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Initial Proposal - draft - 1

Readopt Fam 401, effective 10-2-18 (Document #12635), to read as follows:

PART Fam 401 DEFINITIONS

Fam 401.01 “Gross incompetence” means repeated or pervasive behavior that demonstrates a certified family mediator is unable to practice in accordance with RSA 328-C or Fam 400-800.

Fam 401.02 “Model Standards of Practice for Family and Divorce Mediation” means the “Model Standards of Practice for Family and Divorce Mediation” developed by The Symposium on Standards of Practice and finalized on August 5, 2000, and available as noted in Appendix II.

Readopt with amendment Fam 402, effective 10-2-18 (Document #12635), to read as follows:

PART Fam 402 RENEWAL OF CERTIFICATION

Fam 402.01 Requirements for Renewal of Certification. ~~An person~~***individual*** seeking renewal of certification as a family mediator shall:

- (a) Meet the eligibility requirements set forth in Fam 402.06; and
- (b) Comply with the application process set forth in ***Plc 308.04 through Plc 308.07***, Fam 402.02, and Fam 402.03.

Fam 402.02 Application Process for Renewal of Certification.

(a) An applicant for renewal of certification shall submit to the ~~board~~***licensing bureau prior to the expiration date, the following:*** ~~before the expiration of the 3-year certification being renewed:~~

(1) A completed ***“Universal Application for License Renewal”, dated April 2024, described in Plc 308.05 that contains the information specified in Plc 308.06, application form containing the information specified by Fam 402.04b and that is signed and attested to pursuant to Plc 308.08;***

(2) The documentation specified by ~~Fam 402.05~~ ***Plc 308.07***; and

(3) Payment of the renewal application fee set forth in ~~Fam 304.01(b)~~ ***Plc 1002.15*** in the form of:

- a. Cash; or
- b. A check or money order made payable to Treasurer, State of New Hampshire.

(b) If the application for renewal of certification is incomplete, or the ~~board~~***licensing bureau*** for the purpose of determining the applicant's qualification for renewal of certification should require any

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additional information or materials, the ~~board~~***licensing bureau*** shall, within 30 days of receipt of the application:

(1) So notify the renewal applicant in writing; and

(2) Specify the information or materials which the renewal applicant is requested to submit.

(c) The renewal applicant shall respond to the board's *a* request for additional information or materials ~~within 90 days of the request~~ ***prior to the date on which the license expires.***

(d) ~~If a completed application for renewal of certification, including the provision of any information or materials requested pursuant to (b) above, is received before the expiration of the certification being renewed, the board shall issue a written decision on the application within 60 days~~ ***The review of complete renewal applications shall be governed by Plc 308.11.***

(e) If an application for renewal of certification is not submitted before the *date of* expiration ~~of the 3-year certification being renewed~~:

(1) The certification shall ~~lapse~~***expire*** and not be renewed; and

(2) The applicant shall not practice family mediation in any setting in which certification is required.

(f) ~~If the board denies an application for renewal of certification, the a~~ Applicants shall be provided an opportunity for a hearing to challenge the denial ***of an application for renewal.***

(g) An applicant wishing to challenge the board's denial of his or her *their* application for renewal of certification shall:

(1) Make a written request for a hearing in accordance with ~~Fam 200~~ ***Plc 206.31***; and

(2) Submit this request to the ~~board~~***licensing bureau***;

a. Within ~~60~~***30*** days of the board's notification of denial; or

b. If the applicant is on active military duty outside the United States, ~~within 60 days of the applicant's return to the United States or release from duty, whichever occurs later~~ ***the applicant may request that the hearing be deferred until the applicant is no longer on active duty.***

(h) Pursuant to RSA 541-A:30, I, the certification being renewed shall not expire until the last day for seeking judicial review of a denial after hearing or any later date set by the reviewing court.

Fam 402.03 ~~Waiver. The 90-day deadline in Fam 402.02(c) shall be waived by the board, for up to an additional 90 days from the date the waiver was granted, on the basis of a letter identifying at least one of the following reasons for the inability to comply with the deadline:~~

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~~(a) Personal illness sufficiently serious to prevent the person requesting the waiver from engaging in his or her usual work for at least 2 consecutive weeks;~~

~~(b) Active military duty;~~

~~(c) Death in the household or of a member of the family;~~

~~(d) Illness in the household or of a member of the family which is sufficiently serious to prevent the person requesting the waiver from engaging in his or her usual work for at least 2 consecutive weeks; and~~

~~(e) The destruction of records by fire, flood, or other accidental or natural disaster. ***RESERVED***~~

Fam 402.04 Application Form for Renewal of Certification.

