

**MASSACHUSETTS COUNCIL ON FAMILY MEDIATION  
PROGRAM FOR CERTIFICATION OF DIVORCE MEDIATORS**

**PART I**

**REQUIREMENTS FOR CERTIFICATION  
OF DIVORCE MEDIATORS**

**A Certified Member shall:**

1. Sign the Massachusetts Council on Family Mediation (MCFM) Standards of Practice and adhere to the Standards;
2. Meet the current requirements for confidentiality as set forth in the General Laws of Massachusetts, Chapter 233, section 23c as amended;
3. Pay the application fee designated by MCFM; and
4. Meet the following requirements.

**I. EDUCATIONAL REQUIREMENTS:**

- A. A master's degree or doctorate in dispute resolution, mental health or a related behavioral science, business, or law.
- B. Any person may petition the Certification Committee of MCFM to waive the requirement of a master's degree or doctorate or law degree for good cause shown, as follows:
  1. Person has obtained the equivalent of said degree; or
  2. Person has obtained an undergraduate degree and has had (1) extensive coursework in those areas set forth in Sections III and IV below and (2) extensive experience in family and/or divorce mediation.

**II. BASIC MEDIATION TRAINING:**

A. Theory and Formal Instruction	10 hours
B. Mediation Techniques and Role Playing	10 hours
C. Drafting	2 hours
D. The Practice of Mediation	8 hours
1. Confidentiality	
2. Standards	

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**Total Basic Mediation Training: 30 hours**

### III. SUBSTANTIVE TRAINING (Divorce-Related):

All courses must be completed within the ten (10) years prior to applying for certification, with the exception that six (6) hours may be filled with courses with no time limit.

#### A. Financial (Throughout the Financial section, the training should focus on federal and Massachusetts law, as applicable.)

1. Tax Considerations	6 hours
a. Marital residence	
b. Property transfers	
c. Support (alimony and child support)	
d. Other tax consequences	
2. Employment Benefits, Retirement Plans and Government Entitlement Programs	6 hours
3. Insurance	3 hours
a. Health Insurance	
b. Dental Insurance	
c. Life Insurance	
d. Disability Insurance	
4. Budgets and Financial Analysis	3 hours
a. Integrate income and expenses	
b. Integrate assets and liabilities	
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Total Financial Training:	18 hours

#### B. Legal (Throughout the Legal section the training should focus on Massachusetts law.)

1. Legal Procedure	3 hours
a. Jurisdiction	
b. Divorce process	
c. Other legal actions	
2. Divorce Law	
a. Child custody: Legal custody, physical custody, parenting schedules	2 hours
b. Child support guidelines and child's post-secondary school expenses	2 hours
c. Statutory and Case Law, Chapter 208, Section 34-53, Marital Property and Alimony	6 hours
d. Other Legal Areas. These include: inheritance, date of valuing property, court orders, same sex marriage, current developments and interpretation	4 hours

3. Law pertaining to non-marital relations, e.g., unmarried couples; paternity	1 hour
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Total Legal Training:	18 hours
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C. Psychological

1. Child Development	
a. Effects of divorce	
b. Self-esteem and the divorce process	3 hours

2. Child Custody and Parenting Arrangements	
a. Benefits and disadvantages of custody plans	
b. Current research on parenting plans	3 hours

3. Individual Psychological Dynamics, e.g., Stages of Divorce	1 hour
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4. Family Dynamics	11 hours
a. Interaction among family members	
b. Conflict patterns	
c. Parental alienation	

Total Psychological Training:	18 hours
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**IV. ELECTIVE:**

Additional Mediation training in any of the above three Substantive Training categories (A., B. and C.), and in such substantive areas as business evaluations, bankruptcy, and new or emerging substantive issues affecting contemporary family mediation; provided, however, that at least one of the six hours must be in domestic violence.	6 hours
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Total Elective Training:	6 hours
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**NUMBER OF TRAINING HOURS REQUIRED FOR CERTIFICATION**

Basic Mediation Training	30 hours
Substantive Training:	
Financial	18 hours
Legal	18 hours
Psychological	18 hours
Elective	6 hours

Total number of hours required for certification:	90 hours
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**V. MEDIATION EXPERIENCE:**

- A. One hundred hours of face-to-face mediation experience in at least ten cases. Person must submit an Affidavit in approved MCFM form.
- B. Three comprehensive typed Memoranda of Understanding or mediated Separation Agreements, electronically submitted, for approval by MCFM. All three must include financial aspects of divorce, at least one must include division of real estate, at least one must include payment of alimony, and at least one must include provision for unemancipated children in divorce.
- C. Complete twenty hours of continuing education relevant to the practice of family mediation every two consecutive calendar years, except that an applicant is not required to complete continuing education in the calendar year in which he or she is first certified by MCFM.

