

### **What is Mediation?**

Mediation offers an informal forum for resolving problems between parties. The mediator, a neutral third party listens to both sides of your case and acts as a facilitator to help parties focus on the issues, encourage discussion and assist them in reaching a fair and mutually acceptable and voluntary agreement. By reaching a settlement during mediation, you avoid the uncertainty of a trial in which the judge dictates the results.

The mediator guides the communication process so that everyone may be heard and personal feelings can be separated from the issues. Conflicts are discussed and various solutions are explored in an effort to reach a satisfactory agreement. The mediator may offer suggestions and help parties develop options to resolve the issues, but the final decisions are made by the parties.

### **Who Attends the Mediation Session?**

Only the parties, whose names appear on the Order to Family Mediation and their attorneys, if any, are included in the session. It is not necessary for attorneys to attend but is advisable if property issues will be discussed. Any third parties admitted to the session will be at the discretion of the mediator and with the approval of all parties. **IN ACCORDANCE WITH FAMILY LAW RULE OF PROCEDURE 12.407, CHILDREN UNDER THE AGE OF 18 SHALL NOT BE BROUGHT TO MEDIATION.**

### **What if an Agreement is reached?**

If an agreement is reached, the mediator will prepare a document reflecting the terms of the agreement and ask the parties to sign it. However, if the parties are represented by legal counsel who are not present at the session, the parties will have an opportunity to review the agreement with their attorneys before the document is submitted to the Court. If either party should change their mind after consulting their attorney, the attorney can object to the agreement, which would then void the document. If no objection is received within ten days of the session, the agreement will be submitted to the Court for approval.

### **What if an Agreement is not reached?**

If the parties do not reach agreement on any issues, the mediator will notify the attorneys, if any, and the Court, so that a trial date can be set.

### **Is the Mediation Confidential?**

The information disclosed in mediation is confidential, except that information which is required or permitted to be disclosed by law and that information which is available through other methods. Information obtained in mediation cannot be used if the case goes to trial. The mediator does not share information nor make recommendations to the judge. The parties are asked to sign a statement agreeing not to subpoena the mediator to testify on either party's behalf.

### **What are the Costs of Mediation?**

Mediation costs are based on a sliding scale according to the parties' incomes. Please refer to the Order to Family Mediation for these charges and for the fees for cancellations, rescheduling, or failure to appear.

To maximize your time for the session, you should arrive promptly, at the time specified in your Order.

### **What are the Qualifications of Mediators?**

Mediators are certified after meeting specific education and training requirements set by the Florida Supreme Court.

### **Do I Need an Attorney?**

Mediators do not give legal advice nor is mediation a substitute for obtaining such advice. Attorneys can help their clients understand the law and to have realistic expectations for the outcome of their case. However, no one can predict with certainty what a judge will decide in a case or be able to tell you whether a trial is worth the time or the financial and emotional expense.

It is advisable for parties to consult with their attorneys prior to mediation and to have their attorneys review any agreement if the attorney does not attend the mediation session.

### **What are the Advantages of Mediation?**

- Parties actively participate in the decisions that will affect them and their family members.
- Parties determine the outcome of the process, thereby avoiding the uncertainty of a trial.
- Immediate resolution can occur, which can save time, money, and stress that is usually associated with a trial.
- The setting is informal and encourages better communication between the parties.
- Parties who agree to resolution tend to be more satisfied with the results and are less likely to return to Court for further litigation of their case.
- Parents can begin working together in a cooperative manner for their children's sake.