

UNIVERSITY OF OREGON
CONFLICT AND DISPUTE RESOLUTION MASTER'S PROGRAM

CRES 655: FAMILY MEDIATION

WINTER 2021

Class Meetings:	February 12-14 and February 26-28 Fri 2:15-5:45 pm, Sat/Sun 9:15 -11:45 am & 12:15-4:45 pm (Course requires both weekends)
Credits:	Graduate students = 4; Law students = 3
Location:	Remote
Instructor:	Caitlyn Jackson
Office Hours:	By Appointment
Phone:	N/A
E-mail:	cnjackso@uoregon.edu
Course website:	https://canvas.uoregon.edu

COURSE DESCRIPTION

This course is intended to prepare students for work-related experiences in the field of family mediation, specifically domestic relations pertaining to custody and parenting time. Open to graduate students in any major, this course will focus on the practical skills and knowledge needed to assist families through the change that separation and divorce brings to the family. Included in the discussions will be the effects of separation and divorce on parents and their children, the definition of custody in Oregon, and the various parenting time schedules appropriate for children at different ages and developmental stages. This course will also address the basics of custody and parenting time agreement including custody, parenting time, holidays and vacations, Oregon parental rights, and the parental guidelines that parents may want to address in mediation including communication with each other, communication with the children, and similar types of issues. In addition, this course will address the unique needs of parents when issues of domestic violence, drug and alcohol use, and other safety concerns are part of the equation. By the end of the course, students will have completed the training requirements for domestic relations custody and parenting time mediators in Oregon. These training requirements may be transferable to jurisdictions outside Oregon; check your state's rules for details.

LEARNING OBJECTIVES

As a result of taking this course, students will be able to:

- Understand the process of case management from opening through closing;
- Comprehend the psychological impacts of separation and divorce on the people involved;
- Explore the skills and techniques needed to be an effective mediator;
- Understand the Oregon family law pertaining to mediation, custody, and parenting time;
- Understand the legal procedures needed to finalize the mediated agreement;

- Appreciate the challenge of working with highly charged and emotional situations and issues;
- Understand ethical issues for mediators of reporting obligations, particularly of child abuse;
- Understand the resources and agencies available to clients;
- Gain subject matter knowledge

COURSE TEXTS

Required

- 1) *Divorce and Family Mediation*, edited by Jay Folberg, Ann Milne, Peter Salem (576 pages).
- 2) *A Guide to Divorce Mediation*, by Gary Friedman, J.D. (367 pages)
- 3) *Renegotiating Family Relationships: Divorce, Child Custody, and Mediation*, by Robert Emery (222 pages)
- 4) *Failure to Flourish, How Law Undermines Family Relationships*, Clare Huntington, (320 pages)
- 5) *Intimate Associations: The Law and Culture of American Families*, by J. Herbie DiFonzo and Ruth Stern (244 pages)
- 6) 2016 Handbook of Parenting Plans; (100 pages - Canvas)
- 7) Academic Articles:
 - a. *Assisting Children Through Transition*, Joanne Pedro-Carroll, Ellen Nakhnikian, and Guillermo Montes (16 pages)
 - b. *Bias in the Family: Race, Ethnicity, and Culture in Custody Disputes*, by Solangel Maldonado (30 pages)
 - c. *Cautionary notes on the shared care of children in conflicted parental separation*, Jennifer McIntosh Phd and Richard Chisholm, JD (17 pages)
 - d. *Child-focused and child-inclusive Family Law dispute resolution: One year findings from a prospective study of outcomes*, Jennifer McIntosh, PhD, Yvonne Wells, Caroline Long (19 pages)
 - e. *Children's Living Arrangements Following Separation and Divorce: Insights from Empirical and Clinical Research*, Joan Kelly, PhD (18 pages)
 - f. *Descriptions of Loss and Resilience Among Fathers Paying Child Support*, Kristin Natalier (10 pages)
 - g. *Divorce Issues and the Special Needs Child*, Margaret Price, JD, (10 pages)
 - h. *Divorcing Parenting from Child Support: Justice and Care in the Discourse of the Rights and Responsibilities of Shared Custody*, Denise Whitehead, (17 pages)
 - i. *Efficacy of Family Mediation and the Role of Family Violence*, Helen Cleak (24 pages)
 - j. *Gender in the Context of Same-Sex Divorce and Relationship Dissolution*, Suzanne Kim and Edward Stein (15 pages)
 - k. *On and On, Over and Over: The Gender War in Child Support Enforcement Court*, Cindy Elmore, PhD (8 pages)
 - l. *Oregon Statewide Family Law Advisory Committee (SFLAC) Recommendations for Oregon Courts* (2 pages)

