

**SUMMARY OF HOW ADR METHODS ARE BEING USED IN DOMESTIC RELATIONS CASES**

Similar to Cook County, many states and counties throughout the country have enacted rules and programs implementing ADR methods to handle disputes involving parenting time and other custody-related issues. Highlighted below are summaries of statutes, rules and programs that promote the use of ADR methods in resolving financial and property disputes in family law cases. For more information regarding particular statutes, rules and programs see <http://courtsadr.org>.

**STATUTES**

**Arizona Rules of Family Law Procedure Section VIII -  
Settlement and Alternative Dispute Resolution**

Under these rules, the court may direct the parties in a case to participate in alternative dispute resolution, either upon its own motion or the motion of any party. Additionally, any case involving child custody or parenting time is automatically subject to ADR. Parties must confer regarding the possibility of settlement and whether they might benefit from the use of ADR processes.

**ARIZONA**

**Inyo County Superior Court Local Rule 7.9 - Arbitration**

This rule allows the Family Court to refer property disputes to arbitration if the value of the property in question does not exceed \$50,000.

**San Bernardino County, California, Superior Court Local  
Rule 1511 - Mediation**

This rule describes general mediation procedures for Family Court Services. Parties' attorneys do not participate in mediation, and may only meet with the mediator if the attorney for the other party is present. When an agreement is reached, it will be submitted to the court for approval and adoption. When an agreement is not reached, the mediator will submit a recommendation to the parties and/or parties' attorneys and the court.

**CALIFORNIA**

**PROGRAMS**

San Joaquin County, California, Superior Court Local Rule  
7-104 - Mediation

# CALIFORNIA (CONT.)

This rule provides guidelines for the mediation of family court cases. A party may challenge a mediator for good cause by filing a formal motion, and a mediator may decline a case if there is a conflict of interest involved. Except to schedule hearings, ex-parte communication between attorneys and mediators is prohibited.

San Mateo County, California, Superior Court Local Rule  
5.5 - Alternative Dispute Resolution

This rule requires a party to a family law action to serve the other party a notice on ADR options along with other petitions or responses related to the case. No trial or hearing date will be set until the notice has been served. Domestic violence cases are not subject to this requirement. The rule also requires the court to maintain a list of attorneys qualified to provide ADR services.

Yolo County, California, Superior Court Local Rule 20.1 -  
Mandatory Settlement Conferences

This rule establishes the Family Law Settlement Program, run in partnership between the court and the local family law bar association. All family law matters will be scheduled for a mandatory settlement conference, which both parties and their counsel are required to attend and participate in good faith. Family law attorneys are assigned to preside over the conferences.

Del. Fam. Ct. Civ. R. 16

A mediation conference shall be held by a court staff mediator in all proceedings requesting relief in the form of support, and in custody and visitation proceedings. The rule outlines procedures for the requesting of continuances and the issuance of interim orders and contact schedules. Further, the rule sets forth requirements for attendance of conferences, continued discovery during mediation proceedings, and sanctions and dismissals based on failure to comply.

# DELAWARE

Del. Fam. Ct. Civ. R. 16.1

# DELAWARE (CONT.)

The court is authorized to order any proceeding to compulsory alternative dispute resolution. Parties may also request to participate in ADR. Parties may choose from mediation, neutral case assessment, or binding or non-binding arbitration. The default ADR process will be mediation if the parties cannot agree.

## Multi-Door Dispute Resolution Division

This is the dispute resolution center for the DC Superior Court. The Center helps parties settle disputes through mediation and other types of appropriate dispute resolution (ADR), including arbitration, case evaluation and conciliation. One of its programs focuses on family mediation. The name "Multi-Door" comes from the multi-door courthouse concept, which envisions one courthouse with multiple dispute resolution doors or programs. Cases are referred through the appropriate door for resolution. The goals of a multi-door approach are to provide citizens with easy access to justice, reduce delay, and provide links to related services, making more options available through which disputes can be resolved. The Multi-Door Dispute Resolution Division of the D.C. Superior Court assists parties to reach agreements that meet their interests, preserve relationships, and save time and money.

# DISTRICT OF COLUMBIA

# FLORIDA

## Florida Statutes, Chapter 44: Mediation Alternatives to Judicial Action

This statute authorizes the use of mediation and arbitration in civil and family cases. It provides for voluntary binding arbitration, court-ordered mediation and non-binding arbitration. It also provides for the establishment of Citizen Dispute Settlement Centers. Additionally, it discusses standards and procedures, fees, immunity and funding.