**PART II**  
**RULES OF OPERATION**

**SECTION 1**  
**Purposes**

The purposes of the Massachusetts Council on Family Mediation (“MCFM”) Program for Certification of Divorce Mediators are to:

1. Assist the public in selection of highly qualified divorce mediators;
2. Encourage high-quality mediation service to the public;
3. Develop mediation theory and appropriate standards of practice for divorce mediators.

**SECTION 2**  
**Administration**

**Rule 2.1.** The MCFM Program for Certification of Divorce Mediators (“the certification program”) is operated as a public service through a committee of the MCFM known as the Certification Committee (“the Committee”).

**Rule 2.2.** Committee Function, Structure, and Procedures

**2.2.1.** The Committee is charged with the administration of the certification program as provided in these Rules of Operation (the “Rules”). The Committee is subject at all times to the supervision of the MCFM Board of Directors to which it shall report at least annually.

**2.2.2.** The Committee shall consist of at least three certified members, approved by the Board. In the event of a tie vote of the Committee, the President of the Board of Directors shall cast the deciding vote. The Committee shall operate pursuant to the MCFM Bylaws.

**2.2.3.** The Committee shall meet (in person, online or by conference call) at its own discretion, as needed, to review matters of policy and the development of the certification qualifications and procedures.

**2.2.4.** The Committee shall formulate, adopt, and amend the qualifications for certification and all rules for the conduct of the certification procedure, subject to the provisions of these Rules of Operation and the approval of the Board of Directors.

**2.2.5.** The Committee may, consistent with these Rules, formulate and adopt procedures and policies to guide its administration of the certification process.

**2.2.6.** The Committee shall adopt the forms necessary to operate the certification procedure, including but not limited to the following:

- a. Member application form;
- b. Request for additional information/explanation of information;
- c. Notice of Certification;
- d. Notice of Denial of Certification with reasons;
- e. Biennial recertification application;
- f. Proof of liability insurance.

**2.2.7.** The Rules shall allow the Committee to provide for mediation of and for appeal of any actions taken by the Committee.

**2.2.8.** The Committee shall, from time to time, as needed, review the Requirements for Certification and the Rules of Operation. The Committee may, at its discretion, recommend a change to the Board of Directors in the Requirements for Certification or the Rules.

**2.2.9.** The Committee shall so maintain its records and reports as to be able to furnish statistical data and appropriate reports to the Board of Directors as requested.

**2.2.10.** All committee records and reports on individual applications and all submissions shall be confidential except as otherwise provided in these rules. The committee shall not be compelled to store any past, present, or future applications or supporting documents or Requests for Reconsideration for more than one (1) calendar year from the date on which it was received.

**2.2.11.** The Committee shall have the authority to examine an applicant's application, and approve or deny certification, according to the rules set forth below regarding application and certification. The Committee shall have the authority to suspend or remove a certified member at any time in accordance with the rules set forth below regarding suspension and removal.

**Rule 2.3.** The MCFM shall obtain and maintain in force comprehensive Directors and Officers liability insurance covering the administration of the certification program.

**Rule 2.4.** Any notice required by these Rules of Operation shall be deemed given on the date of electronic mailing, if the notice is acknowledged by reply email within forty-eight (48) hours of being sent. In the event that the notice is not acknowledged by reply email within forty-eight (48) hours of being sent, notice will be deemed given on the date of mailing by first class mail, postage prepaid, to the mailing address most recently provided to the MCFM by the member.

**Rule 2.5.** Any reference in these Rules of Operation to time measured in days shall be based on calendar days.

**SECTION 3**  
**Application Requirements**

**Rule 3.1.** All applicants for certification shall complete the current application form.

**Rule 3.2.** The application form shall require each applicant to:

- a. Be a member in good standing of the MCFM;
- b. Meet the current educational and experiential qualifications as set forth in Part I of this Program for Certification of Divorce Mediators;
- c. Be familiar with and agree to abide by all of the rules set forth in this Part II and the policies established by the Committee;
- d. Sign and adhere to the Standards of Practice of the MCFM;
- e. Meet the current requirements for confidentiality as set forth in the General Laws of Massachusetts, Chapter 233, section 23C as amended;
- f. Pay the application fee designated by MCFM;
- g. Abide by all decisions of the Committee with regard to application procedures and continued eligibility as a certified member of the MCFM;
- h. Indemnify the MCFM and its members from any and all claims, losses and liability, including attorneys' fees, arising from the certified member's rendering of mediation services;
- i. Carry minimum professional liability coverage of \$100,000 per claim/\$300,000 aggregate.

