

Superior Court of California, County of Alameda

CHILD CUSTODY MEDIATION

WHAT YOU SHOULD KNOW AFTER YOUR APPOINTMENT

Communicating with the mediator after the mediation session:

1. A mediator generally does not discuss matters with an individual parent or attorney outside of the initial mediation session. (Certain exceptions may apply by state statute or local rule).
2. After the mediation session, the mediator will advise the parties if any further information is required. Unless required, the mediator will not accept any other communication or documentation from any party or attorney after the session. Do not initiate any communication with the mediator after the mediation session (including phone calls, messages, e-mails, faxes, letters, documents, etc.).

Important information regarding the mediation report:

1. The mediator is required by local court rule to submit a written report to the court prior to the court hearing. The mediation report describes either the parenting plan agreed upon by you and the other parent -- or the parental plan that the mediator *recommends* for your child(ren) in the event that you and the other parent could not agree upon a plan. According to California law, the mediators' *recommendations* are based on what he/she considers to be in the best interests of the child(ren).
2. A copy of the mediation report will always be available for review by you, the other party, and/or your attorney(s) when you arrive in the courtroom on the date of your court hearing. In addition, *depending on the details of your case*, a copy of the mediation report also may be completed and available for review by you, the other party, and/or your attorney(s) three days prior to the date of your court hearing. At the end of your mediation session, the mediator will tell you when your mediation report will be completed and how to get a copy of it. See **How to Obtain a Copy of the Mediation Report**

Important information regarding the court hearing:

1. At the court hearing, the judicial officer will review the mediator's report and recommendations, as well as all other relevant information regarding the custody matter.
2. A parent can also tell the judicial officer directly at the court hearing about what they want, and whether they agree or disagree with the mediator's *recommendations*. A parent can provide the judicial officer with any additional information to be considered at the court hearing regarding the custody matter.
3. The judicial officer may make a decision at the court hearing based on many sources of information, not just on the mediator's report.

Important information regarding the court order:

1. Only a judicial officer can make a court order regarding custody and visitation matters at the court hearing. Only a judicial officer can change (or modify) a court order.
2. The orders of the court are your legal directions for working together as responsible parents. Parents are required by law to follow all the terms of the current court order.
3. A mediator cannot enforce court orders. The court and the police deal with enforcement of court orders.
4. Neither a mediator, nor any staff member of the Child Custody Mediation Program, can give legal advice. Only attorneys can give legal advice.