### 11th Judicial Circuit of Florida Administrative Order 09-15: Parenting Coordination in Family Law Cases

With the consent of the parties, the court may appoint a parenting coordinator to assist parents and/or legal guardians in implementing a parenting plan. The order outlines procedures for appointing a coordinator and conducting the coordination process, including qualifications, confidentiality, issues of domestic violence, training, coordinator duties, disqualification, and termination of the process.

### Florida Family Law Rules of Procedure, Rules 12.740-12.741: Family Mediation; Mediation Rules

These rules authorize the referral to mediation of family law cases. They address referral to mediation, compensation, appearances, completion of mediation, agreements and reporting on the mediation, and discovery. Additionally, it outlines the procedures for interims, sanctions for failure to appear, adjournments, counsel, mediator communication with the parties and appointment of the mediator.

### Florida Rules for Certified and Court-Appointed Mediators

These rules address mediator qualifications; good moral character; definitions and concepts of mediation; the mediator's role; the mediator's responsibility to the parties, including self-determination, nonparticipating parties, impartiality, conflicts of interest, demeanor, confidentiality, professional advice or opinions, and compensation; the mediator's responsibility to the mediation process; the mediator's responsibility to the mediation profession; and mediator discipline.

## Family Mediation Model (6<sup>th</sup> circuit)

The program was implemented in the 6<sup>th</sup> circuit in 2005. Parties are required to submit a financial affidavit or income statement in order for the court to determine whether the parties are eligible for court-provided family mediation services. All post-judgment matters and all initial hearings on temporary relief matters in original petitions, shall be automatically referred to mediation prior to a hearing on the matter (certain exceptions apply). Family mediation cases may involve: dissolution of marriage issues, temporary relief matters, post-judgment matters, parental responsibility and primary residence of children, child support, spousal support, equitable distribution of marital property. If an agreement is not reached, the mediator reports the lack of agreement to the court without comment or recommendation. If an agreement is reached, it is placed in writing, signed by the parties, and filed with the court.

# GEORGIA

## **Conasauga County Superior Court Rules for Alternative Dispute Resolution**

Any civil or domestic case not involving serious domestic violence may be referred to ADR by the presiding judge or upon request of a party or attorney.

### **Gwinnett County, Georgia, ADR Program IOP Section I - General Guidelines**

Cases may be referred to court-annexed ADR upon motion by any party, by consent of all parties, or by the court. Parties to any civil case, domestic case, juvenile matter, or warrant application hearing may be ordered to utilize ADR.

### **Rules of the Superior Courts of Southern Judicial Circuit of Georgia for Alternative Dispute Resolution**

Except for domestic relations cases involving allegations of abuse, these rules instruct the court to refer all cases to ADR that have been pending for 150 days. Before that point, the court may order cases to ADR at its discretion or upon parties' request. Parties may petition the court to dispense with ADR if they can prove good cause.

# INDIANA

## **Indiana Code 31-15-9-4: Dissolution of Marriage and Legal Separation: Mediation**

When considering mediation referrals for dissolution of marriage cases, this chapter says the court's main considerations should be whether the parties in a case are able to pay for mediation services and whether mediation is appropriate in helping resolve the dispute. It also sets a limit of 60 days for a mediation to be completed after a case is referred, unless the time period is extended by a court order, agreement of the parties, or on the recommendation of the mediator.

## **Indiana Code 31-16-6-4: Support of Children and Other Dependents: Mediation**

When considering mediation referrals for child support cases, this chapter says the court's main considerations should be whether the parties in a case are able to pay for mediation services and whether mediation is appropriate in helping resolve the dispute. It also sets a limit of 60 days for a mediation to be completed after a case is referred, unless the time period is extended by a court order, agreement of the parties, or on the recommendation of the mediator.

## **Indiana Code 33-23-6: Circuit Court and Superior Court Domestic Relations Alternative Dispute Resolution**

In those counties that meet the listed requirements, this chapter allows court clerks to collect an alternative dispute resolution fee of \$20 from parties filing petitions for legal separation, paternity or dissolution of marriage.

