

Family, Divorce, Child Custody Mediation

Disputes involving spouses, children, and families are good candidates for mediation. These relationships are ongoing and mediation can help foster positive interactions for the future. Litigation often has the opposite effect.

Mediation can help parents work together in the best interests of their children. It provides a model for resolving future conflict that can occur with co-parenting. Many parents who mediate their divorce and custody issues find that their children suffer less and gain more. Litigation, on the other hand, is a “win-lose “ situation that prevents parents from working in the best interests of their children.

Mediation does not replace legal or other professional advice. Many families who mediate their disputes rely on expert advice both in and out of mediation (i.e., legal, tax, child development, etc.)

The court-sponsored ADR process is confidential and not open to the public. Disclosure of confidential ADR communications is prohibited, except as authorized by the court and agreed upon by the parties.

TO FIND ADR PRACTITIONERS IN NORTH DAKOTA, INCLUDING ARBITRATORS, CIVIL MEDIATORS AND FAMILY MEDIATORS CONTACT:

NORTH DAKOTA ADR NEUTRAL ROSTERS

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**PUBLISHED BY THE STATE COURT
ADMINISTRATOR’S OFFICE.
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ND Supreme Court

Alternative Dispute Resolution





Alternative Dispute Resolution is a way of settling disputes outside of litigation and the courtroom. The most common type of ADR in North Dakota is mediation.

The North Dakota Supreme Court requires attorneys and their clients to carefully consider ADR in all civil cases.

- Businesses
- Employer/Employee
- Lawyers
- Communities
- Government Agencies
- Farmers
- Landlords/Tenants
- School Districts

Mediation

RULE: N.D.R.Ct. 8.8

Scope: Parties to civil suits are encouraged to participate in alternative dispute resolution (“ADR”) before commencing a case or at an early stage of the case; and all parties in civil cases must discuss early ADR participation and the appropriate timing of such effort.

To read more on this Rule please refer to the Supreme Court Website at www.ndcourts.com/Court/rules/NDROC/rule8.8.htm

WHAT IS MEDIATION?

Mediation is a confidential process in which a neutral mediator assists the participants in reaching a voluntary decision about their own dispute.

Mediation is different from a trial in that a judge or jury are not making decisions for the participants about their dispute.

Participants have a say in and control over how their conflicts are resolved.

Mediation can help people reach what they believe is the best possible agreement.

WHY CHOOSE MEDIATION?

Mediation can be less expensive and faster than litigation. It can offer people in conflict a



choice other than filing a lawsuit.

Cost: Attorney’s fees can be greatly

reduced if litigation and trials are avoided. The cost of mediation is very reasonable and some mediators offer reduced fees based on a person’s income.



Procedure for Rule 8.8

- Within 15 days a statement to the court must be filed with the district court detailing the ADR participation that has occurred or will occur or if it will not occur.
- In a divorce, the statement may be incorporated into the joint informational statement. The statement must certify that the parties have discussed ADR participation with each other and that the parties’ lawyers have discussed ADR with their clients, and, if an ADR process will occur, the time by which it will be completed.
- The party or parties who do not agree to participate must certify in the statement that they have discussed ADR with counsel, or if not represented, that the party is aware of ADR.
- If the parties agree to an ADR process but cannot agree on a neutral, the court may designate a person from the ADR neutral roster.

