

DOMESTIC RELATIONS MEDIATOR REPORT

Instructions

All court-connected domestic relations mediators who mediate a case as part of a court mediation panel or mediation program under ORS 107.775(1) to ORS 107.775(3) should submit a Mediator Report to the court for each case at the conclusion of mediation. Generally, this includes anyone who is being paid by the county or court to provide court-connected domestic relations mediation services.

Mediators should begin using the May 2025 version of the Domestic Relations Mediator Report form and court staff should begin using the updated business process beginning on May 1, 2025. See related training recording and slides for mediators within the Domestic Relations Mediator Report section at: <https://www.courts.oregon.gov/programs/ADR/Pages/MediatorResources.aspx>

I. Instructions for Court-Connected Mediators

1. Enter the County name.

2. Complete the form heading.

- A. Enter the petitioner's first and last name.
- B. Enter the corresponding court case number.
- C. Enter the respondent's first and last name.

3. Determine whether to check the Amended Report box.

The Amended Report box should be checked if the mediator previously submitted a mediator report to the court for the same case action, and the mediator needs to amend the report. It is appropriate for a mediator to submit an amended Mediator Report to:

- A. Correct an error on a previously submitted mediator report for the same case action.
- B. Change the mediation outcome or update the amount of time the mediator spent mediating the case (for example, due to the parties returning to mediation)

4. Enter the total time in minutes (*not hours*) spent on mediation and mediation related activities*.

Total time should include:



*Activities related to the mediation should include time spent scheduling, corresponding or communicating with parties or collateral contacts outside of the mediation session, case management, orienting the parties to mediation (outside of group orientations), and drafting any agreements.

If you spent more time than you were paid, please calculate your total time spent. For example, if you are provided up to eight hours per case, but spent nine hours on the case, report that you spent 540 minutes. If you spent less time than you were allocated, for example four hours but were allowed eight hours, report 240 minutes.

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5. Regardless of the type of mediation, did mediation occur?

- A. If mediation occurred, leave “Mediation Did Not Occur” section blank. Proceed to step 6.
- B. If mediation did not occur, excluding because a party Failed to Appear (see definitions):
 - a. Select the *Mediation Did Not Occur* box.
 - b. Select at least one reason why mediation did not occur from the list of options according to the outcome definitions.
 - i. If mediation did not occur because the case was determined to be inappropriate for mediation prior to the time mediation commenced, select at least one reason for why mediation was determined inappropriate.
 - ii. As a reminder, if you select either “The mediator/court determined mediation to be inappropriate based on other case factors” or “Other reason,” do not add any confidential information or note. If in doubt, do not write comments.
 - c. Go to Step 8.

6. Regardless of which type of mediation, was mediation scheduled and if so did either party fail to appear for mediation?

- A. If either party failed to appear according to the criteria listed in the [definitions](#) section: mark the Failure to Appear for Mediation box and skip to step 8.
- B. If neither party failed to appear for mediation: go to step 7.

7. Select the respective outcome for the type(s) of mediation you provided.

- A. Did you provide custody and parenting time mediation only (no financial issues mediation)?
If yes:
 - a. Select one outcome box for the custody & parenting time section according to the outcome [definitions](#).
 - b. Leave the financial issues section blank.
 - c. Go to step 8.
- B. Did you provide financial issues mediation only (no custody and parenting time mediation)?
If yes:
 - a. Leave the custody and parenting time section blank.
 - b. Select the types of financial issues mediation provided according to the issues [definitions](#). Select all that apply.
 - c. Select one outcome box for all financial issues mediated according to the outcome [definitions](#).
 - d. Go to step 8.
- C. Did you provide both custody and parenting time mediation and financial issues mediation?
If yes:
 - a. Select one outcome box for the custody & parenting time section according to the outcome [definitions](#).
 - b. Select the types of financial issues mediation provided (select all that apply).
 - c. Select one outcome box for all financial issues mediated according to the outcome [definitions](#).
 - d. Go to step 8.

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8. Enter the date and the name of the mediator or agency

9. File the Mediator Report according to your respective court's instructions.

The Domestic Relations Mediator Report may be filed in a number of ways depending on the local court's instructions. The court might ask mediators to file the report through the mail, in-person, email, fax, or through the electronic File & Serve system.