## **Indiana Code 34-57-5: Family Law Arbitration**

This statute establishes the rules governing family law arbitrations for cases involving marriage dissolution, child custody and child support issues. It addresses the referral and arbitrator selection processes, the duties and powers of the arbitrator, and other topics.

## **Allen County, Indiana, Superior and Circuit Court Family Law Local Rule LR02-FL00-733: Alternative Dispute Resolution**

Mediation is required for all cases involving parenting time disputes. It will also be required for family relations cases requiring a half-day hearing or longer. The rule also addresses mediator selection and compensation.

# INDIANA (CONT.)

## **\*\*Clark County, Indiana, Circuit Court Family Rule 16: Mandatory Mediation in Pro Se Cases with Minor Children**

With some exceptions, pro se domestic relations cases involving children and paternity cases will be referred to mediation. The rule outlines the referral process and requirements for a mediator's report following mediation.

### **Indiana Rules for Alternative Dispute Resolution**

These rules apply to all civil and domestic relations cases filed in trial courts in Indiana. They cover several ADR processes, including mediation, arbitration, mini-trials, summary jury trials, and private judges. These processes may all be ordered by the judge, with the exception of binding arbitration and summary jury trial, which require the agreement of the parties. All the processes are to be provided for-fee. The rules include immunity of and discipline for ADR providers approved by the court. They also allow for and encourage the use of mediation for disputes not in litigation.

### **Johnson County Local Rule LR41-FL00-100: Mediation**

Under this rule, mediation shall be required prior to final hearing on any contested issue on petitions for dissolution of marriage, petitions to modify, petitions to establish paternity, and petitions to show cause that will take longer than one hour to try, except in cases in which the state of Indiana is a party.  
**Lake County, Indiana, Alternative Dispute Resolution Rules**

In civil cases, the court may order the parties to mediation or mini-hearing upon their request, or if sufficient time has elapsed without the scheduling of a pre-trial conference. The court may also order the use of mediation in domestic relations cases. The rules outline procedures for filing motions and objections, for selection of a mediator, and for the completion of mediation. Requirements are given regarding attendance and the payment of mediators' fees for both civil and domestic relations cases.

### **LaPorte County, Indiana, Circuit and Superior Courts Local Family Law Rule 4: Mandatory Conferences**

Parties to a divorce case must meet for a "Mandatory Preliminary Conference" prior to any contested hearing in order to attempt to resolve disputed issues. Parties must also meet at least 21 days prior to a final contested hearing for a "Mandatory Final Conference," in which they attempt to resolve issues involving minor children, marital assets and liabilities. The court may waive these requirements if good cause is shown.

# INDIANA (CONT.)

**LaPorte County, Indiana, Circuit and Superior Courts Local Family Law Rule 5: Custody Evaluations, CASA/G.A.L. Intervention, Court-Ordered Counseling, and Mediation**

Part E of this rule authorizes parties to divorce cases to mediate their dispute without a court order.

**Lawrence County, Indiana, Local Trial Rule LR47-ADR2-112: Mediation**

Mediation is mandatory for divorce cases requiring more than one hour for a final hearing, in all civil cases where a demand for a jury trial has been made, and all civil cases to be tried without a jury where the court hearing would require more than two hours. Parties may file an objection to mediation with the court. The rule outlines the referral procedure, and encourages parties to consider other forms of ADR instead of or in addition to mediation.

**Monroe County, Indiana, Circuit Court Family Court Rule IRS3-FL00-0412: Family Law Pre-Trial Conferences**

This rule requires parties to contested family law cases to attend at least one pre-trial conference. At the initial pre-trial conference, the court may consider, among other actions, whether the case should be referred to mediation or other alternative dispute resolution procedure.

**Shelby County Local Rule LR73-FL00-2: ADR in Domestic Relations**

This rule provides an overview of a plan to provide ADR opportunities to litigants involved in dissolution of marriage, legal separation, and paternity cases. Under this rule, all domestic relations litigants with custody and/or visitation disputes expected to take one hour or more of court time are required to participate in the ADR plan. Mediation is preferred, but non-binding arbitration or counseling may be requested or ordered. The rule states requirements for payment of fees, and outlines procedures for plan education, coordination, and evaluation.



**INDIANA  
(CONT.)**

**Starke County, Indiana, Circuit Court Local Family Law  
Rule LR75-FLM0-12: Pre-Trial Conferences**

In any divorce or domestic relations case, the court may order or the parties may request to hold a pre-trial conference. At the conference, the parties should be prepared to discuss, among other topics, mediation of the contested issues.

