



# Supreme Court

STATE OF ARIZONA

402 ARIZONA STATE COURTS BUILDING  
1501 WEST WASHINGTON STREET  
PHOENIX, ARIZONA 85007-3231  
TELEPHONE: (602) 542-9396

NOËL K. DESSAINT  
CLERK OF THE COURT

KATHLEEN E. KEMPLEY  
CHIEF DEPUTY CLERK

September 18, 2006

**RE: RULE DR-1, MOHAVE CO SUPERIOR CT LOCAL RULES**  
Arizona Supreme Court No. R-06-0015

GREETINGS:

The following action was taken by the Supreme Court of the State of Arizona on September 11, 2006, in regard to the above-referenced cause:

**ORDERED: Letter [Petition to Amend Rule DR-1, Local Rules of Practice, Mohave County Superior Court] = APPROVED, effective as of the date of signing.**

Noel K Dessaint, Clerk

TO:

Hon Randolph A Bartlett, Presiding Judge, Mohave County Superior  
Court

cf

**FILED**  
SEP 18 2006  
NOEL K. DESSAINT  
CLERK SUPREME COURT  
BY

FILED  
BY: *[Signature]*  
2006 AUG -9 PM 4:36  
MILYNN TINNELL  
SUPERIOR COURT CLERK

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MOHAVE

R-06-0015

IN THE MATTER OF:

ORDER AMENDING RULE DR-1 )  
LOCAL RULES OF PRACTICE ) ADMINISTRATIVE ORDER  
MOHAVE COUNTY SUPERIOR COURT ) 2005-09

A majority of the judges of the Mohave County Superior Court having approved, pursuant to Rule 83, Ariz. R. Civ. Proc., the proposed amendment to the Mohave County Superior Court local court rules, in response to the Arizona Rules of Family Court Procedure, effective January 1, 2006, Rule 67(B)(1);

**IT IS HEREBY ORDERED** Rule DR-1. Conciliation Court and Mediation Services, Local Rules of Practice for the Mohave County Superior Court, is amended as set forth in attachment hereto\* effective the 15<sup>th</sup> day of September, 2006.

**DATED** in the City of KINGMAN, Arizona, this 9<sup>th</sup> day of AUGUST, 2006.

*[Signature: Randolph A. Bartlett]*  
Randolph A. Bartlett, Presiding Judge  
Mohave County Superior Court

APPROVED this 18<sup>th</sup> day of September, 2006.

*[Signature: Ruth V. McGregor]*  
Ruth V. McGregor, Chief Justice  
Arizona Supreme Court

- Changes or additions in text are indicated by bold italics and deletions from text are indicated by ~~strikeouts~~.

## **Rule DR-1. Conciliation Court and Mediation Services**

**A.** A Conciliation Court with mediation services is hereby established by authority of A.R.S. 25-381.01, et seq., to provide a means for the reconciliation of spouses, the amicable settlement of domestic and family controversies, and to protect the rights of children.

**B.** The Presiding Judge shall assign a Superior Court Judge to act as judge of the Conciliation Court pursuant to A.R.S. 25-381.04.

**C.** Jurisdiction over the controversies and issues described in A.R.S. 25-381.08, 25-381.09, 25-381.20 and 25-381.22 is invoked automatically by the filing of any action for annulment, dissolution of marriage or legal separation or by petition filed by either or both spouses prior to or after filing any action for annulment, dissolution of marriage or legal separation when there is a minor child of the parties whose welfare may be affected by said action. Jurisdiction of controversies and issues described in A.R.S. 25-381.20 will be invoked only upon entry of an order by the conciliation court that includes as a finding that reconciliation of the spouses or amicable adjustment of the controversy can probably be achieved, and that the work of the conciliation court in cases involving children will not be seriously impeded by acceptance of the case.

**D.** Upon assignment of an action to Conciliation Court, the judicial administrator shall schedule a conference or conferences with a family counselor. The parties shall be required to attend scheduled conferences. Exemption from mandatory hearings or conferences may be granted by the Conciliation Court Judge only on grounds of undue hardship. The counselor shall report to the court the identity of a party failing to attend and the court may take such action as it deems necessary or appropriate. The counselor shall notify the court when counseling has concluded. Agreements reached between the parties as a result of the counseling shall be in writing and approved by the parties and the counselor. An agreement is not binding until approved by written order of the court.

**E.** When jurisdiction is invoked, the Clerk of the Court shall cause a minute entry to be made and filed in the case file in such form approved by the Presiding Judge, recording the fact and date of the filing of the petition and transferring the matter to the Conciliation Court. The Clerk shall thereafter deliver the case file to the Conciliation Court Judge for further proceedings pursuant to A.R.S. 25-381.14.