~~(a) The “Mediator Renewal Application” form for renewal of certification shall:~~

~~(1) Be provided by the board on paper, on the board's website, or both; and~~

~~(2) Consist of 2 parts, the confidential personal data part of the form and the public information part of the form.~~

~~(b) The applicant shall complete the form:~~

~~(1) By typing or printing legibly in ink; and~~

~~(2) By completing all sections or designating them as not applicable.~~

~~(c) On the confidential personal data part of the form the renewal applicant shall supply the following:~~

~~(1) The renewal applicant's legal name;~~

~~(2) Whether the renewal applicant's name has changed in the past 3 years and, if so, the prior name(s);~~

~~(3) The renewal applicant's home mailing address;~~

~~(4) The renewal applicant's home telephone number;~~

~~(5) The name and address of the renewal applicant's current employer or current place of business; and~~

~~(6) The renewal applicant's signature and the date of the signature.~~

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(d) ~~On the public information part of the form the renewal applicant shall supply the following:~~

~~(1) The renewal applicant's legal name and certificate number;~~

~~(2) The name, mailing address, e-mail address and telephone number of the applicant's mediation business;~~

~~(3) Whether any of the information provided to the board in the application submitted for initial certification or for the previous renewal of certification has changed since it was provided;~~

~~(4) A list of the courses completed to meet the continuing education requirements set forth in Fam 404.01 showing for each course:~~

~~a. The beginning and ending dates of the course;~~

~~b. That the course topic was:~~

~~1. Recent changes in law and procedure in matters related to divorce, and parental rights and responsibilities;~~

~~2. Ethics for mediators;~~

~~3. Domestic violence;~~

~~4. Mediation skills;~~

~~5. Family relationships, child development, impact of divorce and separation on families, substance misuse, and mental health factors in divorce and separation;~~

~~6. A specified topic other than the topics listed above;~~

~~c. The name of the course provider or sponsor;~~

~~d. The number of hours of the course;~~

~~e. Whether the course was live; and~~

~~f. Whether the course was previously approved by the board;~~

~~(5) The number of cases mediated or co-mediated with another certified family mediator per year for the last 3 years, which number of cases shall total no less than 9 cases;~~

~~(6) Whether the renewal applicant agrees to abide by the "Model Standards of Practice for Family and Divorce Mediation" developed by The Symposium on Standards of Practice and finalized on August 5, 2000, and available as noted in Appendix II;~~

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~~(7) Whether the renewal applicant has enclosed payment of the renewal application fee specified in Fam 304.01(b); and~~

~~(8) The renewal applicant's signature and the date of the signature below the following preprinted statement:~~

~~"I certify that the information provided on the 2 parts of the renewal application form and the documentation provided to support the application is true, accurate, complete, and unaltered, to the best of my knowledge and belief; and I acknowledge that, pursuant to RSA 641:3, knowingly making a false statement on the application form is punishable as a misdemeanor and grounds for the denial of the application, or grounds for revocation, after notice and the opportunity for a hearing, of certification already issued by the board."~~

~~(e) The renewal applicant's signature shall constitute:~~

~~(1) The renewal applicant's certification that the information provided on the 2 parts of the renewal application form and the documentation provided to support the application is true, accurate, complete, and unaltered, to the best of the applicant's knowledge and belief; and~~

~~(2) The renewal applicant's acknowledgement that:~~

~~a. Pursuant to RSA 641:3, knowingly making a false statement on the renewal application form is punishable as a misdemeanor; and~~

~~b. Knowingly making a false statement on the renewal application form is grounds for the denial of the application, or grounds for revocation, after notice and the opportunity for a hearing, of renewed certification already issued by the board.~~

(a) Applicants seeking to renew their certificate shall submit the following information, materials, and fee(s) to the licensing bureau prior to the expiration date:

(1) An application as specified in Plc 308.05;

(2) Attestation or proof of having met applicable continuing competence requirements, as required by applicable law;

(3) The supporting documentation identified in Plc 308.07; and

(4) The application-related fees specified in Plc 1002.15.

Fam 402.05 Required Documentation. In addition to the completed renewal application form the renewal applicant shall submit:

(a) If the answer to Fam 402.04(d)(3) is affirmative, as attachment A to the renewal application form, a statement of the changes in the information;

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~~(b)~~***(a)*** As ~~attachment B to the renewal application form, d~~ Documentation in the form of one or more certificates issued by the course provider or sponsor showing participation in continuing education required by Fam 404.01, including:

- (1) The name of the course;
- (2) The name of the course's sponsor or of the course's provider, if the provider is different from the sponsor;
- (3) Whether the applicant's participation was as teacher or student;
- (4) Whether participation was through attendance at a live presentation;
- (5) The topic(s) covered by the course; and
- (6) The date and number of hours of the course; and

~~(e)~~***(b)*** ***The*** materials required by Fam 404.08 for any courses not already approved by the board which the applicant has taken with the intention of meeting the continuing education requirements of Fam 404.01.

