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40-Hour Client Centered Divorce Mediation *Rough* Training Schedule

Note: In addition to a lunch break, there are two short breaks each day. Each day begins at 8:00am. Training ends at 5:30pm M-Th and at 3:30pm on Friday. Morning beverages and afternoon snacks are provided each day. Lunch is provided on Friday.

Day One: Overview of Divorce Mediation and the Initial Consultation.

Introduction of Faculty. Review training materials, expectations of participants, training protocols, assign small groups.

Empathy exercise. Participants will be asked to step into the “shoes” of the writer of a struggle and tell the group of the struggle as if it is their own, speaking in the first person.

Conflict resolution processes. Definitions and discussion of the differences between the processes of litigation, arbitration, negotiation and mediation, with emphasis on client centered mediation.

An overview of divorce mediation. Review what mediation is and how mediation is applicable to divorce. Discussion of the spectrum of violence.

Faculty Demonstration Roleplay: Initial Consultation. Introduction of Structured Role Play Observation and Debriefing.

The initial consultation in the divorce mediation process. The purpose of the consultation session, role of the mediator, the content and the goals.

Small Group Roleplay #1: Initial Consultation. Students will role play in small groups with the same fictional couple all week.

Role of the mediator and mediator neutrality. Ethical issues of neutrality. The importance of remaining neutral, especially in cases where abuse is present and how personal opinions may conflict with professional obligations. Discussion of the ethical and professional responsibility of mediating cases where domestic abuse is present. Techniques to establish and maintain neutrality while at the same time establishing control and safety.

Listening skills. Learning value and the power of listening. Understanding empowerment and recognition as mediator opportunities. **Arbitration v. Mediation Exercise.** In groups, students will play the role of an arbitrator and then a mediator in a dispute and compare and contrast the two roles.

Day Two: The Conceptual Framework of Divorce Mediation and Mediating Budgets and Financial Support Issues.

Conflict resolution. The Conflict Cycle and Responses to Conflict Theory including a discussion of conflict and spousal abuse in divorce mediation.

Conflict resolution theory. The Conceptual Framework of Divorce Mediation,

Negotiation role play. Students will pair off for this problem on interest-based bargaining.

Major Mediator Interventions. Lecture listing and describing each intervention and its effect on the mediation process. Modifying mediator interventions when there is spousal abuse.

Preparing budgets. Use of budgets to determine cash flow. Determining net incomes. Preparing budgets as a basis for considering options about child support and spousal support. Discussion of MN Child Support Guidelines and creative options for support-

Faculty Demonstration Roleplay: The budget process. Observation and debriefing.

Small Group Roleplay #2: The budget process. Getting to the bottom lines. Developing options about meeting monthly expenses with available net income.

Legal issues in support. Lecture and discussion of the tax and legal issues related to child support and spousal support. Child Support Guidelines and general principles of fairness demonstrated by cases law. Using the Divorce Tax Planner as a tool.

Fin Plan Demonstration. Demonstrate [use of the] FinPlan Divorce Tax Planning program [and] understanding the impact of child support and spousal maintenance.

Day Three: The Emotional Divorce, Domestic Violence and Property Division

The Emotional Divorce. The emotions of divorce and the impact on the divorce settlement process.

Domestic Violence and Divorce Mediation. Legal and social definitions. Special protocols and red flags that indicate abuse. Assessing when mediation is not appropriate. Ethical issues in mediating spouse abuse divorces and reporting of child abuse.

Video: Scenarios illustrating different types of Abuse . Debrief and discussion.

Faculty Demonstration Roleplay: Spousal Abuse Couple. A demonstration of protocols, skills, red flags, and balancing of power.

Property and financial issues. Property identification, valuation, and documentation are presented as the keys to building options and finally a distribution of property.

Faculty Demonstration Roleplay: Property Issues. Observation and debriefing.

Small group role play #3: Property Issues with the goal of arriving at several options and a distribution.

Legal and tax issues related to property division.

Reframing and questioning improvisation exercise.

Day Four: The impact of divorce on children and mediating custody and parenting issues.

Separate-parenting issues in mediation. Introduction and discussion of all of the issues involved in deciding the parenting arrangements of the minor children.

Faculty Demonstration Roleplay: Parenting Issues. Observation and feedback.

Video: Scenarios illustrating the effects of competitive parenting and parental conflict on children.

Small Group Roleplay #4: Parenting Issues. Observation and debriefing.

Impact of divorce on children. The psychological responses of children to their parent's divorce at the time of the separation.

Neutrality exercise.

Day Five: Standards of Practice and Finalizing the Divorce.

Mediation of high conflict cases and cases of spousal abuse. Special techniques, legal issues, special protocols (Orders for Protection, Restraining Orders, etc.) and interventions to deal with anger, intimidation, demands, threats, and issues of chemical dependency.

Faculty Demonstration Roleplay: High Conflict Couple. Demonstration of mediating a high conflict situation. Debrief and discussion.

Review of the red flag tax issues. Lecture about the tax issues that need consideration in divorce.

Strategies to avoid impasse in mediation. Lecture and discussion of strategies to use to intervene so impasse does not occur. How to anticipate getting stuck and deal with it before it occurs.

Drafting the Memorandum of Agreement. Optional language, preliminary and final drafts. The Legal Divorce process in a mediated divorce. The use of the lawyers in the mediation process. The legal process in uncontested divorces.

The Standards of Practice for Family Mediators. Ethical issues in mediation regarding conduct, confidentiality, neutrality, conflict of interest, disclosure of competency, for agreements, etc.

Wrap-up, revisit expectations, answer remaining questions, evaluations.