

International Family Mediation Network

Draft Proposal

of the *Interim Steering Committee (ISC)*

submitted to the

Institutional Review Board

in view of comments regarding the use of the Network.

Governance, Network Operation, Membership, Sustainability

The Chair's message, April 5th, 2018

It has been an honor to work with the skilled and passionate professionals that participated in the work of our Interim Steering Committee (ISC), stemming from our meeting in Geneva in May 2017.

In September 2017, I accepted the role of ISC Chair, and we began our work to craft a proposal to establish a global network to enhance the role of mediation and mediation resources worldwide for families. I worked with 12 ISC members, volunteers from our Collaborative Process, each from different backgrounds and countries, who brought their wealth of knowledge to our process.

Thank you to those ISC members who worked so diligently on our project:

Stephan Auerbach (ISS Switzerland), Kitty Duell (The Netherlands), Lorraine Filion (AIFI, Canada), Nuria González Martín (Mexico), Shainul Kassam (ICAB, UK), Martin Lau (Hong Kong), Lyane McDonagh (Canada), Lisa Parkinson (UK), Peretz Segal (Israel), Tsisana Shamlikashvili (Centre for Mediation and Law, Russia), Marianne Souquet (AIFI, France), and Mai Sultan (NCFEA, Jordan).

During the past seven months, our ISC members collaborated using our online Platform, e-mail, shared document editing, and videoconference calls. Each ISC member shared his or her views on the content of the document we present to you below: a vision for the network, its mission, its structure, and the activities we propose the network should embrace. The ISC spent these seven months dividing the workload, providing expert comments, and envisioning all the great things our network can be, while understanding the significant challenges that we still face.

During our discussions, the ISC had a particularly lively debate over how to establish credentials for international family mediators while respecting existing standards and recognizing the challenges and need for flexibility if our network will truly represent a global community and diverse families. As you will see from our work product, our debate on establishing a qualified list of credentialed mediators is something that remains a work in progress, and our summary provides the network direction and guidance in its future efforts to work towards this complex and important project. This important network project is something that will require time and thoughtful debate, and is not something our ISC wanted to rush to conclusion.

Our ISC additionally had discussions of how existing qualified mediator lists can fit within the proposed structure of our global network, and how collaboration with the organizations that maintain qualified mediator lists will enhance our work and the resources available to families. Our discussions presented the option of further elaborating on a regional approach, recognizing the distinct differences in resources, standards, and qualifications, along with the differing needs of families and stakeholders, region to region.

Therefore, the ISC presents the below document as a summary of the discussions we had, and the proposals we make, to establish a truly global effort to ensure mediators, institutions and other professionals can find the resources needed to bring mediation to the forefront of processes

available to families globally. We hope that you will review the document and provide your feedback on its content and offer your guidance and support in moving the network to its next stage.

Finally, it goes without saying that our volunteer efforts can only take us so far in the process of establishing what would eventually be its own stand-alone institution. The network will need funding, so we encourage all members of the Collaborative Process to share their resources and talents in bringing our network to fruition. The deadlines and goals outlined in our summary plan will depend on receiving sufficient funding to move our network forward.

Once we have gathered your input, we will be submitting our proposal to a Review Board composed of experts working in institutions that help families across borders, addressing cross-border family conflict and children's rights.

We look forward to your feedback, and are grateful for your help in making this project a success.

With warm regards,

Melissa Kucinski, Washington DC, USA

Mission

A global network bringing together existing initiatives and entities dealing with cross-border family mediation, cross-border family conflict and child protection, while globally supporting and developing competent professionals and institutions, as well as implementing internationally agreed principles, and advancing best practices.

Vision

An international and cross-regional professional action to facilitate access to mediation and mediation resources, with a goal of assisting children and families involved in cross-border conflicts and upholding the rights and needs of children.

