

## **CINA/TPR Mediation Policies and Procedures**

The Circuit Court for Howard County has established these policies and procedures to be applied to all CINA/TPR mediation sessions. For all other mediation sessions please refer to the civil/domestic instruction sheet. The establishment of policies will provide consistency in the program. The Circuit Court for Howard County is dedicated to creating a fair and efficient program for CINA/TPR mediation.

### **A. Qualifications**

1. In order to be considered for mediation referrals all prospective mediators should complete an Application to be listed for Designation as a Mediator Pursuant to Maryland Rule 17-107. Applicants should attach a letter stating their intention to be listed as a mediator for this county. Applicants should also attach any copies of documents they feel are necessary as proof of certification or special training. Once completed, applicants should forward the information to the Family Law Office.
2. Qualifications to become a Court appointed mediator are governed by Maryland Rule 17-107. In addition to those requirements The Circuit Court for Howard County has additional requirements. Due to the nature of the cases being mediated, all mediators must attend a Court approved CINA/TPR mediation training, as well as 3 hours of Court observation. The Family Law Office must document the Court observation.
3. The Family Law Office will review all applications and attached documentation. The County Administrative Judge has final authority in appointing mediators. Once the Administrative Judge has approved a mediator, the mediator will be issued a letter of appointment. Mediators are appointed for a 2-year term. Prior to conclusion of the term the mediator must request re-certification (This request should include the proper documentation for proof of continuing education in CINA/TPR mediation see Rule 17-104A).
4. As a mediator for the Circuit Court for Howard County the appointment is for independent contractual services. Mediators are not Court employees.
5. Once a person has been approved and appointed as a mediator for the Circuit Court for Howard County they will be added to the qualified mediator list. This list is updated whenever new information is provided. The current list is available from the Family Law Office.

### **B. Standards of Conduct**

1. All mediators are expected to conduct themselves in an appropriate and professional manner at all times. Failure to do so may result in the appointment being rescinded.
2. All mediators must abide by the confidentiality agreement signed by all parties prior to the beginning of the session.
3. All mediators should contact the Family Law Office no later than 15 before the mediation is scheduled to begin.
4. Mediators are encouraged to contact one another prior to the mediation if co-mediation is ordered.

### **C. Training**

1. The Circuit Court for Howard County is committed to providing highly qualified mediators. In an effort to accomplish this goal the Court will attempt to provide ongoing training to mediators. The Court will attempt to schedule ongoing continuing education biannually in an effort to maintain the continuing education requirement for all mediators.

## **The Mediation Process**

### **A. Scheduling**

1. The Family Law Office will coordinate all mediation sessions.
2. Mediation sessions are scheduled using 1 mediator. Co-mediation can be requested in writing and must be approved by the Family Law Office.
3. The selection of a mediator for a session will be based on the qualified mediator list. The Family Law Office will schedule the mediation and select the mediator. The mediation sessions are scheduled for 3 hours on the date agreed by all parties. Approval must be given from the Family Law Office to exceed the 3-hour time limit.
4. The Court may order mediation at any point during the course of a CINA case. Any party may request mediation at any point during the course of a CINA case. All TPR cases will be scheduled for mediation in accordance with the Juvenile DCM.
5. Once mediation sessions have been scheduled an Order will be issued. A copy of the Order for Mediation, Petition, and most recent Court Report will be sent to the mediators in advance of the mediation session. All Parties ordered to mediate will receive a copy of the Order, and the Mediation pamphlet.
6. All parties must contact the Family Law Office within 30 days of the receipt of the mediation materials to indicate what representatives from each office will be attending the mediation session. The respondent may participate in the mediation session if requested by their attorney.
7. All attorney's and all parties (other than the respondent) must attend mediation.
8. The mediation will proceed as scheduled and may only be canceled by a Master or a Judge. If a mediation session is scheduled and an emergency arises the party should contact the Family Law Office and the Master/Judge assigned to the case. The Juvenile Postponement Policy applies to scheduled mediation sessions.

### **B. Location**

1. All scheduled mediation sessions will take place in the Circuit Court for Howard County. The case will be listed on the daily docket display. All parties should check the display on the day of the mediation.

### **C. Payment/Fees**

1. Mediators will be paid by Howard County, not the individual parties.
2. All mediators should complete a CINA/TPR Mediation Invoice and promptly return it to the Family Law Office. The invoices are processed by the coordinator and submitted to the county for payment.
3. Payment for services is currently \$100.00 per hour. This rate is reviewed annually and is dependent upon the availability of funds. Mediators will be notified if there is a change in payment.
4. If a scheduled mediation is cancelled within 24 hours of the scheduled date, mediators will be compensated for their service with the standard rate of 3 hours.

### **D. CINA/TPR Mediation Pilot Project**

1. The Court will pilot the use of mediation in CINA cases.
2. One Mediator will be available once a month to mediate CINA cases.
3. All other policies and procedures outlined above apply to these mediations.
4. This pilot project will be available as long as funding is available.