

District Two Mediation Procedures (February 12, 2021)

Pursuant to the Supreme Court's administrative order of July 9, 2020, all judicial districts shall implement mandatory mediation procedures or mandatory judicial settlement conferences in all family law cases where at least one party is represented by an attorney, all Child Support Recovery Unit cases are exempt. Plan A below is the mediation plan and procedures for implementation in District 2 for new cases beginning March 1, 2021. Plan B will be the mediation plan for cases pending as of February 28, 2021.

PLAN A - Overview and Case Flow for Family Law Mediation:

- 1) An Order for Mediation is served with petition. (Form A)
- 2) An introduction to mediation document and web link is provided to the parties.
(Attachment B)
- 3) The parties may select their own mediator and file a designation of mediator.
- 4) Enter an Order Following Designation of Mediator once a mediator has been designated. (Form D)
- 5) Parties shall mediate in good faith within 120 days after service of the original notice and petition per Supreme Court order.
- 6) Within 7 days of completing mediation the parties must file a Mediation Report
- 7) If any issues are resolved during mediation, within 30 days of completing mediation, the parties shall file a Stipulation agreeing to the resolved issues.
- 8) No trial date will be established until mediation is completed.
- 9) Sanctions may be imposed by the Court for failure to comply with any orders

The Order for Mediation (Form A) addresses the following matters:

- 1) Directs parties to read the Introduction to Family Law Mediation. Said introduction document will be provided with the order along with a web-link to the document.
- 2) Directs parties to choose a mutually-agreed upon mediator and file designation of mediator. This must be done within 30 days of receipt or service of the Order for Mediation. If not done by mutual agreement of the parties, the Court will appoint a mediator. Case Coordinators will monitor and manage this.
- 3) Directs parties to attend and participate in good faith mediation within 120 days after service of the original notice and petition unless a complete signed Stipulation resolving all issues is filed within 120 days of filing. Addresses the appropriateness of mediation in circumstances of domestic violence.
- 4) Directs parties to file a Family Law Mediation Report with the Court within 7 days of mediation being completed. Case Coordinators will monitor and manage this activity.
- 5) Directs parties to file a stipulation to any resolved issues within 30 days of mediation being completed. Case Coordinators will monitor and manage this.
- 6) Addresses the cost of mediation and an Application for Reduced Fee Mediation.
- 7) Addresses sanctions due to violation of this order, including but not limited to: dismissal of the case, entry of default, award of attorney fees, a fine, jail sentence, or contempt proceedings.

Introduction to Mediation:

Parties will be directed to read the “Introduction to Family Law Mediation” (Attachment B), which will be attached to the Order for Mediation as well as made available on the D2 Family Law Mediation webpage. Mediation will be a new concept in the majority of our counties and the Introduction or similar information may substantially assist parties and also increase the likelihood of success if parties familiarize themselves with the process prior to participating.

Designation of Mediator:

Parties will have 30 days to agree upon a mediator and file their designation of mediator (Form C) with the court. Upon mediator designation an Order following Designation of Mediator (Form D) will be entered stating that the parties must file a Family Law Mediation Report with the Court within 7 days of completion of mediation. If there is no designation on file within the allotted time, the Court will appoint a mediator. Parties are encouraged to select their own mediator. Parties may file an Application for Reduced Fee Mediation (Form G), if approved the Court may apply a flat fee or utilize a sliding fee scale to determine a reduced fee. Case Coordinators will monitor cases for the mediator designation compliance.

Mediation Session:

The Supreme Court’s administrative order of July 9, 2020 directs all judicial districts to implement mandatory mediation procedures or judicial lead settlement conferences in all family law cases where at least one party is represented by an attorney. Within 120 days after service of the original notice and petition of a family law case (or modification): A) the parties shall participate in good faith mediation, or B) file a completed signed Stipulation resolving all

issues, within 120 of filing of the case. An Application for Waiver of Mediation (Form F) may be filed if a party claims mediation may be inappropriate due to a claim of domestic violence, participation via videoconference may be warranted in such a situation.

