
How Do I Get Ready?

◆ For mediation of cases involving children, each parent **MUST** file with the court a Child Support Affidavit stating your income. You may also be required to submit a Financial Statement. These documents must be filed before mediation. You can obtain the forms from the court or your lawyer. Mediation may not be held if you do not file these documents in advance.

When you attend mediation, bring documents showing current income (such as a pay stub or statement of receipts and expenses if you are self-employed).

◆ If there are children involved, make a list of what you think is important for your children. What do they need most at this time? What schedule is best for them?

◆ Figure out how much it will cost you each month to live and support the family. Be sure to bring that budget to mediation.

◆ Know other facts and figures about your debts and assets. Come to mediation prepared to talk about how to handle the finances.

◆ The court has a short videotape about mediation. You can also read about mediation. Many libraries and bookstores have books about mediation and other forms of alternative dispute resolution.

More Questions and Answers:

◆ How long does mediation last?

A court mediation session generally lasts two or three hours. It may be shorter, depending on what you need to discuss.

◆ Is court mediation expensive?

The fee for mediation through the court is \$160 (\$80 per party). The fee may be entirely or partly waived if you file a form with the court, and your request for a waiver is granted. Mediation may reduce your total legal expenses later on by helping you to avoid a contested trial. Mediators in private practice set their own fees.

◆ Do I need a lawyer?

You are not required to have a lawyer at mediation. A lawyer may be very helpful, especially if you and the other party do not agree about the children or dividing property. Even if you do not hire a lawyer to come to mediation with you, you may consult a lawyer before or after mediating.

◆ Can I use a mediator other than the one provided by the court?

Yes, you may use a mediator who is not on the court roster. If you do not resolve your case, however, you may be required to mediate again with a court mediator. For a listing of mediators in private practice, please contact the Maine Association of Mediators at 1-877-265-9712, or www.mainemediators.org. You may also contact the Lawyer Referral and Information Service at 1-800-860-1460 for a cost of \$25.00 or the Volunteer Lawyers Project at 1-800-442-4293.

Mediation of Family Matters at Court



State of Maine Judicial Branch

Office of Court ADR

Court Alternative Dispute Resolution Service (CADRES)

P.O. Box 4820
Portland, Maine 04112-4820
Tel. 207-822-0719
Fax 207-822-0781

www.courts.state.me.us/court_info/adr

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What is Court Mediation?

- ◆ You are required by law to participate in mediation if you are seeking a divorce, want to change your divorce judgment or seek child support, and you and the other party cannot agree on what should be ordered by the court. Unmarried parents who wish to establish or change orders concerning child contact or child support must also participate in mediation.
- ◆ Mediation is a process in which you and the other party make joint decisions about your family and your lives. The mediator is a professional who does not take sides but will help you discuss your case. Any agreements are voluntary. By trying mediation, you do not give up your right to a court hearing.
- ◆ The court has selected mediators with special training and experience to conduct mediation in court cases. You may ask for a certain mediator from the approved roster, or the clerk will assign a mediator. If a mediator is assigned, and you want a different mediator, you may request a change. A copy of the qualifications for court mediators can be obtained from the CADRES office or on the Maine Judicial Branch website.
- ◆ You may ask the judge or magistrate to waive the mediation requirement if there is a good reason to do so.
- ◆ The mediator does not talk to the judge or magistrate about your case and does not make any recommendations to the court, either before or after mediation.
- ◆ The mediator does not make decisions about what should happen in your case.

What Happens in Court Mediation?

- ◆ At the start of mediation, the mediator will explain how mediation works and will answer your questions. You and your attorney, if you have one, will briefly meet with the mediator without the other party present.
- ◆ Although many mediation sessions occur with both parties in the same room, you may choose to mediate in a separate room from the other party if there is a good reason not to be together in the same room. If either party has been ordered not have contact with the other (for example, because of a bail or protection order) you will be in separate rooms, and the mediator will go back and forth.
- ◆ The mediator will ask each of you to state your views and describe what you want to happen in your case in the future. The mediator will allow all parties to take turns talking.
- ◆ The mediator may ask to meet with you alone (or with your lawyer if you have one), so you can talk more comfortably.
- ◆ Mediation is an informal process. You may take a break or talk to your lawyer or support person privately at any time.
- ◆ If you reach an agreement, the mediator will write a summary of the agreement for you to sign at the mediation. If there are lawyers involved, they will draft more detailed documents. Later, you must appear in court when the agreement is presented to the judge or magistrate. The judge or magistrate will review it and sign a court order if the agreement is approved.
- ◆ If you do not reach agreement, you may try mediation again, or you may ask the clerk to schedule a date for you to appear in court.

What are the Benefits of Mediation?

- ◆ You have a chance to present your ideas in an informal, private setting, with the support and advice of your lawyer if you have one. It is a time to be heard and to listen to others.
 - ◆ By discussing your options in mediation, you may discover choices you did not know you had.
 - ◆ In mediation, you have an opportunity to make decisions and control the outcome.
 - ◆ The mediator is impartial and is trained to help you and the other party talk about the decisions that must be made so that you can try to work things out yourselves.
 - ◆ Mediation may help you reach an agreement that will let you get on with your life and possibly keep you out of court in the future.
 - ◆ Mediation may help you understand the situation better and find better ways to deal with conflicts that arise in divorce and parenting.
 - ◆ You are encouraged to share your ideas. Generally, what you say in mediation cannot be used as evidence in court in the same case, and the mediator cannot testify (with some exceptions) according to Rules 408 and 514 of the Maine Rules of Evidence. However, if a mediator learns about child abuse or neglect, or that someone is in immediate danger of physical harm, the mediator will report that information to authorities.
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