

EIGHTH JUDICIAL DISTRICT COURT
FAMILY MEDIATION CENTER (FMC)

MEDIATION GUIDELINES

The purpose of mediation is to provide an environment for parents to resolve issues regarding parenting their children. Mediation guidelines are implemented to protect parents, children, and the integrity of the mediation process.

Family Mediation Center (FMC) conducts mediation according to the following guidelines:

1. **Confidentiality** – With few exceptions, what happens in mediation is fully confidential and the information cannot be used in any Court of law, with the exception of providing the Court with the written memorandum of agreement. The mediator and his or her records cannot be subpoenaed. The parties cannot record the mediation sessions.
2. **Exceptions to Confidentiality** – Mediators are required under Nevada law to report child abuse and neglect to the appropriate authorities. Additionally, threats of bodily harm or disclosures of intent to commit a crime are reported to the proper authorities. The identity of a party who misses mediation sessions is not confidential.
3. **Conduct of Parties** – It is the mediator's responsibility to set ground rules that will assist the mediator in conducting the mediation process. It is the parties' responsibility to participate in mediation in a manner consistent with those ground rules. It is not proper to enter mediation in order to gain information to use in litigation against the other party.
4. **Full Disclosure** – Participants in mediation are expected to share all the information pertinent to the issues.
5. **Participation in Mediation** – Parties are expected to attend all mediation sessions that are scheduled. A twenty-four hour notice to the mediator and the other party is required if it is necessary to cancel a mediation session. Absence from two mediation sessions results in termination of mediation and is reported to the Court.
6. **Participation of Children and Others** – Local Court Rule 5.70 directs that mediation shall be completed in a confidential setting. As such, children are not permitted to participate in the mediation process. The mediator may, with the consent of both parties, speak confidentially with the child(ren). The content of a child(ren)'s statements to the mediator are confidential and are not to be shared with the parties or the Court. In certain circumstances, the presence of a support person for one or both parties may be permitted to be in the mediation session with prior consent of the mediator and both parties. Rules for inclusion of support persons in mediation are to be agreed to by the mediator and both parties prior to inclusion of the support person in the mediation session.

7. **Best Interests of Children** – The mediator has an obligation to inform the parties and, if necessary, terminate mediation if the mediator believes the parties are not representing the children's best interests during mediation.

8. **Reporting the Outcome of Mediation** – If mediation results in an agreement, the mediator will prepare the agreement in a written memorandum. Parties who wish to review the document with their attorneys may do so. After the parties have reviewed and signed the memorandum, the mediator will submit the original document to the Court. The document is not a court order, but when approved by the Court, it will become the order. Should one or both parties desire to change the agreement after the document has been submitted to the Court, they will need to do so through their attorneys.

If mediation is completed and the parties do not reach agreement, the mediator will inform the Court, in writing, that no agreement was reached.

9. **Procedures for Returning to Mediation** – Should the agreement need to be modified in the future, the parties should first attempt to resolve the issues between themselves. If that is unsuccessful, the parties should return to mediation prior to initiating further court action. The parties will be responsible for their own mediation fee or mutually decide how the costs incurred will be shared. Outstanding fees must be paid prior to remediation services.

10. **Legal Representation** – Legal representation and legal advice are not given out in mediation.

11. **Fees** – Each party is assessed a fee for mediation. Fees are assessed using a sliding scale, based on each party's individual income. There is a one-time processing fee of 10% of your balance should you elect to make monthly payments.

We agree to use our best efforts to participate fully in the mediation process by following these guidelines.

We acknowledge that we have read and that we understand the mediation guidelines on _____, 20____. This copy of the mediation guidelines is being made a part of the FMC file.

____ I will participate in mediation.

____ I will participate in mediation

____ I decline to participate in mediation.

____ I decline to participate in mediation.

(mediator)