

THE SEVENTH JUDICIAL CIRCUIT'S FAMILY MEDIATION PROGRAM

The Family Mediation Program provides free or low-cost mediation services for parties in Family Law cases where families total annual incomes are less than \$100,000.

- ❑ Parties who have been determined indigent by the Clerk of Court pay nothing for mediation.
- ❑ Parties having a total family income under \$50,000 pay \$60 per person per scheduled mediation session.
- ❑ Parties with a total family income of \$50,000 - \$100,000 pay \$120 per person per scheduled mediation session.

Mediations are conducted by a certified family law mediator in court facilities in each of the Circuit's four counties.

To receive these low-cost or free services, parties must obtain an Order of Referral to the Family Mediation Program. Either party may file a motion requesting an Order of Referral at any stage of the case.

SCHEDULING

Mediation may be scheduled at any point in the case. For example, mediation may be scheduled at the beginning of a case for temporary orders, such as the schedule of parenting time for each parent and amount of child support to be paid.

It is not necessary to wait until all "discovery" has been completed to schedule mediation. In many cases, the parties can save considerable time and money by exchanging information informally during mediation, even if the mediation does not result in an agreement.

Mediation is often ordered when a case is being set for trial. Approximately 64 % of cases referred to the Family Mediation Program are resolved in mediation.

Mediation may be scheduled by calling:

- ❑ **(386) 248-8117** for Volusia County cases.
- ❑ **(904) 827-5638** for Flagler, Putnam and St. Johns County cases.

FAMILY MEDIATION PROGRAM

Volusia
Room 205 Courthouse Annex
125 E. Orange Avenue, Daytona Beach
(386) 248-8117

Flagler/St. Johns/Putnam
Room 286, Courthouse
4010 Lewis Speedway, St. Augustine
(904) 827-5638



Mediation is a process in which the parties meet with an impartial, specially trained professional to consider options for resolving some or all of the issues in their case. All communications during the mediation are confidential; only the signed, written Agreement is disclosed to the Court.

MEDIATION AGREEMENTS

If the parties agree on some or all issues, the Mediator writes down an agreement that is signed by the parties and submitted to the court. Assuming the agreement is consistent with law and appears to be in the best interests of any minor child or children involved, the judge will approve the Agreement and incorporate it into a court order.

Mediation agreements are binding. Courts almost never set aside a mediation agreement, so the parties should be very sure they understand and accept the terms of the agreement before signing it.

IMPASSE

If the parties do not reach an agreement, the mediator reports to the judge that the parties attended mediation but did not reach an agreement. Issues that were not resolved by the parties will be decided by the judge after hearing testimony and reviewing evidence at a hearing or trial. Anything that was said in the Mediation is confidential and cannot be entered into evidence.

DOMESTIC VIOLENCE, SAFETY ISSUES, COMFORT

A domestic violence victim who is afraid or uncomfortable about being with his or her former partner should advise the mediator of this prior to the mediation so appropriate safeguards can be put in place. The mediator may keep the parties in separate rooms throughout the mediation, and may arrange for the parties to leave separately.

WHO MAY BE PRESENT

The conduct of mediations varies depending on the preferences of the parties. Most people are able to meet and discuss their issues across the table, but it is not unusual to “caucus” -- have private conferences -- with the mediator serving as “shuttle diplomat.” In some cases, the mediation is conducted entirely by “shuttle diplomacy,” and the parties never see each other.

In most family mediations, only the parties and their attorneys, if any, meet with the mediator. However, other people may participate, if the parties agree.

Children should NOT be brought to mediation.

THE MEDIATORS

The court-appointed mediators are certified by the Florida Dispute Resolution Center. The mediator’s job is to serve as an impartial facilitator, help parties define the issues in their case and negotiate an agreement rather than going to trial and having the judge decide. The mediator does *not* make any decisions about the case or make any recommendations to the judge. The mediator is paid a salary by the Court. The mediator’s pay is not based on the outcome or length of the mediation.

The mediator can suggest ways to resolve the issues. His or her experience with other cases can provide insight about arrangements that often work, and those that often don’t work.

The mediator cannot give any individual legal advice (that is, cannot tell a party how to win their case), but the mediator can tell parties about the relevant law and may give an indication of how judges have ruled in similar cases.