Key Activities

1. Create and maintain a digital platform providing access to mediation and mediation resources to any person involved in, or dealing professionally with cross-border family conflict, and act as a relay for referral to any relevant desks.
2. Connect qualified mediation professionals and institutions globally by developing a network that will ensure and facilitate access to mediation resources, training, education, knowledge, and practical tools globally.
3. Increase global cooperation with State authorities, and existing specialized networks for cross-border family matters.
4. Provide information and guidance about mediation, including the interaction between mediation and legal systems, for anyone working with cross-border families.
5. Make use of the Network's knowledge and experience in cross-border family mediation to initiate or facilitate advocacy endeavors at international and national levels.
6. Strengthen the competencies of mediators working in countries where there is no mediation training.
7. Facilitate global sharing of best practices for cross-border case management among mediation professionals, mediation service providers and any other organizations working on these issues.
8. Develop new assistive technologies to facilitate communication among network members, the governing body, and with the clients.

Governance and Operation

Working languages of the Network are expected to be English, French and Spanish. Some documents should be translated into Arabic and Russian, and more languages if needed.

Secretariat:

The Network Secretariat will manage the Network's daily operations. The Secretariat will initially be comprised of two part-time staff members.

The Secretariat shall:

- Implement any decisions of the Governing Body, which shall include, but not be limited, to:
 - Facilitating an application process for interested potential Network Members.
 - Processing any applications of interested potential Network Members.
 - Ensuring any Network Member accepted for Membership meets all standards set by the Governing Body.
 - Collecting any membership fees assessed to Network Members.
 - Facilitating design and implementation of an electronic Platform.
 - Moderating any discussion on the electronic Platform between Network Members.
 - Addressing requests for information and resources.
 - Maintaining and updating a database of Network Members.
 - Maintaining and updating Country Summaries/Profiles that include information about available mediation resources and applicable laws.
 - Drafting forms for use by the Network, including, but not limited to: Membership applications, Membership Self-Reporting forms, Complaint forms.
 - Conducting and carrying out any and all processes required by the Governing Body to assure the quality of the Network Membership.
 - Conducting any pilot projects required by the Governing Body, as recommended by the Network Membership.
 - Drafting and providing any routine reports to the Chair of the Governing Body.
 - Proposing any projects and making recommendations to the Chair of the Governing Body that are relevant to advance the mission and vision of the Network.
- The Secretariat shall draft the substantive annual report on the progress of network membership numbers, quality assurance procedures, criteria for inclusion in the network being appropriate and feasible; this report shall be based on qualitative and quantitative statistical data, and describe trends and obstacles to growth of the Network, as well as lessons learnt.

Governing Body (name to be yet determined):

The Governing Body shall consist of nine (9) elected volunteer members, which shall include regional representatives, experts and influential persons considered competent to advance the mission and vision of the Network, in addition to one (1) member of the Secretariat who shall act as a reporter (without voting capacity). The Governing Body shall include no less than two (2) individual mediator members who are experienced with international family mediation. The Governing Body shall include no less than one (1) member who has substantial experience in fundraising and sustainability. The remaining members may include individual mediators, individuals selected from institutions and regional networks, or individuals from outside the mediation field if they have specific competencies deemed useful to fulfill the Network's mission. A reasonable degree of regional balance should be upheld among the members of the governing body.

The Governing Body shall meet once yearly for an annual meeting to review an annual report and proposals of a strategic and thematic nature, and to take decisions (e.g., approve changes in staff, ToR document, projects, funding). If the need for timely decision-making or discussion of specific topics arises, virtual meetings can be organized in the interim. The Governing Body may delegate decision-

making authority for any of its tasks to any of its individual members for a set term; for example, an individual member of the Governing Body may be delegated with authority to address staffing issues within the Secretariat. The annual meeting may meet electronically if funding is unavailable or insufficient to permit an in-person meeting.

Each member shall serve a 3-year term. No member shall serve more than two (2) consecutive three-year terms (for a total of six years). The members shall, by majority, elect among them a Chair, Vice Chair, and Secretary who shall each serve a three-year term.

The Chair shall sub-divide the Governing Body into two (2) substantive sub-groups of three (3) members each - Network Communication and Network Sustainability. Additionally, one support-group of two (2) members will assist the Secretariat on all issues dealing with Membership. The Chair will observe the work of both sub-groups, as well as work on Membership.

Support-group on Network Membership: the support-group shall help and advise the Secretariat and provide recommendations for improvement or changes regarding all categories of Membership to the Chair of the governing body. A joint report shall be presented to the Chair in month 9 of each year.

