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| --- | --- | --- | --- |
| **Applicant Name** |  | **Role Play Date** |  |
| **Assessor Name**  |  | **Assessment Date** |  |
| **Role Play** |  | **RP 1**  |  |
| **Role Play #** |  |  |  |
| **Start Time:** |  | **End Time:** |  |
| **C**=Competent **NYC**=Not Yet Competent | **Total Time:** |  |

# **Summary Outcome**

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| --- | --- |
| **Performance Evidence** | **C/NYC** |
| **Determined and responded to Family Law Requirements including:**  |  |
|[ ]  Used and followed systems, processes, documentation  |  |
|[ ]  Provided accurate and current information to party about family law and available support options  |  |
|[ ]  Identified areas outside own expertise and referred party to legal advice and other professional resources where appropriate |  |
| **Responded appropriately to party needs and managed any legal and ethical dilemmas** |  |
| **Determined suitability for Dispute Resolution including:** |  |
|[ ]  Made an assessment of the issues with the party |  |
|[ ]  Used standard protocols to screen for the existence of safety and vulnerability issues that would affect the party ability to negotiate freely in FDR |  |
|[ ]  Supported party to articulate their concerns and consider their items for the agenda |  |
|[ ]  Recognised possible impact and risk of the FDR process and made an informed judgement about the most appropriate approach and whether to proceed |  |
|[ ]  Identified and explained the most appropriate approach for the party’s circumstance |  |
| **Helped the party to prepare for Dispute Resolution including:** |  |
|[ ]  Explained the FDR process to the party |  |
|[ ]  Advised them of the FDRP’s role, obligations, and limitations |  |
|[ ]  Explained the limitations on confidentiality and obtained written agreement to participate |  |
| **Maintained Confidentiality from the other Pre-Mediation (if 2nd Party Only)** |  |
| **Demonstrated facilitation skills including:**  |  |
|[ ]  Relationship skills including establishing trust and respect, encouraging party self-determination, and remaining unbiased  |  |
|[ ]  Interpersonal communication skills including establishing rapport, showing respect for individual differences, showing empathy, and using active listening and questioning to avoid assumptions when clarifying information  |  |
|[ ]  Spoke clearly, simply, and effectively at the party’s communication and comprehension level |  |
|[ ]  Critical thinking and content management skills including obtaining, identifying, analysing, and prioritising information to assess issues and evaluate the party situation.  |  |
| Overall assessment outcome |  |

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| **Overall Comments** |
| **Observations:** |
| **Minor:** |
| **Major:** |

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| **Additional Evidence Required?** |  |

##

## Mediators Opening Statements for Pre-Mediation Process

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| **Item** | **S** |
| **Welcome and introduction** self and parties appropriately and established a positive tone |  |
| **Mediators Role & Responsibilities** facilitate and support decision making (self-determination) including: |  |
|[ ]  **Neutral & Unbiased** |  |
|[ ]  **Legal Information** not Legal Advice |  |
|[ ]  **Assist** the party to communicate about their needs, interests, and concerns about their children in a safe environment |  |
| **Best Interests of the Child** (Family Law Act) |  |
| **Explains housekeeping** (handling dropouts if video, bathrooms & exits if F2F, breaks and availability for the duration of the session) |  |
| **Acknowledged or referred to Agreement to Mediate** to confirm terms for the mediation with parties |  |
| **Explained confidentiality** and exclusions to confidentiality for the mediator and parties |  |
|[ ]  **Duty of care** and mandatory reporting obligations |  |
|[ ]  **Not Disclose,** without permission |  |
|[ ]  **Internally** with team and/or supervisor |  |
|[ ]  **Professional Advisors** – Lawyers, Accountants, Financial Advisors, etc. |  |
|[ ]  **Circle of intimacy** – Partners, Mentors, etc. |  |
|[ ]  **Get Parties commitment** to confidentiality provisions |  |
| **Inadmissibility and non-binding nature** of proposed agreements |  |
| **Describe Agreement Types** |  |
|[ ]  **Information** about how to make agreements legally enforceable |  |
| **Explained the voluntary process** |  |
|[ ]  **Information** about voluntary nature of FDR |  |
|[ ]  **Confirmed** voluntary nature |  |
| **Explain the role of the party**  |  |
|[ ]  **Open & Honest** full and frank disclosure |  |
|[ ]  **Best Interests of the Child** (Family Law Act) |  |
| **Explained parties’ rights and obligations**   |  |
|[ ]  **Importance** of informed consent and seeking legal or other advice  |  |
|[ ]  **Their duty of disclosure** explained |  |
| **Explained Ground Rules** for the Pre-Mediation |  |
|[ ]  **Respectful Language** use first names only |  |
|[ ]  **Agree to Ground Rules** |  |
| **Describe the Pre-Mediation Process** |  |
|[ ]  Discuss party situation and safety  |  |
|[ ]  Talk in more details about the issues to be resolved  |  |
|[ ]  Explain the mediation process – and consider if mediation is going to be appropriate.  |  |
|[ ]  Discuss next steps or additional information you need  |  |

