for your interest in being placed on the Family Court’s list of Approved Mediators. This packet contains the documents listed below. Complete the Application, Mediator Information Sheet and Appropriate Affidavit and retain the rest for your own information.
 - Application for inclusion on Court Approved List of Mediators.
 - Policy and Procedure Summary of Mediation Services of the Family Court of St. Louis County.
 - Attorney and Non-Attorney Supplemental Course Curricula.
 - Family Court of St. Louis County Mediator Information Sheet.
 - Affidavit for Attorney and Non-Attorney Mediators.
 - “Termination of Services” Memorandum.
 - Instructions for contacting “The Missouri Bar Association” regarding lists of approved mediation training courses.
- 2) Please review the Policy and Procedure Summary of Mediation Services. If you have any questions about the policies or procedures please contact the St. Louis County Family Court Administrator at 314-615-2970. If you have previously completed a 40-hour mediation course, which is not on the Missouri Bar Association’s list of accredited courses, but which you believe satisfies the requirements of Section 3 of the Policy and Procedure Summary, please see the attached instructions for contacting “The Missouri Bar Association” for further information.
- 3) You are required to complete both the above referenced 40-hour training course and a qualifying supplemental course (see Section 3 of the Policy and Procedure Summary) before turning in this application.
- 4) When you are satisfied that you meet the necessary conditions to be placed on the list of court approved mediators, turn in the completed application, the signed and notarized affidavit and the completed mediator information sheet to the St. Louis County Family Court Administrator, Courts Building, at 105 S. Central Ave, Clayton, MO 63105 or by email to 21Mediator.Information@courts.mo.gov. For further instructions you can contact the St. Louis County Family Court Administrator at (314) 615-2970. Your application will be reviewed and a criminal record check will be performed. You will be notified when the processing of your application is completed. If you are eligible to be included on the court approved list, your name and accompanying information will be added to the list as of the date it is next updated. This list is updated quarterly.

- 5) You may provide an updated mediator information sheet as your information changes. Those changes will be incorporated at the time of the next publication of the list.
- 6) To be removed from the Court Approved List of Mediators submit a request by mail to the St. Louis County Family Court Administrator, Courts Building, 105 S. Central, Clayton, MO 63105 or by email to **21Mediator.Information@courts.mo.gov**.

**FAMILY COURT
OF
ST. LOUIS COUNTY, MISSOURI**

**APPLICATION FOR INCLUSION ON
COURT APPROVED LIST OF MEDIATORS**

Name: _____

Address: _____

Phone: _____ Date of Birth: _____ Social Security #: _____

Mediation Training:

Divorce Mediation Training: (List course name, date, location, name of trainer or organization, number of hours.) Please attach a separate sheet if additional space is required.

Attorney Mediator: Supplemental Course: (List name, date, location, trainers (s). # of hours)

Non-Attorney Mediator Supplemental Course: (List name, date, location, trainers(s), # of hours)

Family Court of St. Louis County
Mediation Program
Policy and Procedure Summary

Section 1 - Introduction To The Family Court Mediation Program

- 1.1 The Family Court of St. Louis County mandates the use of mediation by litigants who have not reached agreement on custody and visitation issues. The Family Court strongly encourages the use of mediation in all other aspects of domestic cases.
- 1.2 The degree of the court's responsibility for mediators or mediation programs depends on whether a mediator is chosen by the parties independently; appointed by the court or from the court approved list, as follows:
 - a) The court oversees mediators it employs and programs it operates;
 - b) The court is responsible to develop clear criteria based on training, experience and educational background, by which to allow persons to be on a court approved list of mediators. The court has no responsibility for the services provided by mediators on the list;
 - c) The court has no responsibility for the quality or operation of outside programs chosen by the parties.
- 1.3 The court identifies the following goals of court connected mediation programs:
 - a) To provide a vehicle to assist parties to resolve disputes themselves;
 - b) To increase client satisfaction with the dispute resolution process;
 - c) To reduce the rate of contested litigation and relitigation; and,
 - d) To increase the involvement of parties in the process of resolution of their disputes
- 1.4 For cases where parties choose mediators from the court approved list and where court staff have information which suggests that there is a possible risk to the safety to one of the mediating parties or the mediator, to the extent feasible, court staff will inform the mediator of the potential risk, so that appropriate security precautions may be taken.

Section 2 - Information for Judges, Court Personnel and Users of Mediation Services

- 2.1 The Family Court of St. Louis County, in collaboration with the bar and professional mediation organizations, will assume responsibility for providing information to the public, the bar, judges and court personnel regarding the mediation process and the availability of programs.

