

INTRODUCTION

This information is to help you understand the mediation process, including the goals and purposes of meetings to be scheduled through Mediation & Family Court Services.

For some children, parents living apart from one another are a natural way of life. Children adjust when their parents, **TOGETHER**, are able to make appropriate plans for their children, although as parents they live apart. It is only through your ongoing combined efforts that these plans can work. The most important responsibilities as parents are the physical and emotional needs of your children. The mediation process provides the opportunity to meet these responsibilities together.

A great deal can be gained by working together as parents to help your children through difficult and confusing times. ***Researchers note that children have great success if parents are able to make decisions together.*** Parents are the responsible adults in the life of a child, and they rely on **both** parents to provide for them. ***If, as parents, you can cooperate in a working relationship with each other, your children can feel the love and acceptance of both parents and will benefit from your mutual effort.***

What Is Mediation?

Mediation is parents working together. Mediation is a confidential cooperative problem-solving process designed for parents who live apart to help settle disagreements about the children. With the assistance of an impartial mediator, parents have the opportunity to work together and provide

each other with information necessary to solve problems that families frequently experience. Parents are encouraged to discuss their own desires as well as the present and future needs of the children, in the open and positive environment of mediation.

Why Mediation?

Wisconsin Statute 767.41 mandates that disagreeing parents who do not live together must attempt resolution in mediation on issues of Legal Custody (decisions) and/or Physical Placement (time). Parents may use mediation as often and frequently as appropriate for co-parenting.

The mandate for mediation requires each parent attend the group orientation session held in-person (or via Zoom for parents who live more than two hours away) before their first mediation appointment. Parents may attend the orientation class separate or together. Participation in mediation does not obligate you to reach an agreement, but rather a commitment to try. If you return for mediation again in the future, orientation will be required every five years.

When Is Mediation Not Appropriate?

Mediation is not appropriate if participation would endanger the health or safety of one of the parties or the child. Mediation may be waived by the Director due to:

*Domestic violence; *Child abuse; *Child neglect; *An Order of the Court: no contact **with child**; *Current drug or significant alcohol abuse.

Even if some of these factors are present, mediation may benefit those with a desire to structure parenting arrangements unique to the situation and needs. According to WI

Statute 767.405, the mediator is responsible for providing a safe environment for all participants. Concerns for safety during mediation are to be brought to the attention of the Director before scheduling a mediation appointment.

Who Participates in Mediation?

The first mediation appointment is with the two parents and a mediator. Grandparents or Legal Guardians may also be ordered to mediation. Children and attorneys do not participate in mediation.

The Role of the Mediator

You know your child better than anyone. The mediator helps parents to focus on common interests, develops alternative solutions when two parents cannot agree, concentrate on parenting issues, and assists with constructive suggestions on arrangements for the children to be with both families.

- The mediator has a responsibility to report to law enforcement authorities if the mediator reasonably believes that there has been unreported abuse or neglect of a child, or that someone is in imminent physical danger.

Following your mediation, your joint decisions are drafted into a Memorandum of Agreement (MOA) by the mediator and sent to you (and your attorney, if applicable) for review. Upon the signatures of all parties, the document is submitted to the Court.

Legal Rights and Mediation

Mediation is based on good faith negotiation. What you say in mediation is confidential. All agreements reached in mediation are legally binding when accepted by the Court. Be prepared to do your best to work within the guidelines of any agreement you create with the other parent.

The mediator is not permitted to give legal advice. Therefore, Mediation & Family Court Services (MFCS) recommends all mediated agreements be reviewed by an attorney for clarification of the legal implications of your decisions.

Mediation, by WI Statute 767.405, cannot address financial or economic issues unless both parents agree to consider these matters and neither parent is represented by an attorney. Child support cannot be discussed in mediation.

The mediator will not provide counseling, therapy, legal advice or legal representation. Working with attorneys and therapists can better equip you to make decisions in mediation. In a parenting dispute, other professional services are useful and often necessary.

Agreement Is Voluntary

Even though participation is mandatory, agreements in mediation are voluntary. The mediator has no power to impose a solution on you. Agreements made in mediation are to be the result of the parents' mutual understanding of "the best interest of the child" and careful consideration of the costs of other alternatives, both financial and emotional.

How Long Does Mediation Take?

Each family situation is unique. This is one reason you are best equipped to create the most effective parenting plan. This also means that mediation may require more time for some families and less for others. Sessions are typically about two hours in length; sometimes it takes more than one session for parents to reach an acceptable agreement. Both parents, along with the mediator, will determine how many sessions are necessary.

LOOKING AHEAD...

MAKING THE MOST OF YOUR MEDIATION APPOINTMENT

In mediation, the focus is on the potential for the future rather than disappointments of the past. When the dust clears, it's the children, you, and the other parent. *You must decide whether you want a working relationship or to battle each other.*

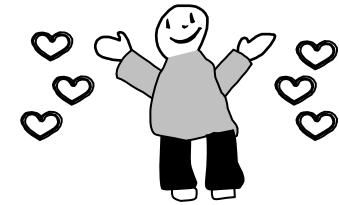
Your new plan may be negotiated with the help of a mediator or the assistance of your attorney or worked out on your own or decided by a Judge. But in the end, only the parents can make it work. Mediation offers parents the opportunity to work together to determine what will work best for their children.

Suggested reading list – www.kidsfirst.cc

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MEDIATION

A PROCESS TO PROMOTE POSITIVE PARENTING



**Mediation & Family Court Services
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*Bilingual and Hearing-Impaired
assistance available with advance notice.*

www.co.rock.wi.us