

THE BASICS

Mediation is a cooperative problem-solving process that provides an opportunity for people in conflict to reach a solution with the assistance of a neutral professional and make decisions that are focused on the best interest of their children.

The Family Mediation Program offers mediation to help parents develop a Parenting Plan (or revise an existing plan) which outlines the parents' agreement about custody, parenting time and other parenting issues.

What Mediation is Not

- It is *not* a court hearing. No witnesses are used.
- It is *not* counseling or therapy.
- It is *not* a substitute for an attorney. Mediators do not give legal advice or representation.
- It is *not* a process to determine guilt or innocence. Finding solutions, not placing blame, is the focus of the mediation.

Who May Use the Program

Anyone who files a "domestic relations" action in Douglas County which requires the creation or modification of a Parenting Plan.

What Does Mediation Cost?

A portion of the Court filing fees covers the cost of mediation. Parents have the option of choosing a mediator in the private sector at their own expense.

Am I Required to Try Mediation?

Parents who cannot agree about custody or parenting time are encouraged to try resolving their differences through mediation before their dispute is heard by the court.

Will Property Issues or Child Support Be Discussed?

The priority in mediation is the creation of a Parenting Plan. If both parents agree to talk about financial issues, the mediator may help with the discussion once the parenting plan has been decided.

How Can Mediation Help?

Formal court proceedings can be painful, costly, and can destroy the working relationship parents must maintain to make decisions regarding the children. Legal battles put tremendous pressure on children.

In mediation, parents have an opportunity to resolve some of their differences and can learn to make decisions based on their children's best interest. When parents cooperate, children have a better chance for a secure and satisfying life.

If parents can make decisions together, they can avoid the uncertainty and expense of having a Judge make decisions concerning their children.

Does the Mediator Make Recommendations to the Court? No.

Is Mediation Confidential?

Yes. In mediation, conversations and correspondence are private and confidential, and the mediator cannot be required to testify in court about any communications in mediation.

Two exceptions to confidentiality are allegations of child abuse, or a threatened action which is a clear and present danger to an individual.

How Does it Work?

Parents attend one or more mediation sessions either in person or virtually. The mediator meets with both parents together or separately to explore the needs of their children and to work toward an agreement that is in the best interests of all concerned.

No one is forced into an agreement and the mediator does not take sides or make decisions for the parents. Parents are free to stop mediating at any time.

Any mediated agreement is put in writing by the mediator and is tentative pending review by the parents and their attorneys. No agreement is legally binding until it is ordered by the court. If some issues remain undecided after mediation, the parents may proceed to trial for resolution.

How Do I Prepare for Mediation?

The first appointment is typically scheduled by the court and begins with an orientation, during which the mediator will obtain basic information, explain the mediation process, meet separately with parents to get their unique perspective, then meet jointly with both parents to set forth goals and look for common ground. At the conclusion of that first session the mediator and parents shall decide if further mediation is warranted and, if so, schedule a follow-up session.

Parents may bring with them any proposals they are ready to present. Parents may also choose to bring their copies of documents filed with the court, for their reference.

What if There Are Domestic Violence Concerns?

If you are concerned about your personal safety in mediation let the mediator know before your appointment.

It is important for the mediator to learn any concerns a parent may have about their safety or the safety of the children. The mediator will talk to each parent separately to discuss their concerns and mediation will not proceed unless both parents agree that they wish to proceed.

Where can I get more information?

Please contact Brian Reeves at Adapt's Family Mediation Program, your attorney, or the Family Law Resource Center (Douglas County Circuit Court).

Douglas County Circuit Court

www.courts.oregon.gov/courts/douglas/programs-services/Pages/mediation.aspx

Adapt Integrated Health Care

www.adaptoregon.org/

Family Mediation Program

Adapt Integrated Health Care

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