

Mediation for Parents in Family Court

Separation, Divorce, Parentage, Dissolution of Civil Union, Blended Families, Post-Divorce

WHAT IS MEDIATION?

Mediation is a process in which separated parents define their differences, explore their interests, evaluate possible solutions, and create written agreements. Mediation provides a structure for communication at a time when working together is often difficult.

Mediation can occur before, during, and after a separation and/or divorce. Agreements made in mediation are usually more workable for families and thus parents are less likely to return to Family Court when compared to arrangements ordered by a Judge.

The mediators are neutral and do not represent any one point of view. They do not decide who is right or wrong but help parties communicate in an informal and confidential setting.

The mediation sessions are focused on the parents making agreements about decisions regarding their children, parent-child contact schedules, division of property and debt, support of spouse and/or children, tax issues, etc. Parents learn how to make the change from being conflicting spouses to cooperating co-parents. Children benefit from the example of their parents working out their differences.

Mediation is often much less expensive than other types of negotiation and resolution.

SHOULD I CONSIDER MEDIATION?

Mediation may be an appropriate course of action if:

- You want to make your own decisions together regarding your separation and/or divorce
- You would like to work out arrangements in a setting more private and confidential than Family Court.
- You would like to reduce conflict and attempt to come to some agreements with the other party.

However, mediation is not for everyone. Mediation may not be a solution if:

- One or both parties wish to use the separation or divorce process to “punish” or “get even” with the other.
- One or both parties are engaging in habitual substance abuse (such as alcohol or drugs).
- One or both parties are afraid or intimidated by the other as a result of past or current psychological or physical abuse.

HOW LONG DOES IT TAKE AND WHAT IS THE COST?

Most mediation sessions are one to two hours long. The number of sessions needed depends on the level of conflict and the number of issues parents want to address.

Most mediators charge on an hourly basis. The mediators listed in this booklet are contracted with the Vermont Family Court Mediation Program and are able to slide their fee depending upon your household income and other qualifications.

WHAT IF WE CAN'T REACH AGREEMENT ON ALL OF OUR ISSUES?

If you are able to agree on some, but not all issues, the things that you do agree upon can be written up in a document for you to take to a lawyer for review. If you choose not to use an attorney, you can submit the document directly to the Family Court for approval. You can also use an attorney's assistance or ask the Family Court to schedule a hearing to resolve remaining issues.

CAN I STILL HAVE AN ATTORNEY?

Yes. Consulting with an attorney is always advisable when making legal decisions. Although mediators can give you information about the legal process, mediators cannot give legal advice. Many people find they benefit from legal counsel during the mediation process.

HOW DO I START THE MEDIATION PROCESS?

The Family Court, a friend, therapist, an attorney or another professional may suggest that you use mediation. You can call any of the mediators listed in this brochure and the mediators will return your call and further explain the process. The mediator will ask some questions about your situation and then may suggest setting up an appointment for the two of you if appropriate.

After reviewing the list of mediators in your area, it is recommended that you call two or three before making your selection.

VERMONT FAMILY COURT MEDIATION PROGRAM INFORMATION

- Mediators are contracted with the Court Administrator of the Vermont Supreme Court.
- The Vermont Family Court Mediation Program is based upon the philosophy that children benefit when their parents are able to protect them from destructive adult conflict and can cooperatively work towards solutions.
- Families who use subsidized mediation will be asked to fill out a client satisfaction form. This form will be provided to you by your mediator and will include a self-addressed stamped envelope so the form can be mailed directly to the Vermont Family Court Mediation program anonymously.
- Any complaints or concerns should be directed to the mediator and to the Director of the Vermont Family Court Mediation Program (contact information in this booklet).

ABOUT MEDIATORS

Although Vermont does not license or certify mediators, the Vermont Family Court Mediation Program has defined criteria for the contract mediators. All of the Family Court contracted mediators listed in this booklet have met and or exceeded these required qualifications:

1. 100 hours of training including:

- 28 hours of "basic" mediation training
- 72 hours of training in divorce mediation including:
 - 24 hours training of the psychological aspects of family dynamics, separated families and the effect of divorce on children.
 - 16 hours in the areas of physical and substance abuse.
 - 16 hours in advanced skills mediating separated and/or divorcing families.
 - 16 hours in the areas of the law, procedures, and financial matters.

2. Supervised Experience

- 40 total hours mediation experience, to include at least 30 hours as an intern divorce mediator with parties in a real divorce (representing at least three divorce cases) in which the applicant mediator was mediating in concurrent

supervision with a supervising mediator approved by VFCMP

- 5 hours of supervision in person or by telephone, the intern mediator and supervising mediator reviewing the details of each case included in the 30 hours of divorce mediation experience.

The Vermont Family Court contracted mediators must complete 24 hours of continuing education every two years.

IN MEDIATION YOU SHOULD FEEL

- ⊙ Comfortable talking with your mediator.
- ⊙ That the mediator is treating both sides fairly and listening to both sides.
- ⊙ That you are freely involved in the process and assisted in exploring options for solutions and that any written agreement accurately expresses the work done in mediation.

WHAT DOES THE MEDIATOR DO?

The mediator provides a setting and structure where each person can fully describe his or her own point of view.

The mediator helps parties along by assisting each person to clarify what issues they feel are important.

The mediator will draft a memo reflecting your agreements. You may choose to bring this document to attorneys for review and/or submit the document directly to the Family Court for approval by a Judge, to become a court order.

A MEDIATOR SHOULD

- ⊙ Be impartial and neutral.
- ⊙ Explain the mediation process and any ground rules.
- ⊙ Maintain confidentiality and explain any exceptions at the beginning of the process.
- ⊙ Make clear that the process is voluntary and that any party, including the mediator, may withdraw at any time for any reason.
- ⊙ Make sure the mediation process feels safe and non-threatening.
- ⊙ Make sure all the issues are considered to create a fair agreement for all parties.
- ⊙ Be attentive to the needs of all other interested parties such as the children in the family.
- ⊙ Assist parties in the most efficient use of time in reaching solutions.
- ⊙ Be familiar with relevant legal issues in the dispute.
- ⊙ Recommend legal, financial, or therapeutic counseling when necessary.
- ⊙ Informs you of his or her mediation training and experience.
- ⊙ Discloses any professional or personal relationships or potential biases involving any of the parties.
- ⊙ Gives you an estimate of the time and fees involved.

ABOUT SUBSIDIZED MEDIATION AND THE SLIDING FEE SCALE

The mediators listed in this booklet can provide a sliding fee to eligible parents subsidized by the State of Vermont. Subsidized mediation is offered according to each individual parent's household income. The mediator determines the fee per person after reviewing the Application for Subsidy form (with proof of income attached). Most mediators will expect payment at the end of each mediation session. Each eligible case is allowed up to 10 hours of subsidized mediator time.

Some of the mediators bill parties for appointments canceled with less than 24 hours notice.

Vermont Family Court Mediation Program

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Uniform Sliding Fee Scale

Income (per household)	Fee (per person, per hour)
Above \$30,000	Mediator's Full Fee
\$30,000	\$30
\$27,000	\$25
\$24,000	\$20
\$21,000	\$15
\$18,000 + below	\$10

VERMONT FAMILY COURT MEDIATION PROGRAM

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