

CONFIDENTIAL MEDIATION QUESTIONNAIRE

Are you here on a voluntary basis ☐ or by court order ☐?

Date: _____

Case Number: _____

Your Name: _____

Age: _____

Address: _____ City: _____ State: _____ Zip Code: _____

Cell #: _____

☐ Home/ ☐ Other #: _____

Email: _____

Is it ok to leave a voice message? ☐ Yes ☐ No

Name of your Attorney (if you have one): _____

Name of the other Party: _____

Age: _____

List children to be discussed in the custody/parenting time mediation:

Name	Sex	Age	School	Grade

List other persons living with you:

Name	Sex	Age	Relationship

What is your occupation? _____

What is your current work/school schedule? Please be detailed.

Kids' Turn: The Washington County Family Law Education Program

- Have you completed Kids' Turn or other court approved alternative class? ☐ Yes, on _____ ☐ No
☐ Registered, but I have not started. ☐ Currently attending and have completed _____ sessions.

Mediation

Please indicate, are you here for ☐ an initial domestic relations process or for ☐ a modification?

Do you have a court date? ☐ Yes ☐ No When? _____

Have you previously participated in mediation through Conciliation Services? ☐ Yes ☐ No

Please indicate the issues you would like to discuss during mediation:

- ☐ Amount of time I have with the child(ren)
- ☐ Amount of time the other parent has with the child(ren)
- ☐ Holiday and school break scheduling
- ☐ Relocation (one parent moving)
- ☐ Improving our co-parenting relationship
- ☐ Making the major decisions, such as health, education and religion (custody)
- ☐ The role of other adults (other than parents)
- ☐ Phone contact with the child(ren)
- ☐ Communication
- ☐ Other: _____

What is the parenting time schedule you are currently following?

How long have you been following the schedule written above?

What is your preference for the parenting time schedule?

Is there anything else we can assist you with?

MEDIATION STATEMENT OF UNDERSTANDING

Mediation is a process by which parties can develop a plan for their children when they are separating or are separated. A mediation session is a meeting between all parties with a neutral third party who will assist them in discussing and resolving disputes about how they will continue to parent their children. The goal of mediation is to produce a document that is signed by the parties and the mediator, which represents their agreement about custody and parenting time issues. The decisions reached in mediation are a working agreement and should be reviewed by each party with an attorney. This service is provided as part of the filing fees and will add no further cost to parents and may provide a means of lessening the total cost of the legal process.

Process

A minimum of two mediation sessions is required. The mediation orientation is considered to be the first mediation session. Conciliation Services agrees to meet with parties who are committed to mediation as often as necessary to reach agreement. However, mediation beyond the required mediation sessions are considered voluntary and all parties must agree to continue in the mediation process.

Participants in mediation are encouraged to mediate in “good faith.” This means that mediation is used in an attempt to discuss and resolve disputes about custody and parenting time. Mediation is not to be used as a means to punish another party, attempt reconciliation, or delay final resolution of the court process.

Parties are encouraged to communicate their concerns about physical or emotional safety during the mediation process. Conciliation Services is committed to insuring safety and can offer options to parties who are not feeling safe.

Third parties, including current significant others, relatives, or other support persons, are not allowed to participate in the mediation process unless they are a named party in the court process, specifically named in the mediation order or there is an agreement by all parties that they be present. It is our policy that children are not present during mediation sessions. Attorneys may be present during mediation.

Mediation is required by state statute and Washington County local rules. Parties failing to appear for a mediation session, after appropriate notice, may jeopardize their case in court. If a party needs to cancel or reschedule a mediation appointment, it is their responsibility to notify the other participant(s) and contact Conciliation Services; ***failure to contact Conciliation Services at least 24 hours prior to your scheduled appointment may result in the loss of one of your no fee sessions.***

Confidentiality

Per Oregon law, mediation of child custody and parenting time disputes is confidential. This means that the mediator cannot speak with anyone about what occurred during the mediation process, including attorneys. The mediator cannot be called to testify as a witness if the matter should proceed to court. Notes taken by the mediator will not be released to the parties or their attorneys.

In addition, individual conversations between a party and the mediator are confidential and may not be disclosed without permission. Instances when the mediator may have individual conversations with the parties include when a party requests that mediation occur in separate rooms (“shuttle mediation”), or when the parties or the mediator initiates separate communications in order to move the mediation process forward (a “caucus”).

There are limited exceptions to confidentiality. Below is a list of those exceptions:

- All counselors at Conciliation Services are mandatory reporters who are required to report concerns about child abuse and neglect, elder abuse or abuse to a person with a disability, and any credible threat of harm to a person.
- If one party does not appear for mediation as ordered Conciliation Services will report this information to the court. *Please note the person who **did not appear** will be specifically identified.*
- Records reflecting which cases have been referred to mediation are not confidential.
- Information used to compile statistical data is also not confidential.

