

# Guidelines to Admission

## AMINZ FAMILY DISPUTE RESOLUTION LIST



ARBITRATORS' AND MEDIATORS'  
INSTITUTE OF NEW ZEALAND INC  
Te Mana Kaiwhakataua, Takawaenga o Aotearoa

The Arbitrators & Mediators Institute of New Zealand (AMINZ) has been appointed as an Approved Dispute Resolution Organisation (ADRO) by the Secretary of Justice. We are tasked with assessing and appointing practitioners who are suitably experienced, qualified and competent to be Family Dispute Resolution (FDR) Providers.

All practitioners appointed by AMINZ as FDR providers will be credentialed as FDR providers and be on the AMINZ FDR List. The list will be publicly available, widely marketed by AMINZ and used by the public to access qualified and experienced mediators.

### 1. Applicant's Details

To evidence an appropriate level of understanding of dispute resolution, AMINZ requires compliance with our syllabus requirements to be a Fellow, Associate, or Associate (FDR).

You can apply separately to be an AMINZ Associate or apply as part of this application to be an Associate (FDR). For more information, see note 6 below.

### 2. References

Provide two referees. The referees, from their personal knowledge of you, must be able to support you as a fit and proper person. It is preferred that the referees are members of AMINZ. If this is not possible the names of two referees who have known you professionally for a number of years should be given, one of whom ideally will have knowledge of your work in a family-related professional area.

### 3. Qualifications

List all of your qualifications. The more you tell us about your relevant qualifications, the easier it will be for us to assess them. Ideally, you will attach copies of qualifications.

### 4. Skills and Knowledge

As an ADRO, AMINZ is required to ensure you meet qualification and competency requirements. Tell us about your skills and knowledge in each category. You can evidence this by training and / or experience. So tell us about seminars, conference sessions, on the job experience - all of your learning. You can decide to use the sections on the form and describe how you meet each requirement or alternatively tell us in a narrative, and use a separate page to cover all the requirements.

We have provided you with the competencies you are required to prove and the performance criteria we will apply. See pages 3 – 5.

### 5. Family Mediation Experience

You must have enough experience of resolving disputes using mediation to prove competence in providing dispute resolution services in the context of Family Court processes.

Usually, evidence of mediator experience in the last 24 months is required and evidence of 3 anonymised agreements, but other evidence of experience may be taken into account.

You must have at least 5 years of practice in family mediation or an associated profession to be credentialed by AMINZ. Associated professions include; family law, psychology, counselling and family therapy.

### 6. Associate FDR

If you are not a current AMINZ Fellow, Associate, or Associate (FDR), you can apply for Associate status at the same time as your Family Dispute Resolution List application. Use the separate Associate application form. Associate status is a pathway to Fellowship, and allows you to apply to be on other AMINZ panels and lists and gives you AMINZ credentialing as understanding all dispute resolution processes.

Associate (FDR) gives you AMINZ credentialing as understanding only Family Dispute Resolution processes. It allows you to be only on the AMINZ FDR List. It is not a pathway to AMINZ Fellowship.

As part of this application, you can apply to be credentialed as Associate (FDR). Fill in the Associate FDR section on page 4 of the application. Tell us how you meet the Associate (FDR) syllabus requirements by telling us about your training and / or experience. The Associate FDR syllabus requirements are on page 6 of these guidelines.

As with all levels of AMINZ membership the Associate (FDR) will be required to comply with the AMINZ Code of Ethics.

### **7. Continuing Professional Development**

Each year you will need to show us that you are compliant with AMINZ Continuing Professional Development (CPD) requirements. You can do this by telling us the date of your latest AMINZ CPD certificate or by telling us about your professional development in the last 12 months. CPD can be evidenced by practice, teaching, learning and contributions of a collegial nature. The AMINZ CPD requirements are online or can be emailed to you.

### **8. Professional Supervision**

Please refer to the AMINZ Professional Supervision Protocol and explain what you do for your professional supervision. If you do not have a supervisor, view the AMINZ List of Supervisors online.

### **9. Self-Reflection**

Self-reflection is a valuable tool for mediators to recognise what they do in their practice and to set goals to improve skills and knowledge.

We are interested in your understanding of your own mediation practice and what you intend to do to build on your skills and knowledge. You could include your strengths and weaknesses in terms of experience, training, knowledge, your continuing professional development goals, your personal limitations. You could consider parts of your practice and comment on your current practice as regards some or all of the nine areas of skill and knowledge required in FDR.

