

IN THE IOWA DISTRICT COURT, IN AND FOR _____ COUNTY

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| Upon the Petition of _____ Petitioner, | Case No. _____ |
| And Concerning _____ Respondent. | ORDER RE: MEDIATION |

Pursuant to Iowa Code Section 598.7, and the need to assist the parties in alternative dispute resolution, the Court hereby ORDERS that the parties in a marriage dissolution or marriage modification or petition for establishment or modification of custody, visitation and/or child support (excluding Child Support Recovery initiated cases) or any request for temporary matters in the same shall participate in a mediation proceeding. The Court hereby finds that mediation may be an effective manner by which resolution of the parties' differences can be resolved without Court intervention.

IT IS THEREFORE ORDERED that the parties shall meet with a mediator appointed from the roster of mediators maintained by Court Administration within seventy-five (75) days of the date of the answer being filed by the Respondent. The parties must utilize the appointed mediator unless the parties mutually agree to another rostered mediator, in which case they will file an election of mediation. It is the responsibility of the parties to contact the mediator and schedule a time for mediation.

The goal of mediation is to discuss concerns and possible settlement options concerning all issues raised in the pleadings.

PLEASE BE ADVISED THAT THE MEDIATOR IS NOT TO PROVIDE YOU WITH LEGAL ADVICE OR MAKE ANY DECISIONS FOR YOU TO SETTLE THESE PROCEEDINGS. IF SO DESIRED, YOUR ATTORNEY MAY ATTEND THE MEDIATION SESSION WITH YOU.

All costs associated with mediation shall be split equally between the parties. The services rendered for mediation shall be paid directly to the mediator at the commencement of the mediation process. No mediator listed on the court-certified mediation list shall charge a fee in excess of \$165.00 per hour. If either party is unable to pay for mediation, that party shall file an Application for Reduced Rate for Mediation. Any party filing an Application for Reduced Rate for Mediation must do so within 20 days of the filing of an Answer to the Petition. Mediation is required by the parties before a trial scheduling conference is scheduled. Each party is required to pay one-half (1/2) of a three- hour mediation fee to the mediator prior to the start of mediation. If there is a temporary matters hearing scheduled, each party is required to pay one-half (1/2) of one hour of mediation to the mediator prior to the start of the temporary

matters mediation. Participation in temporary matters mediation does not waive or exempt the parties from participating in full mediation. The one hour of mediation for the temporary matters hearing does not count towards the mediation required for a trial scheduling conference. Following the conclusion of any mediation, the mediator will return the unused portion of any prepaid mediation fee.

If one of the parties has been a victim of Domestic Abuse Assault as defined by Iowa Code Chapter 598.41(3)(j), or criminal proceedings have been filed and/or concluded, the victim may make application to the Court to waive mediation if the process would place the victim in fear for his or her safety. The request for waiver of mediation shall be filed within twenty (20) days of the date of the filing of the answer by the Respondent.

Mediators, counsel, and parties are expected to manage their schedule accordingly to permit mediation on temporary matters to take place as soon as possible after an order for hearing is entered. Temporary matters hearings will be set a minimum of five weeks from the date the order for hearing is filed in order to permit the mediation to be scheduled and take place prior to the hearing. It is expected that a mediation on temporary matters will deal primarily and specifically with the temporary matters at issue. If the parties have been exempted from mediation, they are also exempted from temporary matters mediation. The mediator must file a certificate of completion of temporary matters mediation prior to the hearing or the hearing will not proceed as scheduled.

Once mediation has been completed, the mediator will file a certificate with the Court indicating that the parties have met with the mediator and shall provide a succinct description as to any matters settled between the parties. If mediation is successful in resolving all issues presented in the case, the Court expects that a decree or order with an attached stipulation will be presented to the Court within thirty (30) days of the date of the conclusion of the mediation process.

If the parties are unsuccessful in resolving all issues, the mediator shall so inform the Court and the Court will set a Trial Scheduling Conference.

PENALTIES: If either party does not meet the requirements of this order, the Court may fine and/or penalize the party pursuant to Iowa Rule of Civil Procedure 1.602(5). The penalties to be imposed by the Court include, but are not limited to, dismissal of the petition, entry of default against the noncompliant party, an award of attorney's fees to the compliant party, and/or a fine.

Dated this _____ day of _____, 20_____.

JUDGE OF THE DISTRICT COURT

FIRST JUDICIAL DISTRICT OF IOWA