Fam 402.06 Eligibility for Renewal of Certification. ~~The board shall renew the certification of applicants who~~ ***Applicants shall be eligible to renew their certification if the applicant:***

- (a) Meets the character qualifications set forth in Fam 303.09;
- (b) ~~Have-~~ ***Has*** agreed to abide by the "Model Standards of Practice for Family and Divorce Mediation" developed by The Symposium on Standards of Practice and finalized on August 5, 2000, and available as noted in Appendix II;
- (c) ~~Have,~~ ***Has,*** since the renewal applicant's most recent application for certification or renewal certification, committed no act other than those described in Fam 303.09 for which discipline was imposed by the board and for which the board's disciplinary conditions were not satisfied;
- (d) ~~Have-~~ ***Has*** completed the continuing education requirements set forth in Fam 404.01; and
- (e) ***Has*** ~~P-~~ paid the renewal application fee.

Readopt with amendment Fam 403, effective 10-2-18 (Document #12635), to read as follows:

PART Fam 403 REVOCATION, SUSPENSION AND OTHER SANCTIONS

Fam 403.01 Misconduct. ***Pursuant to RSA 328-C:7, III, A acts of misconduct sufficient to support disciplinary proceedings shall include:***

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(a) The practice of fraud or deceit in procuring or attempting to procure or renew a certificate ~~under RSA 328-C;~~

(b) Any of the following criminal convictions, not reversed, overturned on appeal, or annulled, demonstrating unfitness to practice mediation:

(1) Conviction of a New Hampshire felony, solicitation to commit a New Hampshire felony, or conspiracy to commit a New Hampshire felony;

(2) Conviction in any other jurisdiction of a crime with the same required elements of proof as the crimes listed in (1) above;

(3) Conviction in New Hampshire or another jurisdiction of any crime involving in its commission domestic violence as that term is defined in RSA 173-B:1, IX;

(4) Conviction in New Hampshire or another jurisdiction of conspiracy or solicitation to commit a crime described in (3) above;

(5) Conviction in New Hampshire or another jurisdiction of a crime involving one of the following as victim:

a. A minor;

b. An incapacitated adult; or

c. An elderly adult, as defined in RSA 631:8, I(d);

(6) Conviction in New Hampshire or another jurisdiction of conspiracy or solicitation to commit a crime involving one of the following as victim:

a. A minor;

b. An incapacitated adult; or

c. An elderly adult, as defined in RSA 631:8, I(d);

(7) Conviction in New Hampshire or another jurisdiction of a violation of any controlled drug law;

(8) Conviction in New Hampshire of the commission of, conspiracy to commit, or solicitation to commit, a Class A misdemeanor; or

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(9) Conviction in any other jurisdiction of a crime with the same required elements of proof as any New Hampshire Class A misdemeanor;

(c) Violation of Fam 500;

(d) Any unprofessional conduct or dishonorable conduct affecting the practice of mediation, including:

(1) Conduct resulting in a finding of abuse under **RSA 173-B:5** or a comparable judicial finding in another jurisdiction; or

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(2) Conduct resulting in the revocation of a professional license or certification by a regulatory authority or court in any jurisdiction for one or more of the following reasons:

a. Physical or emotional abuse of a client, patient, student, or child;

b. Non-consensual bodily contact with a client, patient, student, or child; or

c. Breach of a fiduciary duty to a person or with respect to financial matters;

(e) Gross incompetence posing a risk to public health, safety, or welfare;

(f) Abuse of, misuse of, or addiction to alcohol or other habit-forming drugs to a degree which renders the person unfit to practice mediation;

(g) A legal finding of incompetence;

(h) Willful or repeated violation of the provisions of RSA 328-C; or

(i) Suspension or revocation without subsequent reinstatement of a certificate, license, or registration or other authorization to practice family mediation by another jurisdiction.

Fam 403.02 Sanctions. Pursuant to ~~RSA 328-C:7, IV~~, ***The*** disciplinary measures available to the board to sanction misconduct ***are governed by RSA 310:12***. ~~shall be one or more of the following:~~

~~(a) Revocation of certification;~~

~~(b) Suspension of certification;~~

~~(c) A written warning for inadvertent misconduct;~~

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- (d) ~~A civil fine up to \$300;~~
- (e) ~~A written reprimand for knowing misconduct;~~
- (f) ~~The imposition of supplemental training requirements;~~
- (g) ~~The imposition of supervised training requirements;~~
- (h) ~~The imposition of supplemental education requirements; and~~
- (i) ~~The imposition of treatment and counseling requirements, including treatment and counseling for alcohol and substance abuse.~~