File & Serve: In order use File & Serve, users must register to get a username and password. Creating an account requires the user to add a payment method, but there should not be a fee to file a Mediator Report through File and Serve. Once an account is created, the user can file the Mediator Report into the existing domestic relations court case. The mediator should use the filing code selected on the Mediator Report. For example, if the outcome of mediation was "Full Agreement," you would use the filing code "AGME."

File & Serve only allows a user to choose one event code. If both types of mediation were provided (custody & parenting time and financial issues), the mediator should file the report using the custody & parenting time code from the Mediator Report. Court staff will add the second financial code when they accept the filing.

For more information about e-filing, go here:

<http://www.courts.oregon.gov/services/online/Pages/efile.aspx>

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II. Domestic Relations Mediator Report Definitions

1. Mediation Did Not Occur (MDNO)

Mediation Did Not Occur should be selected if mediation did not occur. If mediation did not occur, select a reason from the items listed on the mediator report:

- No Contact Information Available
Due to limited or insufficient contact information for at least one of the parties, the mediator has been unable to schedule mediation.
- Unresponsive Party or Failure to Complete Orientation
One or more parties failed to complete orientation, or one or more parties was unresponsive to mediator's contact attempts.
- Insufficient time for scheduling mediation
There is not enough time for mediation to occur before the trial scheduled on: [insert date]
- Prior to the time mediation commenced, this case was determined to be inappropriate for mediation. If you select this box, select one of the below options:
 - The parties already settled all contested issues for which mediation is available.
 - The case needs to be assigned to a different mediator.
 - Other case factors. Reminder: do not add confidential notes or details.
- Other Reason
Mediation did not occur due to a reason not listed. Reminder: do not add confidential notes or details.

2. Prior to the time mediation commenced*

For the purposes of the Mediator Report to the Court form, "the time mediation commenced" is defined as the time the first mediation session begins (assuming the second party appears for mediation).

- If your mediation sessions begin with individual check-ins with each party, for reporting purposes, mediation commences at the time you start your check-in with the first party.
- If your mediation orientations occur immediately before mediation, mediation commences after the mediation orientations are complete.
- If the second party fails to appear for a scheduled mediation, refer to the Failure to Appear to Mediation instructions.

*Please note, we understand mediators may use a different definition for when mediation begins for the purpose of defining confidentiality expectations. The above definition is not intended to replace the beginning and ending time of mediation for confidentiality expectations. The above definition is intended to create consistent reporting expectations.

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3. Failure to Appear (FTAM)

Failure to Appear for Mediation should be selected if parties were scheduled to attend mediation, and at least one party failed to appear for the mediation. Do not select this box if mediation was never scheduled. If both parties attended a mediation session and at least one party failed to appear for a subsequent session, select one of the other outcomes (full agreement, partial agreement, or no agreement) based on the agreement status at the last attended mediation session.

4. Custody and Parenting Time Outcomes:

- A. Full agreement should be selected when the parties reached agreement on all custody and parenting time issues.
- B. Partial agreement should be selected when the parties reached agreement on some, but not all, of the custody and parenting time issues. If those issues will need to go before the court for a decision, the mediator should select partial agreement.
- C. No Agreement should be selected when both parties attended mediation but did not reach an agreement on any of the custody and parenting time matters. This may be because the parties attempted to mediate but were unable to reach agreement on any issues, or the parties were unwilling to engage in the mediation process, or the mediator determined that the case to be inappropriate for mediation after the time mediation began.

5. Financial Issues Case Types

The Financial Issues section of the Mediator Report should only be completed if the mediator provided financial issues mediation. This section should not be marked if the parents or the mediator simply raised topics related to financial issues in the context of custody and parenting time mediation. As a reminder, child custody and parenting time are the only issues that can be mediated unless the court has approved the mediator to serve as a financial issues mediator under [UTCR Chapter 12](#) and ORS 107.755, or the parties and counsel have provided written consent for the financial mediation (ORS 107.765(1)).

- A. Property division: Property division issues may include division of assets, debts, retirement benefits, and other types of property such as business division.
- B. Spousal Support: Spousal support issues may include varying types of support: for example, transitional, compensatory, or spousal maintenance.
- C. Child Support: This box should only be selected if child support mediation was provided. As a reminder, this box should not be marked if the parents or mediator raised the concept of child support in relation to custody and parenting time mediation issues.
- D. Other: other types of financial issues mediation may include, but is not limited to: health insurance, life insurance, taxes, and health savings accounts.