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| **Tools used effectively** |
|[ ]  **Agreement** to mediate or equivalent used and signed |  |
|[ ]  **Used Intake Form** completed by the mediator (upload to task following role play) |  |
|[ ]  **DOORS 2 Aide Memoire** Used in Pre-Mediation |  |
|[ ]  **DOORS 2 Aide Memoire** (Uploaded prior to Pre-Mediation) |  |
| **Prepared** for pre-mediation by collecting party information in accordance with organisational procedures.  |  |
| **Explained** the pre-mediation process purpose to the party and answered their questions appropriately  |  |
| **Established** rapport with the party throughout the opening statements |  |

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| **Overall Comments** |
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## Identified The Party’s Family Law Situation and Issues

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| **Item**  | **S/N/X** |
| **Transition** – explained that the mediator would now be asking the party to tell you about the issued they’d like to resolve  |  |
| **Check if Reconciliation is an option** |  |
|[ ]  **Information** about reconciliation (if appropriate) |  |
| **Used** party intake form to accurately collect information from the party  |  |
| **Established rapport** by using facilitation skills such as verbal and non-verbal rapport building skills  |  |
| **Discuss history, issues, and objectives with the party** |  |
|[ ]  **Demonstrated active listening** by asking clarifying questions and confirming understanding with summaries in reported speech e.g. You mentioned / You said … |  |
|[ ]  **Questions** - open ended, relevant, and direct questions to clarify interests, issues, and concerns |  |
|[ ]  **Summaries:** a final or ongoing summaries of the issues with the party before moving on |  |
|[ ]  **Avoided** questioning a party about motivations of others or irrelevant tangents  |  |
|[ ]  **Enforced** ground rules (respectfully) regarding respectful communication |  |
| **Accurately** identified the party’s presenting needs  |  |
|[ ]  Domestic and family violence / safety and DVO’s (require copy) |  |
|[ ]  Finance |  |
|[ ]  Property |  |
|[ ]  Children |  |
|[ ]  Relationship Conflict |  |
| **Responded** appropriately to identified needs including referring to other services such as community support, legal advice, financial counselling etc |  |

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| **Tools used effectively** |
|[ ]  **Intake form** used to document relevant information  |  |
|[ ]  **Guides, diagrams,** or other pre-prepared information to facilitate party understanding (if used) |  |

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| **Overall Comments** |
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## Risk Assessment and Response

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| **Item**  | **S/N/X** |
| **Transition** – explained to the party that the FDR would now be discussing some of the possible risk factors in order to determine if FDR is a suitable process for them  |  |
| **Used** a risk screening tool and interpersonal skills including:  |  |
|[ ]  **Used a non-judgemental approach** to establish a climate for disclosure  |  |
|[ ]  **Avoided assumptions** |  |
|[ ]  **Asked questions** about DV & Safety Concerns (Physical)? |  |
|[ ]  **Asked questions** about DV & Safety Concerns (Emotional, Psychological Abuse or neglect)? |  |
|[ ]  **Asked questions** about Substance Abuse? |  |
|[ ]  **Asked questions** about Self-Harm and/or Mental Health issues? |  |
|[ ]  **Asked questions** about any Cultural, Religious, Parenting Values, Disabilities, and Other Sources of Vulnerability? |  |
|[ ]  **Asked questions** about The Relationship Dynamic and How They Have Negotiated in The Past? |  |
|[ ]  **Asked questions** about Finances and Any Financial Concerns? |  |
| **Demonstrated empathy** and compassion for the party without becoming an advocate or stepping outside of your role.  |  |
| **Demonstrated an understanding** of family dynamics and the impact of any culture, religion, parenting values, disabilities, and other barriers to comprehension and access to services. |  |
| **Discussed** any concerns about proceeding to FDR with the party and involve them in decision making about risks and appropriate processes  |  |
| **Discussed** any current safety concerns and the need for a safety plan / safety plan review or referral to specialist DV or other support services |  |
| **Responded** appropriately to identified needs including referring to other services such as community support, legal advice, financial counselling etc |  |