Fam 403.03 Procedure for Imposition of Sanctions. The board shall impose disciplinary sanctions only in accordance with the procedures outlined in Fam 200 ***pursuant to Plc 311.09.***

Fam 403.04 Determinations Required for Sanctions. ***Plc 311.10 shall govern the method for determining sanctions.***

- (a) ~~The board shall revoke certification only when:~~
 - (1) ~~The revocation is agreed upon by the board and the certificate holder in a settlement made pursuant to Fam 214; or~~
 - (2) ~~The certificate holder's misconduct has been established as misconduct described in Fam 403.01(b), Fam 403.01(d)(1), or Fam 403.01(d)(2).~~
- (b) ~~In determining which sanction or combination of sanctions to impose in circumstances other than those described in (a) above, the board shall:~~
 - (1) ~~First determine the nature of the act or omission constituting the misconduct;~~
 - (2) ~~Next determine whether the misconduct has one or more of the characteristics listed in (c) below; and~~
 - (3) ~~Finally, apply the standards in (d) below.~~
- (c) ~~The characteristics of the misconduct shall be:~~
 - (1) ~~The misconduct actually caused physical or mental harm to a client or another person;~~

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~~(2) The misconduct repeated earlier misconduct done by the certificate holder, as determined by:~~

~~a. An earlier hearing;~~

~~b. An earlier settlement agreement predicated on the same misconduct; or~~

~~c. An admission by the certificate holder;~~

~~(3) The misconduct was not the first misconduct by the certificate holder, as determined by:~~

~~a. An earlier hearing;~~

~~b. An earlier settlement agreement predicated on misconduct; or~~

~~c. An admission by the certificate holder; and~~

~~(4) The misconduct was intentional rather than the result of negligence or inadvertence.~~

~~(d) The board shall select appropriate sanction(s) from the list in Fam 403.02 by choosing, in light of the characteristics determined pursuant to (c) above, the sanction or combination of sanctions most likely to:~~

~~(1) Protect the public's interest in maintaining professional and ethical standards in family mediation;~~

~~(2) Prevent future misconduct by the certificate holder;~~

~~(3) Correct any attitudinal, educational, or other deficiencies which led to the misconduct;~~

~~(4) Encourage the responsible practice of family mediation; and~~

~~(5) Demonstrate to the certificate holder, the court system, and the public the board's intention to ensure that the individuals it approves for certification practice family mediation in accordance with applicable law and the public welfare.~~

Readopt with amendment Fam 404.01 effective 2-6-20 (Document #12988), to read as follows:

PART Fam 404 Continuing Education

Fam 404.01 Required Continuing Education.

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(a) The continuing education required for renewal of certification shall:

- (1) Total at least ~~24~~**16** hours of board-approved courses for each separate ~~32~~-year renewal cycle;
- (2) Include, in the required ~~24~~**16** hours, at least ~~32~~ hours on each of the following topics:
 - a. Recent changes in law and procedure in matters related to divorce and parental rights and responsibilities, also known as “legal updates”, as further specified in Fam 404.03;
 - b. Ethics for mediators, as further specified in Fam 404.04;
 - c. Domestic violence, as further specified in Fam 404.05;
 - d. Mediation skills, as further specific in Fam 404.06; and
 - e. Family dynamics, as further specified in Fam 404.07;
- (3) Include, for the balance of the required ~~24~~**16** hours, one or more courses on:
 - a. Any of the topics listed in (a)(2) above if the courses have not already been taken for credit during the same renewal cycle; and
 - b. Any board-approved courses on the other additional continuing education topics listed in (b) below when given by a presenter qualified in accordance with Fam 404.07; and
- (4) Include, in the required hours, at least ~~16~~**10** hours of attendance at, or participation in, a live course presentation.

(b) Other additional continuing education topics shall be:

- (1) Current research on conflict and conflict resolution as applicable to family mediation;
- (2) Mediation theory and history;
- (3) The impact of differences in culture, gender, ethnicity, religion, and race on mediation;
- (4) How to determine whether other professional services might be helpful and identification of such services;
- (5) Professional resources for mediators, such as professional associations and publications; and
- (6) Any other course topic or educational opportunity that would increase the relevant knowledge and professional competency of the mediator.

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(c) The board shall credit a presenter of a board- approved course with continuing education credit in the form of:

- (1) Two hours of credit for each hour spent presenting the course, to a maximum of ~~128~~ hours;
- (2) Credit for attendance at a live presentation; and
- (3) Credit given only once during the renewal cycle, no matter how often the presenter presents the course.

