

FAMILY MEDIATION TRAINING

Winter Issue

BACKGROUND SCREENING PROCESS

Commencing April 1, 2018, all initial applicants for mediator certification are required to complete a criminal background check since Florida Rules for Certified and Court Appointed Mediators require mediators to have good moral character. These criminal background checks are conducted by the Florida Department of Law enforcement and will be accomplished electronically at the applicant's expense.



A NEW ACRONYM FOR ATTORNEYS;
HERE'S A THOUGHT:

- A Advise without advocating
- D Don't talk - it is the client's mediation
- V Verbalize, the potential areas of agreement and/or disagreement
- O Options; finding these helps both the mediator and the client(s)
- C Calmness and candidness; these are helpful to all parties and the mediator
- A Alternatives; seek ways around "roadblocks", you are a problem solver
- T Take time; never give the impression of hurrying through a situation
- E Equal; treat your clients as well as the other party as equals, not subordinates

Here just a few of the newer MEAC's You Might Find of Interest:

MEAC Opinion 2016-005, date of issuance 2/10/17.

In a nutshell: "a mediator is prohibited from taking on the dual role of mediator and notary"....however, office staff may do so.

MEAC Opinion 2016-003 date of issuance 2/10/17

In a nutshell: Rule 10.360(a) of the Rules for Certified and Court Appointed Mediators states that "a mediator shall maintain confidentiality of all information revealed during a mediation except where disclosure is required or permitted by law or is agreed by all parties". So what about the office staff who might have to copy or file such documents from the mediation? In summary, the staff may do so but must be advised so that they fully understand the intent and practical implications of maintaining confidentiality.

IF YOU HAVE AN ARTICLE OF INTEREST, WE WOULD BE
PLEASED TO PUBLISH IT FOR YOU.

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Mediating a Divorce Where The Family Pet Is The Issue

This is not to be taken lightly. For many people the family pet is their closest and dearest friend and perhaps more so as the divorce looms in the near future. Who is to be the "custodial parent" of the animal? How is visitation to occur? Under what circumstances are they to be transferred between the parties? Who is in charge of the daily needs, the care and maintenance, the health insurance and what veterinarian are all subjects for conversation and mediation. Even a joint bank account that the parties might be able to draw on for the pet are not unheard of. A New York couple had a contract that entitled the former spouse (wife's) to maintenance for the family dog. When, after a few months the former spouse (husband) ceased payment, the wife sued after two years of failure to pay based on his contractual relationship with the wife in regard to the upkeep of the dog. The amount was for \$32,000.00!! NO, don't take talking to the parties too lightly!!

GETTING THE GET

Family Mediators should be aware of and be prepared to discuss all issues with the parties that might impact the success and civility of the divorce (e.g. full informed consent, legal information). Thus for instance, a Mediator may, if the parties are Jewish, ask about the Get.

When a Jewish couple is married, most often they sign a Ketubah. The Ketubah is a contract of marriage under Jewish law. When the couple is divorcing, in addition to a secular (State divorce), they must also sever the Jewish marriage contract. This is done with a separate document called the "Get."

Under Jewish law the male/husband must initiate the Get and the female/wife, by agreement, is the recipient of said request. Provisions are often made at this time concerning the future standard of living and provisions for the children of the marriage being paramount.

In Jewish law the wife cannot initiate a divorce but can request a rabbinic board to sanction her spouse for not providing her with a Get. A Get is crucial since a divorced spouse cannot have a subsequent Jewish marriage without the Get. Since most states will not force a Get it is therefore important to discuss this issue during the secular divorce when negotiations are being held. In this way and at this time both parties can reach an agreement which can include the request for the Get in the marital settlement. Also at this time such matters as to who pays for this document, the time frame and other related requirements can also be decided