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| **Tools used effectively** |
|[ ]  **Intake form** used to document relevant information |  |
|[ ]  **Risk Screening tool** such as DOORS 2 Aide Memoire used, or standard protocols incorporated into the intake form |  |
|[ ]  **Guides, diagrams,** or other pre-prepared information to facilitate party understanding (if used) |  |

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| **Overall Comments** |
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## Discussion the Asset Pool

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| **Item** | **S/N/X** |
| **Transition** – thanked party for discussing the history of the relationship and appropriately acknowledged any disclosure of DV. Explained that they would now be talking about their asset pool with them.  |  |
| **Explained** and assisted the party to identify their asset pool is and how it is determined |  |
|[ ]  Worked with the party to identify Assets |  |
|[ ]  Worked with the party to identify Liabilities |  |
|[ ]  Worked with the party to identify Superannuation accounts  |  |
| **Assisted the party** to consider how to value assets and prepare for mediation: |  |
|[ ]  Discussed options to value assets, liabilities, and superannuation  |  |
|[ ]  Discussed any further professional advice the party may require (legal, financial, debt etc.) |  |
|[ ]  Discussed how to access and use any tools provided by the FDRP (Asset & Liability Calc Sheet) |  |
|[ ]  Invited questions about this part of the process and responded appropriately  |  |

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| **Tools used effectively** |
|[ ]  Asset pool recording tool used effectively  |  |
|[ ]  **Guides, diagrams,** or other pre-prepared information to facilitate party understanding (if used) |  |

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| **Overall Comments** |
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## Considerations and Legal Advice

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| **Item** | **S/N/X** |
| **Transition** – thanked party for discussing their asset pool and issues. Explained that they would now be talking about considerations and legal advice with them.  |  |
| **Explain** how the court decides the 4-step property settlement process  |  |
| **Assisted the party to contextualise and document the 4-step process to their situation in detail** |  |
|[ ]  **Step 1** - Determine the Asset Pool and remind them about full and frank disclosure. |  |
|[ ]  **Step 2 -** Determine Contributions into the relationship, direct and indirect financial contributions, and non-financial contributions during the relationship. |  |
|[ ]  **Step 3** - Determine future needs considering relative ages, health, financial resources, care of children and ability to earn.  |  |
|[ ]  **Step 4** - Determine what is Fair & Equitable and any other considerations |  |
| **Supported the use of other professionals in preparation for FDR** |  |
|[ ]  Supported the value of professional advice in determining a fair and equitable property settlement |  |
|[ ]  Checked the parties understanding of their legal advice  |  |
|[ ]  Discussed how the information they have provided can be shared with them to use when seeking advice  |  |

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| **Tools used effectively** |
|[ ]  **Considerations** recording tool used to assist the client to seek further advice  |  |
|[ ]  **Guides, diagrams,** or other pre-prepared information to facilitate party understanding (if used) |  |

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| **Overall Comments** |
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## Modelling Proposals

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| **Item** | **S/N/X** |
| **Transition –** thanked party for discussing their considerations and issues. Explained that they would now be talking about modelling proposals with them. |  |
| **Assist** the party to consider their expectations for their property settlement.  |  |
| **Helped the party to consider their options rather than locking in a position**:  |  |
|[ ]  **Used the tool** that would be used in mediation to model their proposals |  |
|[ ]  **Discussed** their Zone of Possible Agreement  |  |
|[ ]  **Discussed** the effects of their proposal on the children or others (if applicable) |  |
|[ ]  **Identify** gaps in their advice prior to the mediation session. |  |
|[ ]  **Invited** and answered questions appropriately |  |