(d) The board shall credit an applicant who has served as an internship supervisor during the renewal cycle with up to 3 hours of continuing education in mediation skills per intern supervised:

- (1) To a maximum of ~~128~~ hours; and
- (2) Providing that the board has received:
 - a. The evaluation further described in Fam 302.04(l) for each case co-mediated and supervised; and
 - b. A letter addressing the intern's adherence to the "Model Standards of Practice for Family and Divorce Mediation" developed by The Symposium on Standards of Practice and finalized on August 5, 2000, and available as noted in Appendix II, and competence as further described in Fam 302.05 for each intern supervised.

Readopt Fam 404.02 through Fam 404.06 effective 1-2-18 (Document #12635), to read as follows:

Fam 404.02 Requirements for Board Approval of Continuing Education Courses. To receive board approval, continuing education courses shall:

- (a) Be designed to:
 - (1) Improve the knowledge of the mediator as it relates to families and family law;
 - (2) Improve the professional competence of the mediator; or
 - (3) Assure, to the extent possible, that the mediator is equipped to work effectively within the appropriate ethical boundaries of the profession;
- (b) Be delivered:
 - (1) Live, to any number of participants;
 - (2) By recording on audio or video tape or disc; or
 - (3) On-line;

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- (c) Include, as far as practicable in light of the topic(s) presented, an experiential component; and
- (d) Meet the requirements of Fam 404.03 through Fam 404.06, as applicable to the presenters and the specific topic(s) covered by the courses.

Fam 404.03 Legal Updates. Courses on recent changes in law and procedure in matters related to divorce and parental rights and responsibilities shall cover recent changes in one or more of the following:

- (a) Federal law affecting divorce;
- (b) New Hampshire law and procedure affecting divorce;
- (c) New Hampshire court rules on temporary, permanent, and modification agreements;
- (d) Requirements for mediated agreements; or
- (e) New Hampshire statutes, rules, and procedures relative to:
 - (1) Mediation for parenting, divorce cases;
 - (2) Certification of mediators;
 - (3) Confidentiality; and
 - (4) Any other topic that satisfies the intent of this requirement.

Fam 404.04 Ethics for Mediators. Courses on ethics for mediators:

(a) Shall include a review of one or more standard of the “Model Standards of Practice for Family and Divorce Mediation” developed by The Symposium on Standards of Practice and finalized on August 5, 2000, and available as noted in Appendix II; or

(b) Shall cover one or more of the following subtopics:

- (1) Application of one or more standard of the “Model Standards of Practice for Family and Divorce Mediation” developed by The Symposium on Standards of Practice and finalized on August 5, 2000, and available as noted in Appendix II;
- (2) The ethical practice of mediation;
- (3) Resolving ethical issues; or
- (4) Any other topic that satisfies the intent of this requirement.

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Fam 404.05 Domestic Violence. Courses on domestic violence shall cover one or more of the following subtopics:

(a) The review of Standard X of the “Model Standards of Practice for Family and Divorce Mediation” developed by The Symposium on Standards of Practice and finalized on August 5, 2000, and available as noted in Appendix II;

(b) The review of Fam 800;

(c) The impact on children exposed to domestic violence, including the consideration of:

(1) The different developmental stages of children;

(2) The frequency and severity of the violence to which children are exposed; and

(3) Strategies to protect children;

(d) Understanding the parenting styles of perpetrators of domestic violence;

(e) Batterer intervention programs, including the batterers intervention standards issued by the Governor's Commission on Domestic and Sexual Violence;

(f) Safety planning for physical and psychological safety for child and adult victims and providers of services to such victims;

(g) Issues of access to children by parents who have engaged or might engage in domestic violence;

(h) Techniques for screening to determine whether mediation is appropriate when domestic violence is known or suspected;

(i) Domestic violence evaluations, including tools and approaches to assess mediation clients for domestic violence;

(j) Referrals to, and availability of, community resources for both abusers and victims when domestic violence is known or suspected;

(k) Parenting plans in domestic violence cases, including how to facilitate the mediation participants' formulation of parenting plans which protect the safety and well-being of the participants and their children;

(l) Research on interventions, strategies, and potential outcomes for families impacted by domestic violence;

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(m) Underserved populations, including, among other such populations, immigrants and LGBTQ; or

(n) Any other topic that satisfies the intent of this requirement.

Fam 404.06 Mediation Skills.

(a) Courses on mediation skills shall cover one or more of the following topics:

- (1) Client intake;
- (2) Facilitating problem solving in family relations or communications;
- (3) Mediation techniques;
- (4) Screening for appropriateness of mediation;
- (5) Budgeting, health insurance, tax planning, and financial planning;
- (6) Preparation of mediated agreements;
- (7) Division of assets, debt, and alimony;
- (8) Mentoring interns; or
- (9) Any other topic that satisfies the intent of this requirement.

(b) Courses on mediation skills shall in all cases include an experiential component, such as role playing, the drafting of a mediated agreement, the drafting of a division of the marital estate, or similar practice activities.