**Vanderburgh County Superior Court Domestic Relations  
Rule LR-82-FL-00-4.04**

Under section (B) of this rule, no contested hearing reserving more than a half day shall be set unless the parties either have mediated the matter or have entered into a mediation agreement that provides that the matter must be mediated at least 30 days prior to any trial setting. The court may also order parties to mediate regardless of time reserved for hearing, in its discretion. Mediation requirements may be waived by a judge or magistrate.

**Eighth Judicial District of Iowa Rule 27 - Pre-Trial  
Conferences in Domestic Cases**

Under this rule, all dissolution of marriage disputes and other domestic relations disputes shall undergo a pre-trial conference at which, among other things, the presiding judge may direct mediation if required by the court.

**IOWA**

**Eighth Judicial District of Iowa Rule 28 - Modification of  
Domestic Decrees**

Under this rule, all cases for modification of dissolution of marriage or other domestic relation decrees shall undergo a pre-trial/settlement conference at which, among other things, the presiding judge may direct mediation if required by the court.

**K.S.A. §23-602**

The court or hearing officer may order mediation of any contested issue of child custody, residency, visitation, parenting time, division of property or other issues, at any time, upon motion of a party or on the court's own motion.

**KANSAS**

# KENTUCKY

## 22nd Circuit Court of Kentucky Rule 29 - Mediation

Any judge may refer any civil or family case to mediation, excepting habeas corpus cases and election contests, with or without the consent of the parties. The court shall refer the case to a mediator, though parties may move to enter an order disqualifying the mediator for good cause.

## 30th Judicial Circuit Court of Kentucky Family Court Rule

### 7-706: Mediation

Parties are to engage in mediation on all substantive issues before scheduling any hearings with the court.

# MAINE

## Maine Statute 19-A-251: Alternative Dispute Resolution

This statute requires the court to refer domestic relations cases to mediation, except when "extraordinary causes" require its waiver. The statute outlines the procedures for the filing of agreements, as well as the court's response to no agreement or bad faith participation.

# MICHIGAN

## **Michigan Child Custody Act of 1970, Section 722.27b: Order for grandparenting time**

If the court finds that a grandparent's petition for a grandparenting time order has met certain qualification, this section directs the court to refer the case to the friend of the court mediation service. If no mediation settlement has been reached within "a reasonable time" after the referral, only then may the case proceed to trial.

## **Michigan Court Rule 3.216 - Domestic Relations Mediation**

Under this rule, the court may refer any contested issue in a domestic relations case to mediation, either on stipulation or motion of one or more parties or on its own initiative, though parties may file motions to remove cases from mediation. The rule outlines procedures for application to a list of mediators and selection of mediators, as well as procedures for conducting mediation, including scheduling and attendance requirements. Further, the rule gives requirements regarding confidentiality, compensation and mediator qualifications.

## **Michigan Friend of the Court Act: Domestic relations mediation; services; agreement; consent order; confidentiality of communications; minimum qualifications of mediator**

While not making mediation mandatory, this section requires the court to provide domestic relations mediation services to those parties who are interested in using it. The section also addresses mediation confidentiality, as well as mediator qualifications.

## **Michigan Revised Judicature Act of 1961, Chapter 50B: Domestic Relations Arbitration**

"This chapter provides for and governs arbitration in domestic relations matters." It lists the types of disputes that may be arbitrated, and identifies certain cases, such as those involving domestic abuse, in which the court may not order arbitration. The chapter also outlines mediator qualifications and powers, as well as the arbitration hearing, settlement and appeal processes.

## **Friend of the Court Act (MCL 501 et seq.)**

Friend of the Court office is part of the family division of the circuit court. There is at least one office for each circuit court in the state. Duties of the office are performed under the direction and supervision of the chief judge. Generally, the friend of the court is only involved in cases dealing with child custody, parenting time, and support (including health care coverage for children & spousal support). Offers mediation and alternative dispute resolution to help parents reach agreements. Purposes of the Act include: to encourage & assist parties voluntarily to resolve contested domestic relations matters by agreement (specifically child custody and parenting time); to compel the enforcement of parenting time and custody orders; to compel the enforcement of support orders. If agreement is reached, a consent order is drafted and provided to the court to be entered.