Mediation Report:

Within 7 days of completion of mediation, an attorney or party shall file a Family Law Mediation Report (Form E) as prescribed by the Supreme Court of Iowa. Case Coordinators will monitor cases looking for this filing. Once mediation is completed, a trial setting conference will be set if any issues remain. If all issues are reported resolved, case coordinators will monitor for the filing of the Stipulation. If a Family Law Mediation Report is not filed timely, the matter will be referred to the Court for review and possible dismissal.

Stipulation:

If any issues are resolved in mediation, an attorney or party shall file a Stipulation within 30 days of mediation being completed reporting all resolved issues. If the Family Law Mediation Report indicates that some issues were resolved and a subsequent Stipulation is not filed within the appropriate time frame, the matter will be referred to the Court for review and possible dismissal.

Sanctions:

Violation of the Order for Mediation, or any others Order, including failure to abide by the deadlines, may result in the imposition of sanctions by the Court, which may include but are not limited to: a dismissal of the case; entry of a default granting the relief requested by the opposing party; an award of attorney fees; a fine; or a jail sentence. If neither party has made a good faith effort to mediate within 120 days after service of original notice and petition, or if

the parties reach an agreement and sign a stipulation yet fail to file the stipulation within 120 days from the date the case was filed, the Court shall dismiss the case. The Court may enter a default judgment granting the relief requested by the opposing party in cases or may commence contempt proceedings on its own application or on the application of the opposing party where one party has intentionally failed to comply with the mediation requirement.

District Mediation Roster:

A standard Application for Admission to Roster of Mediators for Family Law Cases (Form I) that includes the information required by State Court Administration will be used for those interested in becoming a rostered mediator. It will require mediators to have completed at least 40 hours of mediation training. A couple of Judges will be used to review the applications. A system will need to be developed to obtain pro bono or reduced fee mediation appointment information so the fair distribution of said cases is done for the rostered mediators. The application will be available on the D2 Family Law Mediation webpage and from the Clerk of Court.

Forms:

The following forms or documents are required in the District 2 Mediation Plan. The Forms will be available from each Clerk of Court office and on the District 2 Family Law Mediation webpage.

Form A – Order for Mediation

Attachment B – Introduction to Family Law Mediation

Form C – Designation of Mediator

Form D – Order Following Designation of Mediator

Form E – Family Law Mediation Report (Supreme Court Form)

Form F – Application for Waiver of Mediation

Form G – Application for Reduced Fee Mediation

Form H – Agreement to Mediate

Form I – Application for Admission to District Two Family Law Mediation Roster

Form J – Order for Mediation for case pending as of February 28, 2021

PLAN B – Pending Cases as of February 28, 2021:

As per Supreme Court order of July 9, 2020 all pending family law cases (with the exception of CSRU cases) with at least one attorney must be mediated within 90 days of issuance of mediation procedures, or a complete signed Stipulation resolving all issues must be filed within 90 days. Our case coordinators will identify the pending family law cases with at least one attorney and then a template order (Form J) will be entered giving the parties 90 days to complete mediation. Non-compliance will be reported to the presiding judge.

FORM A

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY

<p>Upon the Petition of</p> <p>_____</p> <p>Petitioner,</p> <p>and Concerning</p> <p>_____</p> <p>Respondent.</p>	<p>EQUITY NO. _____</p> <p>ORDER FOR MEDIATION</p>
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Pursuant to the Iowa Supreme Court's administrative order of July 9, 2020, all Iowa judicial districts shall require parties in family law cases to participate in mediation where at least one party is represented by an attorney. You are therefore, if there is at least one attorney involved in this case, **ORDERED** to participate in mediation in an attempt to resolve the issues in this matter.

Both parties **SHALL**:

Read "Introduction to Family Law Mediation," which is attached to this Order and can also be obtained from the Clerk of Court or at http://_____

Choose a mutually-agreed upon mediator. If you do not select a mediator and file a Designation of Mediator informing the Court of your selection within thirty (30) days of receipt or service of this Order, the Court will designate a mediator and you shall be required to use the Court designated mediator. A list of mediators can be obtained from the Clerk of Court or at http://_____. The mediator will help you discuss your concerns and possible settlement options in your case, but the mediator will NOT give you legal advice or make any decisions for you. The parties are encouraged to select their own mediator.

