

Family Law Mediation Program

What is the goal of the program?

To improve the lives of families and children who appear before the court by trying to resolve custody and visitation disputes through mediation in order to minimize family conflict, encourage shared decision-making, and support healthy relationships and communication among family members.

What is mediation?

Mediation is a process in which an impartial mediator assists people in conflict to have a constructive conversation about their dispute in a neutral setting. It is expected that each participant say what they need to say and hear what they need to hear, so each person can develop a better understanding about his/her concerns and the perspectives of other participants. Through the discussion, the parties are able to make sound decisions for themselves and others affected by their decisions.

What does the Family Law Mediation Program provide?

The Family Law Mediation Program will provide up to 6 hours of combined pre-mediation orientation and mediation at no cost to the parties.

What type of cases will be referred?

The following new cases will be referred:

- Any 'civil proceeding' in which legal custody, physical custody, or visitation with respect to a child is an issue; this includes any original proceeding for divorce, separation, paternity, and guardianship in which these issues are not resolved prior to filing. It may also include a proceeding for a post-judgment custody modification or parental request to remove the child from the state.
- When the proceeding is a post-judgment motion for custody modification or for a change of enforcement of visitation, then the referral will be made only after a court order has determined that a prima facie case has been established, and if the court believes mediation may be useful to the parties and the children.
- A district judge or referee assigned to a custody or visitation proceeding may refer a case to family mediation at any time, except as prohibited by any rule or statute.

What type of cases will be excluded?

- Proceedings where the parties have already started mediation prior to the start of this pilot project;
- Where the custody and/or visitation issues are stipulated by the parties at the time of filing;
- Where a current domestic violence protection order or other order for protection between parties currently exists.

How will mediators be selected?

Mediators may apply to be placed on the roster and will be approved by the Family Law Mediation Program Administrator. They must meet the requirements in the protocols governing this program. A maximum of six mediators will be selected in each site. Once a roster has been compiled the Family Law Mediation Program Administrator will assign mediators to cases.

How will the program be evaluated?

The court will contract with an independent evaluator to measure impact and success of the program. Mediators and parties will be required to participate in the evaluation.