Sub-group on Network Communication: this sub-group shall submit a substantive report on the progress of the Network Platform, dissemination of information to the Network members, a review of requests received by others of the Network for information, and provide recommendations for improvement or changes, in particular regarding expansion of the Network to institutions and authorities (as members or users). This report shall be presented to the Chair in month 9 of each year.

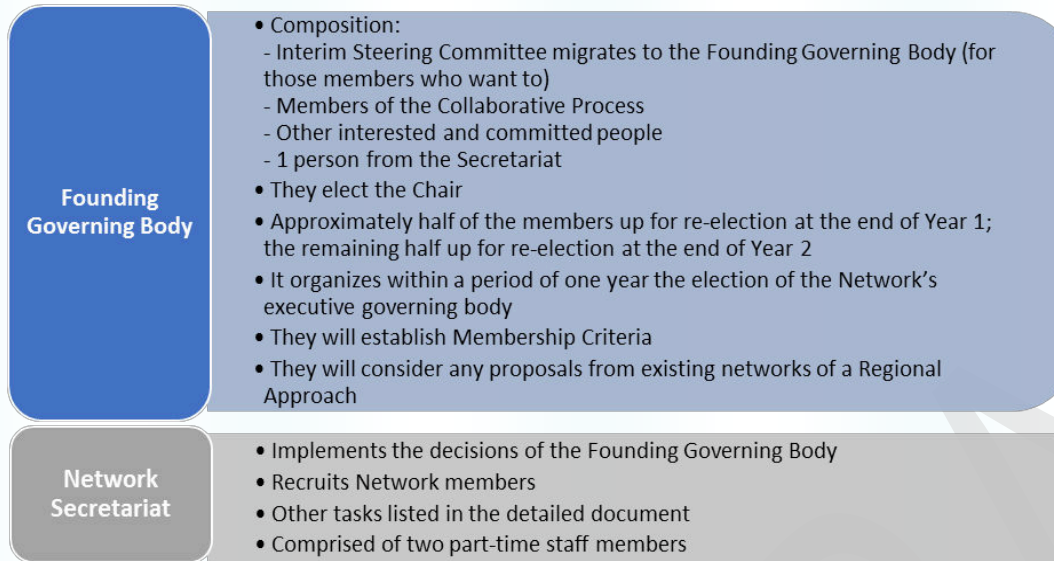
Sub-group on Network Sustainability: this sub-group shall submit a substantive report on the progress of Network funding, sources of revenue, impediments to receipts of revenue, a review of the budget, and provide recommendations for improvement or changes. This report shall be presented to the Chair in month 9 of each year.

The Chair shall include the report of both sub-groups and the support-group in a comprehensive report, and summarize substantive recommendations and paths for improvement to be discussed with the other members during the annual meeting. The final report shall be made available electronically to the Network Members annually.

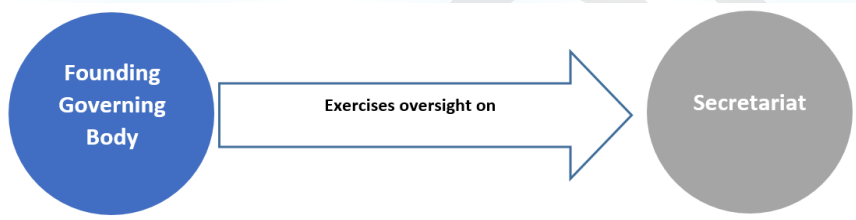
The Governing Body also has the discretion, by majority vote, to create an Advisory Board of experts from other fields who may be consulted for specific projects, or install technical committees if deemed necessary. The purpose, goals, term, duration and structure of such entities should be defined in advance.