- m. *Overnight care patterns following parental separation: Associations with emotion regulation in infants and young children*, Jennifer E McIntosh Phd, Bruce M Smyth Phd and Margaret Kelaher Phd (17 pages)

Canvas

The course website is located on the University of Oregon's Canvas system (<https://canvas.uoregon.edu>) and can be accessed by using your Duck ID as your username and corresponding password. The class syllabus, announcements and other materials will be posted on the Canvas site. Please check the course website frequently for updates.

COURSE POLICIES

Accessible Education for All Students: The University of Oregon works to ensure inclusive learning environments for all students. We recognize that students bring a variety of learning styles to the course, and that some learning styles may require adjustment to course structure. We are happy to talk with you about such adjustments. Please be in touch with the professor if there are aspects of the instruction or design of this course that result in barriers to your participation as a result of learning style or diagnosed disability. For more information, you are also encouraged to contact the Accessible Education Center (formerly Disability Services) in 164 Oregon Hall at 346-1155 or uoac@uoregon.edu.

Inclusion and Collegiality: Our community that values inclusion. We are committed to equal opportunities for all faculty, staff, and students to develop individually, professionally, and academically regardless of ethnicity, heritage, gender, sexual orientation, ability, socio-economic standing, cultural beliefs and traditions. We are dedicated to an environment that is inclusive and fosters awareness, understanding, and respect for diversity. If you feel excluded or threatened, please contact Associate Dean of Students Jennifer Espinola. The University Bias Response Team is also a resource that can assist you. See <http://bias.uoregon.edu> or call 541-346-2037.

Academic Integrity: Students are expected to demonstrate high levels of academic integrity and professionalism, and are prohibited from committing or attempting to commit any act that constitutes academic misconduct. Plagiarism and other forms of academic dishonesty will be grounds for automatic failure in the course. If you have questions about conduct please ask your instructor or review the University Student Conduct Code (available at <http://conduct.uoregon.edu>).

Attendance: Attendance is mandatory. See Grading Rubric for details.

Participation: Participation is mandatory. See Appendix 1 for details.

Email Guidelines: Expect a 24-hour response time for my reply to your email. Emails must be written in a professional manner with correct capitalization, grammar, and punctuation.

Zoom Expectations: In order to participate in the class with our remote setting, you will need to use a device with internet access, a microphone, and a camera. Please plan to have your camera on

during class. Please contact me prior to the first class if you anticipate having connectivity issues as we will need to problem solve solutions. Camera participation is expected and essential for this course.

What You Can Expect from me:

- plan and facilitate learning opportunities that will help you meet the course goals and objectives
- provide constructive feedback on your performance
- be open to constructive feedback on my performance
- bring my teaching expertise and experience into the classroom
- be open-minded in responding to your ideas and suggestions
- allow you to wrestle with ideas to shape your own conclusions

COURSE ASSIGNMENTS AND GRADING

Your grade will, in large part, be a reflection of your commitment to being present in the class (actively engaging the material and interacting with your classmates). The assigned readings are to be done prior to the class, according to the below schedule. There are approximately 180 pages of reading per week so be sure to plan your time accordingly. You need to come to class prepared to actively engage in discussions related to each reading.