**F.** When it appears from a pleading or other paper filed with the Clerk of the Court that custody or visitation of a child or children is an issue in a dissolution, legal separation or annulment action, the case shall be transferred to the Conciliation Court. The Conciliation Court shall, as soon as possible, set a conference for the litigants with a person competent to do family counseling designated by the judge of the Conciliation Court. The person designated thereafter shall recommend action to the court, including additional counseling conferences (with the children if the person deems this advisable) and orders for temporary relief under A.R.S. 25-381.17, and the judge of the Conciliation Court may make such orders as are deemed just and proper in regard thereto.

**G.** The Conciliation Court Judge may appoint a mediator from the Conciliation Court system or an

outside mediator. The parties may contract with an outside mediator for his or her services in which event they shall be directly responsible for his or her fee. Where the parties desire to employ an outside mediator but cannot agree on the selection, each party shall submit the name of one qualified person and the court shall make the appointment using the persons selected by the parties or any other qualified individual.

***G.1. The Alternative Dispute Resolution (ADR) Administrator shall maintain a roster of interested persons qualified to act as private mediators in accordance with Arizona Rules of Family Procedure 67(B)(1). The ADR Administrator shall update the roster annually. The roster shall be made available to parties and the public at the Office of Conciliation Court Services,***

***G.2. The qualifications for appointment as a private mediator shall be as set forth in Appendix DR-1(A); or as otherwise determined necessary and appropriate in the sole discretion of the Presiding Judge.***

***G.3. Persons interested in qualifying for appointment as a private mediator shall complete the initial application set forth in Appendix DR-1(B); submit same to the ADR Administrator at the Office of Conciliation Courts; and annually submit written verification of their continued qualification to be appointed a private mediator, as described in Appendix DR-1(A), referenced in G.2 above, to the ADR Administrator at the Office of Conciliation Courts by December 15 of each year. Qualified candidates will be determined by the ADR Administrator; as approved by the Presiding Judge.***

**H.** To further the aims and service of the Conciliation Court, every attorney who represents a litigant in an action for dissolution of marriage, legal separation or annulment shall furnish to the client as early in the case as conveniently possible a notice about the Conciliation Court. This notice will be a form furnished to the attorneys free of charge by the Conciliation Court. The Clerk will likewise furnish said notice to parties acting pro per. The printed notice shall inform the parties of the availability of blank conciliation petition forms provided at the expense of the county and assistance in their preparation by employees of the Conciliation Court or a social service agency employed to provide conciliation and mediation services.

**I.** The attorney for the respondent or a respondent acting pro per shall, at the time of filing the response, notify the Clerk of the Superior Court that custody is contested, and designate on the caption that it is a "contested custody matter".

**J.** In all contested custody cases, all orders to show cause concerning temporary child custody, visitation or support shall be set and heard before the judge of the Conciliation Court.

**K.** Upon a matter being transferred to the Conciliation Court the judge shall set a time and place for hearing to be held within thirty (30) days of the date of filing the conciliation petition or otherwise in accordance with A.R.S. 25-381.14. An order, in a form approved by the judge of Conciliation Court, shall be issued to both parties directing them to be present. The order shall be signed by the judge of

the Conciliation Court or another designated judge and shall give notice of the time, place and nature of such hearing. Such order shall be mailed or served not less than five (5) days prior to the hearing and failure to respond to same without adequate excuse may be deemed a contempt of court. The hearing shall be conducted before a Conciliation Court counselor or the Conciliation Court Judge, as specified in the citation at the discretion of the Conciliation Court Judge. The hearing shall be held in private. Within five (5) days of completion of the conciliation hearings a brief report, in a form approved by the judge of Conciliation Court, shall be filed with the court by the counselor.

**SUPERIOR COURT OF ARIZONA**  
**Conciliation Court Services**  
**For Mohave County**

**PRIVATE MEDIATOR ROSTER REQUIREMENTS**

**FOR INITIAL ROSTER PARTICIPATION:**

- I. The candidate must be able to demonstrate:
  - (A) a minimum two (2) years experience as a family mediator, Family Court Judicial Officer, or Family Court Judge Pro Tempore, with a minimum of 20 family cases mediated or trials held, or;
  - (B) a minimum of one (1) year of experience as a family mediator, Family Court Judicial Officer, or Family Court Judge Pro Tempore, or family law attorney, with a minimum of 10 family cases mediated or trials held and be willing to participate in two mediations under the supervision and direction of the ADR Administrator or other roster member approved by the ADR Administrator before accepting Family Court case referrals as sole mediator.
- II. The candidate must present training verification from:
  - (A) an approved basic 40-hour family mediation training course, or;
  - (B) an approved 40-hour basic mediation training and an approved 20-hour advanced family mediation training; and
  - (C) 12 hours of domestic violence and 12 hours of child abuse training.