2.2 The Family Court will provide the following information:

a. To judges, court personnel and the bar:

- (1) the goals and limitations of the Family Court mediation programs;
- (2) the basis for selecting cases that may be appropriate for mediation;
- (3) the way in which the program operates, including authorized communication between mediators and the court;
- (4) the information to be provided to lawyers and litigants in individual cases;
- (5) the way in which the legal and mediation processes interact;
- (6) the enforcement of agreements;
- (7) applicable laws and rules concerning mediation.

b. To users (parties and attorneys) in addition to the information in (a):

General information:

- (1) issues appropriate for mediation;
- (2) the possible mediators and how they may be selected;
- (3) party choice of mediators;
- (4) fee structures (when available);
- (5) program operation, including availability of the court approved list and information about procedures for maintenance of the list;
- (6) the availability of special services for persons who have communication, mobility or other disabilities;
- (7) the possibility of savings or additional expenditures of money or time;
- (8) possible other advantages of mediation to parties and counsel.

Information on process:

- (1) nature and purpose of mediation;
- (2) confidentiality of process and records;
- (3) role of the parties and/or attorneys in mediation;
- (4) role of the mediator, including lack of authority to impose a solution;
- (5) voluntary acceptance of any resolution or agreement;
- (6) advantages and disadvantages of participating in determining solutions;
- (7) availability of formal adjudication if formal resolution or agreement is not achieved and implemented;
- (8) advantages and disadvantages of lack of formal record.

Section 3 - Qualifications of Mediators

3.1 In order to be included on the court-approved list, a mediator must submit to the court an affidavit stating that he or she meets the requirements set forth below:

- a. A mediator who is placed on the court approved list shall:
 - (1) Be an attorney or a person who possesses a graduate degree in a field that includes the study of psychiatry, psychology, social work, counseling or other behavioral science substantially related to marriage and family interpersonal relationships; and
 - (2) Have received a minimum of forty hours of training in divorce mediation, twenty five hours of which shall relate specifically to child custody mediation and two hours of which shall relate specifically to the dynamics of spousal abuse. If the course does not contain the required two hours on spousal abuse, proof of attendance at another workshop of at least two hours duration on the dynamics of spousal abuse shall be substituted to meet the requirement.
- b. Non-attorney mediators shall additionally be required to complete a twelve classroom hour course of instruction on basic orientation to Missouri Family Law, that is provided by a licensed Missouri Attorney, as reflected in the attached curriculum for non-attorney mediators. The curriculum shall be maintained by the St. Louis County Family Court Administrator and may be revised at the direction of the Administrative Judge of the Family Court.
- c. Attorney Mediators shall additionally be required to complete a twelve classroom hour course of instruction as reflected in the attached curriculum for attorney mediators. The curriculum shall be maintained by the St. Louis County Family Court Administrator and may be revised at the direction of the Administrative Judge of the Family Court. The course shall be taught by a Licensed Clinical Social Worker, Licensed Psychologist, Licensed Professional Counselor, Medical Physician or by a full time faculty member of an accredited university or college. These licensure requirements shall not apply for full-time university or college faculty but shall be required of adjunct faculty of such institutions.
- d. Attorney mediators who possess a graduate degree in a field that includes the study of psychiatry, psychology, social work, counseling or other behavioral science substantially related to marriage and family interpersonal relationships will not need to obtain training as set forth in paragraph C of this section.
- e. All of the above described training must be approved by the Missouri Bar and/or by the Court.
- f. A mediator shall not be allowed on the court approved list of mediators if he/she:
 - (1) has a prior felony conviction;
 - (2) has a prior suspension of his/her professional license;
 - (3) has a prior misdemeanor conviction involving a breach of moral turpitude;

(4) has an order of protection entered against him/her.

- g. Each mediator on the court approved list shall certify on an annual basis that he/she continues to meet all of the requirements for being included on the list and that he/she wants to continue to be on the list.
 - h. The Administrative Judge of the St. Louis County Family Court or the court en banc may, without cause, remove any person from its list of approved mediators.
 - i. The Administrative Judge of the St. Louis County Family Court or the court en banc may, from time to time, modify the requirements for inclusion on the list of approved mediators, including but not limited to requirements that mediators obtain continuing education and/or training in mediation or related areas.
- 3.2 All mediators on the court approved list are encouraged to offer reduced fees to needy clients. Each mediator's reduced policy will be set forth along with other identifying information on the Court Approved List of Mediators.