Points Breakdown	
Attendance & In-class participation	35
Youth Services Observation Project Due 5pm on Friday March 5, 2021	25
Practice Scenario Reflection Paper Due 5pm on Friday, March 12, 2021	20
5 Page Research Paper Due 5pm on Wednesday, March 17, 2021	20
Total	100

Term Grade Distribution (there is no rounding up)	
A	95-100 points
A-	90-94 points
B+	87-89 points
B	83-86 points
B-	80-82 points
C+	77-79 points
C	73-76 points
C-	70-72 points
D	60-69 points
F	Below 60 points

Grading Rubric

1. Attendance and In-Class Participation (see Appendix 1)

Attendance is mandatory and will be taken at every class. Arriving late or leaving early may count as being absent. You are expected to come to class on time and stay until the bitter end. Please utilize the scheduled breaks to minimize class disruption. Assignments are due at the dates and times listed in this syllabus. If you turn in an assignment late, your grade will be reduced by ten percent for each day your assignment is late (this begins at the time the assignment is due).

We will be mediating cases in and outside of class almost every day. You and your partner/team will benefit from these exercises only if you each prepare in advance and participate actively. Participating actively means completing the simulations and any companion exercises. Participating actively also means providing your counterparts with useful, relevant feedback and contributing to class discussions in a thoughtful way.

2. Youth Services Observation Project (see Appendix 3):

In coordination with the instructor, you will observe each of the following remotely at Lane County Youth Services:

- 1) Focus on Children parent education class
- 2) Two mediation sessions (To meet SEI requirements, law students must complete eight additional course work hours. As such, law students will observe to five additional mediations).

Observations must be completed by week 9. You will write one five-page reflection paper, covering your thoughts and responses to your observations. The reflection paper is due at 5:00 p.m. on the Friday of week nine: Friday, March 5, 2021. Points will be based on the level of depth of your observations, and your professionalism and adherence to the conduct during the observations.

The Focus on Children is three hours long. Mediation appointments are 1.5 hours long and you will spend additional time with the mediator to prepare for the case and debrief with mediator. **There are limited numbers of observations each week so it is very important to get an early start. The instructor will send a list of available observation blocks each week. You are responsible for scheduling and attending the Focus on Children class and two mediation appointments.** If you do not complete this assignment, this assignment will be replaced with a 20 page research paper (see Appendix 4); please contact the instructor prior to the second weekend of class if you plan to complete the research paper.

3. Practice Scenario Reflection Paper Project (see Appendix 2):

Practice scenarios (also known as role plays) are essential to this course. During the final weekend of the class, you will record the final full mediation session that you co-mediate. The recording will be made available to you. You will need to watch the full mediation session to identify what you did well and any areas you might approach differently moving forward. Then you will write one five-page reflection paper covering what you did well, any areas you would approach differently moving forward, lessons learned, and any remaining questions you have about your mediation skills or theories from the material we covered during this course. Reflections need to be specific to your practical skills during the final practice session.

4. Five Page Research Paper (see Appendix 2) You will write one five-page research paper on an area specific to family mediation. Topics may include: confidentiality; ethics in family mediation; court-connected family mediation, changes in Oregon law that impact domestic relations mediation; family mediation in private practice; domestic violence; gender, ethnic, and cultural diversity in family mediation; psychology and family mediation; contracts in family mediation; crisis intervention when working with families; child inclusive mediation; safety issues; parenting skills and conflict resolution; family law systems and mediation; online mediation for families; conflict prevention in family systems; mediation skills for working with families; communication techniques for family mediators; knowledge and skills for working with families and children; alternative dispute resolution techniques other than mediation for working with families; substance use and parenting; or another topic that interests you and is relevant to family mediation. If you choose a topic that is not on this list (and you are encouraged to do so), please email the instructor your topic area before the second weekend of class so the instructor can ensure the topic is relevant to this course.

COURSE READING SCHEDULE

I reserve the right to change the schedule as necessary. Any changes will be announced in class or posted on Canvas. You are responsible for being aware of any changes, even if you missed class. There are approximately 180 pages of reading each week so plan accordingly.

Week 1: General Family Mediation Knowledge and Skills

Readings: 191 pages

- *Divorce and Family Mediation: Models, Techniques, and Applications*, pages 1-126
- *A Guide to Divorce Mediation*, pages 1-65

Week 2: General Family Mediation Knowledge and Skills, Cont.

