

Differences between the regular family mediation program and the new expedited parenting time mediation program

1. Scope

The Family Mediation Program is a mandatory program that provides up to 6-hours of mediation services, at no cost to the parties, for newly-filed civil cases in which there is a dispute about parenting rights and responsibilities, relocation of a child, or grandparent visitation. It is also mandatory for already existing cases when a proceeding is brought to modify parenting rights and responsibilities, a request to remove the child from the state, or a motion to seek grandparent visitation. Civil cases covered under the program include divorce, separation, paternity, or guardianship.

The Family Mediation Program also has two optional components: (a) a judicial officer can refer parties into mediation, even if they have already been through the initial mandatory sessions, and (b) parties can purchase additional mediation sessions and can apply to the mediation program for a fee waiver or fee reduction based on income.

The Expedited Mediation Program is voluntary and is limited to parenting time issues in cases where there is already an existing parenting time order or plan in place. The services available under the Expedited Mediation Program are limited to two-hours.

2. Initiating Event

Access to the Family Mediation Program requires a formal court action such as filing a new case, filing a motion, or requesting an Order to Show Cause. Before mediation can begin, a judicial officer must issue an order requiring the mediation. In cases where a motion to modify parental rights and responsibilities has been filed, the judicial officer must make a finding that a prima facie case has been established. In layperson's terms a prima facie case means that it appears from the record that a legal basis exists to continue with the proceeding.

The Expedited Mediation Program becomes available when a party fills out the online request form. Nothing needs to be filed with the court first.

3. Timeline

There is a 120-day timeframe for the Family Mediation Program to conclude once a mediation scheduling order has been issued.

The timeframe for the Expedited Parenting Time Mediation Program is 7 days from the date the request was submitted.