Note: Training programs accredited by the Association for Conflict Resolution (ACR), Association of Family and Conciliation Court Services (AFCC), and the Dispute Resolution Section of the American Bar Association (ABA) generally meet this roster requirement.
- III. The candidate must submit proof of mediator liability insurance to the Superior Court ADR Administrator and annually provide proof of continuing coverage on or before the policy renewal date, but no later than December 15th of each year.
- IV. The candidate must present verification that they possess at least a graduate level degree in a social science or related field, such as social work, mental health, behavioral sciences, or law or equivalent knowledge and experience. Upon a showing of good cause, a written waiver of this requirement may be given by the Presiding Judge.
- V. The candidate must agree to adhere to the Model Standards of Practice for Mediators promulgated by the Association for Family and Conciliation Courts (AFCC).

- VI. The candidate must be willing to adhere to all ethical standards set by the Court.
- VII. The candidate must submit information on case screening method(s) to be used in determining case for mediation which must be approved by the ADR Administrator.
- VIII. The candidate must be willing to participate in grievance and feedback procedures adopted by the Court.
- IX. The candidate must attend a Family Court Mediator Roster orientation prior to acceptance of any case referred by the court.
- X. The candidate must pay an application processing fee of \$50.00 to the Clerk of the Superior Court of Mohave County payable to the Conciliation Court Fund.

Note: Acceptance and verification of the qualifications of an individual mediator rests with the Superior Court ADR Administrator, subject to final review and approval by the Presiding Judge of the Superior Court.

**FOR CONTINUING ROSTER PARTICIPATION:**

- I. Each calendar year, the candidate must complete a minimum of five (5) credit hours of continuing education in alternative dispute resolution (ADR) topics, including at least (2) hour every other year on domestic violence and child abuse issues. The candidate must present proof of credit completion to the Superior Court ADR Administrator prior to December 15th of each year.
- II. The candidate must maintain separate mediator liability insurance on a continuous basis. The candidate must submit proof of mediator liability insurance to the Superior Court ADR Administrator upon application to the roster and annually provide proof of continuing coverage on or before the policy renewal date, but not later than December 15th of each year.
- III. The candidate must annually complete one (1) pro bono mediation case session of not more than two hours in length selected and referred by the ADR Administrator of the Superior Court for each three(3) cases referred for compensation.
- IV. The candidate must be willing to participate in grievance and feedback procedures adopted by the Court.
- V. The candidate must comply with all case reporting requirements established by the ADR Administrator, including case outcome and client feedback information.

**VI. The candidate must pay a roster participation renewal processing fee of \$25.00 to the Clerk of the Superior Court of Mohave County payable to the Conciliation Court Fund.**

**Revised 6/16/06**

**SUPERIOR COURT OF ARIZONA IN MOHAVE COUNTY  
Conciliation Court Services  
Private Mediation Roster Application**

**NOTE: Information disclosed on this Registration Form might be considered public record.**

**PART I – General Information**

**2. BUSINESS LOCATION AND HOURS:**

- A. Name: \_\_\_\_\_
- B. Address: \_\_\_\_\_
- C. Telephone: \_\_\_\_\_ Pager /Mobile: \_\_\_\_\_ Fax: \_\_\_\_\_
- D. Office Days and Hours: \_\_\_\_\_
- E. Other Office Location(s): \_\_\_\_\_
- F. Address: \_\_\_\_\_
- G. Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_
- H. Office Days and Hours: \_\_\_\_\_

**3. FEES FOR SERVICES:**

- A. What do you charge for an Initial Consultation? ½ Hour \$ \_\_\_\_\_; Hour \$ \_\_\_\_\_
- B. What is your hourly charge for services? \$ \_\_\_\_\_
- C. How do you require payment to be made?  Cash  Personal Check  Credit Card (list which ones):  
\_\_\_\_\_
- D. When do you require payment for services to be made?  
 At time service is performed  At end of all services to be performed  Other (Please explain):  
\_\_\_\_\_
- E. Do you require a retainer? If so, please describe \_\_\_\_\_

**4. LANGUAGE FLUENCY: Please list all languages in which you are fluent:**

- English  Spanish  Other (please list): \_\_\_\_\_

Please indicate if staff in your office are fluent in other languages. Please list: \_\_\_\_\_

**5. EDUCATION AND TRAINING:**

**A. EDUCATION:** Please attach a transcript or a copy of your diploma for each degree listed.

**DEGREE AWARDED:**

**DATE RECEIVED:**

**INSTITUTION:**

_____	_____	_____
_____	_____	_____
_____	_____	_____

**B. MEDIATION AND OTHER REQUIRED TRAINING**

(Must include a 40 hour basic mediation training for the general roster; an additional 40 hour domestic relations mediation training for the family mediation roster; 12 hours of child abuse training and 12 hours of domestic violence training for the family mediation roster.