Readings: 174 pages

- *Renegotiating Family Relationships: Divorce, Child Custody, and Mediation*, pages 1-61(61)
- *A Guide to Divorce Mediation*, pages 67-145 (78)
- *Cautionary notes on the shared care of children in conflicted parental separation*, Jennifer McIntosh and Richard Chisholm, (17 pages)
- *Children's Living Arrangements Following Separation and Divorce: Insights from Empirical and Clinical Research*, Joan Kelly, PhD (18 pages)

Week 3:

Readings: 158 pages

- *Renegotiating Family Relationships: Divorce, Child Custody, and Mediation*, pages 62-98 (36)
- *A Guide to Divorce Mediation*, pages 147-219 (72)
- *Divorcing Parenting from Child Support: Justice and Care in the Discourse of the Rights and Responsibilities of Shared Custody*, Denise Whitehead (17 pages)
- *Overnight care patterns following parental separation: Associations with emotion regulation in infants and young children*, Jennifer E Mcintosh Phd, Bruce M Smyth Phd And Margaret Kelaher Phd (17 pages)
- *Assisting Children Through Transition: Helping Parents Protect Their Children from the Toxic Effects of Ongoing Conflict in the Aftermath of Divorce*, Joanne Pedro-Carroll, Ellen Nakhnikian, and Guillermo Montes (16 pages)

Week 4:

Readings: 175 pages

- *Renegotiating Family Relationships: Divorce, Child Custody, and Mediation*, pages 99-163 (64)
- *A Guide to Divorce Mediation*, pages 221-313 (92)
- *Child-focused and child-inclusive Family Law dispute resolution: One year findings from a prospective study of outcomes*, Jennifer McIntosh, PhD, Yvonne Wells, Caroline Long (19 pages)

Week 5:

Readings: 214 pages

- *Renegotiating Family Relationships: Divorce, Child Custody, and Mediation*, pages 164-222 (58)
- *A Guide to Divorce Mediation*, pages 313-369 (56)
- *2016 Handbook of Parenting Plans (Canvas)*, pages 1-100

Week 6:

Readings: 184 Pages

- *Divorce and Family Mediation: Models, Techniques, and Applications*, pages 126-278 (152)
- *Oregon Statewide Family Law Advisory Committee (SFLAC) Recommendations for Oregon Courts: Information for Parents sharing Custody or Parenting Time of Children During the COVID-19 Pandemic* (2 pages)
- *Bias in the Family: Race, Ethnicity, and Culture in Custody Disputes*, by Solangel Maldonado (30 pages)

Week 7:

Readings: 181 Pages

- *Failure to Flourish*, pages 1-80 (80)
- *Divorce and Family Mediation: Models, Techniques, and Applications*, pages 283-350 & 377-396 (86)
- *Gender in the Context of Same-Sex Divorce and Relationship Dissolution*, Suzanne Kim and Edward Stein (15 pages)

Week 8:

Readings: 171 pages

- *Divorce and Family Mediation: Models, Techniques, and Applications*, pages 397-443 (46)
- *Failure to Flourish*, pages 81-164 (83)
- *Efficacy of Family Mediation and the Role of Family Violence*, Helen Cleak (24)

Week 9:

Readings: 188 pages

- *Divorce and Family Mediation: Models, Techniques, and Applications*, pages 447-576 (129)
- *Failure to Flourish*, pages 165-224 (59)

Week 10:

Readings: 168 pages

- *Intimate Associations: The Law and Culture of American Families*, pages 1-150
- *On and On, Over and Over: The Gender War in Child Support Enforcement Court*, Cindy Elmore, PhD (8)
- *Descriptions of Loss and Resilience Among Fathers Paying Child Support*, Kristin Natalier (10 pages)

WEEKEND CLASS SCHEDULE

*I reserve the right to change the schedule as necessary. Any changes will be announced in class or posted on Canvas. You are responsible for being aware of any changes, even if you missed class. **Each class students will be participating in extensive role plays.***

Day 1:

