

Family Mediator Certification Board
Minutes
May 3, 2016

Present: P. Goldsmith, E. Christensen, L. Aaby, C. Sadler, T. Sturke, C. Dochstader, R. Cram,
M. Rousseau and E. Jasina

Excused: M. Garner and E. Dinerstein

Also present: P. Heinrich

M. Rousseau called the meeting to order at 4:09 PM.

Approval of Prior Minutes

T. Sturke made a MOTION to approve the Public Minutes of April 5, 2016 with corrections.
Second: C. Dochstader. MOTION PASSED with E. Jasina abstaining.

P. Goldsmith made a MOTION to approve the Non-Public Minutes of April 5, 2016 with
corrections. Second: E. Christensen. MOTION PASSED with E. Jasina abstaining.

Continuing Education Approval Requests

C. Dochstader made a MOTION to approve “Transforming Conflict: Finding Hidden Gifts”
presented by Judy Ringer at the UNH Conference to be held on May 11, 2016 for 1.75 hours of
Mediation Skills continuing education. Second: P. Goldsmith. MOTION PASSED.

T. Sturke made a MOTION to approve “Private Violence” an HBO documentary that was
presented on March 21, 2016 for 1.25 hours of Domestic Violence continuing education.
Second: E. Jasina. MOTION PASSED.

Administrative Assistant’s Report

By consensus, members agreed on the following meeting dates:

- June 7
- July 26 (off-site)
- September 6
- October 4
- November 1
- December 6.

Mediator Request

Beverly Yuskaitis requested full credit for attendance at an NHCRA sponsored course which had
been cancelled after many attendees were present and from which rescheduled training, she had
been forced to leave to due to an injury she received during the course.

After discussion, E. Jasina made a MOTION to deny the request because reading the course
materials at another time is not one of the course delivery methods specified in Fam 404.02(b)
and the Board does not have the authority to waive the rules. Second: T. Sturke. MOTION
PASSED.

Non-Public Session I: RSA 91-A:3 II c.

E. Christensen made a MOTION to go into Non-Public Session under RSA 91-A:3, IIc: Personal. Second: T. Sturke. A roll call vote was held. MOTION PASSED unanimously.

The Board entered Non-Public Session at 4:45 PM.

The Board returned to Public Session at 4:55 PM.

T. Sturke made a MOTION to seal the Non-Public Minutes. Second: C. Sadler. MOTION PASSED.

Administrative Rules

E. Christensen told the Committee that she and C. Dochstader had been working on the 200s. She said they had met with CFM Honey Hastings to discuss possible changes to the rules. Issues raised for Board consideration include:

- Members had talked about including mediation in the complaint process. The question is mediation between whom:
 - The Mediator complained against and the Board
 - The Mediator complained against and the Complainant.
 - Both?
- Does/should the complainant have a role in the process?
- Is the role of the Board to protect the complainant or the public?
- If there is mediation (or a facilitated dialogue) between the Board and the Mediator complained against,
 - Who does the mediation?
 - What is the responsibility of the mediator and who does the mediation?
- Is the Board abdicating its responsibility by agreeing to or suggesting mediation?
- At what point in the process should/could mediation be included?
 - At the beginning
 - At the end?
- Can the Board initiate a complaint on its own?
- There should be “off- ramps” at several places during the process to allow for the complaint to be resolved as early in the process as possible.
- A Letter of Concern is a good option.
- There needs to be time limits at various points in the process.
- What about suggesting corrective action?
- What about a pre-hearing conference early in the process at which the Board can
 - Tell the mediator what was wrong and
 - Give the mediator an opportunity to acknowledge problem and offer to correct.
- The Board needs to be very clear about how a complaint is written and the process the Board goes through to determine whether to accept or dismiss.

- Investigators
 - Who should be investigators?
 - Former Board members?
 - At least one mediator?
 - Someone on staff at OPLC?
 - At least two people?
 - Who appoints?

Other

DV Guidelines

T. Sturke told the Board that she was going to send an email to Molly Brown and Melissa Kowalski requesting a meeting to discuss issues that arose during the recent work session on the Board's DV Guidelines. She said one thing that was clear was that mediators think that the initial DV screening should be a separate event, conducted before mediation. In addition, many mediators think that court personnel should handle the initial DV screening.

E. Christensen suggested that maybe there could be a mediator who does initial screening, but does not do the actual mediation. She also shared several places where the Guidelines could be modified.

Members asked for copies of the notes that P. Heinrich took at the work session and decided to wait until the next meeting to further discuss this issue since there is still time for mediators to submit comments on the Guidelines.

C. Dochstader made a MOTION to adjourn. Second: E. Jasina. MOTION PASSED.

M. Rousseau reminded everyone the next meeting was June 7th and adjourned the meeting at 5:45 PM.

Respectfully submitted,

Pat Heinrich