Readopt Fam 404.07 effective 2-6-20 (Document #12988), to read as follows:

Fam 404.07 Family Dynamics. Courses on Family Dynamics shall cover one or more of the following topics:

- (a) Child development;
- (b) Impact of divorce and separation on families;
- (c) Substance misuse;
- (d) Mental health issues; and
- (e) Family relationships.

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Readopt Fam 404.08 and Fam 404.09 effective 10-2-18 (Document #12635), to read as follows:

Fam 404.08 Presenters of Continuing Education Courses. Approved presenters of continuing education courses shall be:

- (a) Certified family mediators who have mediated at least 25 family cases;
- (b) Individuals with advanced degrees in law, conflict resolution, psychology, psychiatry, another mental health field, business, tax, or accounting;
- (c) Individuals with at least 5 years of education, experience, or a combination of the 2, that is relevant to the topic they are presenting;
- (d) Persons presenting at a conference or meeting of the Academy of Professional Family Mediators, Association for Conflict Resolution, Association of Family and Conciliation Courts, or the Dispute Resolution Section of the American Bar Association; or
- (e) Any other person presenting with a person that meets the qualifications in (a)-(c) above.

Fam 404.09 Method of Board Approval of Continuing Education Courses.

(a) The board shall approve a continuing education course:

- (1) When the course complies with the approval requirements stated in Fam 404.02 and, as applicable, in Fam 404.03 through Fam 404.07; and
- (2) When application for approval is made, before or after the presentation of the course:

a. By:

- 1. A mediator seeking or intending to seek renewal of certification; or
- 2. The course provider or sponsor; and

b. In accordance with Fam 404.09.

(b) The board's approval of a course shall apply:

- (1) To the presentation on the date stated in the application; and
- (2) To additional presentations of the same course during the 24 months following the board's approval.

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(c) The board shall approve courses as hybrid courses that satisfy the requirements for 2 of the required topics in Fam 404.01(a) and (b). Mediators attending such courses shall designate as part of their renewal which of the approved topics that course shall count towards satisfying.

Readopt with amendment Fam 404.10, effective 2-6-20 (Document #12988), to read as follows:

Fam 404.10 Application for Board Approval of Continuing Education Courses. The individual or entity seeking approval of a course shall provide the following information on the "Request for Continuing Education Course Approval" form, ***revised October 2019*** ~~issued by the board or on separate attachments:~~

- (a) The name, address, email, and phone number of the person making the request;
- (b) An indication as to whether the requester is a provider or student, and whether the request is for pre-approval or approval of a course;
- (c) The name of the sponsor of the program;
- (d) The date, time, and location of the course;
- (e) A summary of the professional qualifications of the person or persons presenting the course, including specifics required under Fam 404.07;
- (f) The required topic or additional topic for which approval is sought;
- (g) The duration of the course, excluding meals and breaks. If the request is for the total number of credits to be allocated in multiple continuing education topics not including a hybrid course under Fam 404.089(c), then an agenda or other verification of time spent on each topic for which credit is being requested shall be attached;
- (h) A brief description of any experiential component included in the program, including the length of such components;
- (i) A description of how the course will:
 - (1) Update or enhance certified family mediators' knowledge of families and family law;
 - (2) Improve the professional competence of the mediators; or
 - (3) Equip mediators to work effectively within ethical boundaries; and
- (j) Any written handouts provided at the course, if available.

Readopt with amendment Fam 405, effective 10-2-18 (Document #12635), to read as follows:

PART Fam 405 REINSTATEMENT OF LAPSED CERTIFICATION

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Fam 405.01 Eligibility for Reinstatement of Lapsed Certifications. ~~The board shall reinstate a lapsed certification if the applicants:~~

(a) ~~Meets the academic eligibility requirements set forth in Fam 303.02;~~ ***An individual whose certification has been expired more than one year who wishes to obtain a certificate shall apply for initial certification as provided in Plc 304.***

(b) ~~Meets the character qualifications set forth in Fam 303.09~~ ***To request reinstatement of an expired certificate not more than one year after the certificate expired, the former licensee shall complete the process for renewing a certificate specified in Plc 308, including demonstrating that the applicant:***

~~—(c)~~ ***(1) Has***, within the 12 months just preceding ~~his or her~~ ***the submission of an*** application for reinstatement, received at least 15 hours of mediation-related training through courses approved by the board pursuant to Fam 404.07, including at least 3 hours of courses on each of the following:

~~(1)~~ ***a. Recent*** changes in law and procedure in matters related to divorce and parental rights and responsibilities, as further described in Fam 404.03;

(2) ***b. Ethics*** for mediators, as further described in Fam 404.04;

~~(3)~~ ***c. Domestic*** violence, as further described in Fam 404.05;

~~(4)~~ ***d. Mediation*** skills, as further described in Fam 404.06; and

~~(5)~~ ***e. Mental*** health issues and family dynamics, ***and***

~~(d)~~ ***(2) Has*** complied with the reinstatement application procedures set forth in Fam 405.02.