Attend AND participate in good faith in at least one (1) mediation session within 120 days after service of the original notice and petition. One mediation session is required, but you may find that attending additional sessions will help you resolve your case. Mediation may not be appropriate when there has been domestic violence. If mediation is not appropriate, you can request a waiver from the Court. An Application for Waiver of Mediation can be obtained from the Clerk of Court or at http://_____

Each person shall pay one-half the cost of mediation. If you believe you cannot afford to pay a mediator, you can request the Court allow you to pay on a reduced fee basis by filing an Application for Reduced Fee Mediation. This form can be obtained from the Clerk of Court or at http://_____

A party or attorney shall file a Family Law Mediation Report with the Court within 7 days of the completion of mediation. The Family Law Mediation Report form may be obtained from the Clerk of Court or at <http://>_____ Any stipulation resolving some or all of the pending issues in this matter reached in mediation must be filed with the Court within 30 days of the completion of mediation.

Violation of this Order, including failure to abide by the deadlines stated in this Order, may result in the imposition of sanctions by the Court, which may include but are not limited to: a dismissal of the case; entry of a default granting the relief requested by the opposing party; an award of attorney fees; a fine; or a jail sentence. If neither party has made a good faith effort to mediate within 120 days after service of the original notice and petition, or if the parties reach an agreement and sign a stipulation yet fail to file the stipulation within 120 days from the date this matter was filed, the Court shall dismiss the case. The Court may enter a default judgment granting the relief requested by the opposing party in cases or may commence contempt proceedings on its own application or upon the application of the opposing party where one party has intentionally failed to comply with the mediation requirement.

No trial date will be assigned until the requirements of this order have been met, mediation has been completed, and a Family Law Mediation Report has been filed.

ATTACHMENT B

Introduction to Family Law Mediation

What is mediation?

Mediation is an opportunity for people to talk together and make their own decisions on what to do next, with the help of a neutral mediator. Mediation is private and confidential. In mediation, you can tell the other person what is important to you about the situation and how it has affected you. You can tell them what you want them to understand. You can ask questions. You can hear what they have to say. Sometimes mediation is the only chance people have to talk directly to each other, to talk things through, to be heard. Most of the time, people hear new information in mediation. Often, people feel heard for the first time. There is no agreement in mediation unless you both agree to it.

Most people are sure that mediation won't work for them, yet over 70% of the people who mediate reach an agreement. When people do reach agreement, they save money and time and they make their own decisions. Even when people do not reach an agreement in mediation, they often find that they are clearer on what to do next and better able to move on.

What are the advantages of mediation?

- Decision-making remains with the parties. When the parties have created the agreement, they are more likely to cooperate with its terms.
- Many times, it is informal, quicker, private and less costly than taking your case to court.
- In cases involving children, the parties work together to solve disputes regarding their children as opposed to having a judge decide. Children's emotional well-being is greatly improved when parties cooperate and maintain a relationship with their children.

What does the mediator do?

The mediator provides a safe and impartial setting for parties to discuss issues and facilitates the discussion on creating an agreement resolving the issues without having to go to court.

What does mediation cost?

Each mediator has a set hourly rate for mediation. The cost of mediation is typically split equally between the parties and paid at the time of each session.

What issues may be mediated?

Any issue that is disputed between parties and subject to being decided by a judge can be mediated. The confidentiality of mediation is protected by a contract between the parties and the mediator. The mediator can be made to testify only under extraordinary circumstances. A mediator is prohibited from communicating information to any third party about the parties' behavior or statements unless child abuse is involved or there is a credible threat of harm to a party or third party.

How long does mediation last?

In most cases, a mediation session can be accomplished in a half day. However, a session may continue so long as the parties agree and progress is made. The number of sessions needed to complete an agreement is influenced by the parties' cooperation and the difficulty of the issues.

