



The Family Mediation Program provides free or low-cost mediation services for parties in Family Law cases where a family's total annual income is less than \$100,000.

- Parties who have been declared indigent by the Clerk of Court pay nothing for mediation.
- Parties having a total family income less than \$50,000 pay \$60 per scheduled mediation session.
- Parties with a total family income between \$50,000 and \$100,000 pay \$120 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 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.

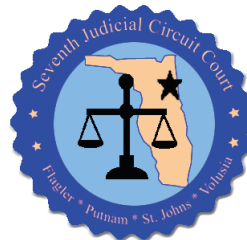
Mediation may be scheduled at any point in the case. For example, mediation may be scheduled at the beginning of a case for temporary orders, such as the schedule of parenting time for each parent and amount of child support to be paid.

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.

Many cases handled by the Family Mediation Program are resolved by mediation.

Mediation may be scheduled by calling:

- ◇ **(386) 943-7099** for **Volusia** County cases
- ◇ **(386) 329-2527** for **Flagler, Putnam** and **St. Johns** County cases



[www.circuit7.org](http://www.circuit7.org)

## SEVENTH JUDICIAL CIRCUIT COURT

# FAMILY MEDIATION PROGRAM

SERVING  
FLAGLER, PUTNAM,  
ST. JOHNS AND  
VOLUSIA COUNTIES

*Mediation is a process where 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.*



### **How Does It Work?**

Mediation sessions vary 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.

### **The Mediators**

The court-appointed mediators are certified. The mediator’s job is to serve

as an impartial facilitator, help parties define the issues in their case and negotiate an agreement. 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 valuable insight.

The mediator cannot give 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.

### **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.

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.*

### **Mediation Agreements**

If the parties agree on some or all issues, the mediator prepares a written agreement that is signed by the parties and submitted to the Court. Assuming the agreement is consistent with the law and appears to be in the best interests of any children involved, the judge will normally approve the agreement and incorporate it into a court order.

Mediation agreements are binding. Courts rarely set aside a mediation agreement, so the parties should be 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.