**Minnesota Statute 518.1751: Parenting time dispute resolution**

Except in cases where abuse is alleged or suspected, or where the parties cannot afford it, this statute allows the court to refer parenting time disputes to a parenting time expeditor for resolution. Judicial districts are allowed to establish mandatory referral programs, or rely on parties to request referrals themselves. The statute outlines requirements for the appointment, training, and determination of fees for expeditors, as well as confidentiality requirements and the procedures for filing agreements with the court.

**Minnesota Statute 518.619: Custody or visitation; mediation services**

Except in cases where there is probably cause to suspect child or spousal abuse, this statute permits the court to refer any dispute concerning custody or parenting time rights to mediation. The statute sets basic mediator qualifications and the broadly outlines the process for filing agreements, but otherwise instructs the courts to adopt and implement individual rules for their mediation programs.

**Rules of Minnesota Family Court Procedure Rule 310 - Alternative Dispute Resolution**

Under this rule, all family law matters in district court are subject to alternative dispute resolution processes except for certain cases involving domestic abuse, contempt, or maintenance, support, and parentage actions. The court will not require participation if there are allegations of abuse by any party. The court may order ADR in matters involving post-decree relief.

**Early Neutral Evaluation**

Voluntary evaluative process designed to facilitate prompt dispute resolution in custody, parenting time, and financial matters. Each attorney or pro se party is asked to present the important issues in the case. Unless more information is needed, the ENE provides immediate feedback and settlement possibilities are discussed. The process usually takes about one month.

**MINNESOTA**

**Mississippi Uniform Chancery Court Order 1**

This order states that mediators may be made available by the court in any domestic relations action, upon joint request of the parties or their attorneys, or through the court's own determination. Counsel must inform their clients on the advisability of using mediation services. All settlements reached through mediation must be submitted to the court for approval. Mediators are selected by the judge, who may assess each party a reasonable sum, as cost, to cover the services of the mediators.

**MISSISSIPPI**

# MISSOURI

**Missouri Statute 487.100: Mediation, counseling, home study may be recommended--costs.**

Authorizes judges to order parties to family court cases to participate in mediation. Parties may also request to participate in mediation. Courts may determine the cost of mediation and may charge the parties for mediation, taking into account their ability to pay.

**22nd Judicial Circuit Court of Missouri Local Rule 38:  
Voluntary Early Dispute Resolution**

Civil and family cases may be referred to mediation at the request of the parties or by the court's own motion. When mediation is ordered by the court, parties may opt out of participating in mediation if they determine it will not be productive. The court may also order parties, or parties may request, to participate in other alternative dispute resolution programs, including arbitration, early neutral evaluation, mini-trial or summary jury trial.

**28th Circuit Court of Missouri Local Rule 68.10: Alternative  
Dispute Resolution Program**

Parties in every case involving contested family law disputes are required to participate in at least two hours of mediation. Prior to mediation, parties must attend an alternative dispute resolution education session.

**30th Judicial Circuit Court of Missouri Local Rule 68.9:  
Alternative Dispute Resolution Program**

Parties to contested family law cases must participate in at least two hours of mediation. This requirement may be waived by the court if good cause is shown. Prior to mediation, both parties must attend an educational session on alternative dispute resolution.

<p style="text-align: center;"><b>MISSOURI (CONT.)</b></p>	<p style="text-align: center;"><b>31st Judicial Circuit Court of Missouri Local Rule 6.9(d): Alternative Dispute Resolution Program</b></p> <p>In every case involving contested family law disputes, parties must participate in at least two hours of mediation or other alternative dispute resolution program. Prior to mediation, parties must attend an educational session on ADR. Other ADR programs approved under this rule include early neutral evaluation, arbitration, mediation/arbitration, collaborative law, parenting coordination and therapeutic family mediation.</p> <p style="text-align: center;"><b>44th Judicial Circuit Court of Missouri Local Rule 68.15: Court-ordered mediation</b></p> <p>The court order parties in divorce cases to mediation. Parties are responsible for scheduling mediation with a court-approved mediator and are required to attend or face court sanctions.</p>	
<p style="text-align: center;"><b>MONTANA</b></p>	<p style="text-align: center;"><b>Montana Code 40-4-3: Family Law Mediation</b></p> <p>This statute sets guidelines for the mediation of family law disputes. The statute addresses confidentiality and mediator qualifications, among other topics. It also stipulates that the court may not refer cases to mediation when there is reason to suspect one of the parties or a child has been abused by the other party.</p>	
<p style="text-align: center;"><b>NEW MEXICO</b></p>	<p style="text-align: center;"><b>New Mexico Statute 40-4-7.2: Binding arbitration option: Procedure</b></p> <p>Upon agreement of the parties, this statute authorizes the court to refer to arbitration cases regarding divorce, separation, custody or time-sharing, child support, spousal support, marital property and debt division, or attorney fees.</p> <p style="text-align: center;"><b>New Mexico Statutes 40-12-1 - 40-12-6: Domestic Relations Mediation</b></p> <p>In addition to consultation and evaluation services, this article authorizes the court to provide mediation services for domestic relations cases. The article also instructs each judicial district with a mediation program to create a domestic relations mediation fund, which will receive revenue from fees paid by parties as well as a special surcharge added to the case filing fee.</p>	