General Family Mediation Knowledge and Skills

- How to explain what family mediation is within the dispute resolution context, how it relates to current and potential legal processes, and what a family mediator can and cannot do.
- Theories, current research, and literature underlying conflict and its resolution, and their application to family mediation.
- How to contract for mediation services and how to explain mandatory services, court rules and procedures, and conditions for opting out of mediation.
- Knowledge of and how to address confidentiality requirements in Oregon, including the differences in standards and applicability of the provisions contained in Oregon Revised Statutes chapters 36 and 107.
- How to recognize and plan appropriately to address safety risks for clients and their family members, mediators, and mediation programs.
- How to build a working relationship and a constructive mediation process with the parties, given mandatory and nonmandatory processes, and agency or service policies and procedures.
- How to facilitate communication between the parties by using specific communication, negotiation, and facilitation skills, such as, but not limited to: active listening, reframing, reflection of feelings, etc.
- How to screen for appropriateness of mediation.
- How to assist the parties in surfacing and framing the topics to be discussed in family mediation, including:
 - Knowledge of conflict management skills and de-escalation skills; and
 - Understanding concepts and appropriate use of mediator influence and neutrality and the role of unrepresented stakeholders.
- Knowledge of and how to practice within current professional standards of practice, codes of ethics, legal and ethical requirements, court policies and procedures, and how to recognize and resolve ethical issues.
- How to recognize when the assistance of other professionals might be helpful to the mediation process, and how to facilitate this discussion with the parties.
- Awareness of what additional knowledge, skills, experience, and supervision may be necessary for the successful practice of mediation and how to get it.
- How to conclude a mediation and how to memorialize the clients' understandings and agreements in written mediated agreements, including:
 - Ability to describe next steps in the process to clients; and
 - Ability to complete any postmediation follow-up.

Day 2:

Knowledge and Skill with Families and Children

- Understanding of family systems, family life cycles, child development, adult development, and intergenerational patterns.
- How to assess the need for crisis intervention for children and adults and how to provide it when needed.
- How to understand and work effectively with grief, loss, anxiety, anger, defensiveness, and other common emotions of family conflict and crisis.
- How to assess appropriateness for inclusion of children in family mediation, and how to conduct child interviews when needed.
- How to make referrals for other professional services and awareness of local resources.

Adaptations and Modifications for Special Case Concerns

- How to define and identify child abuse and its symptoms in children and adults; knowledge of child abuse reporting obligations and procedures; how to discuss these issues in mediation, and whether to continue to mediate.
- How to be aware of social and cultural differences that may require adaptations to the provision of family mediation, such as, but not limited to: interpreters, culturally specific service delivery, and identification of individual family culture and values.
- How to identify psychopathology that may indicate inappropriateness or special conditions for family mediation, and how to deal with this during family mediation.
- Awareness of and how to deal with appropriate responses, modifications, and the possibility of ending of the mediation process to minimize harm or unfairness when the following issues are present or potentially present:
 - Domestic violence, power and control, or intimidation issues in families;
 - Mental health issues of parents or children;
 - Drug and alcohol use or abuse, treatment, and recovery; and
 - Other physical, organic, or social conditions that might affect the parties' abilities to effectively mediate their issues.

Day 3:

Specific Family, Divorce and Parenting Information:

- Awareness of the process and consequences of separation and divorce and other family life transitions for adults and children.
- Awareness of children's cognitive, emotional, and educational developmental stages and how these are affected by absence, divorce, separation, and parental conflict.
- How to do parenting planning with parents, based on:
 - Children's ages and developmental stages and special needs;
 - Parents' knowledge and abilities;
 - Attachment between parents and children;
 - Parenting knowledge and skill;
 - Distance and environmental factors; and

- Maintaining sibling and extended family relationships.
- How to educate and facilitate problem solving between the parties about custody, parenting time, and other issues affecting families in transition, including, but not limited to:
 - Detailed parenting planning, including common parenting schedules and contingencies;
 - Child support requirements, calculation, and modification;
 - How to assist the parties in developing and drafting a parenting plan, including accommodation of children’s changing developmental needs, and awareness of flexibility of plans acceptable to the court; and
 - Familiarity with the Oregon Judicial Department’s current basic and safety-focused parenting plan guides and other family law materials.
- Awareness of other state and national agencies and organizations affecting family law, divorce, parents, and children.