What role do attorneys play in the mediation process?

Your attorney can prepare you for the mediation process and answer questions during the process. Your attorney will be present during mediation.

What are the chances of mediation being successful?

Mediation succeeds when the parties cooperate to reach an agreement on their own terms. Parenting plans work best when both parents participate and agree to the co-parenting arrangement. In addition, mediation can help settle many property division issues and identify options that may be available to resolve property disputes.

What if we can't agree on everything (or anything) in mediation?

The judge will make decisions about what will happen if mediation does not result in agreement on all the issues, which may include going to trial.

How should I prepare for mediation?

If you are afraid to be with your partner or won't be able to speak up or disagree with him/her in mediation, tell your attorney and your mediator. Mediation may not be appropriate in your case.

Make a list of all the issues you would like to discuss or decide in mediation. This list can help you clarify what's important to you and why. In mediation, it is helpful to start by focusing on what's important to you — not the final decision you think you want.

Consult with your attorney about your list.

Ask your attorney what additional issues you need to discuss and add those to your list. (Your attorney can tell you if there are additional issues you need to consider based on what the law says needs to be decided in cases like yours.)

Then, for each issue on your list, ask your attorney:

- Are there any legal, financial, tax or other long-term ramifications of this issue? For example, the parenting schedule affects how the child support is calculated. Legally, some issues are related to others, and you need to know about them.
- What is the range of what the court might decide and why? If you can't decide on the issues, the court will. It is useful to know the range of what might happen if you two can't make the decisions.
- If we need to go to court, how soon will we be able to go to court and about how much will it cost? This helps you understand your options.
- Can you suggest a range of possible solutions? Then, add these to your own list.
- Make a record of your monthly budget (your income and expenses.) Gather information on your assets, debts, personal property, etc. Bring this to mediation.

Be sure you understand and have copies of any other information you may want to discuss in mediation. You can bring your notes and any work sheets, correspondence, or any documents you think might be useful.

You already understand the personal aspects of your situation. It can be very useful to understand the legal aspects of your case as well. To use your time and money effectively in mediation, it's best to talk with your attorney before and in between mediation sessions, so you are fully informed as you talk and make decisions in mediation. Your attorney is an important resource.

What are possible issues we can discuss in mediation?

A. Parenting Issues

1. Time Sharing

- a. Day-to-day schedule (school year and summer)
- b. Vacations
- c. Holidays
- d. Birthdays
- e. Transportation between parents
- f. Time with extended family members
- g. Making changes in the time sharing schedule
- h. How specific does a schedule need to be

2. Parental Decision Making
 - a. Health
 1. Who provides insurance coverage
 2. Payment of non-covered medical expenses
 3. Notification of major medical emergencies
 4. Decision making during emergencies
 - b. Education
 1. Extra-curricular activities
 2. Parent/teacher conferences
 3. School related expenses
 4. Paying for college
 - c. Religion
- B. Child Support
 1. Child Support Guidelines: who pays and how much
 2. How long will child support last
 3. Specific plan for child support payment
 4. When to review and modify child support
- C. Communication Between Parents
 1. Decision-making process between parents
 2. What to do when parents disagree
 3. Updating the parenting agreement
- D. Financial Issues
 1. Real estate: family home and other real property
 - a. To sell or not to sell
 - b. How to value
 - c. When to sell
 - d. Sharing selling expenses
 - e. Division of equity
 - f. Tax implications
 2. Division of Other Assets
 - a. Furniture, household, and personal property

- b. Motor vehicles
 - c. Checking and savings accounts
 - d. Stocks and bonds
 - e. Retirement accounts
 - f. Profit sharing plans
 - g. Life insurance
 - h. Business and other miscellaneous property
 - 3. Division of Liabilities and Debts
 - a. Credit cards
 - b. Personal loans
 - 4. Spousal support (alimony)
 - a. Permanent or temporary
 - b. Method of payment
 - c. Tax implications
 - 5. Taxes
 - 6. Current year filing and refunds
 - 7. Who will take deductions
 - a. Dependent
 - b. Child care
 - 8. Overall tax implications of your agreement
- E. Any other issues you wish to resolve

