

Mediation Overview

What is mediation?

Mediation is a process where an impartial third person, known as a mediator, is appointed by the court to help parties reach a mutual agreement about co-parenting issues (custody and visitation). The mediator does not take sides, is not the judge and does not make decisions about what is best for your child(ren). Instead, the mediator helps each person listen to the other's perspective, communicate about your interests and needs, focus on the needs of your child(ren) and reach a mutually agreeable plan for co-parenting.

Who are the mediators?

A mediator is an impartial person, specially trained to assist in resolving custody disputes. The Idaho Supreme Court maintains a roster of Mediators who meet minimum standards for training.

Why do courts order mediation?

A mutual agreement between parents is always preferable to a court-imposed plan. Parents who work together act responsibly, minimize costs in time and money, and reduce the stress on everyone involved including, most importantly, the child. Resolving what is best for your child by going to trial should be a last resort, and often indicates a failure by one or both parents. Mediation is your opportunity to turn a negative experience into a positive plan for the long-term health of your family.

What does it cost?

The cost of mediation will vary from mediator to mediator. However, when looking at that cost it is important for each party to compare the cost of 2-6 hours of mediation with the often devastating costs both financial and emotional of continued legal proceedings. Money that could be spent on improving the lives of your children with activities, vacations and college educations is spent instead on pretrial motions, court conferences, depositions and discovery, custody evaluations, trial and witness preparation, the actual trial, and possible appeal if you lose.

Family Court Services may be able to assist parents who have attended "Parenting Apart" (Focus on Children) class with the cost of mediation, if qualified based on income and available funds.

When is mediation not appropriate?

Most cases are appropriate for mediation. However, a case may not be appropriate for mediation. If you do not feel safe around the other parent, mediation may not be appropriate without a specially-trained mediator.

Where does my attorney fit in?

Your attorney can help prepare you for a positive mediation experience. By law, attorneys cannot be present during custody mediation sessions unless the mediator requests that they be there. However, you have the right to have your attorney review any agreement you reach, prior to signing.

What does it take to successfully reach an agreement?

Hard work, patience, an open mind, and a willingness to listen carefully to the mediator will help lead to successfully reaching an agreement. Often, situations that seem hopeless are resolved in mediation. A commitment of your time and effort are needed to reach that goal.

What happens after we reach an agreement?

Your agreement will be submitted to the court attached to other forms, as required by law. If all issues in your case are resolved in your agreement, no further court proceedings are generally necessary. If only some of the issues are resolved by agreement, additional steps in the court process may be needed. When your agreement is submitted, the judge will review it for enforceability and the best interests of your child(ren).

Prepare for the appointment!

Mediation can be a long process but it holds many benefits for you and your children. When ordered to go to mediation it is important to Prepare for the Appointment . This will save both money and heartache for your family. Brainstorm and think about a possible Parenting Plan that will work for you and the other parent and most importantly, a plan that will work for your child(ren). Make a list of issues that are important to you to include in your Parenting Plan.