**SECTION 4**  
**Qualification Procedures**

**Rule 4.1.** No applicant shall be certified until his or her application demonstrates compliance with the Rules set forth in this Program for the Certification of Divorce Mediators, Parts I and II.

**Rule 4.2.** Each member's application for certification shall be reviewed by the Chairperson of the committee, or another member of the committee designated by the Chairperson, or by two (or more) members of the committee designated by the Chairperson. The Chairperson or his or her designee has authority to approve an application which meets the requirements set forth in this Program for the Certification of Divorce Mediators, Parts I and II. The Chairperson has authority to reject an application only after review of that application by a majority of the Committee, and their concurrence. The Committee Chairperson shall inform the committee of all applications filed.

**Rule 4.3.** In considering whether or not an applicant is in compliance with particular qualification requirements, the Committee may require the applicant to furnish additional information, whether orally or in writing or both. In addition, the Committee may interview an applicant and may seek independent verification of any of the applicant's responses.

**Rule 4.4.** Unless the time is extended with the applicant's consent, the Committee shall, within ninety days of receipt of the application, (a) act on the application; and (b) provide

to the applicant written notice of the Committee's action. The written notice shall specify the particular certification requirement(s) found lacking, if any.

**Rule 4.5.** An applicant who has been denied certification may make a written or oral request or both for reconsideration of his/her application within thirty days after the denial. In lieu of requesting reconsideration, an applicant who has been denied certification may submit a 2<sup>nd</sup> application with different agreements. Within ninety days after the applicant's submission of a 2<sup>nd</sup> application, the Committee shall notify the applicant in writing of its decision.

**Rule 4.6.** Right of Applicant to Mediation and/or Appeal, and Procedures

**4.6.1.** If an applicant fails to qualify for certification, and is unsuccessful in his/her request for reconsideration or his/her submission of a 2<sup>nd</sup> application, the applicant may, at his or her own discretion, by written notice to the Chairperson of the Committee, within twenty (20) days of failing to so qualify, (a) request mediation with a mediator mutually selected by the applicant and the Committee; and (b) in the event that the mediation does not result in an agreement between the applicant and the Committee, appeal the decision to the Review Board, as constituted in Rule 5.6, described below; or (c) decline to mediate and appeal directly to the Review Board.

**4.6.2.** An applicant seeking an appeal to the Review Board after a mediation attempt under this Rule shall, within twenty days after the mediation attempt, give written notice of an appeal to the Chairperson of the Committee.

**4.6.3.** Upon receipt of any notice of an appeal under this Rule, the Chairperson shall promptly furnish the Review Board with a written statement of the reasons for the applicant's failure to qualify for certification.

**4.6.4.** The applicant and MCFM will each pay fifty (50%) percent of the cost of mediation with the mutually selected mediator. The mediation will not exceed one session no longer than two hours, unless otherwise agreed. The Committee will be represented in the mediation by the Chairperson or a committee member appointed by the Chairperson.

**Rule 4.7.** Power and Procedures of the Review Board Upon Appeal for Failure to Qualify for Certification.

**4.7.1.** The Review Board may receive no new documentary evidence from the applicant or the Committee, but shall review the application information provided by the applicant to the Committee and the Committee's written notification of its denial of certification and reconsideration, and the Chairperson's statement to the Review Board under Rule 4.6.

**4.7.2.** The applicant and the Chair of the Committee or another member of the Committee designated by the Chair may appear personally before the Review Board at the Committee's discretion.

**4.7.3.** The Review Board may affirm or overrule the decision of the Committee. The review by the Review Board shall be limited to determining whether or not the Committee erred or abused or exceeded its discretion.



**4.7.4.** The unanimous vote of the Review Board shall be required to overrule the decision of the Committee.

**4.7.5.** The appeal procedure of the Review Board shall be completed within ninety days of the written notice of appeal unless the time is extended with the applicant's consent.

**4.7.6.** The Review Board shall, within the ninety-day period provided above for completion of the appeal, send written notice of its decision by certified mail, return receipt requested, to the applicant, with a copy to the Chairperson of the Committee.

**4.7.7.** No applicant may submit more than: (a) one application for certification and one request for reconsideration, or (b) two separate applications for certification, within twelve consecutive months of the date of the first application, unless approved by a majority of the Committee.

## **SECTION 5**

### **Resignation, Suspension, and Removal**

**Rule 5.1.** A certified member may resign at any time at his or her own discretion by notifying the President of the Board of Directors in writing.

