



WHAT DOES THE LAW SAY ABOUT MEDIATION?

Section 6-6-20 of the Code of Alabama (1975) established a procedure for mediation. The judge may order mediation, and may allocate the costs of mediation, except attorney fees, between the parties. (Parties usually split the cost of mediation, but payment for mediation may be one of the issues to be decided in the mediation). Or, one or both parties may request mediation. A judge may apply sanctions if any party fails to mediate as required by the court order. The Alabama Civil Court Mediation Rules provide the framework for court-ordered or court-referred mediation. They include rules relating to appointment of a mediator, qualifications and authority of the mediator, privacy, confidentiality, termination of the mediation, expenses and the mediator's fee.

Parties may also decide to go to mediation without court involvement.

HOW MUCH DOES MEDIATION COST, AND WHAT IF I THINK I CAN'T AFFORD IT?

Mediation costs vary depending on the mediator. The usual range is \$150 to \$350 an hour. Depending on the issues involved, family mediation may sometimes be completed in one session. If you qualify for free legal service, you may be able to have a mediator without a fee.

HOW DO I LEARN MORE ABOUT FAMILY MEDIATION?

Usually your attorney will talk with you about mediation, and then propose mediation to the other party, or request a mediation order from the court. He or she will also help you select a mediator that is trained in divorce mediation and is agreed upon by both parties. You may also contact the Alabama Center for Dispute Resolution for information, or ask the court about mediation. Each year the Center publishes the Alabama State Court Mediator Roster, a list of mediators who have had training and meet required standards. The Roster is available from the Center or at the websites www.alabamaadr.org and www.alabamamediators.org. Look for a mediator with an asterisk (*) beside his or her name, indicating that the mediator has completed a 40 hour course on domestic relations issues. Some mediators have special training in mediating when abuse is alleged.



Alabama Center for Dispute Resolution

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Parents are FOREVER



FAMILY MEDIATION

Parenting, Divorce and Post Divorce Issues

Parenting Time and Responsibilities
Child and Spousal Support
Assets and Liabilities

mediation

WHAT IS FAMILY MEDIATION?

Family mediation is a process where an impartial third person, the mediator, helps people negotiate with one another to resolve issues relating to parenting, divorce, or issues that arise after a divorce.

The mediator can:

- Help parties discuss parenting time and responsibilities.
- Facilitate discussion of assets and liabilities, including property and businesses, and spousal support, if any.
- Allow each party the opportunity to communicate his or her concerns to the other party.
- Encourage the parties to explore alternative ways to resolve problems.
- Help parties negotiate an agreement satisfying to both.
- Encourage parents to use problem-solving skills in the future to address issues and deal with conflict.



WHAT IS A MEDIATOR'S ROLE?

The mediator is not a judge and does not render a decision or impose a solution on any party. Rather, the mediator helps those involved to talk to each other, thereby allowing them to resolve the dispute themselves in a way that meets the needs of both parties.

WHY USE MEDIATION FOR PARENTING, DIVORCE AND POST DIVORCE ISSUES?

Mediation has many advantages that litigation does not have.

- In mediation, parties keep control over the outcome and solutions. They are familiar with issues unique to their family. Parents are able to focus on the needs of their children.
- Mediation is confidential and private.
- Disputes can be settled promptly. Mediation can be scheduled as soon as both parties agree to use mediation, even before legal papers are filed.
- Parties are able to reduce the emotional trauma for the family that divorce litigation can produce.
- Settlement in mediation is entirely voluntary. While the courts may order you to try mediation, either party or the mediator may end mediation at any time.
- Mediation costs are usually significantly less than trial costs.
- Parties are more likely to comply with voluntary agreements that meet their needs.



HOW DOES MEDIATION WORK?

The mediator meets with the parties/parents in a room that allows for privacy and safety. Parties/parents may elect to bring their attorneys with them, and this is often advisable. After a brief description of the process, ground rules are set, confidentiality is explained, and parties are asked to sign a paper saying they agree to mediate. Parents may work toward creating a plan for parenting, and the parties may discuss assets, debts and spousal support.

Through mediation, parties have an opportunity to tailor a plan specifically suited to their needs and the needs of their children. The mediator will usually meet privately with each party to explore more fully the facts and needs of the parties. This gives the participants the opportunity to communicate to the mediator their real interests as well as to vent anger or frustration outside the presence of the opposing party.

When authorized by a party, the mediator will communicate ideas and proposals to the other party so that agreement can be reached. The agreement is then written down and signed by the parties.