Form C

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY

Upon the Petition of _____ Petitioner, and Concerning _____ Respondent.	EQUITY NO. _____ DESIGNATION OF MEDIATOR AND MEDIATION DATE
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Date of Entry of Order for Mediation: _____

1. The parties designate the following mediator (designation must be made within 30 days of receipt or service of the entry of the Order for Mediation):

2. Mediation has been scheduled for the following date: (Date must be within 120 days after service of the original notice and petition of the case):

OR

3. _____ Mediation is not necessary because the parties have reached an agreement resolving all issues and a complete signed stipulation has been filed within 120 days of the filing of this case.

Petitioner

Respondent

Attorney for Petitioner

Attorney for Respondent

FORM D

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY

<p>Upon the Petition of</p> <p>_____ ,</p> <p>Petitioner,</p> <p>and Concerning</p> <p>_____ ,</p> <p>Respondent.</p>	<p>EQUITY NO. _____</p> <p>ORDER FOLLOWING DESIGNATINO OF MEDIATOR</p>
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The parties have designated a mediator in this matter. The parties shall attend and participate in good faith in at least one mediation session within 120 days after service of the original notice and petition of this case.

Within seven (7) days of the completion of mediation in this matter, the parties or an attorney for a party shall file a Family Law Mediation Report with the court, executed by the parties and/or counsel.

The Family Law Mediation Report form can be obtained from the Clerk of Court or at http://_____

FORM E

Family Law Mediation Report Form to be provided by Supreme Court

Go to the Family Law Folder at:

<https://www.iowacourts.gov/for-the-public/court-forms/>

FORM F

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY

<p>Upon the Petition of _____ Petitioner, and Concerning _____ Respondent.</p>	<p>EQUITY NO. _____ APPLICATION FOR WAIVER OF MEDIATION</p>
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The parties in this case have been ordered to participate in mediation by Court order.

I, _____, request that the Court waive the mediation requirement in this case for the following reasons (check all that apply):

_____ I am a protected party in a currently valid domestic abuse protective order or no-contact order issued in a civil or criminal case. A copy of the order IS / IS NOT (circle one) attached to this application. (If an order is not attached, provide the name of the case, case number, county in which the order is issued, the date of issuance):

_____ There is a history of domestic abuse, as defined in Iowa Code Section 598.41(3)(j) (for example, previous filings for protective orders by me, violations of protective orders or no-contact orders by the other party, police response to domestic abuse calls, or domestic abuse assault convictions or arrests of the other party). Because of that history I believe I am in danger of physical or emotional abuse in connection with a mediation session. Describe history of domestic abuse:

_____ I seek a waiver of mediation for other reasons (set forth reasons):

I certify under penalty of perjury and pursuant to the laws of the State of Iowa that the preceding is true and correct.

Dated this _____ day of _____, 20____.

Signature of Applicant

FORM G

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY

Upon the Petition of _____ Petitioner, and Concerning _____ Respondent.	EQUITY NO. _____ APPLICATION FOR REDUCED FEE MEDIATION
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The parties in this case have been ordered to participate in mediation by Court order.

I, _____, request that the Court approve this Application for Reduced Fee Mediation.

I have submitted the required proof to qualify for reduced fee mediation by filing with the Court ONE of the following:

- Financial affidavit form provided by the Clerk of Court and available at <http://> _____

OR

- **Proof** of being a current recipient of (please check one):
 - FIP
 - WIC
 - Food Stamps
 - Supplemental Security Income (SSI) from the Social Security Administration

OR

- Proof of being represented by a Legal Aid Society or by a Volunteer Lawyers Project lawyer

I cannot afford the cost of mediation and request that the Court appoint a mediator on a free of charge or reduced fee basis. Those fees will not exceed \$XXX per hour, and I will pay those fees.

The other party will pay at the mediator's regular rate, unless s/he has also applied and qualified for reduced mediation fees independently.

