

Divorce Mediation Certificate Program Course Curriculum



Conflict Resolution Training, Inc.

About DMCP

The Program

The Divorce Mediation Certificate Program (DMCP) is a live, comprehensive Divorce Mediation training program designed for all kinds of professionals, not just attorneys. The program includes a mix of lecture, group exercises, outside assignments, mock mediations, and real-time facilitated discussion.

Course Structure

The program consists of 32 hours of class time and 3+ hours of outside of class assignments. Class is taught over the course of eight, 4-hour sessions. For in-person classes, two sessions are taught per day, over four days. For online classes, sessions are taught weekly, over eight weeks.

Course Objectives

At the conclusion of this program, participants will be able to:

1

Provide divorce mediation services as part of a mental health or law practice or as a separate divorce mediation practice.

2

Mediate all aspects of a divorce case from beginning to end, using experts as resources when necessary.

3

Teach divorcing spouses about the issues the family court requires them to address once they have decided to divorce.

4

Assist divorcing spouses in reaching fair and amicable resolution of all of the issues the family court requires them to address.

Session 1

Course Overview & Introductions

Understanding the Litigation Process in Divorce Proceedings

Participants receive basic training on the divorce litigation process so that they can better understand the path their clients are/might/will travel if/when they are unable to reach conciliation and accord through mediation sessions.

What Divorce Mediation Is and What Divorce Mediators Do

Participants identify the skill sets they possess that enable them to assist divorcing spouses through the painful divorce process by minimizing hostility within the family structure.

Distinguishing Litigation from Mediation and Other Forms of Conflict Resolution

Participants are trained on forms of conflict resolution techniques other than mediation for the purpose of understanding the broad spectrum of amicable and peaceful options available to their clients when divorce is inevitable.

Session 2

When is Mediation *Not* Appropriate?

Various circumstances are discussed and identified for purposes of screening inappropriate candidates for mediation. Participants take part in a group exercise about handling bias. Cultural sensitivity is discussed.

How to Introduce the Divorce Mediation Process to Divorcing Spouses

Participants learn how to communicate the potential for, and significance of, self-determinism in the divorce mediation process to clients.

The Mediation Contract

Participants learn about the psychological and legal purposes of the mediation contract and are trained on how to review and execute a mediation contract with clients.

Psychological Stages of Divorce

Participants learn the five psychological stages of divorce and learn the significance of these stages when meeting with clients in mediation sessions.

Role Play, Q&A, & Reading Assignment

Participants engage in a role play exercise in groups of 3-4, followed by a Q&A, and then are dismissed to read articles on mediation techniques.

Session 3

Review of Sessions 1 & 2, Overview of Sessions 3 & 4

Three Principles that Guide Successful Mediators

The concepts of “fair and equitable”, “amicable” and “best interests of children” are considered in the context of mediation sessions.

Child Support Homework Assignment

Participants are required to analyze several scenarios and calculate child support.

Issues Pertaining to Children in Divorce

Issues involving children in divorce are discussed in detail. The meanings, significance and considerations relevant to child custody and parenting time are discussed. Participants learn how to construct a parenting plan with a view toward the best interest of the children.

What is the Marital Estate? Marital vs Non-Marital Property

Participants learn how to determine their clients’ “marital estate” and begin learning how to reach agreement in dividing it. Participants are introduced to the use of non-adversarial experts to assist clients in decision making in law and finance.

Session 4

Property Division

Participants learn to focus their clients on what is in their best interest as they work towards reaching amicable agreements on dividing property in the process of divorce. Techniques for minimizing, avoiding and breaking impasse are taught.

Insurance & Retirement Issues

Participants learn the particulars of insurance policies and retirement accounts so that they can guide their clients through identifying, valuing, and dividing these assets with a minimum of stress and anxiety.

Debt, Tax, & Miscellaneous Issues

Participants learn about these issues in order to assist their clients in *completely and fairly* addressing all relevant issues in a manner that both can agree is fair and equitable.

First Mock Mediation

Participants role play their first divorce mediation case. One third of participants play mediator roles.

Q&A + Outline Assignment

After the Q&A, participants are dismissed to work on the Outline, a tool for ensuring all necessary issues are covered in the mediation process.

Session 5

Review of Sessions 3 & 4, Overview of Sessions 5 & 6, Group Discussion of First Mock Mediation and the Outline

Writing Divorce Mediation Agreements: The Memorandum of Understanding

Participants learn on how to prepare a well written agreement at the conclusion of a divorce mediation case. Each component of the agreement is introduced and reviewed.

Distinguishing the MOU From Other Forms of Mediation Agreements

Participants learn about other forms of divorce agreements in order to become well versed in the broader spectrum of what other divorce professionals offer.

Group Exercise: Listening & Fact Finding

Participants engage in an interactive class exercise, involving review and consideration of a case that challenges their listening skills, critical thinking skills, legal reporting obligations, and cultural sensitivity. It also tests their knowledge of concepts already introduced in the program.

Session 6

Second Mock Mediation

Participants role play their second divorce mediation case, in which a second third of the participants mediate a divorce mediation case.

Individual Writing Assignment: Memorandum of Understanding

Participants put the results obtained in their small group project into a written Memorandum of Understanding.

Dismissal to Continue MOU

Participants begin creating their own MOU document in class, but are dismissed to complete the assignment outside of class



Session 7

Review of Sessions 5 & 6, Overview of Sessions 7 & 8, Group Discussion of Second Mock Mediation and the MOU

Psychology of the Mediation Process: Deadlocks, Disagreement, & Emotion

Participants learn how to use their existing skills to assist clients in resolving deadlocks and disagreements through conciliation, empathy and cooperation. Appropriate responses to highly emotional circumstances are discussed.

Prominent Traits of Highly Effective Mediators

Participants learn which personality traits and skill sets are common to the most effective mediators.

Legal Liability & Conflicts of Interest

Participants learn how best practice guards against legal liability and how to avoid conflicts of interest and thereby professional malfeasance.

Third Mock Mediation

Participants role play their final divorce mediation case, in which the final third of participants mediate a divorce mediation case

Session 8

Ethics

Ethical practice dilemmas are presented and a group discussion is facilitated.

Using Experts in Divorce Mediation Cases

Participants learn when and how to introduce legal, financial, mental health, and other professionals to divorce mediation clients when such expertise is needed.

Adding Mediation to an Existing Practice or Starting a Mediation Practice

Participants learn to address confidentiality concerns when adding divorce mediation sessions to existing practices or to the setting in which they work. Recommendations on preparing for accepting cases are provided: forms, space considerations, intake and follow-up procedures with clients. Advertising and networking to get divorce mediation cases are discussed.

Final Q&A

Participants have a final opportunity to ask questions before finishing the course.