Development phases of Governance:

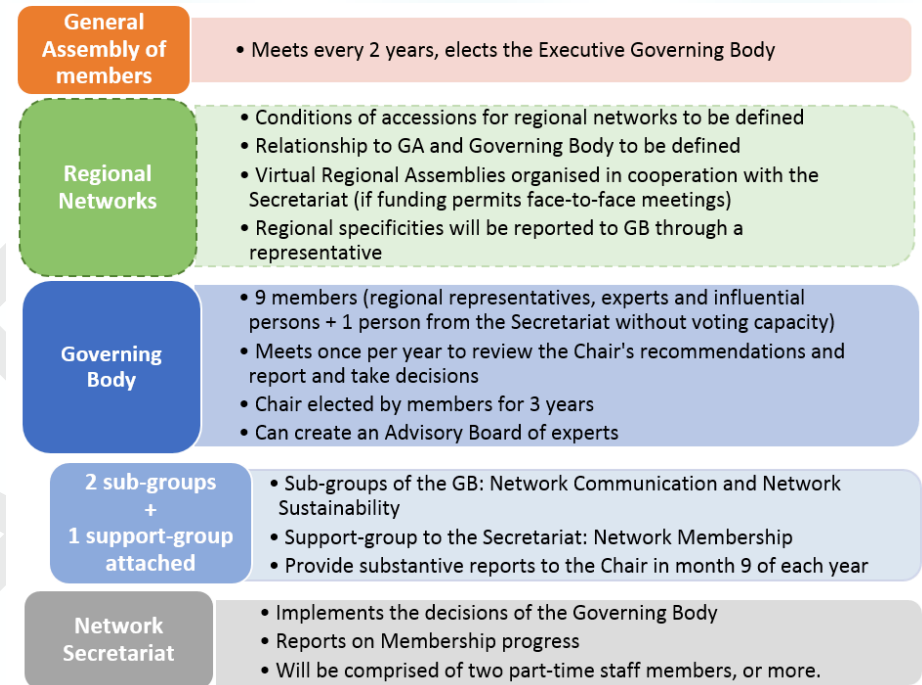
Visual 1: Network Governance and Operation (Year 1)



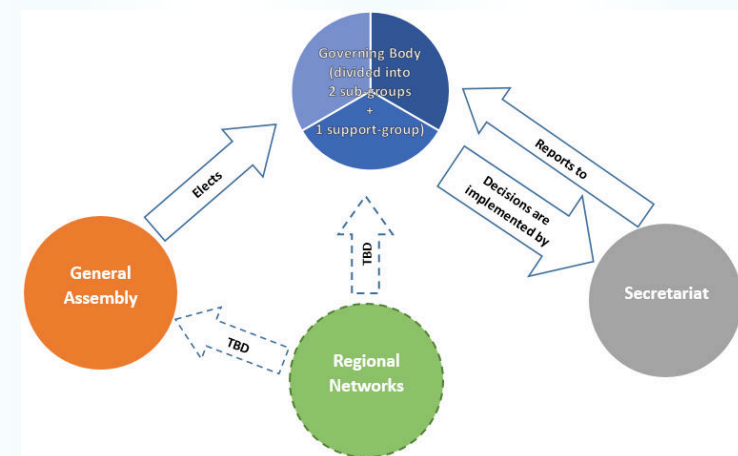
Visual 2: Relations between Network Governance and Operation (Year 1)



Visual 3: Network Governance and Operation (from Year 2)



Visual 4: Relations between Network Governance and Operation (from Year 2)



- The migration from an Interim Steering Committee (ISC) to a founding Governing Body (planned in October 2018):
 - Creation of the Secretariat together with the creation of the Network.
 - For Year 1, provided funds are available, the Secretariat will be housed within the ISS General Secretariat and will take part in the founding Governing Body.
 - Interim Steering Committee is turned into a founding Governing Body (name yet to be determined), for those members wishing to pursue.
 - This body could be composed partly of the ISC members and partly of members of the Collaborative Process, or other interested and committed people who have expressed an interest in participating, by putting forth their name to ISS. No need to fix a limit in number. ISS shall facilitate this process.
 - Members appointed until October 2019.
- Mission of the founding Governing Body (planned October 2018-October 2019):
 - Exercise for one year the job with the following main objectives:
 - Exercise oversight of the Secretariat team who will be recruiting Network Members (Network Promotion).
 - Consult and liaise with each existing specialized network, to establish synergies and complementary approaches, incl. regional ones.
 - Oversee the recruitment of Network Members and helping in the due diligence process (Assessment for Membership).
 - Initiate funding activities (decide on strategies, drafting proposals, send applications, create contacts and partnerships, etc.)
 - Start drafting a Code of Ethics for the Network.
 - Organize, within a period of one year, the election of the Network's Governing Body (name yet to be determined).
 - Elect their Chair.
 - Handover the job to the newly elected Governing Body in October 2019.
 - Duly consider any proposals of regional approaches¹, ensuring inclusiveness of any new applicant whether part of a regional network or not, as well as matching of regional criteria with the Network standards.
 - Market the Network nationally and internationally (Network Promotion).
 - Proposing pilot projects:
 - Example: Propose a Qualified IFM Mediators Examination
 - Example: Propose an international group of trainers
 - Provide supporting materials for advocacy in countries where family mediation is not yet established (e.g. regarding minimum requirements for family mediators at the national level).
 - The first Governing Body meeting shall be held in January 2020.
 - The Governing body may delegate specific tasks to the Secretariat, taking into account staff availability and due delivery of work.
- Recommendations:
 - Each member shall serve a one year staggered term, with approximately half of the members up for re-election at the end of Year 1 (vote in October 2019), and the remaining half up for re-election at the end of Year 2 (vote in October 2020).
 - For Year 1, no subcommittees or advisory boards shall be created during this year, and instead the Founding Governing Body shall integrate into its membership people who, based on their