# NEW MEXICO (CONT.)

**First Judicial District Court of New Mexico Administrative  
Order 2008-01: In the Matter of an  
Alternative Dispute Resolution Pilot Program Project**

Authorizes the extension of the alternative dispute resolution program pilot project and outlines procedures for conducting the program. The order states that any civil, probate, or domestic case may be referred to settlement conference at any time, either in the discretion of the court or upon request by a party. The program director will assign settlement facilitators from a list maintained by the court, the parties may stipulate for a particular facilitator, or judges may make the assignment. The order also discusses immunity, facilitator qualifications and training, compensation, fees, scheduling, and evaluation.

**Supreme Court of the State of New York, County of New  
York: Statement of Procedures - Matrimonial Mediation  
Program**

These rules detail procedures for the Matrimonial Mediation Program in New York County, New York. In this program, Supreme Court Justices may refer cases to mediation, or parties may request a referral to pursue mediation. The procedures outline the role of the mediator, attorney and court and address issues of domestic violence, confidentiality, sanctions, fees, mediator rosters, agreements, attendance and child abuse, among other topics.

**Supreme Court of the State of New York, County of  
Westchester: Statement of Procedures - Matrimonial  
Mediation Program**

These rules detail procedures for the Matrimonial Mediation Program in Westchester County, New York. In this program, the Matrimonial Part Justice or court attorney-referee may refer cases to mediation, or parties may request a referral to pursue mediation. Cases involving domestic violence, child abuse or power imbalance are not appropriate for mediation. The procedures outline the role of the mediator, attorney and court and address issues of confidentiality, sanctions, fees, mediator rosters, agreements and attendance, among other topics.

# NEW YORK

# NEW YORK (CONT.)

**Supreme Court of the State of New York, Queens County:  
Matrimonial Mediation Pilot Program**

These rules detail procedures for the Matrimonial Mediation Program in Queens County, New York. In this program, Supreme Court Justices may refer cases to mediation, or parties may request a referral to pursue mediation. Cases involving domestic violence, child abuse or a power imbalance are not appropriate for mediation. The procedures outline the role of the mediator, attorney and court and address issues of confidentiality, sanctions, fees, mediator rosters, agreements and attendance, among other topics.



# NORTH DAKOTA

## South Central Judicial District of North Dakota Local Rule 2 - Mediation Orientation

Under this rule, all contested family law proceedings are subject to a mediation orientation consultation, except those involving domestic violence. The court may issue an order for mediation upon a motion by either party, a stipulation or request for mediation from the parties, or in contested child custody proceedings upon the court's initiative, except when issues exist which may involve physical or sexual abuse of a party or the child of a party to the proceeding.

## Ohio Statute 3109.052: Mediation of differences as to allocation of parental rights and responsibilities

For certain family relations disputes, this statute authorizes the court to refer parties to mediation. These referrals can only be made for disputes involving divorce, dissolution, legal separation, annulment, or the allocation of parental rights and responsibilities for the care of a child. The statute also makes exceptions for cases involving allegations of abuse, unless the judge determines mediation is still in the best interests of the parties. The statute precludes mediators from being called to testify in court as to mediation proceedings, even if both parties give their consent to such disclosure.

## Fulton County, Ohio, Court of Common Pleas: Rule 15.01 - Mediation in Domestic Relations Matters

Under this rule, the court may refer a domestic relations case to mediation by its own motion or by that of the parties. Cases may also be referred by random selection. The rule states that communication is confidential if there is a written agreement. Further issues addressed include attendance, mediator qualifications and screening for domestic violence.

