

APPENDIX B: MEDIATION REQUIREMENT

NOTICE IS HEREBY GIVEN TO THE PARTES:

- I. Mediation Requirement.** When parties cannot agree on issues about custody or parenting time, the parties must go through mediation before filing a motion with the court. The only time mediation is not required is when a party asks for emergency relief.
- II. Definition of Mediation.** Mediation is a process where a professional, also called a “mediator,” helps the parties communicate and come to an agreement.
- III. Mediator’s Role.** A mediator encourages the parties to resolve their disputes together. A mediator helps the parties communicate with each other. A mediator cannot force his or her own judgment on the parties’ issues. A mediator cannot force the parties to agree or compromise.
- IV. Choosing a Mediator.**
 - a. The parties may agree who to use as a mediator. If the parties cannot agree on a mediator, the parties will create a list of five qualified mediators. The parties will take turns crossing the mediators’ names off the list until one name is left.
 - b. When one party will not talk about choosing a mediator, the other party will email or text them requesting mediation and suggest a mediator. This mediator will be used for three months if the issue is not resolved within three days of the request and the other party does not suggest another mediator within five days of the request.
 - c. A list of mediators can be found at: <http://mncourts.gov/Help-Topics/AlternativeDisputeResolution.aspx>
- V. Responsibilities of the Parties.** The parties must cooperate and act in good faith when working with each other and the mediator to resolve all their disputes.
- VI. Paying Costs of Mediator.** The parties will share mediation costs equally, unless they have some other agreement. The mediator will provide his or her costs to the parties before the mediation.
- VII. Confidential and Privileged.** The mediation process is confidential and privileged. Any communications or facts used during mediation cannot be disclosed in later court proceedings unless the law allows. The mediator cannot be called to testify in court about what happened at the mediation.