

Confidentiality

The mediator **may not disclose or be subpoenaed** to disclose information that was made known in the process of setting up or conducting mediation

Mediation Agreements

The mediator writes a summary of the agreements that were made in mediation. The summary is provided to the parents and if any, to their attorneys. **The written agreements are not binding until they have been signed by both parties and their respective attorneys, if any, and approved by the court.**

Role of the Attorney

Parents may talk privately to their respective attorneys throughout the mediation process. Parents are encouraged to obtain independent legal advice about the mediation agreement before it is signed.

Ending Mediation

At any time after the two hours of court-ordered mediation has been completed, either parent may withdraw from the mediation process. The mediator may end the mediation at any time if the mediator believes continuing would be unproductive or detrimental to one or both of the parents and/or the children. The mediator informs the court when the mediation has ended. Only when the mediator has initiated the termination of mediation because of conflict of interest or bias does the mediator provide the court explanation about why mediation has ended. At any time, mediation may be waived by court order upon a showing of good cause.

Changing Mediators

Mediators have a duty to be impartial. If the mediator cannot be impartial, the mediator must advise the parents and the court. Either parent may move the court to disqualify a mediator for cause. A different court-approved mediator will be appointed by the court.

Benefits of Mediation

Mediation gives parents the opportunity to **remain in control of decisions** that will affect their life and the life of their child. Parents can **resolve their differences** in a way that **protects their child** from becoming involved in **adult conflicts**. Parents are exposed to methods of **effective communication and problem solving** that can be used as they continue to make decisions about their child. Both parents come away with a plan they can support. Mediation assists parents in creating a more **peaceful future** for themselves and for their child.



Visit us on the web:

<http://www.family-court.org/FCRS.htm>

Family Court Resource Services

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A Guide to the Jackson County Family Court Mediation Program

*"Working
with Families
to Improve
Our Future
One Child at
a Time"*

Introduction

As a child grows, parents have the responsibility of making decisions that will direct and guide their child's life. In situations of separation and divorce, parents are faced with making additional decisions about their child regarding custody, the division of parenting time and the sharing of parental responsibilities. Sometimes, the changes in the parents' personal relationship interferes with their ability to work together in making these significant decisions about their child. Yet the need to make decisions remains, and parents are responsible for them.

In Jackson County, parents are required to file Circuit Court Form 15 in all domestic relations matters in which there are children. A copy of the Form 15 must also be sent to Family Court Resource Services. Form 15 informs the court as to whether or not there are contested issues of child custody, division of parenting time and/or parenting responsibilities. According to Local Court Rule 68.12, when there are contested issues, parents are required to participate in two hours of mediation with a court-approved mediator to address and hopefully resolve their differences. The Form 15 is required to be filed no later than 45 days from the date of service. No case may be docketed until a Form 15 has been filed and the requirements of Rule 68.12 have been met.

What is Mediation?

Mediation is a process where an impartial third party helps parents make decisions that both of them can agree to. The mediator does this by helping parents **clarify** the issues, **reduce** misunderstandings, **explore** options, and **identify** areas of agreement. The agreements are based on the decisions of the parents and not the decisions of the mediator.

How is Mediation Initiated?

Parents may choose to mediate with a mediator from the court-approved mediator list during the 45 days immediately following service (before Form 15 is filed with the Court). Parents select a mediator from the court-approved list, contact the mediator and make arrangements with the mediator for mediation. The mediator provides a Notice of Mandatory Mediation Compliance to the Court verifying the parents participation in mediation.

When Form 15 is filed with the Court and the parents have contested issues of child custody, dividing parenting time and/or parenting responsibilities and the parents have not participated in two hours of mediation with a court-appointed mediator, mediation is arranged by the Office of Family Court Resource Services. A mediator is appointed from the court-approved mediator list, the fees for mediation are determined and the mediation is ordered by the Administrative Judge of the Family Court. A Notice of Mandatory Mediation Compliance is sent to the Court by the mediator to inform the Court of the parents completion in mediation.

Court Approved Mediators

Mediators on the court-approved list meet the qualifications set by the Missouri Supreme Court and the Jackson County Family Court to mediate child custody and related parenting issues. They are attorneys or persons who have a graduate degree in counseling, psychology, social work or a related field. They have specialized training in family issues, the judicial system, child development and conflict resolution. Court-approved mediators have agreed to follow the procedures and standards set by the courts. A list of court-approved mediators can be obtained by contacting the Office of Family Court Resource Services at (816)881-1814.

Fees for Mediation

In mediation that is ordered by the Court, each parent pays a fee according to their individual annual gross income. The fees are determined using a sliding fee scale. Fees are paid directly to the mediator by the parties, before the mediation begins. In mediation that is arranged between the parents and the mediator, the mediator sets the fees for mediation. Some mediators follow the Courts sliding fee scale. Some mediators charge according to the fees they charge in their primary profession. Other mediators work with the parents to set a fee according to what all the participants agree upon. Fees for mediation should always be put in writing before the mediation begins. **If either party fails to appear for any mediation session without reasonable notice, the court may, on motion, award attorney's fees and/or costs or impose any other appropriate sanction provided by law.**

Persons Involved in Mediation

Typically, mediation sessions include the parents together with the mediator. The mediator may meet with the children and when both parties agree, with other persons. With the consent of both parties and at the discretion of the mediator, attorneys may be present and participate in the mediation process.

Service Limitations

The mediator **may not** act as an attorney or counselor for either parent during the time the parents are involved in mediation. The mediator **may not** act as an investigator for any court-ordered report nor make any recommendations to the court about child custody and/or related issues.