Neutrality

The mediator is a neutral third party and not a judge. The mediator will help each party understand the other's position, will provide some information about children's needs and development, the practices of the court, and may offer alternative plans for resolving the issues. The mediator will not decide any issue for the family or offer opinions about any participants' perspective.

Agreements

If parties reach agreements in mediation, the mediator can draft a Mediation Agreement. Parties have the option, and are encouraged, to seek legal counsel before signing this document or at any point during the mediation process. Per ORS 107.765(2) all signed mediation agreements are forwarded to the Court and to attorneys involved in the case. In addition, Conciliation Services is required to send a report to the Court and to attorneys informing them about the general outcome of mediation once the process is complete. Agreements reached in mediation are not legally binding until the Judge signs a court order reflecting the mediated agreement. If a party requests a copy of their Mediation Agreement after the mediation process is complete, Conciliation Services will release the document only after receiving verbal or written permission from all participants. If there is no agreement reached, only this fact will be reported to the Court and attorneys. **Note: Mediation agreements do not alter court order restrictions on contact.**

Your signature below indicates that you understand the conditions for mediation as they are stated above. If you have any questions about this Statement of Understanding, or about the mediation process, contact Conciliation Services or ask your mediator.

Print Name: _____

Signature: _____

Date: _____

FEE POLICY

Court Connected Mediation

- Mediation orientation and two mediation sessions for free
- Additional mediation appointments are \$80/session

Voluntary Mediation

- One free voluntary mediation session for new clients
- \$80/session for previous clients and additional appointments for new clients

Co-Parent Counseling

- Four free sessions
- Additional appointments available for \$80/session

New Ways for Families

- \$250 per person
- \$150 if you have received a waiver or deferral of court fees

Court Testimony

- **Does not apply to mediation services. Mediators cannot be called to testify.**
- \$80 nonrefundable must accompany subpoena or notification and
- \$80/hour for court testimony and wait time. (Please notify us if our testimony is not needed as you will be charged for time we are waiting to be called to court).

No Shows

- Missed appointments with less than 24 hours notice may be counted as a session.

My signature below indicates that I have been given an opportunity to ask questions regarding Conciliation fees and understand how they relate to service delivery and court testimony.

Printed Name: _____

Signature: _____

Date: _____

IMPORTANT: OUR FEES ARE CHANGING!

Effective July 1, 2023: Pending June 20, 2023 budget approval by the Washington County Board of Commissioners

Court Connected Mediation Package- \$200 per person

- Includes: Mediation Orientation and Family Law Education* in one group session, plus 1 mediation session (available until the final court judgement).
- Each Additional Mediations session \$125 per person.
- Fee waived if court fees are waived, must submit proof of court approval.

**Family Law Education will be replacing the current Kids' Turn Program offered through Youth Contact.*

Voluntary Mediation- \$125 per person per session

- Session scheduled for 2 hours.

New Ways for Families- \$250 per person

- Includes: 4 group skill building sessions plus 4 co-parent counseling sessions.
- Fee reduced to \$150 if court fees are waived, must submit proof of court approval.

Co-Parent Counseling- \$93.75 per person per session

- Session scheduled for 90 minutes.
- Fee does not apply to the 4 sessions included with New Ways for Families

Expert Witness Testimony- \$100 nonrefundable fee

- Must accompany a properly served subpoena.
- \$25 per 15-minute segments testifying or waiting to testify.
- Does not apply to mediations, as mediators are not available to testify.

No Shows

- Missed appointments with less than 24 hours notice may be counted as a session.

My signature below indicates that I have been given an opportunity to ask questions regarding Conciliation fees and understand how they relate to service delivery and court testimony.

Printed Name: _____

Signature: _____

Date: _____

Your Name: _____ Other Party's Name: _____

Please check the appropriate boxes below:

I am concerned about my safety while I present to my appointment? YES ☐ NO ☐

Is there a FAPA Restraining Order? YES ☐ NO ☐

(A Family Abuse Prevention Act (FAPA) is obtained by one parent alleging domestic violence against the other parent or the children.) Against: ☐ Myself ☐ Other Party

Is there a Stalking Protective Order? YES ☐ NO ☐

(A Stalking Protective Order is obtained by one party alleging stalking behavior by the other party.)
Against: ☐ Myself ☐ Other Party

Is there a No Contact Order in place? YES ☐ NO ☐

☐ Civil (Family law) OR ☐ Criminal (Criminal charges) Against: ☐ Myself ☐ Other Party

Is Child Protective Services involved? YES ☐ NO ☐

Note: Attendance of Court Ordered Mediation Orientation and Mediation is not a violation of FAPA Restraining order.