List (1) the name of training attended, (2) the dates of attendance, and (3) the institution conducting training.

1. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**C. APPLICABLE MEMBERSHIPS, LICENSURE, CREDENTIALS**

1. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**6. Mediation Experience:**

1. \_\_\_\_\_  
\_\_\_\_\_

2. \_\_\_\_\_

\_\_\_\_\_

3. \_\_\_\_\_

\_\_\_\_\_

7. **Professional Liability Insurance:** Do you have Professional Mediator Liability Insurance?  YES  NO

Provider: \_\_\_\_\_

Policy Number: \_\_\_\_\_

Coverage Limits: \_\_\_\_\_

8. **Other Matters:**

A. Have you been arrested, charged or convicted of a felony, or have you been arrested, charged or convicted of any matter relating to sexual misconduct, regardless of when such arrest charge or conviction occurred?

NO  YES (If yes, please attach explanation.)

B. In the past three years before submitting the Registration Form, have you had an adverse decision rendered against you by any regulating agency or court pertaining to the service or conduct which is related to the services that are the subject of the Court Roster?

NO  YES (If yes, please attach explanation.)

C. Are you under any current limitations by any regulating agency or court pertaining to the service or conduct which is related to the services that are the subject of the Court Roster?

NO  YES (If yes, please attach explanation.)

D. Do you know of any present or past conduct that might or may affect your ability to provide the service or conduct which is related to the services that are the subject of the Court Roster for which you are applying?

NO  YES (If yes, please attach explanation.)

## PART II. Family Mediation Information

### EXPERIENCE

Please check the following option that best describes your experience as a family mediator:

- I have a minimum of two (2) years experience as a family mediator, with a minimum of 20 cases mediated,
- OR
- I have one (1) year of experience as a family mediator with a minimum of 10 cases mediated or two (2) years experience as a general mediator. (I understand that if I qualify under this option, I must be willing to conduct two family mediations under supervision and direction of the Mohave County Superior Court, Conciliation Court Services, Alternative Dispute Resolution (ADR) Administrator or an approved Family Mediation Roster Member and provide a written recommendation from said member to the ADR Administrator before accepting referrals from the Court to act as a mediator in family cases.

Please explain your experience as a family/ general mediator below, including number of years you've been mediating and the approximate number of FAMILY cases you have mediated.

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Number of family cases mediated: \_\_\_\_\_

### EDUCATION/ TRAINING

1.  YES  NO I have completed an approved 40 HOUR COURSE in family, domestic relations, or divorce mediation.
- YES  NO OR I have completed an approved 40-hour basic mediation training PLUS an approved 20-hour advanced family mediation training that includes training in family violence ?
- Date of course: \_\_\_\_\_ Institute or Agency: \_\_\_\_\_
- (Attach copy of certificate of attendance to this Registration Form.)
2.  YES  NO I have provided proof of twelve (12) hours training in family violence issues and twelve (12) hours of training in child abuse issues.

3.  YES  NO I will complete a minimum of five (5) hours of continuing education credits each calendar year in alternative dispute resolution (ADR) topics, including at least one (1) hour every two years on domestic violence issues and one (1) hour every two years on child abuse issues. (You must submit proof of completion to the Superior Court ADR Office prior to December 15<sup>th</sup> of each year.)
4.  YES  NO I maintain separate mediator liability insurance on a continuous basis. (You must submit proof of mediator liability insurance to the Superior Court ADR Office and annually provide proof of coverage on or before the policy renewal date, but no later than December 15<sup>th</sup> of each year).
5.  YES  NO Do you have at least a master's level of graduate degree in a social science, a juris doctorate degree or related degree in a related field?