Section 4 - Ethics

4.1 Application of Standards

- a. Adherence to these ethical standards is required in matters of Family Law for all mediators on the court approved list of mediators, regardless of the source of the referral in any particular mediation case. In order to be eligible to be placed on the court approved list, each mediator shall sign an affidavit agreeing to abide by these ethical standards.

4.2 General Responsibilities

- a. Mediators have a duty to the parties, to the profession, and to themselves. They should be honest and unbiased, act in good faith, be diligent, and not seek to advance their own interests at the expense of the parties.
- b. Mediators must act fairly in dealing with the parties, have no personal interest in the terms of the settlement, show no bias toward individuals and institutions involved in the dispute, be reasonably available as requested by the parties, and be certain that the parties are informed of the process in which they are involved.

4.3 Responsibilities to the Parties

- a. Impartiality. The mediator must maintain impartiality toward all parties. Impartiality means freedom from favoritism or bias either by word or by action and a commitment to serve all parties as opposed to a single party.

- b. **Informed Consent.** The mediator has an obligation to assure that all parties understand the nature of the process, procedures, the particular role to the mediator and the parties' relationship to the mediator.
- c. **Confidentiality.** Maintaining confidentiality is critical to the dispute resolution process. Confidentiality encourages candor, a full exploration of the issues and a mediator's acceptability. There may be some types of cases, however, in which confidentiality is not protected. In such cases, the mediator must advise the parties, when appropriate in the dispute resolution process, that the confidentiality of the proceedings cannot necessarily be maintained. The mediator shall have a written agreement with the parties, as more specifically detailed in Section 6.1, that guarantees and outlines the conditions of confidentiality of the mediation process. The mediator must resist all attempts to cause him or her to violate these standards of confidentiality. A commitment by the mediator to hold information in confidence within the process must be honored.
- d. **Conflict of Interest.** The mediator must refrain from entering or continuing in any dispute if he or she believes or perceives that participation as a mediator would be a clear conflict of interest. The mediator also must disclose any circumstances that may create or give the appearance of a conflict of interest and any circumstances that may reasonably raise a question as to the mediator's impartiality.
- e. **Promptness.** The mediator shall exert every reasonable effort to expedite the process.
- f. **The Settlement and Its Consequences.** The dispute resolution process belongs to the parties. The mediator has no vested interest in the terms of a settlement, but must be satisfied that agreements in which he or she has participated will not impugn the integrity of the process. The mediator has a responsibility to see that the parties consider the terms of a settlement. If the mediator is concerned about the possible consequences of a proposed agreement and the needs of the parties dictate, the mediator must inform the parties of that concern. In adhering to this standard, the mediator may find it advisable to educate the parties, to refer one or more parties for specialized advice, or to withdraw from the case. In no case, however, shall the mediator violate "section c" above, concerning confidentiality of the standards.
- g. **Future Relationships with Parties.** Mediators on the court approved list shall not enter into a professional relationship in a capacity other than as a mediator, with either party to a case for whom mediation services have been provided, once he or she has served in the capacity as mediator for the parties.
- h. **Background and Qualifications.** A mediator should accept responsibility only in cases where the mediator has sufficient knowledge regarding the appropriate process and subject matter to be effective. A mediator has a responsibility to maintain and improve his or her professional skills.

Section 5 - Communication Between Mediators and The Court

- 5.1 Mediators on the court approved list shall enter into a written agreement to mediate with parties to the mediation which shall include, but not be limited to, a clause concerning the confidential nature of the mediation process, as follows:

Communication during the mediation process pursuant to a written agreement to mediate and information disclosed during the mediation process shall be confidential pursuant to section 435.014, RSMo. The one exception to confidentiality is alternative dispute resolution services provided by Domestic Relations Services. Nothing stated in this agreement shall bar disclosure of information by the mediator to the court concerning the progress and status of mediation efforts by the parties, so long as the information does not reflect value judgments on either of the parties or reveal substantive information about the negotiation.

- 5.2 Mediators shall notify the parties of all fees and costs of mediation before beginning the mediation process.
- 5.3 On Court ordered cases, the mediator shall immediately notify the court when the mediation process is completed or terminated, regardless of the reason for termination. No adverse inference shall be drawn by the court as a result of non-settlement of the case through the mediation process.

Section 6 - Mediation Oversight Committee

6.1 Mediation and Parenting Coordination Oversight Committee

The committee is composed of attorneys and mental health professionals who serve as parenting coordinators and mediators, family court staff, judges and court administrators as determined by the Administrative Judge of the Family Court. The committee serves to advise the court regarding evaluation of the implementation, procedures, and ongoing operation of mediation and parenting coordination in the Family Court. The committee shall meet on a regular basis. Members shall serve on staggered terms with the exception of judicial and court staff.