Your self-reflection need only be a few paragraphs.

### **10. Interviews**

Usually one assessor will interview you. The interview will either take place in person or by teleconference.

Once you make application, any education you undertake with AMINZ, prior to a decision on your application, is charged to you at discounted AMINZ member rates.

Application Fee: \$125 for this List application. Application fees are payable with your application and are payable by cheque, Mastercard visa or direct transfer: 02 0568 0419074 00 (BNZ)

If you are applying for another AMINZ Panel or List, \$50 is payable for each additional Panel or List application made at the same time.

**Subscription:** If you are already on an AMINZ Panel or List, there is no additional yearly subscription payable.

If you are not already on an AMINZ Panel or List, subscriptions are \$545.00 per annum. When your application is accepted your subscription will then become due and payable.

### **The Process**

Complete your application form. Use separate pages when needed. If you have any queries, please do not hesitate to contact us. We aim to assist you through this process. Call us: 0800 426 469 and speak to Erica

Sign and send us your application by email, fax or post. Include the application fee. You will be contacted by the Membership Services Administrator to either make a time for your interview or advise what more you need to do to proceed to the interviewing stage.

An assessor will talk to your referees. The panel will interview applicants in person.

The assessors' recommendations will be considered by the AMINZ Council which will appoint FDR providers.

The FDR practitioner is able to:

<b>COMPETENCIES AND PERFORMANCE CRITERIA</b>	
<b>Competency</b>	<b>Performance criteria</b>
A. Determine and facilitate appropriate processes to help parties to mediation reach agreements that best promote the welfare of children.	The FDR provider: <ul style="list-style-type: none"> <li>• Determines an appropriate mediation process for the parties</li> <li>• Ensures the welfare and best interests of the children are kept paramount during the FDR process</li> <li>• Conducts the mediation process to get the best outcome for all the parties, including the children</li> <li>• Ensures the children's views are appropriately included in the mediation</li> </ul>
B. Help people participate effectively in mediation	The FDR provider: <ul style="list-style-type: none"> <li>• Establishes guidelines and boundaries for conduct of the mediation</li> <li>• Selects and applies relevant mediation strategies and techniques for the situation</li> <li>• Creates an inclusive environment to enable full participation of parties</li> <li>• Uses a range of communication and interpersonal skills that maximise engagement and assist parties to reach optimal outcomes</li> <li>• Facilitates individual and joint meetings of parties</li> <li>• Facilitates parties to explore issues fully and move from positions to uncovering interests</li> <li>• Manages high emotion, power imbalances and capacity of parties effectively</li> <li>• Uses impasse breaking strategies</li> <li>• Ensures outcomes are reality tested and accurately recorded</li> </ul>
C. Help participants in mediation to develop skills and strategies for managing future disagreements.	The FDR provider: <ul style="list-style-type: none"> <li>• Models desirable conflict resolution behaviours at all times</li> <li>• Provides coaching on strategies for resolving future disagreements</li> <li>• Encourages reflection</li> <li>• Provides information on support services and how to access them</li> </ul>
D. Provide knowledge and understanding you have of Family Court processes and family law, particularly – (i) The Care of Children Act 2004 and the effect of sections 4, 5 and 6 of that Act; and (ii) The Family Dispute Resolution Act 2013  Apply and communicate laws, rules and purposes of the family justice system.	The FDR provider: <ul style="list-style-type: none"> <li>• Identifies and applies FDR processes in accordance with the law</li> <li>• Communicates to parties the Family Justice System process and how FDR operates within it</li> <li>• Complies with laws relating to mediation</li> <li>• Complies with reporting requirements</li> </ul>
E. Provide knowledge and understanding of child development and its relevance to day-to-day care and contact issues.	The FDR provider: <ul style="list-style-type: none"> <li>• Uses child focused and child inclusive mediation as appropriate</li> <li>• Manages the mediation with sensitivity to the developmental and chronological ages of the child</li> <li>• Manages the mediation using age appropriate questioning and interaction</li> <li>• Complies with appropriate requirements of confidentiality in relation to children</li> <li>• Recognises and takes into account in the mediation child adjustment to parental separation</li> <li>• Supports care-givers in making decisions that are sensitive and appropriate to the developmental and chronological ages of the child</li> </ul>
F. Be culturally aware, in particular of Maori values and concepts. Be able to address diversity in parties to mediation	The FDR provider: <ul style="list-style-type: none"> <li>• Identifies and considers diversity of the parties in selecting an appropriate process</li> <li>• Manages the mediation to ensure fairness and inclusiveness</li> </ul>
G. Able to – (i) Assess parties to the mediation, and	The FDR provider: <ul style="list-style-type: none"> <li>• Identifies and mitigates potential risks for all parties to the FDR</li> </ul>

