IN THE SUPREME COURT

OF THE

STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE AMENDMENT OF SDCL 25-4-58.1	)))	**RULE 12-08**

- -

A hearing was held on February 15, 2012, at Pierre, South Dakota, relating to the amendment of SDCL 25-4-58.1 and the Court having considered the proposed amendment and the oral presentation relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that SDCL 25-4-58.1 be and it is hereby amended to read in its entirety as follows:

SDCL 25-4-58.1. Minimum Qualifications for Family Court Mediators. To be eligible as a court appointed family court 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 both a minimum of forty (40) hours mediation training, plus experience in actual mediation sessions by consulting with a mediator approved under this rule for at least three mediation sessions. In place of forty (40) hours' training and consultation, a person may, with court approval, qualify as a mediator if that person has had five years' experience in mediating custody and visitation issues with a minimum of twenty (20) 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.

IT IS FURTHER ORDERED that the rule shall become effective July 1, 2012.

DATED at Pierre, South Dakota, this 6th day of March, 2012.

BY THE COURT:

David Gilbertson, Chief Justice

ATTEST:

Clerk of the Supreme Court
(SEAL)

STATE OF SOUTH DAKOTA
In the Supreme Court
I, Shirley A. Jameson-Fergel, Clerk of the Supreme Court of South Dakota, hereby certify that the within instrument is a true and correct copy of the original thereof as the same appears on record in my office. In witness whereof, I have hereunto set my hand and affixed the seal of said court at Pierre, S.D. this 6th day of March, 2012.

Clerk of Supreme Court

Deputy

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED
MAR - 6 2012
Shirley A Jameson-Fergel
Clerk