FAMILY COURT
of
St. Louis County, Missouri

SUPPLEMENTAL COURSE CURRICULUM (Section 3.1)
FOR ATTORNEY MEDIATORS and PARENT COORDINATORS

1. Child Development Issues
 - a) Indicators of the need for outside psychological evaluation or treatment for children
 - b) Basic developmental milestones as they impact custody scheduling arrangements
 - c) Developmental disabilities (special needs issues)
2. Joint Custody Issues
 - a) Factors associated with success and failure
 - b) Mediation Process as it impacts successful plan development
3. Family Systems Theory
 - a) Basic concepts concerning the inter-relationships in family systems and the larger court and social systems
4. Crisis Intervention Theory
 - a) Understanding the nature and implications of the long-term crisis that is engendered by the dissolution of marriage process
5. Essential Elements of Parenting Plan
 - a) “Red Flag” issues that must be considered in order to promote successful parenting plans and relationships
6. Community Resources and the Referral Process
 - a) A basic social service resource list and tips on making an effective referral

In addition to the inclusion of these topic areas, the training should include role playing exercises.

7. Cultural Competency/Elimination of bias as set forth in the Supreme Court Rule 15.01.

FAMILY COURT
of
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SUPPLEMENTAL COURSE CURRICULUM (Section 3.1)
FOR NON-ATTORNEY MEDIATORS

1. Legal Process
 - a) Family Court
 - b) Procedural Issues and Administrative Rule 17
2. Property Ownership
 - a) General Concepts of Property Ownership
 - b) Separate/Marital Property
 - i) Definition of Marital Property
 - ii) Exceptions to Marital Property (Separate Property)
 - iii) Source of Funds Doctrine
 - iv) Commingling
 - v) Debt
 - c) Valuations: Experts
 - d) Division
 - i) Equitable Distribution
 - ii) Statutory Factors
 - e) Special Issues in Property Distribution
 - i) Deferred Compensation Plans: Qualified Domestic Relations Orders
 - ii) Real Property
 - iii) Debt
 - a) Indemnification
 - b) Bankruptcy
 - iv) Business entities
 - v) Life Insurance
 - f) Types of Documentation

3. Child Custody
 - a) Legal and Physical
 - i) Joint
 - ii) Primary
 - b) Custody Plan
 - c) Factors Which May Not be Considered as a Matter of Law
4. Child Support
 - a) Statutory Factors
 - b) Child Support Guidelines
 - c) Health Insurance/Qualified Medical Child Support Orders
 - d) Child Care
 - e) Education
 - f) Life Insurance
 - g) Assignment of Income
 - h) Emancipation
5. Spousal Maintenance
 - a) Statutory Factors
 - b) Decretal and Contractual
 - c) Modifiability
 - d) Health Insurance/COBRA
 - e) Life Insurance
 - f) Termination
6. Tax Considerations
 - a) Exemptions

- b) Tax Treatment of Child Support, Child Care, and Spousal Maintenance
 - c) Filing Status Issues
 - d) Property Distribution
 - i) Tax Basis/Capital Gain
 - ii) Residential Real Estate
7. Post-Dissolution
- a) Continuing Jurisdiction
 - b) Enforcement
 - i) Collection
 - ii) Motions for Contempt
 - iii) Liens on Real Property
 - iv) Uniform Acts: UCCJA and URESA
 - c) Modifications
 - i) Standard to apply
 - ii) Procedure
 - iii) Custody
 - iv) Financial
8. Other Legal Considerations
- a) Paternity Actions
 - b) Antenuptial and Postnuptial Agreements
9. Cultural Competency as approved by the court.

**FAMILY COURT
OF
ST. LOUIS COUNTY**

Mediator Information Sheet

Fill in the information as you want it to appear on the Court Approved List of Mediators. Please type the answers or print legibly.

Name: _____ Completed Dissolution of Marriage Mediations:
Street: _____ Circle One: Less than 10 10 to 25 Over
25
_____ Hours of Mediation Training: _____
City: _____ Phone: _____ Hourly Fee: _____
State: _____ Zip: _____ Fax: _____ Date: _____
Email: _____

Professional Experience: (Education, Specialty Areas, etc.)