¹ The ISC considers that the most realistic and feasible way to tackle the question of cooperation and relationship with regional networks is to call for proposals. This approach allows to take into account the variety of contexts and the actual stage of development of mediation in each country or region.

technical skills, will provide diversity of thought and experience (i.e., Communication, Fundraising, Marketing Finance, Policy Making, high ranking officials from the judiciary etc., to ensure non-technical views and constructive influence in a board that governs a highly technical business).

General Assembly of Network Members:

Every two (2) years, Network Members who have been accepted by the Secretariat for membership will be invited to attend a General Assembly of the Network Membership, the agenda, location, and organization of which will be set by the Secretariat. At the General Assembly, the Network Members shall vote, by written ballot, on the membership of the Governing Body. The Secretariat shall facilitate absentee ballots for Network Members unable to attend in person. The Assembly of members may recommend pilot projects to be evaluated by the Governing Body.

Regional Assemblies of Network Members:

If funding permits, the Secretariat shall organize regional assemblies of Network Members.

Membership/Participation

Interested candidates for Network Membership shall complete an application designed by the Secretariat, based on the decisions of the Governing Body. Interested candidates may apply for one of several Membership Categories:

1. *Mediator Membership*: any professional family mediator interested in developing knowledge and skills in international family mediation.
2. *Affiliate Membership*: any professional interested in the development of international family mediation. Affiliate Members must, at a minimum, adhere to the IFM Charter.
3. *Institutional Membership*: any institution (court, government, community agency, private firm, or organization) that will provide full member benefits for at least one member. Institutions providing full membership to more than three (3) individuals may be granted certain benefits to be later defined. Institutional Members must, at a minimum, verify that their own charter or principles adheres to the IFM Charter.

Initial Project (to be discussed among the founding Governing Body, together with the proposals for regional approaches):

[Visual 5: Membership / Participation \(next page\)](#)

Category of Membership	Criteria for Application
Affiliate Membership	<ul style="list-style-type: none"> Any individual interested in the development of international family mediation Must, at a minimum, adhere to the IFM Charter and Code of Ethics of the Network.
Institutional Membership	<ul style="list-style-type: none"> Any institution (court, government, community agency, private firm, or organization, mediation structure/service, etc.) that will provide full member benefits for 1 individual (as of 3 individuals can be granted advantages for membership).
Qualified Mediator Membership	<ul style="list-style-type: none"> Any individual that meets the following criteria: <ol style="list-style-type: none"> 1. Adheres to the IFM Charter and Code of Ethics of the Network. 2. Holds national (or regional) recognition/certification, in addition to professional experience (if national -or regional- recognition does not exist – only proven professional experience) 3. Training/advanced training as a family mediator, or commitment to take training in a period of time

