

Volunteer Manual
CMC Domestic Relations Mediation Program

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INTRODUCTION TO CLEVELAND MEDIATION CENTER

HISTORY

The Cleveland Mediation Center (CMC), formerly the Community Youth Mediation Program (CYMP), is a community-based organization on Cleveland's Near West Side which resolves conflicts through the process of mediation. The agency was created in June, 1981 in order to mediate conflicts involving local youth and to refer juveniles and their families to social services if the need was apparent. In 1990, the community-based board decided to expand the scope of the agency beyond disputes involving youth. The program now also mediates conflicts which occur in the wider community such as; landlord/tenant, environmental, and inter-agency disputes. CMC has had great success at instrumenting innovative mediation and conflict resolution programs throughout the State of Ohio.

In 1994 CMC expanded to include a Domestic Relations Mediation Program. Although CMC is based on the Near West Side, the Domestic Relations Mediation Program serves the entire county. The program offers mediation to people who have decided to divorce, or separate, or have a child custody dispute. Trained divorce mediators mediate free of charge for those people who meet CMC's income guidelines. For those whose income is higher, there is a sliding-scale fee structure.

MISSION

"TO PROMOTE CONSTRUCTIVE CONFLICT RESOLUTION, ESPECIALLY AMONG YOUTH AND TO STRENGTHEN COMMUNITIES WITH EMPHASIS ON MEDIATION AND MEDIATION TRAINING"

The Cleveland Mediation Center strongly believes that we can make a difference in people's lives by giving them the tools to make their own decisions in the most trying of matters.

THE ROLE OF A VOLUNTEER

The dedicated and generous volunteer mediators are the very essence of the organization. In other CMC programs mediators are community volunteers, which is extremely important for mediating community disputes.

In the Domestic Relations Mediation Program volunteers need not live in the neighborhood and are especially trained in divorce mediation. Domestic Relations mediation is a specialized field that requires an expertise in the subject matter.

CMC is committed to the volunteer's growth and development. CMC provides an initial orientation that includes the agency's philosophy, the Domestic Relations Mediation Program's policies and procedures, liability, confidentiality, and other information that volunteers may need, depending on the experience level of the volunteers. CMC also provides ongoing supervision, consultations as requested by volunteers and regularly scheduled group discussions among the volunteers.

CMC relies on the evaluation and experience of volunteers in assisting the staff to improve services it provides to the community.

JOB DESCRIPTION FOR CLEVELAND MEDIATION CENTER VOLUNTEER
DOMESTIC RELATIONS MEDIATORS

Job Title

Domestic relations mediator

Purpose

To guide clients with domestic relations issues through the mediating process.

Specific Duties & Responsibilities

The mediator is responsible for conducting the mediation and all that entails: explaining the mediation process to the clients, helping the clients delineate the issues that need to be mediated, gathering information, helping the clients find creative options, helping the clients problem solve, and writing up any agreement the clients may come to.

Decisions about any legal, psychological or ethical issues will be made in conjunction with the supervisor and other CMC staff.

Mediators are not responsible for filing any agreements with the courts.

Mediators do not act as therapist or attorneys.

Qualifications/Desired Skills

Divorce Mediation Training

Time Commitment

Up to four mediations over the course of a year

Location

CMC offices, mediator's office, community space (ie. church)

Volunteer Benefits

- Opportunity to work with one of the oldest, successful, mediating programs in the state.
- Opportunity to help clients who have little access to the legal system.
- Opportunity to gain mediating experience
- Opportunity for continued training
- Opportunity to increase public awareness of mediating

Supervision

CMC will have an initial interview and orientation process for the volunteers. CMC's domestic relations program director will keep in contact with the mediator and the clients during the mediation. There will be ongoing group discussions among the volunteer mediators and consultations as requested by volunteers. There will also be a followup evaluation after the mediation by both the mediator and the clients.

CONFIDENTIALITY AND LIMITS TO CONFIDENTIALITY

Confidentiality is one of the most important elements of a mediation. The mediator is committed to not sharing information with outside persons or organizations without the written consent of the clients.

In order to improve CMC programs as well as to provide better service to individual clients, it is often necessary to share information within the context of supervision by a staff member. Likewise, some information is kept through records required by CMC in order to facilitate service delivery or to provide data for funding purposes. Nevertheless, such information is kept confidential within the agency and not provided to other sources without written consent of the clients.

There are exceptions to the confidentiality rule:

when the mediator feels that a client presents a threat of serious bodily harm to self or others (eg. suicidal or homicidal threats), the mediator must consult with the Domestic Relations Mediation Program director and/or CMC Executive director, make appropriate contacts with mental health emergency services, police, and threatened individual. or

if a client discloses information indicating that a child is at risk for serious injury due to abuse, the mediator shall consult with the Domestic Relations Mediation Program Director and/or CMC Executive Director to determine the best process and most appropriate authority for dealing with the situation.

