

Mediation Information Sheet

When custody or placement is at issue in Portage County, the first step in the legal process is to attempt mediation. This gives parties an opportunity to reach an agreement themselves without court interference. The process is started by completing the Request for Mediation form. When a Request for Mediation is received, the court will issue an order requiring 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 made payable to the Clerk of Courts. If the party requesting mediation does not comply the request may become void. If the non-requesting party does not comply with the order, the Family Court Commissioner may initiate a hearing with possible consequences. Consequences may include adopting 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 received 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 that covers up to three hours of mediation. Most mediators are completed within that time frame. If the process is not completed and the parties both wish to continue, they will need to pay a fee to the mediator directly.

Mediators complete a Conclusion of Mediation Report and return it to the Family Court Commissioner. If successful, a written agreement is attached and made an order of the Court. Copies are mailed to each party and the Portage County Child Support Agency. If a mediator reports that one party did not comply, 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, or if there is a partial agreement with other issues remaining in dispute, the Family Court Commissioner will schedule a Pre-Trial Conference with the parties to discuss the next procedural steps and to assign a Guardian ad Litem (hereinafter GAL). This is an attorney representing the best interest of the child or children. For a GAL to appointed, there cannot be any outstanding balance due to a GAL previously appointed. Each party is required to pay a GAL deposit of \$1,000.00 directly to that attorney appointed 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 the Portage County Treasurer in order to utilize their services. The person seeking to change custody or placement must also pay a \$50.00 filing fee to the Clerk of Courts and file motion paperwork and a Petition for Appointment for a Guardian ad Litem.

If a history of domestic violence exists between the parties, the victim may request that the court waive the mediation requirement. If a party cannot afford the \$100.00 mediation fee, or any applicable filing fees, he/she can request a waiver by submitting an Affidavit of Indigency and request for waiver of those fees. If a party cannot afford the \$1,000.00 GAL deposit, he/she can request a waiver for the deposit. When the dispute is resolved the GAL will forward a bill and each party will pay half of that bill. Waiver of the GAL deposit does not waive a party's responsibility to pay half of that bill.