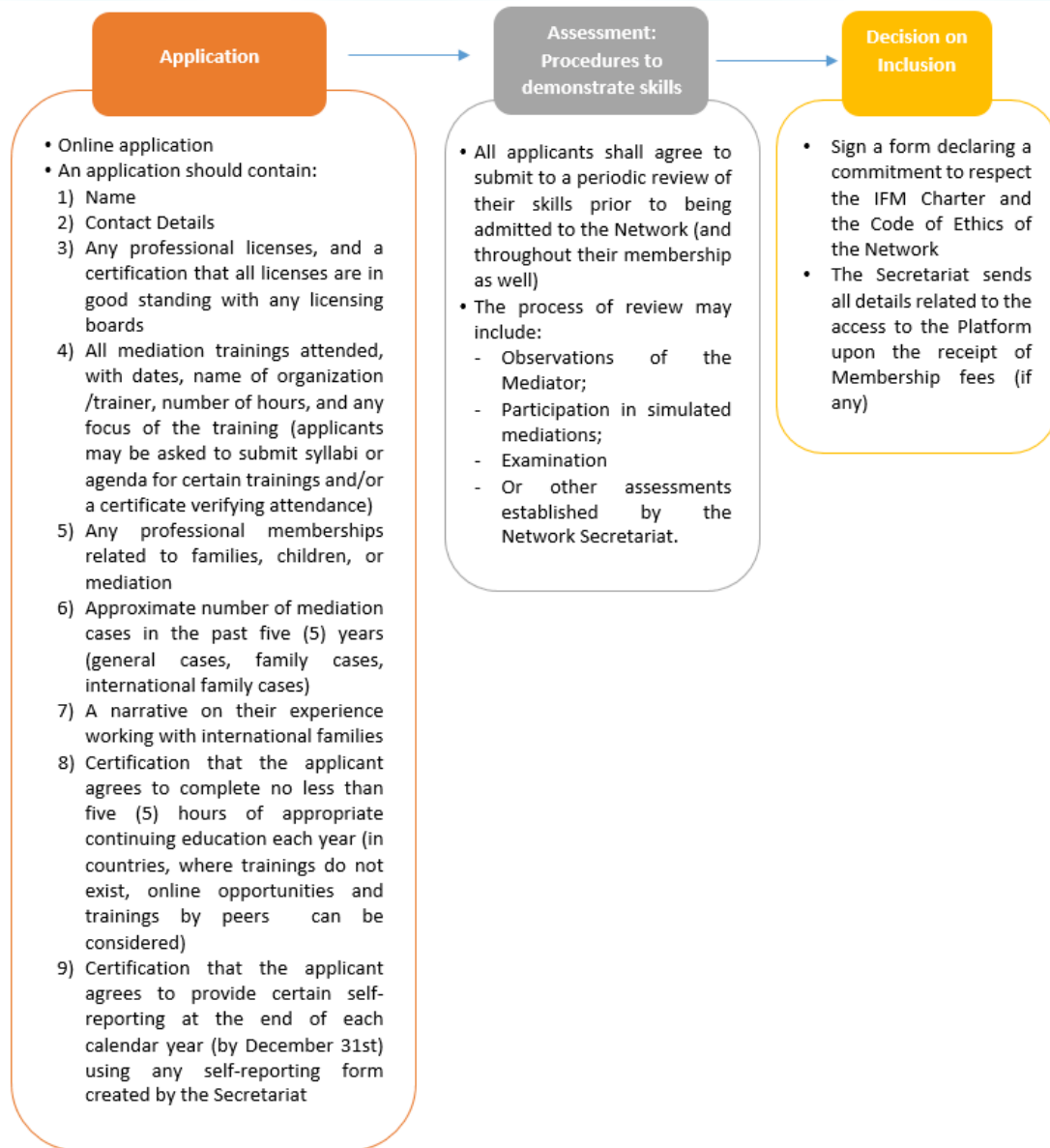
The Governing Body shall, no later than the end of Year Two (2), recommend criteria for a Qualified Mediator list which take into account regional variations in access to training and specific trends of the establishment of mediation. The proposed criteria shall be discussed by the General Assembly and approved at the General Assembly meeting for implementation by the Secretariat. The Governing Body shall consider the following when recommending the criteria:

Qualified Mediators: The Governing Body should consider whether any of the following criteria, in no particular order, are prudent, to what degree, and how to ensure that these criteria can be met in different jurisdictions and regions:

