

## 1503 PROCEDURES

**(a) [Scheduling Mediation]** Parents shall cooperate as much as possible in scheduling a mediation appointment. The parent wanting resolution of the custody or visitation issue(s) shall contact the other parent to determine the most mutually convenient day(s) of the week and time slot (morning or afternoon) for an appointment. The appointment is set by calling the Mediation Appointment Secretary (“Secretary”) at Family Court Services in the designated region.

**(b) [Notice of Mediation]** Within three (3) court days after getting a mediation appointment, the parent who set the appointment shall file and serve on the other parent a Notice of Mediation (see Local Form # SC-4018). The use of the Notice of Mediation form is mandatory.

**(c) [Inability to Agree on Date of Mediation]** If the parents cannot agree on a mutually convenient date for the mediation appointment, then the parent wanting resolution of the custody or visitation issue shall nevertheless schedule a mediation appointment and give notice to the other parent by filing and serving the Notice of Mediation form.

**(d) [Cancellation of Mediation Appointment]** If the other parent is unable to attend the scheduled appointment, then he or she has the responsibility to do the following:

(1) File and serve a Notice of Cancellation (see Local Form # SC-4017). The use of the Notice of Cancellation of Mediation form is mandatory and must be filed and served on the other parent, unless there is an emergency, within seven (7) calendar days of the receipt of the Notice of Mediation; and

(2) Cancel the mediation appointment with the Secretary no less than seven (7) calendar days before the scheduled mediation.

The parent who cancelled the mediation appointment must work as soon as practicable and in good faith with the other parent to reschedule the appointment to a mutually convenient date and time.

**(e) [Disputes Regarding Scheduling, Attendance and Cancellation of the Mediation Appointment]** In addition to the procedure outlined above, if a dispute regarding the attendance at, cancellation of, scheduling of or re-scheduling of a mediation appointment arises, either parent may file a “Request for Case Management Conference/Trial Setting” (see Local Form SC-4014). The Court will then schedule a hearing on the matter and give notice to the parents. The staff of Family Court Services is not authorized or required under any circumstances to referee scheduling disputes between parents or counsel.

**(f) [Agreements Reached in Mediation]** If a tentative agreement has been reached between the parents at the mediation, the mediator shall prepare a written agreement and present it to the self-represented parent(s) or the counsel for parent(s), if represented, for approval. No agreement shall be presented to the court, nor shall the court approve any agreement, until it has been signed by the parties and approved by their counsel, if retained.

**(g) [Reports of Mediator]** If no agreement is reached at mediation, the mediator may inform the Court whether further mediation should be or has been scheduled.

**(h) [Sanctions for Failure to Make Reasonable Efforts to Contact the Other Parent Prior to Setting the Mediation Appointment]** Failure to make reasonable efforts to confer to a mutually agreeable mediation date may result in the imposition of sanctions against either party or counsel in the discretion of the Court.

**(i) [Sanctions for Failure to Attend Mediation]** Failure to attend mediation before a hearing or trial on custody and/or visitation without good cause may subject the parents to monetary and/or issue sanctions in the discretion of the Court. Among the factors the Court may consider in determining if a parent had good cause for not attending mediation are:

- Whether a Notice of Mediation was properly served on the other parent and filed with the court;
- Whether a Notice of Cancellation was properly served on the other parent and filed with the Court;
- Whether the Secretary for Family Court Services and the other parent were notified of the cancellation no less than seven (7) calendar days before the mediation appointment; and
- Other circumstances that may have happened after the seven-day cancellation deadline which caused a parent to miss a scheduled mediation session.

*(Amended effective 07-01-12, amended 05-06-11; 07-01-09; adopted effective 07-01-98)*