I certify under penalty of perjury and pursuant to the laws of the State of Iowa that the preceding is true and correct.

Dated this ____ day of _____, 20__.

Signature of Applicant

FORM H

Agreement to Mediate

The undersigned parties have been court ordered to pursue mediation to try to reach an agreement on some or all of the issues of their family law matter. We understand that mediation services will be provided on an impartial basis, and that the role of the mediator is to facilitate our discussions, and that the mediator does not provide counseling or legal advice or representation. Each of us agrees to put his/her anger aside and deal with the issues in a fair way, to focus on present issues rather than the past, to take responsibility for the success of mediation, and to abide by the guidelines which the mediator may set for the conduct of the mediation sessions.

Mediation Process We understand the mechanics of the process and the differences between mediation and other means of conflict resolution. We understand mediation is distinguished from therapy and marriage counseling. We understand the issues to be resolved in the mediation process are defined by the participants. We understand the mediator's task is to facilitate the ability of the participants to negotiate their own agreement, while raising questions as to the fairness, equity, and feasibility of proposed options for settlement.

The mediator has the authority to expel individuals from the session who are being disruptive or counterproductive to the process, and can recess the session to enable any individual, who is not present but necessary to achieving a settlement, to be contacted or brought to the mediation. We further understand that if the mediator or one of the parties is not able or willing to participate in good faith, then either participant, or the mediator, has the right to suspend or terminate the process.

Fees We agree to pay for mediation services at the rate of _____ per hour. We are each responsible for one-half of the total cost of mediation unless agreed otherwise. Either party or the mediator may terminate mediation at any time, and we will be financially responsible for the time accrued to that point. We understand the fee is not a contingency fee or based on the outcome of the mediation process.

Disclosure of Information We agree to fully disclose all information and documents such as financial statements, income tax returns, etc., which are requested by the mediator, and all information requested by the other party if the mediator concurs that the requested information is relevant to the mediation process in discussing the issues.

Confidentiality We understand that the mediation is confidential, except as provided by law. Iowa Code Chapter 679(C) governs mediator confidentiality. Statements made in mediation are made for purposes of compromise and are not admissible in court. Except to the extent required by law or the court, all information given to the mediator is confidential and the mediator will not be compelled to testify. The mediator will inform you immediately if the mediator is notified that the mediator may be ordered to testify so you will have an opportunity to attempt to stop the process. By signing this agreement, we agree we will not require the

mediator to disclose to any third party any statements made in the course of mediation, unless such disclosure is required by law, without our consent.

Communication with Your Lawyer There is no limitation on your right to seek legal advice. You are encouraged to retain your own lawyers and have your lawyers present at the mediation if you so choose. If legal counsel is not present, and you wish to have the mediator speak to your lawyer, you should advise the mediator. The lawyers should review any agreement reached in mediation. Without review and advice by your own lawyer, you may be giving up legal rights to which you are entitled, or running certain risks of which you are not aware, with respect to the following types of issues:

- 1) real and personal property division;
- 2) income tax consequences resulting from an agreement regarding division of property, alimony, or child support;
- 3) accurate documenting and recording of conveyances and proper title to real estate or personal property;
- 4) alimony;
- 5) child custody, visitation and support;
- 6) court costs and attorney fees;
- 7) subsequent modifications and substantial changes in circumstances;
- 8) Court disapproval of any submitted agreement which is contrary to the parties', or affected child's, legal rights.

The above is not a complete list of legal rights and is not meant to be. There may be other considerations unique to the circumstances of your individual case. You should consult a lawyer for advice.