- a. Adheres to the IFM Charter.
- b. Holds National or Regional Recognition/Certification as a Mediator (if it exists).
- c. Has experience in mediating family cases, ideally with a cross-border element.
- d. Has training as a family mediator (the training should include, at a minimum, family systems, child and family psychology, child and family transition issues, cultural awareness, the impact of separation on children and parents, blended families, co-parenting, family and/or conjugal violence, and screening for violence).
- e. Mentorship/Assessment Protocols for Mediators.
- f. Adheres to the Code of Ethics established by the Network.
- g. Mediator Portfolio submission for review by the Secretariat.
- h. Mediator Examination, written or practice-oriented.
- i. Advanced Training as a cross-border family mediator (the training should include, at a minimum, cultural and/or religious awareness/sensitivity, cultural competence, cultural safety, self-reflection, cultural communication (ethnocentrism, cultural blindness, cultural imposition), use of technology, international family law, the 1980 Hague Convention Civil Aspects of International Child Abduction).
- j. Masters one or more languages.

The Governing Body should consider the availability of trainings, mentorships, and experience in different jurisdictions or regions before requiring any criteria. The Governing Body may want to consider whether the Network should (1) design tailor-made formulas of trainings, or (2) refer to existing trainings and coordinate an international group of trainers to permit those who reside and practice in jurisdictions/regions without sufficient opportunities to nonetheless meet the criteria. The Governing Body should consider whether alternative criteria could be met by mediators who do not have access to trainings, mentorships, or caseloads to gain experience, and if a personal presentation of these candidates would be an entry point to access membership in a phased process. The possibility of facilitating a mentorship program between one experienced cross-border family mediator and one mediator without access to training in other parts of the world, as well as free online capacity building, should also be envisaged as a means of transfer of knowledge and skills.

Visual 6: Assessment process for the Qualified Mediator Membership



All Mediators who meet the established criteria to join the list of Qualified Mediators must submit an initial application online that requests certain information. The application form shall be created by the Secretariat, and the Secretariat shall be responsible for processing the applications. The Governing Body should consider whether any of the following should be requested through the application process.

1. Name.
2. Contact Details.
3. Any professional degrees, diplomas, licenses, and a certification that all licenses are in good standing with any licensing boards.
4. A list of relevant mediation trainings attended, with dates, name of organization/trainer, number of hours, and any focus of the training (applicants may be asked to submit syllabi or agenda for certain trainings and/or a certificate verifying attendance).
5. Any professional memberships related to families, children, or mediation.
6. Approximate number of mediation cases in the past five (5) years (general cases, family cases, international/cross-border family cases).
7. A narrative on their experience working with international families.

8. A self-reflection sheet on their family experience including, examples of ethical dilemmas they encountered and how they dealt with them.
9. Written engagement that the applicant agrees to complete no less than five (5) hours of appropriate continuing education each year.
10. Other verification that the applicant meets the criteria established by the Network.

The Governing Body should establish a process to ensure that Mediators who join the Qualified Mediator List continue to meet all criteria throughout their tenure on the List.

The Governing Body should consider establishing a process that permits Mediators who are already a member of an existing regional or national organization that focuses its work on international family mediation to gain inclusion on the Qualified Mediator List. The Governing Body shall determine whether these Mediators should be automatically pass ported onto the Qualified Mediator List, or whether they should go through some additional process and have their qualifications reviewed in some manner.

Quality Assurance of the Qualified Mediator List:

Quality assurance procedures, similar to the procedures for membership application and admission criteria, will be carefully discussed by the founding Governing Body.

Visual 7: Quality Assurance of the Network Membership



The Governing Body shall determine whether a periodic review of the mediators on the Qualified Mediator List is prudent, and, if so, how it will be accomplished. For example, the Secretariat may request additional or new documentation from any member to verify their current compliance with the standards of their membership, or include periodic verification by members of their good standing with their national or regional regulatory body (and what verification may be prudent for mediators who do not practice in a jurisdiction that has a regulatory body).

For any Qualified Mediator who represents to others that he or she is a member of the Qualified Mediator List of the Network, he or she must also provide parties to mediation a copy of the IFM Charter and the contact information of the Secretariat, so that the parties have the information to render feedback on the Qualified Mediator.