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6. Financial Issues Mediation Outcomes:

- A. Full agreement should be selected when the parties reached agreement on all the selected financial issues.
- B. Partial agreement: should be selected when the parties reached agreement on some, but not all, of the selected financial issues. If those issues will need to go before the court for a decision, the mediator should select partial agreement.
- C. No Agreement should be selected when both parties attended mediation but did not reach an agreement on any of the selected financial issues. This may be because the parties attempted to mediate but were unable to reach agreement on any issues, or the parties were unwilling to engage in the mediation process, or the mediator determined that the case to be inappropriate for mediation after the time mediation began.

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Frequently Asked Questions

III. Frequently Asked Questions

1. When should a mediator submit the Mediator Report to the court?

All court-connected domestic relations mediators who mediate a case as part of a court mediation panel or mediation program under ORS 107.775(1) to ORS 107.775(3) should submit a Mediator Report to the court for each case at the conclusion of mediation. Generally, this includes anyone who is being paid by the county or court to provide court-connected domestic relations mediation services.

The Mediator Report should be submitted as soon as possible, and according to the local court's expectations. We recommend mediators submit a Mediator Report within 14 days of the completion of the mediation or within 14 days of the time the mediator knows mediation will not occur unless directed otherwise by the local court. The mediator should submit one Mediator Report for the totality of mediation services provided. Please do not submit a Mediator Report between ongoing mediation sessions. In the event there are co-mediators on a case, only submit one Mediator Report for the case.

2. Can the Domestic Relations Mediator Report be amended to include additional information such as billing information? Yes- the Domestic Relations Mediator Report can be amended to include additional information that your county currently submits to the court. This will allow mediators to submit only one report to the court. Deleting any information from the Domestic Relations Mediator Report is not permitted.

3. Can I list the total time spent on mediation in hours instead of minutes?

Enter the time spent on mediation in minutes (not hours). This is important as we move toward an automated data system for mediator reports.

4. I submitted a Mediator Report, but the parties came back to mediation. Do I need to submit a new Mediator Report?

Yes.

- If the parties returned to mediation regarding the same case action: submit an updated report and check the "Amended Report" box to indicate the report has been updated. Update the Total Time Spent in Mediation, Mediation Outcome, and Date. When data is pulled, the Office of the State Court Administrator will reference only the most recently filed mediator report.
- If parties return to mediation after the case has concluded for post judgment modifications: submit a new mediator report and do not check the "Amended Report" box (see question #8).

5. Will the data that is being collected impact future funding for each county?

Determining future mediation funding levels is only one way in which the data might be used; the data will also be used to develop best practices in domestic relations mediation, and to evaluate the efficacy of services. The intention of the data tracking project is to help Oregon maximize the use and impact of court-connected domestic relations mediation.

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- 6. The parties had an agreement at the end of mediation a few months ago and I filed a Mediator Report accordingly. One of the parties contacted me to notify me they are no longer in agreement. Do I need to submit an updated Mediator Report?**

No. The Mediator Report is intended to measure the outcomes of mediation at the close of mediation. Since you already sent the mediator report, the case is considered closed with mediation.

If the parties contact you to notify you of a change in agreement status prior to the close of mediation (for example, before you send them a mediation agreement or prior to the Mediator Report being submitted to the court), then you should submit a Mediator Report that reflects the updated case outcome.

- 7. What do I do for cases where there is not a current court case, i.e.. parties appear for mediation prior to filing with the court?**

The data tracking project is for court-connected domestic relations mediation only. For cases where there is not a court case but your program provides mediation to the parties, you would not submit a Domestic Relations Mediator Report. We encourage mediators who offer pre-filing mediation as part of a mediation panel or mediation program to keep their own records, including a Mediator Report, for this type of mediation as data may be collected on this at a later date. You may also provide the parties with a copy of the mediator report to submit to the court at the time they file paperwork.

- 8. What do I do when the parties return to mediation after the court case has concluded, ie. the parties come back to mediation for post-judgment matters after their initial court case has concluded but have not filed a new petition?**

A Domestic Relations Mediator Report should be submitted for all post-judgment mediation, even if the parties have not filed a new petition with the court. For Mediator Reports for modification actions, only include time spent on the current action.

- 9. I have a question about the Domestic Relations Mediator Report. Who can I contact?**

You may contact your local court if your question is regarding local processes. If you have a question about the data collection project, you may contact Caitlyn Jackson at caitlyn.jackson@ojd.state.or.us.