**Rule 5.2.** The Committee may, upon a unanimous vote of its members, suspend or remove a member's certification for the following infractions:

- a. Repeated failure to comply with these Rules of Operation;
- b. Falsification of any material statement made to obtain or to renew certification;
- c. Violation of the Standards of Practice of the MCFM;
- d. For good cause which may include, but is not limited to:
  1. Institution of criminal charges involving moral turpitude, theft, embezzlement or fraudulent appropriation of property;
  2. Suspension, disbarment, ethical censure or disciplinary action by a professional organization to which a member belongs;
  3. Violation of an ethical code of a professional organization to which a member belongs;
  4. Failure to pay MCFM membership dues or Referral List dues;
  5. Consistent or excessive complaints from the public;
  6. Failure to maintain malpractice insurance as provided in these Rules of Operation.

**Rule 5.3.** Before the Committee may remove or suspend a member's certification, it shall give the member written notice by certified mail, return receipt requested, of the grounds therefor.

**Rule 5.4.** On request by a certified member, the Committee shall schedule a meeting at a time mutually convenient to the member and the members of the Committee. At the meeting, the member shall have the right to address the Committee orally and to provide a written statement of his or her response to the removal or suspension. The Committee shall decide whether or not to reverse its earlier determination to remove or suspend the

member. The decision shall be made by a majority vote of the Committee. The Committee shall, within ninety days of the meeting, by certified mail, return receipt requested, notify the member of its decision.

**Rule 5.5.** If the member wishes to appeal the decision of the Committee to suspend or remove the member's certification, the member shall, within twenty days of receipt of the Committee's decision, give to the Chairperson of the Committee written notice of an appeal. Upon receipt of such notice, the Chairperson shall promptly furnish the Review Board with a copy of the Committee's decision.

**Rule 5.6.** The President of the Board of Directors shall appoint a three-member Review Board and shall designate one of the members as the Chairperson. None of the members of the Review Board shall be a member of the Committee. All members of the Review Board shall be certified members of the MCFM.

**Rule 5.7.** Power and Procedures of the Review Board Upon Appeal for Suspension or Removal

**5.7.1.** The Review Board shall have jurisdiction to hear all matters involving appeals of denial of certification and all appeals involving suspension or removal. For matters of denial of certification, the power and procedures of the Review Board are set forth in Section 4 above. For appeals involving suspension and removal, the power and procedures of the Review Board are set forth in this Section 5, Rule 5.7.

**5.7.2.** The member and the Committee may submit written and oral evidence to the Review Board. The Review Board shall not be bound by formal rules of evidence.

**5.7.3.** The Review Board shall schedule a hearing within sixty days of the member's notice of appeal, unless the time is extended with the member's consent.

**5.7.4.** The Review Board shall render its decision in writing and provide such written decision to the applicant by certified mail, return receipt requested, within ninety days of the hearing, unless the time is extended with the member's consent.

**5.7.5.** A member may appeal the decision of the Review Board by giving written notice of appeal to the Chairperson of the Review Board within ten days of receipt of the Review Board's written decision. The Chairperson of the Review Board shall furnish to the President of the Board of Directors the written notice of appeal, the Review Board's decision and all the materials supplied to the Review Board by the member and by the Committee.

**5.7.6.** All appeals from the Review Board shall be heard by a quorum of the Board of Directors. The Board of Directors shall receive no new documentary evidence from the member or the Committee or the Review Board, but shall review the decisions of the Committee and the Review Board and the written materials presented to each by the member.

**5.7.7.** The member may, at his or her own discretion, after receipt by the Board of Directors of the member's Notice of Appeal, appear before the Board of Directors at a regularly scheduled meeting of the Board, the meeting to be selected mutually by the President of the Board and the member.

**5.7.8.** The Board of Directors may affirm or overrule the decision of the Review Board. The appeal to the Board of Directors shall be limited to a determination of whether or not the Review Board abused or exceeded its discretion.

**5.7.9.** A majority vote of the Board of Directors shall be required to overrule a decision of the Review Board.

**5.7.10.** The Board of Directors shall, within thirty days of the meeting at which the member appeared personally, send written notice by certified mail, return receipt requested, of its decision to the member. The decision of the Board of Directors is final and conclusive of the matter.

**5.7.11.** All communications, deliberations, results, and records of the Board of Directors are confidential.

## **SECTION 6** **Maintenance of the Referral List**

**Rule 6.1.** A certified member shall be so designated on the Referral List of the MCFM.

**Rule 6.2.** A certified member who has not been re-certified pursuant to MCFM rules shall have his or her designation as certified deleted from his/her website profile and the website list of certified mediators and may reapply for re-certification as provided for herein.

## **SECTION 7** **Re-Certification**

**Rule 7.1.** A certified member who has failed to maintain his or her certification may renew certification after a lapse by completing the following:

- a. The member must submit the renewal affidavit for each missed renewal period; and
- b. Payment of the then current fee for a new Certification Application.

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