

Mediation



Frequently Asked Questions

What are the benefits of Mediating?

Child custody mediation is a process in which parents work together with the help of a neutral third-party mediator to develop a parenting plan to raise and share time with their children after divorce or separation. The focus of custody mediation is to create a parenting plan that is in the best interest of the children.

Parents who mediate custody find that as a result of the techniques learned in mediation, they are able to more effectively co-parent with each other after divorce or separation. You, as parents and/or guardians, are in the best position to make custody decisions that work for your family.

Who must attend the Mediation?

All parties, their attorneys (if applicable), Guardian ad-litem (if appointed), and any other party necessary to settle the case must attend the court ordered mediation. After obtaining prior approval of the mediator, another support person chosen by a party may be present at the mediation conference.

What is the role of the Mediator?

The mediator will lead the discussions between the parties involved. Sometimes these discussions will be with everyone in the same room. At other times, the mediator will speak with each side alone. The mediator will not give you advice or opinions about your case or the merits of the opposing side. If you have an attorney, they will give you such advice and opinions. The goal of mediation is to allow the parties, rather than a judge or magistrate, to decide the outcome of the case. If you do not presently have an attorney, you may consult with an attorney.

Can the other side reveal in Court what we say during mediation?

Unlike a trial, mediation is conducted in a private setting. Ohio law protects mediation communications from disclosure in court proceedings. Certain legal exceptions to this protection exist, such as threats of harm, admissions of crimes and abuse. Generally, no one who participates in the mediation may reveal mediation communications to any court proceeding unless both the speaker and all parties agree. The mediator will not discuss your case with anyone, including the judge, except to say that you met and whether an agreement was reached.

Can the other side reveal what took place in mediation to individuals not connected to the court proceedings?

Mediation communications may be discussed with third parties outside the court proceedings. If the parties want to be sure that no one reveals mediation communications outside the court setting, the parties may enter into a confidentiality agreement before mediation.

Do I have to reach an agreement of my case in Mediation?

No, you are not required to settle your case in mediation. All that is asked of you in mediation is that you be willing to discuss the possibilities of settlement with the other side. If both sides are comfortable with the proposed terms of an agreement to resolve the case, then the case can be settled. Otherwise, the mediation will be terminated without settlement and the case will proceed to trial.

