



# The RM&A Inc. Forum

November, 2010  
Volume 2, Issue 8

## TO ALL OUR READERS, HAPPY THANKSGIVING FROM RM&A Inc.!

Holiday season 2010 is here and it is the time when we all show our appreciation to relatives and friends. We would like to take this opportunity and thank to all our friends and supporters of this past year.

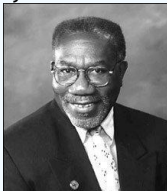
Let's also be thankful to our service members serving overseas who were not able to share the companionship of their families at this special time of the year.

### FEATURED

This month we thought of re-publishing the article of Andrew Thomas who has a vast experience in the field of ADR as a trainer, drafting state legislation in this field and designing a variety of ADR processes.

#### Transformative Mediation, Taking a Risk and Letting Go

By Andrew Thomas



Transformative mediation is an orientation which emphasizes the opportunities conflict presents for individuals to change their interaction with each other if they so chose. It also, suggests that disputing parties have the capacity for both self-determination and consideration of other perspectives in the conflict. The goal of the mediator is to foster opportunities for empowerment and recognition and enhancing the parties' decision-making and communication.

Recognizing the positive qualities of Transformative Mediation accepting the transformative orientation is a struggle for many mediators, because they are not willing to take a risk and let go of old beliefs. The dilemma is letting go vs. holding on to beliefs. There are some things in life that are worth holding on to e.g. positive attitude, memories of good times, positive relationships with good people and faith. Like in life, in mediation there are things you should hold on to also, for example, compassion for the process, valuing self-determination, and trust in the process.

A Transformative practice may not be for everyone. However, I recommend it as a highly effective third party intervention process that fosters understanding, creates a foundation for building relationships, and improving human interaction. For more information on Transformative Mediation contact the Institute for the Study of Conflict Transformation: [isct@hofstra.edu](mailto:isct@hofstra.edu)

### AT A GLANCE

#### FEATURED:

Transformative mediation, Taking a Risk and Letting Go

Taking a glance at Florida Family Law Statutes

Mediators' Advisory Opinions

Office of the Court Improvement and FDCIS

Across the Circuits --Jobs Opportunities

RM&A Inc.'s Networking Event

Video clip picks for CME hours

**Office of the State Court Administrator, Office of the Court Improvement** has established an online interactive training program, the Domestic Violence Virtual Court Room which familiarizes judges, court staff, and stakeholders with each aspect of the domestic violence injunction process and describes appropriate responses to a range of hypothetical situations. Because of the success of this program, it is being used as a template for a Domestic Violence Case Management Virtual Courtroom, which should be ready to roll out by summer 2011. Visit the new Domestic

So, what should we” let go” of?

[FULL STORY](#)

## Taking a glance at the Florida Family Law Statutes

Title VI - [Section 61.13002](#) (Temporary time-sharing modification and child support modification due to military service) and [Section 61.45](#) (Court-ordered parenting plan; risk of violation; bond)

During the past months RM&A Inc. Forum has addressed several changes made to the Florida Family Statutes. This month we bring to your attention two more updates that did not get much attention until now; these changes will affect mostly Service Members who may have to go through divorce and have children resulting from the marriage, or are divorced and have custody or a time-sharing plan for their children.

As an active duty commissioned officer serving overseas, I can personally attest that these changes are long overdue. Too many times service members, some no longer breathing, were left without a voice while fighting for freedom.

Recent change to the Florida’s legislation concerning [Temporary and Concurrent Custody of a Child \(CS/CS/HB 25\)](#), effective as of July 1<sup>st</sup>, 2010, military service members have now a little more to say:

- Parents assigned to military service on orders may designate a person to exercise time-sharing on that parent’s behalf.
- Parents assigned to military service may petition for expedited hearings.
- Requires non-military parent to cooperate to resolve issues and share information regarding the child.
- Protects military parents that object to custody modifications and allows them to state their objection formally, prior to any final order being awarded.
- States that any order granting concurrent custody does not affect ability of the other parent to obtain physical custody of child at any time.

