

## Superior Court of California, County of Alameda

### CHILD CUSTODY MEDIATION WHAT TO KNOW BEFORE THE APPOINTMENT

**Mediators assist parents in matters relating to child custody, visitation and guardianship. The goal of mediation is to help parents negotiate a mutually satisfactory parenting plan for their children and to agree on rules to make the plan succeed.**

1. **Document review.** A mediator may review a limited number of documents provided by a parent only if there is verification that the other parent has had the opportunity to review copies of those documents. The copy to other party may be sent by fax or mail. Materials that may be reviewed (limit of 15 pages) include reports from police, child protective services, therapists or schools.
2. **Privacy and the mediation process.** While reasonable efforts are made to keep your contact information private, the mediator must disclose information about your case if there is an allegation or suspicion of child abuse or neglect or if there is a belief that someone may hurt him/herself or others. If the parties do not agree on a parenting plan, the mediator will be asked by the court to submit a report and recommendations regarding the custody and visitation issues involving the children. The mediator may disclose information about the parties as necessary, and may recommend the appointment of an attorney for the child, that a child custody evaluation be ordered, and/or that other appropriate orders be made. You will receive a copy of this report and you will have an opportunity to talk to the judge about the contents and recommendations. See **How to Request a Copy of the Mediator's Report Form**.
3. **Separate appointments.** Separate appointments may be requested if there are sworn allegations of domestic violence or if there is a restraining order in place that protects one party. If the Restraining Order permits, parties may choose to meet together by signing the **Agreement to Mediate Together Form** in advance of their mediation.
4. **Mediation time is limited.** The amount of time a mediator can give to each family is limited. In addition to the mediation session, each case may also require document review, telephone calls, report writing, and sometimes an appearance at court by the mediator. If you want additional mediation services, you may want to consider a private mediator and or an appropriate agency in the community
5. **Keep the appointment.** You will be scheduled an Orientation appointment in addition to the Mediation. Arrive on time for your appointments. The mediator may conduct a meeting if only one parent attends and the information provided by that parent will be sent to court. The mediator will inform the court if a parent fails to attend mediation without prior arrangement
6. **No private discussions.** A mediator generally does not have private discussions with parents or their attorneys on matters related to custody and visitation unless separate appointments have been scheduled. Certain statutory exceptions apply.
7. **Children's participation.** Children are not to be brought to orientation or to mediation sessions without prior approval. A mediator or a judge will determine whether children are to be interviewed.
8. **Child abuse allegations.** A mediator does not investigate crimes or allegations of child abuse. These issues will be referred to the police and/or child welfare agencies that conduct investigations.
9. **Enforcement of the court order.** A mediator cannot enforce court orders or give legal advice. The court and the police deal with enforcement issues. Only attorneys can give legal advice, including advice about enforcement of court orders.