COMPETENCIES AND PERFORMANCE CRITERIA	
Competency	Performance criteria
their circumstances and history, for factors (in particular in relation to possible domestic violence) indicating risks that might arise during, or in the context of, mediation sessions: and (ii) Manage any risks likely to arise.	<p>processes</p> <ul style="list-style-type: none"> <li>Assesses parties for evidence of domestic violence using approved screening tools prior to and during mediation</li> <li>Identifies suitability of parties for mediation and takes appropriate action in accordance with legal and ethical obligations</li> </ul>
H. Have a knowledge and understanding of professional and ethical principles and practices.	<p>The FDR provider:</p> <ul style="list-style-type: none"> <li>Operates within applicable codes of conduct</li> <li>Explains ethical responsibilities of FDR practitioners to parties</li> <li>Operates within the boundaries of the mediator's role</li> <li>Operates within personal levels of expertise and seeks advice where required</li> <li>Demonstrates self-management skills to ensure personal health and well-being including: <ul style="list-style-type: none"> <li>Recognising the potential personal impact of the mediator's personal circumstances, values and beliefs when undertaking mediation</li> <li>Undertaking regular supervision</li> <li>Participating in relevant professional development</li> </ul> </li> </ul>

### Notes

- The Family Justice System (FJS) refers to family law as prescribed by legislation.
- Family Dispute Resolution (FDR) is the process defined in s.4 Family Dispute Resolution Act 2013 and related law.
- Parties include but are not limited to: parents, guardians, grandparents and whanau
- "Welfare and best interests of children" is set out in the principles relating to children's welfare and best interests in the Family Dispute Resolution Act 2013 and related law.
- Risk refers to factors such as violence including domestic violence, mental health, intellectual disability, impact of drugs and alcohol.
- Effective mediation process may include but is not limited to: preparation, openings, agenda setting, issue exploration, identification of interests, problem solving, private and joint sessions, option generation, negotiation, reality testing, clarification of outcomes and closings.
- Diversity refers to consideration of differences including gender, sexual identification, race, ethnicity, culture, religion, age, disability.
- Communication Skills refers to the following:
  - Empathetic and active listening
  - Building rapport
  - Body language
  - Questioning
  - Reflection and feedback
  - Summarising
  - Reframing

### Assessment judgements

- Evidence must meet the criteria of sound assessment, i.e. it must be:
  - Valid (relevant to the competencies).
  - Sufficient (there should be enough evidence of sufficient quality for the assessors to judge that good practices have been followed. The evidence must also demonstrate repeatability of performance).
  - Authentic (the evidence is that of the practitioner and is a true reflection of his/her performance)
- Practitioners will be assessed on the basis of evidence across the **whole** of their performance which will allow gaps to be identified, rather than "ticking the box" against each judgement criterion.
- Evidence may be cross-referenced across a number of areas, if relevant.

**ASSOCIATE (FDR) SYLLABUS****A. Introduction to dispute resolution:**

1. Dispute management and options
  - (a) Choosing a dispute resolution process
  - (b) Managing a dispute
  
2. Negotiation:
  - (a) Elements of negotiation
  - (b) Introduction of styles and techniques, eg: positional, cooperative and interest based.
  
3. Mediation:
  - (a) Pre-mediation procedure
  - (b) Agreement to mediate
  - (c) The role of the mediator
  - (d) The mediation
  - (e) The agreement

**B. Law for Mediators**

For the Mediators –

- |   |                                |
|---|--------------------------------|
| (a) Neutrality                                      | (b) Confidentiality            |
| (c) Impartiality                                    | (d) Liability in contract      |
| (e) Liability in tort                               | (f) Fiduciary obligations      |
| (g) Statutory liability, eg:<br>consumer protection | (h) Liability to third parties |
| (i) Mediator immunity                               |                                |

For the Parties –

- |  |  |
|--|--|
| (j) Mediation clauses                        | (k) Court ordered mediations                                     |
| (l) Agreements to mediate                    | (m) Privilege “Without Prejudice” legal<br>professional, marital |
| (n) Liability for advice given to<br>parties | (o) Agreements made as a result of<br>mediation                  |
| (p) Responsibility for agreements<br>made.   |  |