The Secretariat will address any complaints that allege the Qualified Mediator violated the IFM Charter or the Code of Ethics of the Network received by any individual against a Qualified Mediator. If any complaint is received, the Secretariat shall immediately notify the Qualified Mediator of the complaint, and permit the Qualified Mediator the opportunity to respond to the complaint within thirty (30) days, prior to taking any steps against the Qualified Mediator Member. In addition, a one-to-one conversation with a member of the Governing Body will take place to clarify facts.

All Qualified Mediators shall be obligated to provide statistical and qualitative reporting to the Secretariat at the end of each calendar year, of the following information:

1. The number of family cases (with an international element) that the mediator handled in that calendar year (January 1st – December 31st).
2. How many cases were referred by central authorities or judges (or some other referral source).
3. The number of cases from No. 1 that were resolved with: (a) a full agreement, (b) a partial agreement, or (c) no agreement.
4. Any process used to have an agreement, reached in mediation, be recognized in other jurisdictions.
5. The hours, dates, and title of any continuing education coursework for the calendar year, if that program was in the areas of: mediation, family mediation, international family mediation, international family law, child psychology, or mediator ethics.
6. Some satisfaction questionnaires from parents and/or reports from authorities, if available, and not a breach of confidentiality.
7. Self-reflective reporting: e.g. a statement illustrating the mediator's understanding of cross-border issues and reflecting his or her attention to the question of the best interest of the child and child participation, and how these were considered during the process.

Quality assurance decisions cannot solely be determined based on the number of cases presented in the statistical reporting. The Secretariat shall establish online reporting forms to permit Qualified Mediators the ability to provide statistics online.

Membership Benefits

All Network members shall have access to a web-based Platform. Qualified Mediators shall have separate access, through a password, to the Platform, where the Qualified Mediator may complete their self-reporting requirements, upload verification documents, and have access to other Qualified Mediators. They shall also be entitled to free or discounted access to any capacity-building tool, assistive technologies for their work (e.g. an app for communication), or continuing education offers. Institutional, Mediator and Associate members shall have direct access to the database of mediators, organized by country. All Network Members shall be invited to the General Assembly held every two years. All Network Members shall be eligible to submit their names for consideration to be elected to the Governing Body.

The Governing Body should review and make recommendations as to additional membership benefits, including, free publications, opportunities to publish, newsletters, visibility on the Platform, free trainings (online or in person) or possibilities to be mentored by an experienced mediator, highlights on best practices, and scholarships to attend the General Assembly or other trainings.

The Secretariat will have the responsibility of executing all recommendations of the Governing Body regarding Membership and Membership Benefits.

Sustainability

The Governing Body shall include no less than one (1) member who has substantial experience in fundraising and sustainability to provide appropriate guidance to the Network on such issues. The Governing Body shall additionally seek out a person who would serve as consultant to the Network on the issue of sustainability and funding.

The founding Governing Body shall establish a dues structure so that Network Members contribute yearly fees towards the Network operating budget. Preliminary research as to a reasonable dues schedule shall be conducted by the Secretariat in collaboration with the founding Governing Body to be inclusive of organizations and professionals working under restricted operating budgets.

The Secretariat shall create a budget for specific projects, and be responsible for seeking out funding opportunities. The Secretariat shall consider whether to outsource the fundraising tasks to an appropriate contractor who has experience in fundraising.

The Secretariat shall consider all sources of funding, including: advertising opportunities for Mediators and Law Firms on the Platform, donations of in kind help such as legal counsel or fundraising, donations of money for specific projects or specific meetings, foundation grants, or crowdsourcing.

Promotion of the Network

The promotion of the Network is part of the Secretariat duties, but is also of the responsibility of each member of the Governing Body, at both the national and regional level, including through its sub-group activities. All members can seek guidance from the Secretariat to implement promotion endeavors.

Regional Aspects

The question of a regional approach for the global Network is, at this point, complex and difficult to determine with precision. The ISC considers that the most realistic and feasible way to address this important issue today is to call out for proposals regarding regional approaches. Thus, existing regional networks, or regional initiatives, are invited to submit to the secretariat a proposal to cooperate that reflects their own operation while taking into account the standards set out for the global Network. It is anticipated that in the middle and long term, cooperation and relationship with regional networks will evolve and be adjusted in an appropriate way, reflecting needs and dispositions from the field.