

GUIDE FOR PARTICIPANTS IN 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.

Parties are asked to adhere to the following principles:

1. **Coming to an agreement is voluntary.** Participants should not feel forced into making decisions during mediation and always have the option to discontinue the mediation at anytime.
2. **Mediation involves informed decision-making.** Participants are free to access any information that may help them make informed decisions during the mediation. Participants may want to consult with outside experts if they have specific questions or do not have knowledge about a particular issue in order to help facilitate the decision-making process. Attorneys are welcome to participate.
3. **Participants make the decisions in mediation.** Participants are solely responsible for making all decisions. There are many types of decisions that participants may make, including whether or not to pursue mediation, who should be involved in the discussion, how to explore additional information, what options are preferable, how parenting is shared among parents, how costs are shared, and other decisions, etc. However, participants should be careful to follow the law in North Dakota when making critical decisions about parenting, custody, visitation, and child support.
4. **Mediators are impartial.** Mediators will not make decisions for the participants or make any judgments about who is right or wrong. Mediators have no stake in any particular outcome and treat all participants in a fair and balanced way. Their main goal is to help create a helpful environment so the parties can discuss what is important and make voluntary, informed decisions. The parties will report any conflicts of interest or perceived bias by the mediator directly to the mediator and/or the Family Mediation Program Administrator.
5. **Mediation is a confidential process.** Mediators will not reveal anything that is said during mediation to any other person except as permitted by law and as required by the Family Mediation Pilot Program Research & Evaluation. Allegations of child abuse or threats of harm to any person will *not* be held confidential and may be revealed as appropriate by the mediator. Likewise, participants themselves are asked to keep confidential everything that is communicated during mediation, except as they agree otherwise or as permitted by law. No record of the mediation will be made, unless the

parties reach agreements in which case a decision summary will be written by the mediator and provided to the parties, and then to the Court.

6. **Summary of decisions.** Mediators will assist the parties in developing a written summary of the decisions made at the mediation table. Each party will receive a copy and the mediator will keep a copy. The writing should be in the parties' language and capture what both parties have agreed to. Parties will have 7 business days within which to reconsider decisions made at the mediation table, and to review the decision summary with their attorneys. The mediator will not draft legal documents for the parties to sign and to be presented to the Court.
7. **Research & evaluation.** The Family Mediation Program requires periodic surveys of parties participating in the process. You may be asked to complete a form at the end of mediation.