

## **MEDIATION SERVICES**

### **Orientation**

When a case is assigned to mediation, the mediation clerk will mail the parties a mediation packet which includes instructions for viewing the orientation video on-line. After viewing the video the parties are required to complete three documents:

- Declaration of Completion of Domestic Relations Mediation Orientation
- Notice of Selection of Domestic Relations Mediator
- Current Parenting Time Arrangements

These documents are returned to the Court within 10 days in the self addressed stamped envelope provided with the packet. The Court will assign a mediator after receiving the documents from all parties.

### **Mandatory Mediation**

Any matter described in ORS 107.765 and any other proceeding where child custody, parenting time or visitation is contested shall be subject to mandatory mediation (except as provided in ORS 107.755(2)). The Court will not consider any contested custody, parenting time or visitation issue in a proceeding that results in a final judgment unless it is notified by a mediator that the matter has proceeded through mediation in accordance with these rules or the court orders the case is exempt from mediation.

### **Prejudgment Relief**

Requests for prejudgment custody and parenting time orders under ORS 107.095 are not subject to mandatory mediation, but mediation will be ordered for prejudgment issues on the joint request of the parties or immediately after the prejudgment determination is made.

### **Exemption from Mediation**

The Court may exempt a case from mediation for good cause.

### **Mediation of Financial Matters**

A mediator qualified to mediate financial issues may consider issues of property division, spousal support or child support in connection with the mediation of a dispute concerning child custody, parenting time or visitation with the approval of both parties or their counsel.

### **Court Approval Needed**

Any agreements of the parties reached as a result of mediation must be presented to the Court, and the Court retains final authority to approve, modify or reject the agreement.

### **Lawyers**

Unless otherwise agreed by the parties and mediator, the parties' attorneys shall not be present during mediation. A mediator shall encourage disputing parties to obtain independent legal advice and review of any mediated agreement before signing any agreement.

The mediator shall not act as a lawyer for either party.

**Sessions**

Mediation shall consist of up to eight hours of mediation. Additional sessions may be scheduled by the mediator with prior approval of the Court. The costs of the court's domestic relations mediation program are paid from the Clatsop County mediation fund.

**Assignment to Mediators**

The parties may stipulate (agree) to a mediator of their own choosing, but if the mediator is not on the list of mediators approved by the court, the expense of the mediator shall be the responsibility of the parties.

The parties must stipulate (agree) to a mediator prior to, or at the time they complete the notice of selection of Domestic Relations Mediator. The parties shall notify the Court of the mediator selected, and the Court shall appoint the mediator and notify the parties of the appointment.

If the parties have not stipulated (agreed) to a mediator, the mediation clerk will select a mediator from the court's list.

**Scheduling of Mediation Sessions**

Upon receipt of a mediation assignment, a mediator immediately shall notify the parties of a date and time for the initial mediation session. The initial mediation session shall occur within fifteen (15) days of notice of the assignment to the mediator.

**Mediation Completion**

Mediation shall be completed in a prompt manner without undue delay of the court proceedings and in no event later than any deadline set by the judge. It is the responsibility of the parties to see that mediation is completed without delay. Failure to do so may result in dismissal of a party's pleadings, dismissal of the case, other sanctions, or postponement under such conditions as the Court may require.

If the parties have been unable to reach agreement; the case will proceed to trial. If the case settles in mediation, the mediator will notify the Court immediately when an agreement is reached. Parties and their attorneys are responsible for providing the court with a signed copy of the agreement.

**Mediator Qualifications**

To qualify as a Court-approved mediator, a person must meet the requirements of Oregon law, sign and file an application with the Court; and be approved by the Presiding Judge on the recommendation of the mediation commission.

A mediator may be removed from the list of Court-approved mediators for good cause.