In both exceptions listed above, clients will be informed about any information communicated concerning them, and will be included in this process whenever possible.

LIABILITY

The agency does not carry professional liability coverage for employees or volunteers. However, under the terms of Ohio Revised Code 2305.38 it would be difficult for someone to recover against a volunteer for services rendered on behalf of CMC. A volunteer is defined as an "officer, trustee, or other person who performs services for a charitable organization but does not receive compensation, either directly or indirectly, for those services."

Under the law, a volunteer is not liable in civil actions for acts or omissions of anyone in the organization, unless they authorize, approve, participate or ratify the act. In addition, they are not liable for the results of acts they commit while volunteering unless the act is negligent, without regard to its potential harmful effect, or intentionally harmful. While the law makes it unlikely that anyone could recover damages from a volunteer acting in good faith, it does not prevent anyone from bringing suit.

In acting as a volunteer mediator for CMC's Domestic Relations Mediation Program, mediator's are representing themselves as experts offering a service. The measure of the standard of care will probably be that of professional mediators offering similar services.

DRUGS/ALCOHOL POLICY

Drugs, including alcohol, are not permitted at any location by volunteers for any reason whatsoever. Volunteers who are intoxicated or under the influence of any substance while working as a volunteer for CMC are not permitted to participate in CMC activities. Likewise, participants who are intoxicated or under the influence of any drugs and/or alcohol will be asked to leave the activity. Any volunteer who violates this rule will be asked to leave the program.

POLICY ON THEFT

CMC will not cover losses sustained either on site or off site by individuals. All staff and volunteers are to be aware that our insurance does not cover individual losses or loss of cash in any circumstances. Everyone is encouraged not to bring valuables into the office or to off site meetings. Please take care to protect your things.

Policies and Procedures for CMC Domestic Relations Program

Definition of Domestic Relations Mediation

Mediators are specifically trained to help people resolve domestic relations disputes. The mediator, as in other types of mediation, helps people: identify the issues, voice their needs and interests, develop practical and creative solutions, find information when needed, and work out solutions both parties can live with. But domestic relations mediators also make sure that the clients leave with an agreement that has all elements necessary for a divorce, or separation, or dissolution, or child custody order (to mention a few outcomes). The domestic relations mediation takes place over several weeks, at sessions of one to two hours each.

Areas for mediation

The Domestic Relations Mediation Program will mediate married and not-married partners.

The Domestic Relations Mediation Program will mediate divorce, separation, dissolution, child support, parental rights and responsibilities, parent/child contact, spousal support (alimony), division of marital property, post-decree issues and other issues that separating couples may need to resolve.

Mediators

Mediators are volunteers who have been specifically trained domestic relations mediation.

Volunteer orientation

The Domestic Relations Mediation Program provides volunteer mediators with an orientation before the volunteers are assigned cases. The orientation includes the agency's philosophy, the Domestic Relations Mediation Program's policies and procedures, other information that volunteers may need, depending on the experience level of the volunteers.

Volunteer support and supervision

The director of the Domestic Relations Mediation Program supervises the volunteer mediators. Consultations with the director of the program and other CMC staff are available to volunteer mediators whenever needed. Discussion groups for the volunteers are held on a regular basis.

Clients

The Domestic Relations Mediation Program serves Cuyahoga County and is available to anyone who needs mediation services for domestic relations issues. Mediation is free to those who fall within our income guidelines. Those with income above that are charged on a sliding-scale.

Intake

The director of the Domestic Relations Mediation program does an initial intake screening to make sure that clients are able to mediate. The screening process ensures that:

Clients are able to

- understand the mediation process
- make sound decisions. And that a

Clients' ability to mediate is not be diminished by

- domestic violence
- emotional disorders, or
- alcohol/drug abuse

The intake process includes assisting clients in filling out the intake forms for financial and personal information

Mediator's responsibilities

The mediator is responsible for conducting the mediation. This entails:

- setting up the time and place of appointments
- explaining the mediation process to the clients
- conducting the mediation
- drafting any agreement the clients may reach.

The mediation belongs to the clients. The mediator has no vested interest in the terms of the agreement but must be satisfied that the agreement does not undermine the integrity of the process. The mediator has a responsibility to make sure that the clients understand the consequences of the terms of the agreement.

Mediators are not responsible for filing any agreements with the courts.

Mediators do not act as therapist or attorneys.

Caucus

Occasionally it may be necessary for the mediator to meet with each client separately in order to help facilitate the mediation process. Unless otherwise agreed, throughout the mediation the mediator will share all information with both clients.

Confidentiality

Confidentiality is one of the most important elements of a mediation. The mediator is committed to not sharing information with outside persons or organizations without the written consent of the clients. However, the mediator must report situations in which people are considered to be in danger.

