

## NOTICE

Mediation is a court sponsored, mandatory program, provided to parents who are attempting to develop or alter a custody / parenting time plan. It is a valuable and useful tool to aid in settlement. It usually results in a more workable schedule for parents and their children than a court ordered plan.

During mediation, you and the other parent will meet with a mediator to discuss the issues that are preventing the two of you from agreeing on a parenting plan. The mediator will assist you in these discussions. The mediator will often ask questions to clarify positions and may suggest approaches not previously thought about by the parents. The mediator's role is to assist you, rather than making decisions for you. If you and the other parent cannot agree on a parenting plan, the mediator will not pressure you to accept one and will not express his or her opinion to a judge or other court personnel. All statements made during mediation are confidential, except possible indications of child abuse or expressions of serious intent to hurt another.

If you and the other parent are able to reach agreement in mediation and a case has been filed with the court, the mediator will put your decisions into writing. Each of you will sign the agreement. A seven day "waiting period" before this written agreement becomes a court order is standard procedure. Therefore, if you have an attorney, it is important that you make sure your attorney reviews the agreement before the waiting period expires. After completing mediation, if for any reason you are uncomfortable about the agreement, especially if you don't have an attorney to discuss this with, phone the mediator.

Children are not included in the mediation session. Also, the court cannot guarantee availability of child care facilities. Experience has shown that the presence of children during a session may distract you. Children usually also become very bored. Additionally, experts indicate it is not appropriate to have children participate in the legal process involving custody issues and decisions about contact with parents, because they may feel pressure to "take sides." Therefore, it is important for you to make advanced arrangements for child care. Child Care may be available in Room 214 at the Courthouse, through the Volunteers of America Court Care Program. You can make reservations for your child or children ahead of time by calling (503) 988-4334.

While mediation is an effective tool for helping parents make decisions for their children, it is not a process for everyone. Cases in which mediation is probably not appropriate include relationships in which one or both parents are alcohol or drug affected, or mentally ill, or if the relationship involves domestic violence.

If you are a victim of domestic violence perpetrated by the other parent, you should strongly consider requesting a waiver of mediation. Domestic violence is about power, to an even greater degree than it is about violence. This makes it difficult to mediate a "fair" agreement. The usual starting point in the mediation process is the presumption that a true balance of power can be achieved. This is often not possible in cases of domestic violence.

These are just a few examples of reasons mediation may not be appropriate for you. If you have questions about whether mediation is appropriate, call Family Court Services at 503-988-3189. If you believe you should not participate in mediation due to domestic violence or for other reasons, forms for waiver are available from the Family Law Clerk's office in Room 211 of the Multnomah County Courthouse, located at 1021 SW Fourth Avenue, Portland, Oregon.