Day 4:

Legal, Procedural, and Financial Knowledge and Skills:

- How to understand and work with the substantive and procedural legal information encountered in family mediation, including, but not limited to:
 - Domestic relations terminology;
 - Needs of unrepresented (pro se) clients; and
 - Family law relevant to the issues of the mediation, such as, but not limited to: ORS 107, 108, 109, and 124.
- Domestic relations processes, such as, but not limited to:
 - The requirements of providing legal notice;
 - Filing of motions and stipulated agreements;
 - Waivers and deferral of filing fees;
 - Copetitions and summary dissolutions;
 - Filing and contesting restraining orders, orders of no contact, and FAPA orders;
 - Petitioning for temporary orders, status quo orders, and temporary support;
 - Attendance at Family Law Education Programs;
 - Expedited hearings for parenting time and custody;
 - Conciliation services;
 - Limited judgments and final judgments;
 - Providers and programs for custody evaluation, parenting coordinators, and supervised parenting time; and
 - Supplemental local rules and local jurisdictional policies and procedures.
- Related areas of law, rule, and policy that could intersect with domestic relations cases, including, but not limited to:
 - Arbitration;
 - Paternity and filiation;
 - Grandparent rights and the rights and responsibilities of step-parents or those with a significant relationship similar to a parent/child relationship;
 - Probate;

- Juvenile dependency;
- Family reunification;
- Interstate and international issues and tribal notification and requirements;
- Courthouse facilitators; and
- State Family Law Advisory Committee and Local Family Advisory Committees.
- The role of attorneys during and after the mediation effort.
- The unauthorized practice of law, and how to avoid it.
- A general understanding of the current Oregon laws regarding finances during separation and divorce and the ability to provide accurate information and/or referral to appropriate resources about financial topics, including, but not limited to:
 - Temporary separation finances;
 - Valuing and distribution of marital assets and debts;
 - Retirement and pension information;
 - Insurance during and after divorce;
 - Private property, inheritances, and other assets; and
 - Tax issues during and after divorce or separation.

Days 5 & 6:

Catch Up & Putting it Into Practice

APPENDIX 1: PARTICIPATION RUBRIC

Category	Far Below Standards	Satisfactory	Good	Excellent
	0-1	1.5	2	2.5
Peer Interaction	Virtually no interaction with peers	Limited interaction with peers	Makes a sincere effort to interact with peers (ongoing)	Actively Supports, engages and listens to peers throughout term
Participation	Comments vague if given at all; frequently demonstrates a lack of interest	Sometimes participates constructively in group work and class discussions, sometimes goes on auto-pilot	Participates constructively in group work and class discussion throughout the term	Plays an active, dynamic role in discussions and group work throughout the term
Contributions to Class	Demonstrates a noticeable lack of interest on occasion	Comments are sometimes irrelevant and do not advance level and depth of class dialogue	Comments in class discussions are relevant and based on assigned material, and generally help the dialogue along	Comments consistently advance level and depth of dialogue in class discussions
Group Dynamics	Group dynamic and level of discussion are often notably disrupted by student's presence	Group dynamic and level of discussion are sometimes disrupted by student's presence	Group dynamic and level of discussion are often enhanced, but never made less effective because of student's presence and contributions	Group dynamic and productivity are always enhanced by student's presence and contributions

A maximum of 2.5 points are available in *each* of the four categories listed above (Peer Interaction, Participation, Contributions to Class, Group Dynamics) for a total of 10 available points.

APPENDIX 2: WRITTEN ASSIGNMENTS

Papers must be double-spaced, 12 point Times New Roman font, black ink, one-inch margins all the way around. Your name must be on the front page, top right corner. All sources must be cited. Failure to follow these requirements will negatively affect your grade.

I will use the grading standards articulated below in grading your written assignments:

A = Excellent (90-100% of allocated points)

Written work is presented at a mature level, organized well and carefully edited, with correct grammar, good vocabulary, and high quality of careful and informed thinking. Meets all course expectations timely and completely. Shows thorough and active grasp of concepts and demonstrates exceptional ability to synthesize course lectures and materials.

B = Good (80-89% of allocated points)

Written work is presented at the college level, with good grammar, vocabulary, and thought, with good command of content and organization and only a few minor flaws. Meets course expectations timely and completely. Shows good grasp of concepts and ability to synthesize course lectures and materials, but does not rise to the level of being exceptional.