[READ MORE](#)

In the event you are activated, deployed or temporarily assigned to military service in excess of 90 days and your ability to comply with your court ordered time-sharing is materially affected as a result of military service, House Bill 25 may significantly affect your parenting rights. This new law will allow you to appoint a designee to exercise time-sharing, or even parenting responsibilities on your behalf. This designation may include a new spouse (step-parent), your parents, or even a sibling, under certain circumstances. While the new law attempts to address the risk of permanent modification resulting from one parent being deployed, and to prevent the parent remaining behind from interfering in an existing relationship with the deployed parents’ immediate family, this new law may in fact impinge upon constitutional parenting rights. If you, or your child’s other parent, is in the military service and you are dealing with such a claim, you will need to assure that the request strictly complies with the law, so as to pass constitutional muster. Military personnel should ensure their attorneys are well versed in the constitutional implications of exercising the rights under this new law, before they spend thousands of dollars in making or

Violence - Virtual Court Online Training site to [READ MORE](#).

Make your voice heard - “A *guide to dependency court*” is a video for youth ages 12 to 18 that explains what happens in dependency court and encourages youth to participate in their hearings.

[Your video link](#)

## Florida Dependency Court Information System (FDCIS)

FDCIS is a web-based case management system that assists judges, magistrates, and court staff with meeting federal and state mandates for dependency cases. FDCIS organizes court processes and informs practitioners with the goal of achieving positive outcomes for Florida’s abused and neglected children. The system presents data in an easy-to-read fashion, organizes workload, and provides individual case information as well as aggregate caseload, county, circuit, and statewide information. [READ MORE](#)

## ACROSS THE CIRCUITS Job Opportunities:

**9<sup>th</sup> Judicial Circuit**  
(serving Orange, Osceola Counties)

### Sanctioned To Read Instructors

(Contractual Grant Funded Positions)  
*Must hold a valid Florida Teaching Certificate.*  
Osceola County Court Administration is looking to fill two contractual grant funded positions which will provide instructional work to youth referred by the Court, to include,

defending such a claim.

#### **CHILD ABDUCTION PREVENTION ACT:**

Effective January 1<sup>st</sup>, 2011, [CS/CS/HB 787](#) amends section 61.45 of the Florida Family Statutes to add additional risk factors a judge may consider in deciding if a child is at risk of abduction, and adds preventative measures the court may take if it finds a child is at such a risk. The new bill also provides that violation of a parenting plan may subject a party to civil or criminal penalties or a state or federal warrant under state and federal laws. Parents should consider including these new protections in a parenting plan, so that their child may be protected from national or international abduction.

#### HB 0787 - Child Abduction Prevention

Designates act "Child Abduction Prevention Act"; authorizes additional persons to move or to have certain restrictions placed in parenting plans upon showing of risk that one party may violate court's parenting plan by removing child from this state or country or by concealing child's whereabouts; authorizes courts to impose certain restrictions in parenting plans upon specified finding; authorizes court to impose certain restrictions in addition to or in lieu of requirement that child's passport be surrendered; authorizes court to impose specified restrictions upon entry of order to prevent removal of child from this state or country; provides additional factors that may be considered in assessing risk that party may violate parenting plan by removing child from this state or country or by concealing child's whereabouts; provides that violations may subject violator to specified penalties or other consequences. Effective Date: January 1<sup>st</sup>, 2011.

### **Mediators' Advisory Opinions**

RM&A Inc. provides Advisory Opinions for discussion purposes. Discussions of these topics with other mediators may earn you CME credit. (See "Eight methods to earn CME credits") Send your comments to the editor at [info@resolutemediation.com](mailto:info@resolutemediation.com).

