



## SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

### FAMILY LAW - PRIVATE MEDIATION

#### Information Sheet for Parties

For detailed information about private mediation for family law cases in Riverside County, go to [http://riverside.courts.ca.gov/adr/famlaw\\_privatemediation.shtml](http://riverside.courts.ca.gov/adr/famlaw_privatemediation.shtml)

#### **POLICY**

The Riverside County Superior Court strongly recommends the use of alternative dispute resolution, including private mediation or settlement conferences, in most family law matters.

#### **WHAT IS PRIVATE MEDIATION FOR FAMILY LAW CASES?**

In private mediation, the parties work with a neutral mediator to try to resolve their disputes without court hearings or trial. The goal is to reach voluntary agreements that promote individual and common interests through understanding and communication. Private mediators do not make rulings, orders, decisions or reports. Their only job is to help you work out voluntary agreements that fit your particular situation. Attorneys may participate but are not required.

#### **WHAT KINDS OF FAMILY LAW DISPUTES CAN GO TO PRIVATE MEDIATION?**

Most family law disputes benefit from private mediation including:

- \*Divorce
- \*Legal Separation
- \*Domestic Partnership Dissolutions
- \*Spousal Support
- \*Partner Support
- \*Custody, Visitation, and Co-Parenting Plans
- \*Paternity
- \*Most Child Support issues
- \*Business, Debt & Property Issues
- \*Pensions
- \*Military Rights

The following issues may not be appropriate for private mediation, but contact private mediators for more information:

Domestic Violence: Cases with a Criminal Protective Order (CPO), RO (Restraining Order) or TRO

Child Support: When the custodial parent receives public assistance and the Department of Child Support Services (DCSS) is involved. You may still use private mediation for other issues.

Child Abuse/Neglect: Private mediators may refer you to Child Custody Recommending Counseling (CCRC) for custody/visitation disputes but you may be able to use private mediation to resolve other issues.

#### **IS PRIVATE MEDIATION THE SAME AS CHILD CUSTODY RECOMMENDING COUNSELING (CCRC) OR CHILD CUSTODY "MEDIATORS"?**

**No. There are important differences:**

**CCRC** only deals with custody, visitation and parenting plans. Parents who cannot agree on these issues are required to attend CCRC. If you cannot work out an agreement in CCRC, the CCRC counselor is required to make a written recommendation to the judge, so CCRC is not confidential. Attorneys may not participate in CCRC sessions. There is no charge for CCRC.

**To contact CCRC: Riverside: 951-777-3495 or 951-777-3496; Indio: 760-393-2424; Hemet: 951-306-3081; Southwest: 951- 704-7479; Blythe: 760-775-8500.**

**Private mediators** can help you resolve all issues at the same time, including custody, visitation and parenting plans; spousal and child support; and property, debt and income disputes. Private mediation is voluntary: You decide if you want try it, and once you start, you decide if you want to settle all, some or none of your disputes.

**Private mediators** are not allowed to make any written or oral reports to the judge about what was discussed in mediation even if the parties cannot reach an agreement. You may participate with or without attorneys, as you wish. Private mediators charge for their services but often offer reduced or sliding scale rates.

## **WHAT ARE THE PROS & CONS OF PRIVATE FAMILY LAW MEDIATION vs. COURT PROCEEDINGS?**

### **Advantages:**

- **Faster:** With private mediation, the entire case can sometimes be resolved in one day.
- **Less expensive:** Parties can save court costs, attorneys fees and witness fees.
- **More control:** Parties choose their private mediator and schedule the session at a convenient place and time. The parties themselves decide whether to settle all, part or none of their case.
- **More private:** Private mediation takes place in private offices, not public courtrooms. Private Mediators can meet with the parties in separate rooms or even on different dates.
- **Less stressful:** Private mediation is an informal process. The parties can discuss any concerns about the mediation process with their private mediator.
- **Focus on family issues, relationships, and practical concerns:** Private mediation can focus on the key non-legal issues that may be at the heart of the dispute.
- **Unique, case-by-case solutions:** Private mediators can help parties create a settlement agreement that fits the parties' particular situation.

### **Disadvantages:**

- **No public trial:** If the case settles during private mediation, parties do not get their "day in court" or a decision by a judge.
- **Costs and Time:** If the case doesn't settle in private mediation, parties may have to pay for both mediation and trial. If the child custody issues cannot be resolved in private mediation, the parties will probably be ordered to CCRC (at no cost).

### **Private mediation may be appropriate when the parties:**

- Want to avoid adversarial hearings and trial but need help from a neutral mediator; or
- Have communication problems or strong emotions that interfere with resolution; or
- Have a continuing business, personal or parental relationship.

### **Private mediation may not be appropriate when the parties:**

- Want their public "day in court" or a judicial determination on points of law or fact;
- Lack equal bargaining power or have a history of domestic violence including emotional abuse.

## **HOW DO WE SCHEDULE PRIVATE MEDIATION FOR OUR FAMILY LAW CASE IN RIVERSIDE?**

The parties must jointly select a private mediator and then schedule and pay for the mediation.

- Private mediators on the court's **Family Law Private Mediation Panel** have been family law attorneys for at least 5 years. This panel serves the entire county. To select a private mediator from this panel go to: <http://adr.riverside.courts.ca.gov/adr/fl/>
- Private mediators with the Riverside County Bar Association's **DRS panel** are attorneys. To contact DRS, call 951-682-2132 or visit <http://rcbadrs.org/>
- You may also find private mediators in the telephone book or on-line, but note that not all mediators are attorneys and not all attorneys have experience in family law.