**MEDIATION EXPERIENCE**

1. How many years have you been mediating cases as a third party neutral? \_\_\_\_\_
2. Estimate the number of cases you have mediated as a third party neutral. \_\_\_\_\_
4. How many years have you been active in practice as a FAMILY mediator? \_\_\_\_\_
5. How many years of experience do you have in FAMILY cases or practice, other than in mediation? \_\_\_\_\_

**PREFERRED MEDIATION AREAS**

1. What types of cases in FAMILY mediation are you willing to mediate:
- \_\_\_\_\_ Divorce, Legal Separation, Annulment
- \_\_\_\_\_ Grandparent Rights
- \_\_\_\_\_ Paternity
- \_\_\_\_\_ Post-Decree Matters
- \_\_\_\_\_ Adoption, Juvenile Dependency
2. [ ] YES [ ] NO Are there any kinds of cases you prefer NOT to handle as a FAMILY MEDIATOR?  
If YES, please describe:

**ROSTER CERTIFICATION REQUIREMENTS**

If I am included in the Mohave County Superior Court Family Court Mediator Roster, I WILL:

- YES    NO   Submit proof of all mediation experience, education and training requirements as established by the Superior Court?
- YES    NO   Submit initial and continuing proof of compliance with continuing education or special training requirements as established by the Superior Court?
- YES    NO   Submit initial and continuing proof of mediator liability insurance in accordance with Superior Court procedures?
- YES    NO   Attend a Family Court Mediator Roster orientation prior to acceptance of any cases from the Superior Court?
- YES    NO   Conduct pre-mediation screening as to appropriateness of mediation services for the case, including domestic violence screening? (A sample screening form is available.)
- YES    NO   Submit copies of case screening methods, including domestic violence, to be used in determining appropriateness for mediation?
- YES    NO   Adhere to Models and Standards of Practice for Mediators established by the Association of Family and Conciliation Courts?
- YES    NO   Adhere to all ethical standards set by the Superior Court?
- YES    NO   Annually complete one *pro bono* mediation for every two cases referred to me by the Superior Court for which I am compensated?
- YES    NO   Comply with all reporting requirements, including grievance and feedback procedures, adopted by the Superior Court.

I swear that all of the information on this registration form, and any attached sub-parts, is true and accurate to the best of my knowledge, information, and belief. I have read and I understand the requirements and agree to abide by them. I will advise the Court in writing of any material changes to the information contained in this Registration. I understand that failure to be truthful about matters related to this application or to abide by these Policies and Procedures may result in the removal of my name from the applicable Court Roster.

Signature: \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

by \_\_\_\_\_.

Signature \_\_\_\_\_

Notary Public

My commission expires:

## 8.1 Private Mediation Roster and Policy

- A. It is in the best interest of the Court, Conciliation Court Services and the community of Mohave County for a private mediation Roster to be maintained and established in accordance with Arizona Rules of Family Law Procedure 67 (B) (1). This roster shall be maintained by the ADR Administrator at the Office of Conciliation Court Services.
- B. The qualifications for appointment as a private mediator shall be as set forth in Appendix 1; or as otherwise determined necessary and appropriate by the Presiding Judge.
- C. Persons interested in qualifying for appointment as a private mediator shall complete the initial application set forth in Appendix 2 and pay the application fee to the Clerk of the Superior Court; submit same to the ADR Administrator at the Office of Conciliation Courts together with a receipt showing proof of payment of the application fee. The ADR Administrator will review the application to determine if the interested person is qualified. If the interested person is qualified, the ADR Administrator will refer the application to the Presiding Judge for initial approval. If approved by the Presiding Judge, the interested and qualified person shall be added to the Private Mediation Roster maintained by the ADR Administrator.
- D. Interested persons will be responsible to ensure they continue to be qualified and shall submit verification of their continued qualification to the ADR Administrator at the Office of Conciliation Court Services annually by December 15, together with proof of payment of the annual renewal fee to the Clerk of the Court. This verification will include completion of required continuing education and pro bono mediation services, as applicable. The ADR Administer will review the continued qualifications of all roster members and update the roster annually.
  - 1. The ADR Administrator may send out a reminder letter and questionnaire annually to request roster members provide written verification of their continued interest and qualifications to be on the private mediation roster during the following calendar year.
  - 2. The ADR Administrator will maintain a file for each private mediation roster member containing their application; verification of their initial qualifications and annually provided verification of their continued interest and qualifications.
- E. Participating members will establish and maintain a domestic violence and mediation suitability screening system and provide documentation of this system to the ADR Administration annually.

- F. Participating members will inform mediation clients who have been referred to them through the roster in writing, that they may submit any complaints or grievances concerning the mediator to the ADR Administrator and provide them with the current address and telephone number of the ADR Administrator. The ADR Administrator will appropriately address any such grievances; maintain a record of the complaint and the complaint's resolution in the applicable roster member's file and take them into consideration in determining renewal of roster membership annually.

Revised 7/26/06