

Request for Mediation

Instructions and Forms for Packet 6H

General Information

Mediation is a process that provides an opportunity for people in conflict to reach a solution with the help of a neutral third party (the mediator). Finding solutions is the focus of mediation. In Lane County, if there is a disagreement in final custody and/or parenting time (visitation), parents must attend a Mediation Orientation before a judge will hear the case in court. This rule applies to parents who are separated, divorcing or divorced, as well as to unmarried parents. A Mediation Orientation will be scheduled when one or both parents, or their attorneys, file a request for mediation with the court. This set of forms and instructions explain how to file a request for mediation.

When filling out the forms, follow these directions:

- The case heading is the same as listed on the Petition or Motion that started the action.
- Some forms have to be notarized or signed in the presence of a court clerk. You will need your picture ID for this. Many banks provide notary services.
- Make yourself a copy of any document you are filing with the court. File the original with the court clerk.
- Keep the court informed of your current address so you get notice of all court dates. **You are not required to use your residential address on any court form.** You may use a contact address where you regularly check in. If you use a contact address, the court will assume that you will receive all notices sent to that address.

STEP 1: Referral to Mediation

If there is a disagreement between parents concerning custody or parenting time at any stage of a domestic relations proceeding, parties can access mediation one of two ways:

1. Stipulated Request for Mediation

- a. Fill in the names of the Petitioner and Respondent and the case number.
- b. Select whether you will use the Lane County Family Mediation Program, the court connected program, OR the use of an independent mediator.
- c. Sign, date and fill in your address and have the other parent do the same.
- d. File the form with the Cashiers on the second floor of the Courthouse. The hours are 8:00 a.m. to 5:00 p.m. There is no fee to file this form.
- e. If you selected the court-connected program, both you and the other parent must call the Lane County Family Mediation Program at 541-682-3962 within 7 days to schedule Mediation Orientation.
- f. If you selected a mediator independent of the Court system, you will directly contract with the independent mediator and be responsible for payment of any agreed-upon fee for mediation

service. Additionally, you must file with the Court a written stipulation indicating the name of the mediator and the date set for the first mediation session.

2. Request for Mediation by one Parent and Order

- a. Fill in the names of Petitioner and Respondent and the case number.
- b. Below the case caption, print your name and indicate whether you are the mother or father, sign and date.
- c. The Request must be presented to a judge at an Ex Parte hearing. Ex Parte is a hearing that occurs Monday through Friday from 8:30 to 8:50 a.m. No appointment is necessary to attend. You must check in with Court Information on the second floor of the Courthouse at 8:00 a.m. to be directed to the courtroom to see the judge.
- d. Once the judge signs the Order, file it with the cashiers. You may not leave the courthouse with an Order that has been signed by a judge. You must make a copy of the Order to promptly mail or delivery to the other parent. You may ask the cashiers to make a copy of the Order, the charge is 25 cents/page or come prepared with a copy and ask the Cashier to conform the copy. Complete and sign the bottom portion of the original to declare that you will deliver a copy to the other parent.
- e. You must contact the Family Mediation Program at 541-682-3962 within seven (7) days of the Order to schedule Mediation Orientation.

Step 2: Attend Mediation Orientation and Mediation

Mediation Orientation is held most Tuesdays from 9:00 a.m. until 10:00 a.m. Preregistration is required. Parents involved in the same court case attend different orientations. The orientation will explain the mediation process and describe its potential advantages and disadvantages for you. At the conclusion of the orientation, you will be asked to decide whether or not you want to pursue mediation. Mediation will only continue if desired by both parents.

If domestic violence or intimidation is alleged, be assured that such topics will be discussed privately with the mediator and that your comfort and safety will be ensured. Following the Mediation Orientation, mediation will not continue unless desired by both parents. The mediator will not require parents to speak together or be in the same room together.

Step 3: What's Next?

If you reach an agreement in mediation, it is not an enforceable court order until it is filed with the final documents and signed by a judge. If you do not have an attorney and need assistance, the Family Court Assistance Office (541-682-4302) can provide forms and information to help you. If there are other unresolved issues, the case may still go to trial.