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| **Tools used effectively** |
|[ ]  Used a tool to model proposals for the client competently  |  |
|[ ]  Used the intake form  |  |
|[ ]  Guides, diagrams, or other pre-prepared information to facilitate party understanding (if used) |  |

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| **Overall Comments** |
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## Discussion of the FDR Process and Options with the Party

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| **Item**  | **S/N/X** |
| **Transition** – thanked party for discussing their past issues and appropriately acknowledge any disclosure of DV.  |  |
| **Explained** the FDR Process in greater detail including: 1. Mediators Opening Statements
2. Define Asset Pool
3. Considerations
4. Negotiation
5. Option Generation
6. Private Sessions
7. Negotiation of Options
8. Agreement Writing
9. Mediation Close
 |  |
| **Explain Suitability of FDR** |  |
|[ ]  Check With Them if They Feel Safe to Proceed |  |
|[ ]  Explain differences between, video, face-to-face and shuttle |  |
|[ ]  Party’s willingness to proceed via Zoom Face-to-Face or Zoom Shuttle? |  |
|[ ]  Check if Safety Plan Required |  |
| **Explained** the party’s rights and obligations  |  |
|[ ]  Explain Ground Rules for Behaviour and Voluntary Process in Mediation |  |
|[ ]  Are there any vulnerabilities and include best interests of the children |  |
|[ ]  Role of support people, lawyers, and other strategies regarding safety  |  |
| **Supported** the party to identify any concerns regarding the FDR process |  |
| **Prepared** the party for collaborative negotiation by explaining and discussing positions, needs and interests and the benefits of win/win outcomes for sustainability of agreements  |  |

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| **Tools used effectively** |
|[ ]  **Intake form** used to document relevant information |  |
|[ ]  **Risk Screening tool** such as DOORS 2 Aide Memoire used, or standard protocols incorporated into the intake form |  |
|[ ]  **Guides, diagrams,** or other pre-prepared information to facilitate party understanding (if used) |  |

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| **Overall Comments** |
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## Preparation for FDR

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| **Item**  | **S/N/X** |
| **Transition –** explained that they would now talk about how to prepare for the FDR Session |  |
| **Asked** the party about their proposal and considerations for property, or provided information to assist the party to consider property arrangements  |  |
|[ ]  referral for legal advice |  |
|[ ]  referral for financial advice |  |
|[ ]  referral for other pre-mediation services e.g., counselling etc |  |

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| **Tools used effectively** |
|[ ]  **Intake form** used to document relevant information |  |
|[ ]  **Risk Screening tool** such as DOORS 2 Aide Memoire used, or standard protocols incorporated into the intake form |  |
|[ ]  **To Do List** for the party |  |
|[ ]  **Guides, diagrams,** or other pre-prepared information to facilitate party understanding (if used) |  |

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| **Overall Comments** |
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## Closed the pre-mediation session

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| **Item**  | **S/N/X** |
| **Transition** – told the party that the session was at an end |  |
| **Confirmed** any information, referrals, or resources the practitioner would be providing |  |
| **Confirmed** next steps including ‘To Do List’, and if other services are to be provided by the practitioner (FDRP referrals to professional services) |  |
| **Thanked** the party and closed the session |  |
| **Documented information and actions** according to organisation policy and legal requirements  |  |
| **Confirmed** mediation will proceed (with possible dates) or waiting on 2nd pre-mediation |  |
| **Confirm Confidentiality on closing** |  |

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| **Tools used effectively** |
|[ ]  **Intake form** used to document relevant information |  |
|[ ]  **Risk Screening tool** such as DOORS 2 Aide Memoire used, or standard protocols incorporated into the intake form |  |
|[ ]  **To Do List** for the party |  |
|[ ]  **Guides, diagrams,** or other pre-prepared information to facilitate party understanding (if used) |  |

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| --- |
| **Overall Comments** |
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