C = Satisfactory (70-79% of allocated points)

Written work is presented at college level with adequate grammar, vocabulary, and thought, but with frequent flaws, problems with organization, weak or minimal grasp of concepts, and limited ability to synthesize the course lectures and materials.

D = Minimal Credit (60-69% of allocated points)

Written work is marred by serious problems of grammar, vocabulary, disorganization or unclear expression. Fails to meet basic minimum course expectations in a timely way. Grasp of concepts is incomplete or uncertain, and student does not adequately synthesize lecture and course materials.

F = Far Below Standard Expectations (0-59% of allocated points)

Written work does not achieve college level grammar, vocabulary, organization, and thought. Does not master concepts and lacks the ability to synthesize the lecture and course materials.

APPENDIX 3: LANE COUNTY YOUTH SERVICES OBSERVATION PROJECT

Observation Process and Guidelines

PROCESS: You are expected to arrive promptly for all observations. For mediation sessions, the mediator will meet with you when you arrive to review the mediation case you are anticipated to observe. At that time, the mediator will let you know where the clients are in their court process and in their work with the mediation program. Mediation sessions are scheduled for 90 minutes and your observation hours include time before and after to meet with the mediator. After the mediation session, the mediator will meet with you for a short debriefing session not to last beyond your scheduled observation. You may use the debriefing session to ask the mediator questions about why he or she made certain choices during the session or to give the mediator feedback about what you observed. Your honest feedback can help the mediators continue to improve their skills.

During the mediation session, you will be an observer and therefore will **not** be participating in the mediation session. You may take notes during the session. When you take notes, please do not use client names in the event you misplace your notes. Notes should be destroyed after your reflection paper is completed. Your note taking and observations should focus primarily on process and on what you observe the mediator doing as this will be key information to include in your reflection papers. You may make notes about substantive aspects of the conflict and the particular clients' situation to the extent they are helpful to your learning process.

Clients sometimes cancel or reschedule appointments or fail to show up for appointments. If this happens, you will be given as much notice as possible. However, if little or no notice is available to the program, you may show up for an appointment that does not take place.

In the event you arrive for an observation and realize that you know one or both of the parties, please disclose this to the mediator right away. You will likely not be able to observe that case.

PROMPTNESS: You must be prompt for all observation experiences at Family Mediation, including group classes. If you arrive late, you will not be allowed to participate in the scheduled observation. If you fail to attend a class or appointment for which you were scheduled to attend, your overall points for the project will be reduced by 5 points for each appointment missed.

APPEARANCE: Family Mediation maintains a professional environment for its clients. **Observers are expected to wear professional attire for all observations.** If you arrive in attire that is not acceptable to program standards, you will not be allowed to participate in your scheduled observation. If you have any questions about attire, please ask me in advance of your observation.

DEMEANOR: You are expected to maintain a respectful and professional demeanor at all times. This includes not commenting on clients' personal situations or engaging in conversations with clients about their legal case.

CONFIDENTIALITY: You are required to keep all information learned from clients during mediation sessions and during group classes strictly confidential with the following exceptions: 1) discussion of case facts in your reflection papers; 2) in-class discussions of observations; and 3) discussions with other students in the Family Mediation class for learning purposes only.

To protect the privacy of mediation clients, you are required to keep all identifying client information strictly confidential at all times. This means not using client names outside of the Family Mediation appointments. When discussing cases for learning purposes, you are expected to use generic designations for the parties so that they are not identifiable to others. (For example, use “Mom” or “Dad” instead of the parent’s name and “the child” or a substitute child’s name for the child.)

A breach of the foregoing confidentiality guidelines will result in you not being allowed to participate in further observations in relation to this course.

Appendix 4: 20 page research paper (alternative to Lane County Youth Services Observation Project)

If you do not complete the Lane County Youth Services Observation Project, you must write a 20 page research paper. The topic will be related to domestic relations and will be approved by the instructor in advance. Your research must include a minimum of ten articles or books related to your paper’s subject. The paper will be due in my mailbox by 5:00 p.m. on the Friday of finals week. Please follow the guidelines established in Appendix 2.