If parents do not reach an agreement in mediation, the proceeding will be scheduled for hearing in the same course and with the same priority as if there had been no mediation.

Lane County Family Mediation Program
151 W. 7th Avenue, Suite 360
Eugene, Oregon 97401
541- 682-3962

GUIDELINES FOR ATTORNEYS

Referral to Mediation Orientation

Cases may be referred to the Family Mediation Program, or to an independent mediator agreeable to both parties. The cost of an independent mediator is the responsibility of the clients.

Refer cases to the Family Mediation Program at the earliest possible date. If an unavoidable circumstance prevents timely referral, a case will be accepted up to two weeks before the final court date. A case will not be accepted within two weeks of the final court date, unless approved on an exception basis due to an unusual circumstance.

Mediation orientation is required even if a client resides outside of Lane County or Oregon. In such cases, the mediation orientation will be conducted by phone.

Discussing Mediation with Your Client

Please give your client information concerning mediation and how it might be helpful. Indicate that topics such as the emotions and adjustment of the children, and parental guidelines and communication may be discussed. Many clients have reported that assistance in these areas is extremely valuable. The mediator can also provide pertinent literature and resource information.

Remind your client to immediately contact the mediation program to register for mediation orientation. It is the client's responsibility to call the mediation program, NOT the program's responsibility to call the client.

If domestic violence or intimidation is alleged, assure your client that such topic's will be discussed privately with the mediator, that the client's comfort and safety will be ensured, and that mediation will not continue unless desired by both parties. If child abuse is alleged, the mediator neither investigates nor judges, but will suspend mediation until such time as the matter is clarified or resolved.

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LANE

| | | |
|-------------------|---|----------------------------------|
| In the Matter of: |) | |
| |) | |
| _____ , |) | Case No. _____ |
| Petitioner, |) | |
| and |) | Stipulated Request for Mediation |
| |) | |
| _____ , |) | |
| Respondent. |) | |

Since it appears to both parents that custody or parenting time cannot be agreed upon,

The Parents will participate in the Lane County Family Mediation Program.

Both parents will contact the Lane County Family Mediation Program within 7 days to schedule mediation orientation, 541-682-3962, 151 W. 7th Avenue, Suite 360, Eugene, OR 97401.

-OR-

The parents request the use of an independent mediator. The mediator has been contacted and has agreed to mediate, and has also agreed to abide by the Mediation Rules of this Court.

The independent mediator is: Name _____

Address _____

Phone _____.

The first mediation appointment is scheduled for: Date _____

Mother's Signature

Father's Signature

Address or Mailing Address

Address or Mailing Address

City State/Zip Phone or Message No.

City State/Zip Phone or Message No.

Date

Date

Mother's Attorney

Father's Attorney

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LANE

In the Matter of: _____)
)
) Case No. _____
)
) Petitioner,)
)
) and)
) REQUEST FOR MEDIATION
) BY ONE PARENT and ORDER
)
)
) _____)
) Respondent.)

The parties to this case do not agree upon custody and/or parenting time. I, the mother father of the child/ren in this matter, request we attend mediation orientation at the Lane County Family Mediation Program. The contact address and telephone for each parent is:

Mother: _____

Father: _____

Signed: _____ Date: _____

(Parent)

BOTH PARENTS MUST CONTACT THE LANE COUNTY FAMILY MEDIATION PROGRAM WITHIN 7 DAYS OF THIS ORDER TO SCHEDULE MEDIATION ORIENTATION, 541-682-3962, 151 W. 7th AVENUE, SUITE 360, EUGENE, OR 97401.

IT IS SO ORDERED: _____ DATE _____

Circuit Court Judge

NOTICE TO PARENTS MAKING THIS REQUEST: THE COURT REQUIRES YOU TO GIVE NOTICE TO THE OTHER PARENT.

I, _____, hereby declare, under penalty of perjury, I will provide, by mailing or delivering, a copy of this Request to the other parent on the date this order is signed by the Court.

DATED this _____ day of _____, 20_____.

Signature (Parent or Attorney) _____ Print Name _____

Address or Contact Address _____ City, State, Zip _____ Telephone or Contact Telephone _____