Fam 405.02 Reinstatement Application Procedures. An applicant for reinstatement of certification shall submit ~~to the board:~~

(a) A completed application form further described in ~~Fam 302.03~~ ***Plc 308.05;***

(b) Payment of the reinstatement fee set forth in ~~Fam 304.01(e)~~ ***Plc 1002.15*** in the form of:

(1) Cash; or

(2) A check or money order made payable to Treasurer, State of New Hampshire; and

(c) The supporting documents further described in Fam 405.03.

Fam 405.03 Documents Required to Support Applications for Reinstatement of Certification. The documents required to support an application for reinstatement of certification shall be:

~~—(a) One of the documents described in Fam 302.04(a);~~

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~~(b) If applicable, photocopies of any licenses, certifications, or other documents of approval to practice family mediation issued to the applicant by any foreign or domestic jurisdiction;~~

~~—— (c) If the answer to either Fam 302.03(c)(17) or Fam 302.03(c)(18) is affirmative, a statement disclosing and describing the facts in detail;~~

~~—— (d) If the answer to any part of the question in Fam 302.03(c)(19) is affirmative, a statement disclosing and describing the facts in detail, including:~~

~~(1) For a finding of abuse as described in the question:~~

- ~~a. The jurisdiction and court;~~
- ~~b. The finding of the court; and~~
- ~~c. The date of the finding;~~

~~(2) For the revocation of a professional license or certification as described in the question:~~

- ~~a. The type and the number of the professional license; and~~
- ~~b. The jurisdiction and name of the revoking authority; and~~

~~(3) For a conviction described in the question:~~

- ~~a. The jurisdiction and court;~~
- ~~b. The date of the conviction; and~~
- ~~c. The charge(s) of which the applicant was convicted;~~

~~(e)(a)~~ The following documentation issued by the provider of each of the courses the applicant has taken with the intention of meeting the requirements of Fam 405.01(c):

- (1) The name of the course;
- (2) The name of the course's sponsor or of the course's provider, if the provider is different from the sponsor;
- (3) Whether the applicant's participation was as teacher or student;
- (4) Whether participation was through attendance at a live presentation;
- (5) The topic(s) covered by the course; and

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(6) The date and number of hours of the course;

~~(f)~~ ***(b)*** If one or more of the courses the applicant has taken with the intention of meeting the requirements of Fam 405.01(c) has not already been approved by the board, the materials required by Fam 404.08 shall be submitted for board approval of the courses; and

~~(g) The names and contact information of a total of 3 signed letters of recommendation as described in Fam 405.04, sent directly to the board by the individuals writing them.~~

Fam 405.04 ~~Letters of Recommendation.~~

~~(a) The references shall be 3 individuals who:~~

~~(1) Are not related to the applicant; and~~

~~(2) Are chosen from among the following:~~

~~a. The applicant's core mediation training provider;~~

~~b. The applicant's internship supervisors;~~

~~c. The person(s) furnishing case supervision to the applicant;~~

~~d. The applicant's co-mediators;~~

~~e. Lawyers who advised one of the parties to a case mediated by the applicant; and~~

~~f. Other persons with personal knowledge of the applicant's professional practice.~~

~~(b) The references shall include the following in each letter of recommendation:~~

~~(1) An assessment of the applicant's competence as a family mediator, made on the basis of familiarity with the applicant's mediation work; and~~

~~(2) A recommendation as to whether the board should reinstate the applicant's certification as a family mediator.~~ ***RESERVED***

Fam 405.05 ~~The Board's Processing of Applications for Reinstatement of Certification.~~ ***Applications for reinstatement shall be processed in accordance with Plc 312.***

~~(a) An application for reinstatement of certification shall be considered to be complete when the board's office has received:~~

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~~(1) All of the materials described in Fam 405.02; and~~

~~(2) Any additional information or documents which the board has requested pursuant to (b) below.~~

~~(b) If the board, after receiving and reviewing the application materials, requires further information or documents to determine the applicant's qualification for reinstatement of certification, it shall:~~

~~(1) So notify the applicant in writing within 30 days; and~~

~~(2) Specify the information or documents it requires.~~

~~(c) The applicant shall respond to the board's request for additional information or materials within 90 days of the request.~~

~~(d) The board shall issue the reinstated certification or a written denial of the application within 60 days of the date that the application is complete.~~

~~(e) An applicant wishing to challenge the board's denial of his or her application for reinstatement of certification shall:~~