Please Describe Any Reduced Fee Programs:

FAMILY COURT of
St. Louis County, Missouri

AFFIDAVIT

(Attorney Mediator/Parent Coordinator)

I hereby swear that I have met the following conditions to be placed on the court approved list of mediators for the Family Court of St. Louis County:

1. I am a licensed Missouri attorney, license #: _____ : and
2. I have received a minimum of forty hours of training in divorce mediation in a course (or courses) that is accredited as a “domestic relations mediations training” by “The Missouri Bar Association”, twenty five hours of which relate specifically to child custody mediation. I have had at least two hours of training on the dynamics of spousal abuse as part of the above-mentioned mediation course, or in a separate training course;
3. I have completed a twelve classroom hour course of instruction that meets the course curriculum requirements for attorney mediators as specified by the Family Court of St. Louis County;

OR

4. I have not completed a supplemental course for attorney mediators because I possess a graduate degree in a field that includes the study of psychiatry, psychology, social work, counseling or other behavioral science substantially related to marriage and family interpersonal relationships:
5. I have not:
 - (1) been convicted of a felony;
 - (2) had a suspension of my professional license;
 - (3) been convicted of a misdemeanor involving a breach of moral turpitude;
 - (4) had an order of protection entered against me.
6. I agree to abide by the Policy and Procedure Summary of Mediation Services for the Family Court of St. Louis County and to abide by the ethical standards set forth in Section 4 thereof. I understand that I may be removed from the court approved list of mediators at any time by the Administrative Judge of the Family Court without cause.
7. I give permission to the St. Louis County Family Court to conduct a criminal record check on my background.

Affiant Signature / Date

Signed and sworn before me this _____ day of _____, 20 _____. My commission expires _____.

**FAMILY COURT
of
St. Louis County, Missouri**

AFFIDAVIT

(Non-Attorney Mediator/Parent Coordinator)

I hereby swear that I have met the following conditions to be placed on the court approved list of mediators for the Family Court of St. Louis County:

1. I possess a graduate degree in a field that includes the study of psychiatry, psychology, social work, counseling or other behavioral science substantially related to marriage and family interpersonal relationships; and
2. I have received a minimum of forty hours of training in divorce mediation in a course (or courses) that is accredited as a “domestic relations mediations training” by “The Missouri Bar Association”, twenty five hours of which relate specifically to child custody mediation. I have had at least two hours of training on the dynamics of spousal abuse as part of the above-mentioned mediation course, or in a separate training course;
3. I have completed a twelve classroom hour course of instruction that meets the course curriculum requirements for non-attorney mediators as specified by the St. Louis County Family Court;
4. I have not:
 - (1) been convicted of a felony;
 - (2) had a suspension of my professional license;
 - (3) been convicted of a misdemeanor involving a breach of moral turpitude;
 - (4) had an order of protection entered against me.
5. I agree to abide by the Policy and Procedure Summary of Mediation Services for the Family Court of St. Louis County and to abide by the ethical standards set forth in Section 4 thereof. I understand that I may be removed from the court approved list of mediators at any time by the Administrative Judge of the Family Court without cause.
6. I give permission to the Family Court of St. Louis County to conduct a criminal record check on my background.

Affiant Signature / Date

Signed and sworn before me this _____ day of _____, 20 __. My commission expires _____.

**FAMILY COURT
of
St. Louis County, Missouri**

Memorandum

TO: _____

FROM: _____

RE: _____
(Case Name/Cause Number)

DATE: _____

This is to advise the court as to the status of mediation services in the above styled cause.

- The mediation process was completed.
- I terminated services
- I have not met with the Parties for over 60 days.

(Mediator)

**FAMILY COURT
of
St. Louis County, Missouri**

*INSTRUCTIONS FOR CONTACTING
THE MISSOURI BAR ASSOCIATION*

To learn if a particular mediation training course is accredited by the Missouri Bar Association, contact:

The Missouri Bar
Attn: MCLE
326 Monroe
PO Box 119
Jefferson City, MO 65102-0119
Phone: (573) 635-4128
Fax: (573) 635-2811
Email: mobar@mobar.org

Note: The Missouri Bar accredits dispute resolution programs in areas other than domestic relations. For a course which you took to qualify, it must be accredited by the Missouri Bar as “domestic relations mediation training.”

If a course which you have taken is on neither list, The Missouri Bar Association will explain what procedures must be followed in order to have your course included on their list. Please do not submit your application until such time as your course has either been added to those list(s) or until you have completed an alternative course which is properly accredited. In the event that you are unable to obtain approval of your course by “The Missouri Bar Association” and you still feel that your course qualifies under the guidelines set forth in the “Policy and Procedure Summary”, you may apply for special approval of the course by the Family Court Administrator. Please contact the Family Court Administrator at 314-615-2970 or Ben.Burkemper@courts.mo.gov to request information on how to proceed.