

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE ADOPTION OF A)
NEW RULE TO BE DESIGNATED AS SDCL)
25-4-58.1)

RULE 97-41

A hearing having been held on February 21, 1997, at Pierre, South Dakota, relating to the adoption of a new rule concerning the qualifications of family court mediators, and the Court having considered the proposed new rule, the correspondence and oral presentations relating thereto, if any, and being fully advised in the premises, now, therefore, it is

ORDERED that the following new rule, to be designated as SDCL 25-4-58.1, be and it is hereby adopted to read in its entirety as follows:

25-4-58.1. Minimum Qualifications for Family Court Mediators. To be eligible as a court appointed mediator under § 25-4-56, a mediator must have the following minimum qualifications:

- (1) A mediator must file an approved application on the prescribed form with the presiding judge for the circuit or circuits in which the mediator will conduct mediations. See prescribed form attached as Exhibit A.
- (2) A mediator must have a minimum of forty hours training and consultation with an experienced mediator for at least three mediation sessions. In place of forty hours training and consultation, a person may, with court approval, qualify as a mediator if that person has had five year's experience in mediating custody and visitation issues with a minimum of twenty mediations during that period. A mediator must have competence in the following areas:

- (a) General knowledge of the South Dakota court system and its procedures in contested family matters;
 - (b) General knowledge of South Dakota family law, especially as applied to custody and visitation issues;
 - (c) Knowledge of child development and specifically the impact of divorce or separation on family members;
 - (d) Knowledge of resources available in the state to which the parties and the children can be referred for assistance;
 - (e) Knowledge of interviewing and mediation techniques applicable to the family setting.
- (3) A mediator must be committed to and participate in continuing education courses.

Exhibit A.

**MEDIATOR APPLICATION FORM
UNIFIED JUDICIAL SYSTEM OF SOUTH DAKOTA**

_____ CIRCUIT COURT

Name: _____

Address: _____

Day time Phone: _____

Instructions: Please complete the following questionnaire as specified under each section. If additional space is needed, attach a sheet for each area making sure to indicate the section of the questionnaire to which you are responding. This form must be filed with the Presiding Judge for each circuit in which you intend to participate in court appointed mediation.

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1) Provide your professional background including degree(s), certificate(s), practice specialization(s), years of experience and special training :

2) Provide a full and complete disclosure of all professional employment experiences whether in the field of mediation or in any other field:

3) Provide complete information regarding any training, seminars, workshops, etc., you deem pertinent to mediation:

4) Provide the number of mediations in which you have been involved giving approximate dates of those mediations if available. Please indicate how many of the mediations were successful.

5) Describe methods of mediation you have used and time required to conduct a typical mediation:

6) Please describe how fees and costs are calculated for completion of a typical mediation:

7) Please describe the requirements for payment of fees:

I am aware of and agree to abide by the principles and guidelines set out in the Interim Standards for Mediators as promulgated by the Supreme Court of South Dakota.

Signature

Date

NOTE: This form must be updated as changes to the information occur or at least annually.

Approved:

Presiding Circuit Judge

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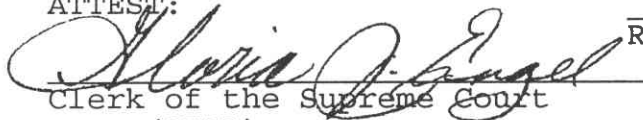
IT IS FURTHER ORDERED that this rule shall become effective
July 1, 1997.

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DATED at Pierre, South Dakota, this 17th day of March, 1997.

BY THE COURT:

ATTEST:


Clerk of the Supreme Court
(SEAL)


Robert A. Miller, Chief Justice

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

MAR 17 1997


Clerk