# OHIO

# OHIO (CONT.)

**Miami County, Ohio, Court of Common Pleas: Rule 8.28 -  
Mediation - Domestic Relations Actions**

This rule applies to domestic relations cases and states that the court may refer any action under its jurisdiction to mediation on its own motion or through that of a party. The rule addresses mediator selection and qualifications, domestic violence, confidentiality, mediator conflict of interest, cost and sanctions. Mediators must inform the court of the mediation's outcome.

**Montgomery County, Ohio, Domestic Relations Court Rule  
4.36 - Mediation**

Under this rule, the court may order parties into mediation in any action for divorce, legal separation or annulment at any time after the service of summons or the filing of a post-decree motion. The mediation will cover issues regarding the allocation of parental rights and responsibilities and related issues involving the minor children. Requirements are outlined for fees and confidentiality.

**Preble County, Ohio, Court of Common Pleas: Domestic  
Relations Rule 31 - Mediation**

Under this rule, the judge or magistrate may, on his or her own motion or on that of a party, refer cases under the court's jurisdiction to mediation, with exceptions. Parties select a mediator and cases are screened for domestic violence. The rule addresses issues of confidentiality, mediator conflicts of interest, continuances, mediator qualifications, cost and sanctions for failure to attend a mediation conference.

**Van Wert County, Ohio, Court of Common Pleas: Rule 25 -  
Mediation**

This rule applies to domestic relations cases and states that any action may be referred to mediation at any time by either court order or by party agreement. The rule outlines the referral process, mediation procedures, participation of both parties and non-parties, confidentiality, mediator conflicts of interest, mediator qualifications and cost, among other topics.

# OHIO (CONT.)

## Warren County, Ohio, Court of Common Pleas: Division of Domestic Relations Local Rules Part 5 - Dispute Resolution

This part discusses conciliation and mediation in the Court of Common Pleas of Warren County, Ohio. Rule 5.1 includes requirements for a motion for conciliation and states that an attorney "must file a notice of dismissal or notification of intent to proceed" before a status conference is held, but at the end of the conciliation period (p.22). Rule 5.2 states that the court may order parties in a divorce, annulment or legal separation action involving parenting issues to mediation. Parties must complete a mediation intake form and mediators must submit a report to the court at the mediator's conclusion. The rule also addresses issues of cost (free to the parties if the mediation court-connected, rather than private), confidentiality and mediator qualifications.

## Williams County, Ohio, Court of Common Pleas: Rule 3.2 - Mediation in Civil and Domestic Relations Cases

Under Rule 3.22, domestic relations matters may be submitted to mediation by the court on its own motion or that of parties' counsel, through mediator referral or by party agreement. If there is a written agreement, communication in mediation may be confidential (p.14) and mediators must have specialized training in domestic abuse in mediation.

## Oregon Statutes 36.400 - 36.425: Court Arbitration Program

For civil cases involving less than \$50,000 or domestic relations cases only involving the division of property, these sections require circuit courts to refer the parties to arbitration. Section 36.425 also outlines the general guidelines for arbitration proceedings.

# OREGON

# PENNSYLVANIA

York County, Pennsylvania, Civil Rules 1970-1975: Family Law Mediation

Under these rules, family law cases which, if not settled, would be heard and decided by a judge or a master, are eligible for the mediation program, with some listed exceptions. Any party or attorney may file an application for mediation. The rules outline procedures for mediator selection and training, conduct of mediation conferences, duties of the mediator and sanctions.

South Carolina Statute 63-3-530 - Jurisdiction in domestic matters

In part A-39 of this section, the family court is authorized to require parties to engage in court-mandated mediation, or to consent to requests from parties to voluntarily participate in any other form of alternate dispute resolution.

# SOUTH CAROLINA

Texas Family Code Title 1, Chapter 6, Subchapter G  
Alternative Dispute Resolution

This subchapter addresses arbitration, mediation, collaborative law and informal settlement conferences in cases of marriage dissolution. The subchapter states that upon a written agreement from the parties, the court may refer them to arbitration for a suit regarding marriage dissolution which, if agreed to by the parties, is binding. The court may refer a case to mediation either as a result of a written agreement between the parties or a court motion. In mediation cases, an agreement is binding if it meets certain requirements and if so, is entitled to judgment. Collaborative law may be pursued if there is a written agreement of parties and their attorneys and is dependent upon a good faith effort to dissolve the marriage without judicial intervention. Finally, parties may agree to an informal settlement conference with or without their attorneys.