Dated this _____ day of _____, 20__

Petitioner

Respondent

Attorney for Petitioner

Attorney for Respondent

Mediator

FORM I

**APPLICATION FOR ADMISSION TO ROSTER OF MEDIATORS FOR FAMILY LAW CASES
SECOND JUDICIAL DISTRICT OF IOWA**

NAME:

FIRM/BUSINESS NAME:

FIRM BUSINESS STREET ADDRESS:

CITY:

STATE:

ZIP:

TELEPHONE NUMBER:

EMAIL:

Please list any mediation training you have attended, including the title of the program or course, where located, lead instructor, and number of hours completed:

<u>Title</u>	<u>Location</u>	<u>Instructor</u>	<u>Hours</u>
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Please list any other education or training you have attended IN THE LAST FIVE YEARS, including the title of the program or course, where located, lead instructor, and number of hours completed, that is relevant to the practice of family law mediation:

<u>Title</u>	<u>Location</u>	<u>Instructor</u>	<u>Hours</u>
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Please summarize your mediation experience:

Are you an attorney licensed to practice in Iowa or any other state? Yes No

If yes, please list the states and courts in which you are admitted to practice:

Hourly rate for mediation:

Do you conduct in-person mediation? Yes No

Do you conduct remote mediation? Yes No

If yes, by what means? Telephone Conference Videoconference Both

By my signature below, I certify that the information I have provided in this Application is true and correct to the best of my knowledge and belief. I also agree to accept no less than **XXX** pro bono and **XXX** reduced fee mediations per calendar year should I be accepted to the Roster of Mediators for Family Law Cases for the Second Judicial District of Iowa.

Signature

Date

FORM J

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY

<p>Upon the Petition of</p> <p>_____</p> <p>Petitioner,</p> <p>and Concerning</p> <p>_____</p> <p>Respondent.</p>	<p>EQUITY NO. _____</p> <p>ORDER FOR MEDIATION</p> <p>Pending Case</p>
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Pursuant to the Iowa Supreme Court’s administrative order of July 9, 2020, all Iowa judicial districts shall require parties in pending family law cases to participate in mediation where at least one party is represented by an attorney. You are therefore **ORDERED** to participate in mediation in an attempt to resolve the issues in this matter.

Both parties **SHALL**:

Read “Introduction to Family Law Mediation,” which is attached to this Order and can also be obtained from the Clerk of Court or at http://_____

Choose a mutually-agreed upon mediator. If you do not select a mediator and file a Designation of Mediator informing the Court of your selection within thirty (30) days of receipt or service of this Order, the Court will designate a mediator and you shall be required to use the Court designated mediator. A list of mediators can be obtained from the Clerk of Court or at http://_____ The mediator will help you discuss your concerns and possible settlement options in your case, but the mediator will NOT give you legal advice or make any decisions for you. The parties are encouraged to select their own mediator.

Attend AND participate in good faith in at least one (1) mediation session within 90 days of the filing of this order. One mediation session is required, but you may find that attending additional sessions will help you resolve your case. Mediation may not be appropriate when there has been domestic violence. If mediation is not appropriate, you can request a waiver from the Court. An Application for Waiver of Mediation can be obtained from the Clerk of Court or at http://_____

Each person shall pay one-half the cost of mediation. If you believe you cannot afford to pay a mediator, you can request the Court allow you to pay on a reduced fee basis by filing an Application for Reduced Fee Mediation. This form can be obtained from the Clerk of Court or at http://_____

A party or attorney shall file a Family Law Mediation Report with the Court within 7 days of the completion of mediation. The Family Law Mediation Report form may be obtained from the Clerk of Court or at <http://>_____ Any stipulation resolving some or all of the pending issues in this matter reached in mediation must be filed with the Court within 30 days of the completion of mediation.

Violation of this Order, including failure to abide by the deadlines stated in this Order, may result in the imposition of sanctions by the Court, which may include but are not limited to: a dismissal of the case; entry of a default granting the relief requested by the opposing party; an award of attorney fees; a fine; or a jail sentence. If neither party has made a good faith effort to mediate within 90 days from the date that this order, or if the parties reach an agreement and sign a stipulation yet fail to file the stipulation within 90 days from the date this matter was filed, the Court shall dismiss the case. The Court may enter a default judgment granting the relief requested by the opposing party in cases or may commence contempt proceedings on its own application or upon the application of the opposing party where one party has intentionally failed to comply with the mediation requirement.

Failure to comply with this order to mediate will result in this matter being referred to the trial court.