



## **ICAR 76**

### **Idaho Court Administrative Rule 76. Qualifications of Child Custody Mediators.**

(a) **Roster of Child Custody Mediators.** The Idaho Supreme Court's Administrative Office of the Courts (Administrative Office) will compile and maintain a roster of approved child custody mediators (Roster). The Administrative Office will determine if an applicant meets the qualifications to be placed on the Roster and will ensure that mediators on the Roster meet continuing education requirements, and obligations under this rule. The Roster will be made available to the public and will contain the following information about each mediator:

(1) name, address, telephone, e-mail address;

(2) license or degree; and

(3) a list of counties and districts the mediator is willing to conduct mediations in.

(b) **Application.** Any applicant seeking to be placed on the Roster must submit the following to the Administrative Office:

(1) an application for approval, which includes an Affidavit of Compliance signed by the applicant attesting that the applicant has fulfilled the requirements of this rule;

(2) a copy of the applicant's applicable degree, licensure, or certificate; and

(3) proof of completion of the required mediation training.

(c) **Degree, License, or Certificate.** For placement on the Roster, an applicant must have at least one of the following professional credentials:



(1) **Professional Licensure.** Current membership, office, or licensure in one of the following:

(A) Idaho Judiciary,

(B) Idaho State Bar Association;

(C) psychologist;

(D) professional counselor;

(E) clinical professional counselor;

(F) master social worker;

(G) clinical or independent practice social worker;

(H) marriage and family therapist;

(I) certified school counselor;

(J) certified school psychologist; or

(K) any substantially similar and applicable professional license.

(2) **Degree.** A bachelor's degree from an accredited college or university; or

(3) **Mediation Organization Membership and Experience.** Membership in one of the following mediation organizations:



(A) Association for Conflict Resolution at the advanced practitioner level;

(B) Idaho Mediation Association as a Certified Professional Mediator (CPM); or

(C) a national organization with equivalent standards for membership.

(d) **New Applicant Training.** Within 3 years prior to submission of an application, new applicants must complete the training set forth below.

(1) **Approved Training Programs.** Training must be acquired by completing a program approved by one of the following:

(A) the Idaho State Bar or its equivalent in another state;

(B) an accredited college or university;

(C) the Idaho Mediation Association or its equivalent in another state; or

(D) the American College of Civil Trial Mediators or similar national organization.

Any program that does not meet this criterion may be submitted for consideration for approval by the Administrative Office.

(2) **General Mediation Training.** All new applicants seeking to be placed on the Roster must have general mediation training that includes the following topics:

(A) information gathering (intake, obtaining facts, screening issues);

(B) mediator relationship skills (neutrality, confidentiality);



- (C) communication skills (active listening, reframing issues, clarifying);
- (D) problem solving skills (identifying problems, positions, needs, interests);
- (E) conflict management skills (reducing tensions, power imbalances);
- (F) mediation processes and techniques (case management, drafting agreements); and
- (G) a minimum of 2 hours of mediation ethics.

(3) ***Child Custody Mediation Training.*** All new applicants seeking to be placed on the Roster must complete specific child custody mediation training that includes the following topics:

- (A) child custody;
- (B) psychological issues in separation, divorce, and family dynamics;
- (C) domestic violence;
- (D) issues and needs of children;
- (E) child development; and
- (F) conflict resolution theory.

(4) ***Required Hours.***



(A) Professional Licensure. The applicant must have completed a minimum of 40 hours of General Mediation Training as described in (d)(2), with 20 of the hours in Child Custody Mediation as described in (d)(3).

(B) Degree or Mediation Organization Membership. The applicant must have completed a minimum of 80 hours of General Mediation Training as described in (d)(2) with 40 of the hours in Child Custody Mediation as described in (d)(3).

(5) **Additional Criteria.** The Administrative District Judge in each of Idaho's judicial districts may, by administrative order, require applicants to comply with additional criteria beyond those stated above. The Administrative District Judge may also, by administrative order, appoint an individual that has substantially complied with the requirements set forth above.

(e) **Renewal Applications and Continuing Education.** To remain on the Roster, a mediator must complete 15 hours of continuing education from an approved training course as provided in paragraph (d)(1), every 3 years beginning the next July 1 after a mediator has been placed on the Roster. Mediators on the Roster are responsible for submitting continuing education requirements and keeping their contact information current. The 15 hours must include training in the following areas:

(1) general mediation training as described in (d)(2); or

(2) child custody mediation training as described in (d)(3); and

(3) a minimum of 2 hours of mediation ethics.

(f) **Proof of Compliance.**

(1) **Hours Defined.** For the purposes of this rule, an hour is defined as 60 minutes of instructional time or activity.

(2) **Training Format.** Training may be completed in one of the following formats with a certificate of attendance or participation:

(A) live lecture or seminar;



(B) webinar or online presentation, live or recorded; or

(C) up to 5 hours when the mediator is the instructor of an approved mediation course.

(3) ***Certificate of Attendance.*** As proof of compliance with training requirements, a certificate of attendance must include:

(A) the name of the training program;

(B) the name of the participant in attendance;

(C) the topic of the training;

(D) the date of the training; and

(E) the number of hours completed.

(g) ***Failure to File Proof of Compliance.*** If the Administrative Office does not receive the mediator's proof of compliance by July 1 the year it is due, the mediator will be removed from the Roster. Once a mediator is removed from the Roster, the mediator must reapply as a new mediator and meet the requirements set forth in this rule.

(Adopted November 6, 2025, effective January 1, 2026.)

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