

Mediation Information Sheet

Whenever custody or placement is at issue in Portage County, the first step in legal process is to attempt mediation to give the parties an opportunity to come to an agreement themselves without Court interference. That process is started by completing the Request for Mediation form.

When a Request for Mediation is received, the court will issue an order which requires both parties to submit a proposed parenting plan on forms provided by the court along with a \$100.00 check or U.S. postal money order payable to the Clerk of Courts. If a party does not comply with the order, the Family Court Commissioner will initiate a hearing with possible consequences including the adoption of the other party's proposed parenting plan.

When both parties comply, the Family Court Commissioner issues an order for mediation assigning the next mediator on a list of State-Certified mediators. A copy is sent to the mediator and the parties with instructions to contact the mediator within one week. Each party receives a copy of the other's proposed parenting plan and the mediator is sent a copy of both. Portage County will issue a check to the mediator which will cover up to three hours of mediation. Most mediations are completed within that time frame. If the process is not completed and the parties both wish to continue the parties will need to pay the mediator directly a total of \$100.00 for each additional hour.

Mediators complete a Conclusion of Mediation Report and return it to the Family Court Commissioner. If successful, a written agreement is attached and is made an order of the Court. Copies are mailed to each party and the Portage County Child Support Agency. If it is reported by the mediator that one party did not comply with the order for Mediation, the Family Court Commissioner will initiate a hearing to determine the next step.

If the Conclusion of Mediation Report states an impasse has been reached, the Director will schedule a Pre-Trial Conference with the parties to discuss the next procedural steps that need to be taken and to assign a Guardian ad Litem to represent the best interests of the child or children. Each party is required to pay a Guardian ad Litem deposit of \$1,000.00 to the Guardian ad Litem appointed to the case by the Court. If unrepresented, a moving party in a post-judgment action must pay a Family Law Information Center fee (FLIC), per FLIC guidelines, to Portage County Treasurer. The person seeking to change custody or placement also needs to pay a \$50.00 filing fee to the Clerk of Courts and file motion paperwork and a Petition for Appointment of Guardian ad Litem.

It is the policy of the Family Court Commissioner's office to encourage successful mediation. If there is a history of domestic violence between the parties, the victim of the domestic violence may request that the court waive the mediation requirement. If a party cannot afford the \$100 mediation fee, he/she can request a waiver of the fee by submitting an affidavit of indigency and request for waiver of the fee.