Privacy of Mediation

As part of the agreement to mediate clients will agree that neither will call as a witness any employee of CMC or the mediator to testify, or subpoena any record of CMC or the mediator, in any matter related to the mediation.

Ethical considerations

The volunteer mediator will make decisions about any legal, psychological or ethical issues concerning the mediation in conjunction with the director of the domestic relations mediation program and/or the executive director of CMC.

Termination of Mediation

Any client may terminate mediation at any time. However, in the agreement to mediate clients will agree that anyone wishing to end mediation will do so during a session.

Safety

When a client is concerned about his or her safety, she or he will be asked to contact the mediator immediately. Decisions about the safety of continuing the mediation will be made with the mediator

Agreement review

CMC wants to ensure that clients make informed decisions. Resources are available to mediators and clients so that during the mediation clients can get information from people with expertise in the area in question. Clients will also be urged to have their agreements reviewed by a person that they trust.

The final agreement

The mediator will draft a final agreement that can be used to either obtain legal remedies, or as an agreement the clients can use between themselves.

Concurrence of mediator

If the mediator feels that the agreement is not fair or equitable, the mediator can state that. The clients can still decide that the agreement is something they both want to implement.

Program review process

The Domestic Relations Mediation Program director will contact clients and mediators for feedback during and after the mediation. During the mediation the parties will only be asked if the mechanics of the mediation are working, (ie. are the parties meeting?) so as not to interfere with the mediation. Review after the mediation may consist of written and/or verbal feedback and will inquire into the quality and effectiveness of the mediation.

CMC responsibilities

CMC and the Domestic Relations Mediation Program cannot represent any parties in court and cannot file for divorce.

CLEVELAND MEDIATION CENTER
DOMESTIC RELATIONS MEDIATION PROGRAM
AGREEMENT TO MEDIATE

We have decided to separate and/or divorce and we would like to use mediation to find solutions for issues raised by this decision.

We both want to make an agreement that represents the interests of both of us and our children.

We both want to make informed decisions based on accurate and complete information.

We both want to avoid, for ourselves and our children, the bitterness and frustration that often comes from this situation.

There are some important things to know about mediation:

1. Mediation is a voluntary process. No party need agree with anything they do not want to. All parties should have all the information they need to make decisions.

2. Confidentiality is one of the most important parts of mediation. The mediator is committed to not sharing information without the written consent of both parties with outside persons or organizations.

However, the exception to this is situations where the mediator feels that either an adult or a child is in danger. In those cases the mediator must report the situation to the appropriate authority.

3. The mediator will not keep secrets between the parties.

4. The mediator and the Cleveland Mediation Center cannot represent anyone in court, and cannot file for divorce. Mediators will not give legal advice or offer counseling.

5. There may be times when the mediator will need to meet with each party separately in order to move the mediation forward.

Therefore, we both agree to the following terms of the mediation:

1. That both parties will give all the information needed for the mediation. We understand that both parties need all the accurate information available so both can make informed and constructive decisions.

2. That both parties will come to all mediation sessions. Meetings will be set, as much as possible, at the most convenient time for all parties. That we will call at least 24 hours before a mediation session if we have to cancel.

3. That either party can end the mediation. But anyone who wants to end mediation agrees to end it during a mediation session.

4. That if either party is worried about his or her safety during the mediation, he or she should contact the mediator immediately. Decisions about the safety of continuing the mediation should be made with the mediator.

5. That during the mediation neither party will transfer, conceal or anyway buy or dispose of any property except in the usual course of business or for the necessities of life, without the written agreement of the other party. (For example, parties can spend money for things like rent, groceries, utilities, insurance, but may not make major financial decisions. If there is a question it should be brought to the mediation.)

6. That during the mediation both parties will suspend any legal actions they may have regarding the subject of the mediation. This does not mean that the parties give up the right to take legal action; just that legal action will stop during the mediation.

7. That when both parties agree, experts, other than the mediator, may be called on during the mediation for advice.

8. That parties shall not bring the mediator or Cleveland Mediation Center staff to court as a witness in any legal proceeding. The parties shall not ask for any records of the mediation to be brought to court as a part of any legal proceeding.

Name and address of party

Signature Date

Name and address of party

Signature Date

Name of Mediator

Signature Date

CLEVELAND MEDIATION CENTER
DOMESTIC RELATIONS MEDIATION PROGRAM
AGREEMENT TO MEDIATE

We have decided to use mediation to find solutions for issues related to our children.

We both want to make an agreement that represents the interests of both of us and our children.

We both want to make informed decisions based on accurate and complete information.

We both want to avoid, for ourselves and our children, the bitterness and frustration that often comes from this situation.

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Name and address of party

Name and address of party

Signature Date

Signature Date

Name of Mediator

Signature Date