#### **MEAC 2010-008**

"The Question:

The following are issues that are currently occurring throughout the State of Florida, and due to the potential consequences to the parties involved in mediation, it appears that this is of great public importance. Therefore, a prompt opinion from the Mediation Ethics Advisory Committee (hereinafter referred to as "MEAC") would be greatly appreciated. It is my belief that it is unethical for a Mediator to be engaged in any of the behavior addressed in the below outlined issues. Additionally, I further contend that the Rules prohibit the following outlined behavior, and that the issues have already been previously addressed in MEAC opinions, however, there seems to be some disagreement with my opinion so I am asking for clarification, direction and a written opinion for the following questions.

The first issue is when a Mediator is assigned to handle a mediation conference, through one of the newly created Residential Mortgage Foreclosure Mediation Programs (RMFMP), he/she utilizes the mediation conference to solicit future business by handing out his/her business cards, brochures, and other marketing items.

Question One: Would it ever be considered appropriate for a Mediator to utilize a mediation conference to solicit future business from the parties of the mediation conference?"

conducting diagnostic assessments, recording results and discussing results with the youth and parents, provide and individualized prescribed instruction for each youth and to supervise youth while at the reading program site, which is the Osceola County Courthouse. Instruction will take place after regular school hours.

Compensation will be at a rate of \$20.00 per hour for 5 hours per week.

Requirements: A Bachelor's Degree from an accredited four year college or university with a major in Education or related field and a valid Florida Teaching Certificate.

[READ MORE](#)

#### **Observer-Family Ties**

(Orange County funded position)

Description: Supervise families involved in Family & Domestic Violence cases in Orange County, Ninth Judicial Circuit who are court ordered to the supervised visitation or monitored exchange program. Ensure appropriate contact between families, observe interactions, and appropriately document events. Weekend work only. High school graduate with a minimum of two years course work toward degree in education or any human service field. Bilingual preferred but not mandatory. Excellent verbal and writing skills. Ability to interact successfully with diverse population and age groups.

Education: High School or Equivalent (GED)  
Wages Offered: \$12.00 per Hour

[READ MORE](#)

**Networking Event**

[READ MORE](#)

## EIGHT METHODS FOR OBTAINING CME CREDITS

Credits may be earned through 8 methods:

1. Attending a live lecture or seminar;
2. Listening to or viewing an audio or video presentation of a lecture or seminar with a group, and participating in a discussion on the materials presented;
3. Listening to or viewing audio or video presentations;
4. Serving as a mentor pursuant to rule 10.100, Florida Rules for Certified and Court-Appointed Mediators;
5. Participating to (interactive) internet presentations;
6. Lecturing or teaching CME courses;
7. Authoring or editing written materials submitted for publication, which have a significant intellectual or practical content directly related to the practice of mediation;
8. Successfully completing a self-directed program which is qualified for continuing education credits by a governmental licensing board.

At least 50% of the required hours must be satisfied by attendance at a live lecture or seminar. Co-mediating or supervising trainees as part of the mentorship program may be utilized for up to four hours of CME credit.

### Editor's video picks for CME hours

This month's video clips as material for group discussions for CME hours focus on "cultural diversity". Our suggestions:

#### How Does Diversity Impact Business Today?

School Children Coping With Cultural Differences In New York

Diversity: not whether, but how!

JWA Video: Cultural Diversity in the WorkPlace

**Do you have a message to share or an event coming up?  
Shout @ us and we will spread the word!**

[info@resolutemediation.com](mailto:info@resolutemediation.com)

**"Before You File Suit, Call Resolute!"**

**RM&A Inc.**

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September 1<sup>st</sup>, 2010:

RM&A Inc. is exhibiting at the So Social "Caddy' Shack" theme party event at Massey Cadillac - An above par world-class networking event!

Below, our mediator Natalie Certo, is showing her home-baked cookies at the event!



Since 2005 RM&A Inc. has always reached out to the Central Florida community prompting outstanding Dispute Resolution Services aimed to aid parties in resolving their conflicts in a cost-effective manner and helping them to find amicable and constructive solutions.