# TEXAS

<p style="text-align: center;"><b>TEXAS (CONT.)</b></p>	<p style="text-align: center;"><b>Texas Civil Practice and Remedies Code Title 7, Chapter 155 Settlement Weeks</b></p> <p>This chapter states that any county with a population of 150,000 or above shall have a settlement week, during which district courts, constitutional and statutory county courts and the family law courts "will facilitate the voluntary settlement of civil and family law cases." Any attorney currently licensed in Texas may serve as a mediator if he or she has proper training. Administrative judges will cooperate with a mediation or alternative dispute resolution center, as well as with the local bar and other interested organizations, in order to "encourage participation and increase public awareness about settlement week."</p> <p style="text-align: center;"><b>Texas Family Code Title 5, Subtitle C, Ch. 203 Domestic Relations Offices</b></p> <p>This chapter states that domestic relations offices may "provide an informal forum in which alternative dispute resolution is used to resolve disputes under this code" and may charge a reasonable fee to provide those services.</p>	
<p style="text-align: center;"><b>UTAH</b></p>	<p style="text-align: center;"><b>Utah Statute 30-3-39: Mediation program</b></p> <p>This statute establishes a mandatory mediation program for all divorce cases brought to the court. Parties are required to participate in good faith in at least one mediation session, unless the director of the court dispute resolution program, the court or the mediator excuses one or both parties for good cause.</p>	
<p style="text-align: center;"><b>VIRGINIA</b></p>	<p style="text-align: center;"><b>Virginia Statute 20-124.4: Mediation</b></p> <p>Section 20-124.4 states that in any appropriate case the court shall refer the parents or persons with a legitimate interest to a dispute resolution evaluation session. A history of family abuse should be considered when determining the appropriateness of a case for mediation. Fee to the mediator shall be \$100 per appointment and will be paid by the Commonwealth of Virginia.</p>	

# WEST VIRGINIA

## West Virginia Family Court Rules 38-46: Mediation

These rules outline procedures for conducting mediation in the family courts. Each court shall establish a panel of mediators, subject to the approval of the supreme court of appeals. The rules provide requirements for conducting a pre-mediation screening and filing a report of the results, as well as conducting the mediation itself. Requirements are also given regarding mediation fees, mediator disqualification, confidentiality and immunity.

# WISCONSIN

## Dane County, Wisconsin, Circuit Court Rule 407 - Family Court Counseling Service

Under this rule, court ordered referrals for mediation may be based on a motion, petition, or letter. When mediation is ordered, both parents must participate. Waiver of mediation may be requested. The first mediation session will be free, but parties must pay costs for subsequent sessions. Parties may arrange for private mediation if they prefer. The rule provides requirements regarding scheduling of mediation and payment of fees, as well as procedures for circulating a mediation agreement.

## Dunn County, Wisconsin, Circuit Court Rule 501 - Mediation

Under this rule, the court shall pay costs for the initial mediation session in family law matters, but not for subsequent sessions unless approved by the court. Copies of the mediation order will be sent to the attorneys and the mediation center designating the mediator, the time frame for scheduling the session, and the time frame for the session itself. The judge must make a good cause determination in the case that someone claims a change of mediator is needed.

# WISCONSIN (CONT.)

## Green County, Wisconsin, Circuit Court Rule 404 - Family Court Counseling Services

Under this rule, the court shall review all family actions for determination under the statutes as to the appropriateness or necessity of directing the parties to mediation. The initial session shall be without cost to parties. The rule outlines procedures for payment of fees for subsequent sessions, and discusses sanctions for failure to pay.

## Lafayette County, Wisconsin, Circuit Court Rules Part 9 - Family Law Practice

Under this rule, parties are entitled to a single mediation session free of charge, but may be required to prepay a fee for mediation beyond the first session. The fees may be reduced or eliminated in accordance with the parties' abilities to pay the fees. The rule also outlines procedures to be followed upon reaching mediation agreements in pending divorce, post-judgment divorce, paternity, and other family actions, as well as procedures for submission of parenting plans and requesting a trial de novo.