

DOMESTIC RELATIONS MEDIATOR REPORT

Definitions, Instructions, and Frequently Asked Questions

All court-connected domestic relations mediators who mediate a case as part of a court mediation panel or mediation program should submit a Mediator Report to the court for each case at the conclusion of mediation. Mediators should begin using the updated Domestic Relations Mediator Report form and court staff should begin using the updated business process beginning December 1, 2023.

I. Domestic Relations Mediator Report Definitions

1. Failure to Appear:

Failure to Appear for Mediation should only 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 (for example if a party was nonresponsive to mediator contact or if a party failed to attend a mediation orientation).

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.

2. 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 because the parties were unwilling to engage in the mediation process. This may also be because the mediator determined that the case issues were not appropriate for mediation due to the issues in the case such as, the lack of capacity to engage in mediation by one or both parties, that there were safety or power imbalances such that mediation was not appropriate, reconciliation by the parties or the resolution of issues prior to mediation, or because of some other reason. In all of these cases, No Agreement should be checked as the mediation outcome.

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3. 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 [UTCRC 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: tax dependents, health insurance, life insurance, and health savings accounts.

4. 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 because the parties were unwilling to engage in the mediation process. This may also be because the mediator determined that the case issues were not appropriate for mediation due to the issues in the case such as, the lack of capacity to engage in mediation by one or both parties, that there were safety or power imbalances such that mediation was not appropriate, reconciliation by the parties or the resolution of issues prior to mediation, or because of some other reason. In all of these cases, No Agreement should be checked as the mediation outcome.

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II. 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. Enter the total time in minutes 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.

4. Regardless of which type of mediation you provided, 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 6.
- B. If neither party failed to appear for mediation according to the above-listed criteria: move to step 5.

5. 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](#).

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- b. Move to step 6.
- B. Did you provide financial issues mediation only (no custody and parenting time mediation)?
If yes:
 - a. Select the types of financial issues mediation provided according to the issues [definitions](#). Select all that apply.
 - b. Select one outcome box for all financial issues mediated according to the outcome [definitions](#).
 - c. Move to step 6.
- 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. Move to step 6.

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

7. 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 please note that 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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Frequently Asked Questions

III. Frequently Asked Questions

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

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 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. 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, please 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 #7).

4. 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.

5. 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

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Report being submitted to the court), then you should submit a Mediator Report that reflects the updated case outcome.

6. What do I do for cases where there is not a current court case, ie. 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.

7. 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.

8. 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.