

Kids' Voice of Indiana

Indiana Dad's Expo

Mediation in Custody and Parenting Time Cases



In divorce or paternity cases where the parents do not agree on what the Court should order on custody or parenting time (visitation) the Judge can order the parents to attend mediation to resolve the dispute.

Mediation is an informal, non-adversarial process in which a neutral third person, called a mediator, assists parents in resolving disputes



- In Marion County, most cases in which parents cannot agree on modification of the Court ordered custody or parenting time will be sent to mediation before the hearing.
- Most mediators are either licensed attorneys or mental health professionals.
 - ✓ Before being qualified to serve as a mediator, a person must participate in 40 hours of specialized training.
 - ✓ Qualified mediators must also participate in regular additional training.
 - ✓ Mediators must register with the Indiana Supreme Court and follow the Supreme Court's rules.
- Parents may choose their own registered mediator or the Judge may provide a list of three mediators from which to choose.
 - ✓ Decision-making relies on the parents, not the mediator.
 - ✓ The mediator helps parents in identifying issues, fostering joint problem-solving, and exploring settlement alternatives.
 - ✓ Mediation is usually scheduled for a half-day or one full day.
 - ✓ Parents must pay for the mediator's services, but the Judge can refer parents who qualify, based on income, to the Marion County Family Resource Center for pro bono or modest means mediation.

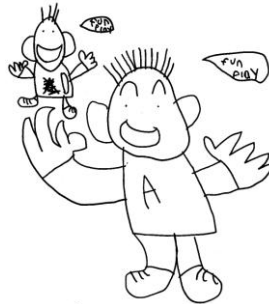


✓ Parents may represent themselves at mediation or pay their own attorneys to attend and represent them at mediation.

- Non-parties to the dispute such as girlfriends, stepparents, or grandparents may attend mediation at the discretion of the mediators.
- Each parent may submit a confidential written statement to the mediator before the mediation conference. The statement should be no more than 10 pages long, but exhibits may be attached.
- The mediator may meet separately or jointly with the parents.
- If the parents reach an agreement, the mediator will usually prepare the written agreement, which the parents sign on the day of the mediation. The agreement will later be filed with the Court and the parents are bound by the agreement.
- Statements made by the parents during mediation are confidential and may not be testified about in Court.
- The mediator will prepare a report for the Court stating whether or not agreement was reached. The report may state what issues are pending if full agreement is not reached on every issue.



Detailed videos on mediation are provided for free on the Indiana Judicial website: <http://www.in.gov/judiciary/2617.htm>



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Kids' Voice of Indiana * 9150 Harrison Park Court – C * Indianapolis, IN 46216 * 317-558-2870 * info@kidsvoicein.org