

**Family Services (Part 6): Family Mediation**

Hi there. I'm here to talk with you about family mediation. This is a way to resolve disputes without going to court. If you do go to court, a judge, who knows little about you or your family, will decide what happens on issues like child custody, child support, or how to divide property in your divorce.

Let's start with the basics: So, what is family mediation?

**CHAPTER HEADING: WHAT IS FAMILY MEDIATION?**

It's a way to resolve disputes that affect your family by meeting with a trained, neutral, professional called a mediator. The mediator's job is to help you and the other party or parties have a conversation about the issues in your case and work through differences. They're not there to give you advice or make decisions for you. They'll guide your discussion, help you explore ideas, and hopefully, reach an agreement.

I should mention that while a court may order you to attend mediation, you and the other party or parties cannot be forced into an agreement you don't want. If you are unable to resolve some or all of the issues, you can still go to court.

Mediation is confidential. Nothing said in mediation can be used in court. Your mediator is not allowed to discuss what is said in mediation except in rare situations.

So, what are the goals of family mediation?

**CHAPTER HEADING: WHAT ARE THE GOALS OF FAMILY MEDIATION?**

The primary goal is to give you and the other party or parties an opportunity to make major decisions about your children without having the court decide for you. You know your family best and are in a better position to find solutions that fit your needs.

Another goal: to save you money. Going to trial is stressful and could cost you thousands of dollars in attorney fees and court costs. Bottom line: If you work through the mediation process and reach an agreement, you can avoid an emotionally and financially costly trial.

So, how does family mediation work?

**CHAPTER HEADING: HOW DOES FAMILY MEDIATION WORK?**

There are a couple of ways. You and the other party or parties can go to a mediator yourself. Or, the court may require you to go. At or before your first appearance, the court will review your case to determine if mediation is appropriate and safe. It might not be if there is a history of domestic violence. If it's safe, the court can order you to attend up to two sessions, lasting

approximately two hours each. The order will pair you with a mediator. Some courts have them on staff. Others will connect you with a private one.

Mediation sessions can take place at the court, the mediator's office, or some other location. You might be in the same room with the other party or parties. Or, you could be in separate rooms with the mediator "shuttling" between you. Mediation can also happen online.

At the session, the mediator will guide the discussion. You and the other party or parties will each be encouraged to share your thoughts and feelings. The mediator will try to help you communicate in a productive way. They'll encourage you to explore options. Be creative. The goal is to find solutions that work for your family.

You might be wondering how to prepare for mediation.

#### **CHAPTER HEADING: HOW TO PREPARE FOR MEDIATION**

Take time to think about the issues in your case and make a list of topics you want to discuss. The mediator can help you identify additional issues. Come up with options and ideas you think can work. Keep an open mind. You and the other party or parties may together find new solutions.

If your case involves custody of a child, the Maryland Parenting Plan Instructions and Tool may be valuable resources during mediation. Both are available at [mdcourts.gov/parentingplans](http://mdcourts.gov/parentingplans). Take a minute to look at the video to learn more about this process. These resources will help you think about your child's needs, something you should be prepared to discuss in mediation.

So, what happens if you reach an agreement?

#### **CHAPTER HEADING: WHAT HAPPENS IF YOU REACH AN AGREEMENT?**

That would be great news! The mediator will help put your agreement in writing. All parties will sign it. It is, however, a good idea to have a lawyer review the agreement before you sign. Once you have a signed agreement, it can be submitted to the court.

The court will review it and may have questions. If your agreement is approved, it will be put in a court order, making it enforceable.

But what happens if you don't reach an agreement?

**CHAPTER HEADING: WHAT HAPPENS IF YOU DON'T REACH AN AGREEMENT?**

Maybe you are able to reach agreement on some issues but not all. That's ok. The court can focus on just the unresolved issues. Sometimes people can't agree on anything. That happens, and it's okay. The court is there to help resolve disputes.

One last thing. Let's talk about fees.

**CHAPTER HEADING: FEES**

There may be a cost for mediation. It is usually split between you and the other party or parties. If you are unable to afford the fee, you may be eligible for a fee waiver. Talk to the court's Family Support Services Coordinator to find out if you qualify.

We have covered a lot of material; let's review.

**CHAPTER HEADING: LET'S REVIEW**

If your case involves a disagreement over custody of a child, child support, or how to divide property in your divorce case, the court may direct you to attend mediation. This is a way to resolve disputes outside of court. You'll meet with a trained professional who will guide a discussion and help you come up with solutions that work for your family. You won't be forced to reach an agreement, but if you do, you can avoid the stress and cost of a trial. Mediation is a confidential process. What is said in mediation stays there. The cost is usually split between the parties, but you may be eligible for a fee waiver.

We hope this information is helpful. Thanks for watching.