

CLERK RULES – EFFECTIVE JANUARY 1, 2012

RULE 9. CERTIFICATION OF MEDIATION TRAINING PROGRAMS.

A. Certified training programs for mediators seeking certification pursuant to these Rules for estate and guardianship matters within the jurisdiction of the clerk of superior court shall consist of a minimum of 10 hours instruction. The curriculum of such programs shall include:

- (1) Factors distinguishing estate and guardianship mediation from other types of mediations;
- (2) The aging process and societal attitudes toward the elderly, mentally ill, and disabled;
- (3) Ensuring full participation of respondents and identifying interested persons and nonparty participants;
- (4) Medical concerns of the elderly, mentally ill and disabled;
- (5) Financial and accounting concerns in the administration of estates and of the elderly, mentally ill and disabled;
- (6) Family dynamics relative to the elderly, mentally ill, and disabled and to the families of deceased persons;
- (7) Assessing physical and mental capacity;
- (8) Availability of community resources for the elderly, mentally ill and disabled;
- (9) Principles of guardianship law and procedure;
- (10) Principles of estate law and procedure;
- (11) Statute, rules and forms applicable to mediation conducted under these Rules; and
- (12) Ethical and conduct issues in mediations conducted under these Rules.

The Commission may adopt Guidelines for trainers amplifying the above topics and set out minimum time frames and materials that trainers shall allocate to each topic. Any such Guidelines shall be available at the Commission's office and posted on its web site.

- B.** A training program must be certified by the Commission before attendance at such program may be used for compliance with Rule 8.B. Certification need not be given in advance of attendance. Training programs attended prior to the promulgation of these Rules or attended in other states may be approved by the Commission if they are in substantial compliance with the standards set forth in this Rule.
- C.** To complete certification, a training program shall pay all administrative fees established by the NCAOC in consultation with the Commission.