~~(1) Make a written request for a hearing in accordance with Fam 200; and~~

~~(2) Submit this request to the board:~~

~~a. Within 60 days of the board's notification of denial; or~~

~~b. If the applicant is on active military duty outside the United States, within 60 days of the applicant's return to the United States or release from duty, whichever occurs later.~~

Fam 405.06 Waiver. The 90-day deadline in Fam 405.05(c) shall be waived by the board for up to an additional 90 days from the date the waiver was granted on the basis of a letter identifying at least one of the following reasons for the inability to comply with the deadline:

~~(a) Personal illness sufficiently serious to prevent the person requesting the waiver from engaging in his or her usual work for at least 2 consecutive weeks;~~

~~(b) Active military duty;~~

~~(c) Death in the household or of a member of the family;~~

~~(d) Illness in the household or of a member of the family which is sufficiently serious to prevent the person requesting the waiver from engaging in his or her usual work for at least 2 consecutive weeks; or~~

~~(e) The destruction of records by fire, flood, or other accidental or natural disaster. ***RESERVED***~~

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Readopt with amendments Fam 406, effective 10-2-18 (Document #12635), to read as follows:

PART Fam 406 ONGOING REQUIREMENTS

Fam 406.01 Obligation to Keep Information Current. A family mediator shall advise the ***licensing bureau*** ~~board~~ promptly of changes in the following information:

- (a) The family mediator's legal name;
- (b) The family mediator's home mailing address or home telephone number;
- (c) The name of the family mediator's mediation business; and
- (d) The mailing address, e-mail address, or telephone number of the mediation business.

Fam 406.02 Obligation to Maintain Payment Records. A family mediator shall retain records of payment received for mediation services for at least 3 years after the final payment in each case has been received.

Appendix I

Rule	Specific State Statute Implemented
Fam 401	RSA 541-A:7
Fam 402.01	RSA 328-C:4-a, III; RSA 328-C:8, I(a)
Fam 402.02	RSA 328-C:8, I(a)
Fam 402.03 (repeal)	need repeal cite
Fam 402.04 and Fam 402.05	RSA 310:8, III
Fam 402.06	RSA 328-C:8, I(a), (b)
Fam 403.01	RSA 328-C:7, III; RSA 328-C:8, I(e)
Fam 403.02 through Fam 403.04	RSA 310:12
Fam 404.01	RSA 328-C:4-a, IV; RSA 328-C:6
Fam 404.02	RSA 328-C:4-a, IV; RSA 328-C:6; RSA 541-A:16, I(b) intro.
Fam 404.03	RSA 328-C:4-a, IV; RSA 328-C:6; RSA 541-A:16, I(b) intro.
Fam 404.04	RSA 328-C:4-a, IV; RSA 328-C:6; RSA 541-A:16, I(b) intro.
Fam 404.05	RSA 328-C:4-a, IV; RSA 328-C:6; RSA 541-A:16, I(b) intro.
Fam 404.06	RSA 328-C:4-a, IV; RSA 328-C:6; RSA 541-A:16, I(b) intro.
Fam 404.07	RSA 328-C:4-a, IV; RSA 328-C:6
Fam 404.08	RSA 328-C:4-a, IV; RSA 328-C:6; RSA 541-A:16, I(b) intro.
Fam 404.09	RSA 328-C:4-a, IV; RSA 328-C:6; RSA 328-C:8, I(b); RSA 541-A:16, I(b) intro.
Fam 404.10	RSA 328-C:4-a, IV; RSA 328-C:6; RSA 328-C:8, I(b); RSA 541-A:16, I(b) intro
Fam 405.01	RSA 328-C:4-a, III; RSA 328-C:5, IV, V; RSA 328-C:8, I(a)
Fam 405.02	RSA 328-C:5, IV, V; RSA 328-C:8, I(a)
Fam 405.03	RSA 328-C:5, IV, V; RSA 328-C:8, I(b)
Fam 405.04	RSA 328-C:5, IV, V; RSA 328-C:8, I(b)
Fam 405.05	RSA 328-C:5, IV, V; RSA 328-C:8, I(b)
Fam 405.06	RSA 541-A:16, I(b) intro.

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Fam 406.01	RSA 328-C:4-a, I; RSA 328-C:8, I(e)
Fam 406.02	RSA 328-C:4-a, I; RSA 328-C:8, I(e)

Appendix II

Rule Number	Incorporated Material	How Obtained
Fam 401.02 Fam 402.06(b); Fam 404.01(d)(2)b; Fam 404.04(a) and (b); Fam 404.05(a) and (b)	“Model Standards for Practice of Family and Divorce Mediation”, finalized August 5, 2000 Developed by The Symposium on Standards of Practice	Available free of charge from the Association of Conflict Resolution, at: https://acenet.org/general/custom.asp?page=ModelS