

Rule 911

INDIVIDUAL APPROVAL AND RENEWAL—MEDIATOR, DOMESTIC CONCILIATOR, PARENTING COORDINATOR, OR CASE MANAGER

- (a) **Application for Approval.** An individual seeking approval as a mediator, domestic conciliator, parenting coordinator, or case manager must submit an application to the director. The application must include:
- (1) documentation of the information required under K.S.A. 5-507(a), unless the applicant is connected with a court;
 - (2) documentation that the applicant has satisfied the applicable requirements under subsection (c);
 - (3) written letters of recommendation from at least two people—other than an approved mentor mediator—who will attest to the applicant’s character and capacity to serve as a mediator based on temperament, experience, and the requisite mental and emotional fitness to engage in the active and continuous practices of dispute resolution;
 - (4) documentation of the applicant’s sliding scale system for assessing fees under K.S.A. 5-508;
 - (5) a verified statement regarding the applicant’s criminal history;
 - (6) a verified statement that the applicant agrees to comply with these rules;
 - (7) the application fee in an amount determined by the Supreme Court unless:
 - (A) the applicant is a judicial branch employee who will provide dispute resolution for the judicial branch or other state agencies; or
 - (B) the application fee has been waived on written request by an applicant who will not receive compensation for providing dispute resolution; and
 - (8) any other information the director requests.
- (b) **Waiver of Requirements.** If an applicant does not meet a requirement listed in subsection (a), the applicant may request in writing that the director waive the requirement. On receipt of the request, the director must:
- (1) grant the request and waive the requirement;
 - (2) request more information from the applicant; or
 - (3) deny the request.
- (c) **Application Prerequisites.** An applicant must meet the applicable requirements in paragraphs (1) through (4).

- (1) **Mediator.** An applicant for a certificate of approval as a mediator must meet the requirements in subparagraphs (A) and (B) or qualify for dual approval under subparagraph (C).
 - (A) **Training and Experience.**
 - (i) **Core Mediation.** To mediate disputes such as neighborhood, community, small claims, or other similar matters, the applicant must complete 16 hours of approved core mediation training.
 - (ii) **Domestic Mediation.** To mediate child custody, residency, visitation, parenting time, division of property, or other issues under K.S.A. 23-3501, the applicant must be an approved core mediator and complete 24 hours of approved domestic mediation training.
 - (iii) **Parent-Adolescent Mediation.** To mediate parent-adolescent disputes, the applicant must be an approved core mediator and complete 16 hours of approved parent-adolescent mediation training.
 - (iv) **General Civil Mediation.** To mediate general civil disputes, other than small claims, the applicant must be an approved core mediator and complete 24 hours of approved general civil mediation training.
 - (v) **Juvenile Dependency Mediation.** To mediate juvenile dependency disputes, the applicant must be an approved core mediator; complete 24 hours of approved juvenile dependency mediation training; and meet one of the following requirements:
 - (aa) have a bachelor's degree or higher in psychology, social work, marriage and family therapy, conflict resolution, or other behavioral science substantially related to family relationships;
 - (bb) have a juris doctor degree with experience in the field of juvenile law or family law;
 - (cc) be an approved domestic or parent-adolescent mediator with at least three years of experience in mediation, counseling, psychotherapy, social work, or any combination thereof, preferably in a setting related to juvenile dependency court or domestic relations; or
 - (dd) have status as a court services officer practicing in juvenile dependency court.
 - (B) **Practicum.** The applicant must participate in an approved practicum under Rule 915 in the area for which the applicant received approved mediation training. The practicum

must be completed within one year of completing the relevant training requirement under paragraph (A).

- (C) **Dual Approval.** An applicant may qualify as an approved core mediator and an approved domestic mediator, parent-adolescent mediator, general civil mediator, or juvenile dependency mediator in a single application if the applicant completes the following:
 - (i) core mediation training under paragraph (A)(i);
 - (ii) additional mediation training under paragraph (A)(ii), (iii), (iv), or (v); and
 - (iii) a practicum in the mediation area selected under paragraph (C)(ii).
- (2) **Domestic Conciliator.** An applicant for a certificate of approval as a domestic conciliator must meet the following requirements:
 - (A) be an approved mediator in domestic mediation under subsection (c)(1)(A)(ii);
 - (B) have mediated at least 10 domestic cases; and
 - (C) have completed six hours of approved domestic conciliation training.
- (3) **Parenting Coordinator.** An applicant for a certificate of approval as an approved parenting coordinator must meet the following requirements:
 - (A) be an approved mediator in domestic mediation under subsection (c)(1)(A)(ii);
 - (B) have mediated at least 10 domestic cases; and
 - (C) have completed 16 hours of approved parenting coordination training.
- (4) **Case Manager.** An applicant for a certificate of approval as an approved case manager must meet the following requirements:
 - (A) comply with the requirements of K.S.A. 23-3508(d)(1)(A) or (d)(1)(B);
 - (B) be an approved mediator in domestic mediation under subsection (c)(1)(A)(ii);
 - (C) have mediated at least three domestic cases; and
 - (D) have completed 16 hours of approved case management training.
- (d) **Application Review Process.**
 - (1) **Director's Decision.**
 - (A) On receipt of an application for approval, the director must review the application within the time period provided in K.S.A. 5-507(b).

- (B) At the completion of the review, the director will either approve the application and issue a certificate of approval or deny the application.
 - (C) Before the approval or denial of an application, the director may require the applicant to obtain additional training or to submit more information, including any information relevant to the applicant's character, fitness, and general qualifications.
- (2) **Written Request for Reconsideration.** If the director has denied an application, the applicant may submit to the director a written request for reconsideration. The director will present the request to the Council for review and decision.
- (e) **Renewal of Approval.** An approved mediator, domestic conciliator, parenting coordinator, or case manager, including a mediator approved at the time Rule 902 was repealed, must annually apply for approval renewal. The renewal application and fee must be post-marked by January 30. Failure to submit the renewal application and fee under this subsection may result in nonrenewal of approval status.
- (1) **Renewal Application.** The application for renewal must include:
- (A) proof of compliance with the CDRE credit requirements under Rule 916;
 - (B) the number of cases—and a mediator also must submit the types of cases—handled in the prior year;
 - (C) a verified statement that the applicant agrees to comply with these rules;
 - (D) a renewal application fee in an amount determined by the Supreme Court unless:
 - (i) the applicant is a judicial branch employee who provides dispute resolution for the judicial branch or other state agencies; or
 - (ii) the renewal fee has been waived for an applicant who will not receive compensation for providing dispute resolution; and
 - (E) any other information the director requests.
- (2) **Waiver of Requirements.** If an applicant has specialized experience or training but does not meet a requirement listed in paragraph (1), the applicant may submit a written request that the director waive the requirement. On receipt of the request, the director must:
- (A) grant the request and waive the requirement;
 - (B) request more information from the applicant; or

(C) deny the request.

- (3) **Application Review Process.** The renewal of approval will be reviewed in the same manner as an application for approval under subsection (a).
- (f) **Nonrenewal.** An individual who does not meet the renewal requirements of subsection (e) must apply for approval under subsection (a).
- (g) **Confidentiality of Records.** Except as provided in Rule 920, any record obtained or provided during the approval or renewal process is confidential and not subject to disclosure under the Kansas Open Records Act, K.S.A. 45-215 et seq.
- (h) **List of Individuals Approved.** The director must keep a public listing of individuals approved under this rule, separated by category. The list must include information for each approved individual, such as types of services, fees, and region of service. An approved individual may opt out of the public listing.

[**History:** New rule adopted effective January 1, 2020.]