

FFS RULE 8 EFFECTIVE APRIL 1, 2014

RULE 8. MEDIATOR CERTIFICATION AND DECERTIFICATION

The Commission may receive and approve applications for certification of persons to be appointed as family financial mediators. For certification, a person must have complied with the requirements in each of the following sections.

A. Training and Experience. Each applicant for certification must demonstrate that she/he has a basic understanding of North Carolina family law. Applicants should be able to demonstrate that they have completed at least 12 hours of education in basic family law (a) by attending workshops and programs on topics such as separation and divorce, alimony and post-separation support, equitable distribution, child custody and support and domestic violence; (b) by engaging in independent study such as viewing or listening to video or audio programs on those family law topics; or (c) by demonstrating equivalent experience, including demonstrating that his or her work experience satisfies one of the categories set forth in the Commission's Policy on Interpreting and Implementing the First Unnumbered Paragraph of FFS Rule 8.A, *e.g.*, that the applicant is an experienced family law judge, board certified family lawyer and, in addition, shall:

- (1) Be an Advanced Practitioner member of the Association for Conflict Resolution (ACR) and have earned an undergraduate degree from an accredited four-year college or university, or
- (2) Have completed a [40-hour family and divorce mediation training](#) approved by the Commission pursuant to Rule 9, or, if already a certified superior court mediator, have completed the 16-hour family mediation supplemental course pursuant to Rule 9, and have additional experience as follows:
 - (a) as a member in good standing of the NC State Bar or as a member similarly in good standing of the bar of another state and a graduate of a law school recognized as accredited by the North Carolina Board of law Examiners, with at least five years of experience after the date of licensure as a judge, practicing attorney, law professor and/or mediator or a person with equivalent experience; or
 - (b) as a licensed psychiatrist pursuant to [N.C.G.S. § 90-9 et seq.](#), with at least five years of experience in the field after the date of licensure; or
 - (c) as a licensed psychologist pursuant to [N.C.G.S. § 90-270.1 et seq.](#), with at least five years of experience in the field after the

date of licensure; or

- (d) as a licensed marriage and family therapist pursuant to [N.C.G.S. § 90-270.45 et seq.](#), with at least five years of experience in the field after date of licensure; or
- (e) as a licensed clinical social worker pursuant to [N.C.G.S. § 90B-7 et seq.](#), with at least five years of experience in the field after date of licensure; or
- (f) as a licensed professional counselor pursuant to [N.C.G.S. § 90-329 et seq.](#), with at least five years of experience in the field after date of licensure; or
- (g) as an accountant certified in North Carolina with at least five years of experience in the field after date of certification.

- B.** If not licensed to practice law in one of the United States, have completed a [six-hour training](#) on North Carolina legal terminology, court structure and civil procedure provided by a trainer certified by the Commission. Attorneys licensed to practice law in states other than North Carolina shall complete this requirement through a course of [self-study](#) as directed by the Commission's executive secretary.
- C.** If not licensed to practice law in North Carolina, provide three letters of reference to the Commission as to the applicant's good character, including at least one letter from a person with knowledge of the applicant's practice and experience as required by Rule 8.A.
- D.** Have observed as a neutral observer with the permission of the parties two mediations involving custody or family financial issues conducted by a mediator who is certified pursuant to these rules, or who is an Advanced Practitioner Member of the ACR or who is a NCAOC custody mediator. Conferences eligible for observation shall also include those conducted in disputes prior to litigation of family financial issues which are mediated by agreement of the parties and which incorporate these Rules.

If the applicant is not an attorney licensed to practice law in one of the United States, s/he must observe three additional mediations of civil or family cases or of disputes prior to litigation which are conducted by a mediator certified by the Commission and are conducted pursuant to an order of a court or agreement of the parties incorporating the mediation rules of a North Carolina state or federal court. All such conferences shall be observed from their beginning to settlement or impasse. Observations shall be reported on an NCAOC form.

All observers shall conform their conduct to the Commission's Requirements for Observer Conduct.

- E.** Demonstrate familiarity with the statutes, rules and standards of practice and conduct governing mediated settlement conferences conducted pursuant to these Rules.
- F.** Be of good moral character and adhere to any standards of practice for mediators acting pursuant to these Rules adopted by the Supreme Court. An applicant for certification shall disclose on his/her application(s) any of the following: any pending criminal matters or any criminal convictions; any disbarments or other revocations or suspensions of any professional license or certification, including suspension or revocation of any license, certification, registration or qualification to serve as a mediator in another state or country for any reason other than to pay a renewal fee. In addition, an applicant for certification shall disclose on his/her application(s) any of the following which occurred within 10 years of the date the application(s) is filed with the Commission: any pending disciplinary complaint(s) filed with, or any private or public sanction(s) imposed by, a professional licensing or regulatory body, including any body regulating mediator conduct; any judicial sanction(s); any civil judgment(s); any tax lien(s); or any bankruptcy filing(s). Once certified, a mediator shall report to the Commission within 30 days of receiving notice any subsequent criminal conviction(s); any disbarment(s) or revocation(s) of a professional license, other disciplinary complaints filed with, or actions taken by, a professional licensing or regulatory body; any judicial sanction(s); any tax lien(s); any civil judgment(s) or any filing(s) for bankruptcy.
- G.** Submit proof of qualifications set out in this section on a form provided by the Commission.
- H.** Pay all administrative fees established by the NCAOC upon the recommendation of the Commission.
- I.** Agree to accept as payment in full of a party's share of the mediator's fee, the fee ordered by the court pursuant to Rule 7.
- J.** Comply with the requirements of the Commission for continuing mediator education or training. (These requirements may include advanced divorce mediation training, attendance at conferences or seminars relating to mediation skills or process and consultation with other family and divorce mediators about cases actually mediated. Mediators seeking recertification beyond one year from the date of initial certification may also be required to demonstrate that they have completed eight hours of family law training, including tax issues relevant to divorce and property distribution and eight hours of training in family dynamics, child development and interpersonal relations at any time prior to that recertification.) Mediators shall report on a Commission approved form.

Certification may be revoked or not renewed at any time if it is shown to the satisfaction of the Commission that a mediator no longer meets the above qualifications or has not faithfully observed these rules or those of any district in which he or she has served as a mediator. Any person who is or has been disqualified by a professional licensing authority of any state for misconduct shall be ineligible to be certified under this Rule. No application for recertification shall be denied on the grounds that the mediator's

training and experience does not meet the training and experience required under Rules which were promulgated after the date of his/her original certification.

- K.** Once certified, agree to make reasonable efforts to assist mediator certification applicants in completing their observation requirements.
- L.** No mediator who held a professional license and relied upon that license to qualify for certification under subsection 8.A(2) above shall be decertified or denied recertification because that mediator's license lapses, is relinquished or becomes inactive; provided, however, that this subsection shall not apply to any mediator whose professional license is revoked, suspended, lapsed, relinquished or becomes inactive due to disciplinary action or the threat of same, from his/her licensing authority. Any mediator whose professional license is revoked, suspended, lapsed, relinquished or becomes inactive shall report such matter to the Commission.

If a mediator's professional license lapses, is relinquished or becomes inactive, s/he shall be required to complete all otherwise voluntary continuing mediator education requirements as adopted by the Commission as part of its annual certification renewal process and to report completion of those hours to the Commission's office annually.