

MEDIATION INFORMATION

Mediation is a process whereby a neutral third person called a mediator acts to encourage the resolution of a dispute between two or more parties. It is an informal process with the objective of helping you and the other party reach a mutually acceptable and voluntary agreement. The decision making authority rests with the parties.

“Family Mediation” which means mediation of family matters, including married or unmarried persons, before and after judgments involving dissolution of marriage; property division; shared or sole parental responsibility; or child support, custody, and visitation. Referrals to mediation on temporary matters such as child support /alimony and custody/visitation may also be made.

If you do not reach an agreement, the mediator reports the lack of agreement to the court without comment or recommendation. If an agreement is reached, it is placed in writing, signed by you and the other party, and filed with the court.

Family mediation should be completed within 75 days of the first mediation conference.

If you want the court to order mediation in your case, you must file a motion stating what issues in your case need to be referred to mediation. The original motion must be filed with the clerk of court and a copy sent to the other party. Once your motion has been properly filed, you must call to obtain a hearing date so the judge or general master can consider your motion.

Mediators are paid for their services. The court can determine the portion of the cost each party pays for mediation upon request. If you cannot afford the mediation costs, you can file a motion asking the court to waive the cost or change the percentage of the costs that you are ordered to pay. When filing a motion to waive or reassign the costs in a mediation, it is normally necessary to file a current financial affidavit with your request.

For further information, see Florida Family Law Rules of Procedure 12.740-12.741.