

MEDIATING YOUR FAMILY LAW MATTER

What Is Mediation?

Mediation is a confidential process in which the mediator helps people talk and listen to each other about what is important to them. The mediator is neutral and does not take sides. In mediation, people often get a better understanding of their situation, have a chance to make decisions that are acceptable to both, and decide what to do next.

The participants are present, so information and ideas can be exchanged quickly and efficiently. The mediator assists the parents to have a productive conversation to fashion their own agreement. It is an opportunity to resolve everything.

What Is The Process?

The mediator will usually meet with the parties one or more times (depending on how complicated the case is) to help them clarify the issues, discuss options, and reach agreements. When an agreement is reached, the mediator will draft a copy for the parties' approval.

Agreements in mediation are not final and not signed.

The parties are each strongly urged to consult with their own attorney for advice. It is important that they have their own counsel to confer with when they aren't sure what to do about a particular issue and also to review the final agreement to be sure it is fair and reasonable. Remember, the mediator does not advocate for either party but does make certain that both parties have equal opportunity in the mediation process.

The lawyers might come with their clients to mediation, although their presence is not required.

Is It Confidential?

Everything said in mediation is confidential. If a trial is held, the mediator will not testify. Also, the mediator will not repeat to the other side what you say in any individual sessions, which might be held, unless you give authorization to do so. Thus, you can discuss your case frankly with the mediator without concern that your comments will be repeated.

Is It Appropriate?

Attorneys and mediators will ask about cases where there has been physical or emotional abuse. Either party can request a waiver from court ordered mediation. If the abuse has been discussed with attorneys and all parties choose to mediate, they can proceed. Restraining Orders can be changed to allow for mediation if mediation is believed to be appropriate.

What is the Cost?

Typically, each party pays half of the mediator's fee unless they agree otherwise. Mediator fees vary; some mediators offer a sliding scale. If you are indigent, you may qualify for reduced mediation fees. To apply, file an Affidavit of Financial Status with the Clerk of Court and ask to be considered for low cost (Pro Bono) mediation.

How Do I Prepare for Mediation?

- Make a list of all the issues you would like to discuss to bring to the mediation session.
- List what is important to you about each one.
- Discuss with your attorney additional issues and ask about the legal aspects of all the issues.
- Discuss the range of options and possibilities for each issue.
- Ask how much time and expense going to trial would be.
- Bring copies of any parenting plans and calendars that you have.
- Think about suggestions that would help both of you communicate.

WHAT ARE THE ADVANTAGES OF MEDIATION?

The opportunity to:

1. Reduce Legal Fees. Mediation is efficient and therefore less expensive than litigation.

2. Save Time. In mediation, information and ideas can be exchanged informally, and issues can be clarified.

3. Avoid Hostilities. Mediation is designed to help find resolution to the issues in a supportive, respectful environment.

4. Save the Children. The children suffer from emotional turmoil, no matter how hard you try to protect them. They know their parents are in conflict, and therefore are frequently confused and

frightened. Mediation is a process that helps reduce stressful emotions.

5. Maintain Privacy and Confidentiality. Your personal business is not discussed in a courtroom.

HOW DO YOU CHOOSE A MEDIATOR?

For a roster of court approved mediators, inquire at the County Clerk of Court Office in your Courthouse; or

1. On the computer, go to:

www.iowacourtsonline.org/site_map/

2. Scroll down to find "District Eight" and under that heading, click on "Mediation."
3. As long as the decision is mutual, you may choose anyone as your mediator.

MEDIATION WORKS!

Mediation is a Court Approved Program for The Eighth Judicial District

- *Communications are breaking down?*

- *The issues have to be faced, but you're tired of fighting?*
- *Court ordered to mediate?*



Statistics show that a majority find agreements to their issues through mediation.