

## **Rule 11(A) – Mediation**

The Court incorporates by reference herein, R.C. 2710 “Uniform Mediation Act” (UMA), R.C. 3109.052 Mediation of Differences as to Allocation of Parental Rights and Responsibilities, and Rule 16 of the Supreme Court of Ohio Rules of Superintendence.

### **11(A).1 Referral**

Any time after filing, the Court may, upon its own motion or upon the motion of a party, refer any case to mediation that the Court deems appropriate.

### **11(A).2 Fees**

- (a) No additional deposit fees are charged for cases referred to the (Belmont County Mediation Program)
- (b) The Judge or Magistrate shall consider the following approaches to allocating mediation fees, but retain discretion to allocate fees in any manner deemed appropriate:
  - (1) The Court may divide fees for mediation services equally based on the family’s financial situation and ability to pay
  - (2) The Court may approve any agreement reached by the parties regarding the payment of mediation services
  - (3) The Court may allocate all fees to one party or the other based on financial ability to pay for services
  - (4) The Court may waive mediation fees based on both parties ability to pay for such services

### **11(A).3 Pro se Cases**

All cases involving pro se litigants shall be automatically referred to the Court’s mediation program: Pro se litigants shall be fully and clearly informed by the mediator of what the pro se litigant is and is not required to do in mediation, including the nature of mediation and the purpose for the mediation.

#### **11(A).4 Counsel**

- (a) The parties may waive the presence of any counsel, or the Court also may require counsel for all parties to attend.
- (b) The parties shall have the opportunity to consult or appear with counsel before the Court approves the mediation agreement.

#### **11(A).5 Time Frame for Completion**

- (a) The Court may stay the proceedings for mediation for a period of time not to exceed 45 days.
- (b) The assigned Judge or Magistrate must approve or deny any agreement reached by the parties and reduced to writing within 10 days.
- (c) If either parties fails to appear for mediation, if no agreement is reached in mediation, or if the agreements reached is not approved by the Judge or Magistrate, the case shall be scheduled for a pretrial or trial hearing.

#### **11(A).6 Confidentiality**

- (a) Any disclosure made by the parties or information received from any source or person during mediation shall be deemed confidential and shall not be admissible as evidence in any other action before the Court: Mediators shall not disclose or testify about any statements or discussions which occurred during the mediation.
- (b) A written confidentiality agreement shall be executed by all those in attendance prior to beginning the mediation session. If new or different persons attend a subsequent session, their signatures shall be obtained prior to proceeding further in the process.

#### **11(A).7 Sanctions**

If any party fails to attend mediation as ordered by the Court, without good cause, the Court may impose sanctions which may include, but are not limited to, the award of attorney's fees and other costs, contempt, or other appropriate sanctions at the discretion of the assigned Judge or Magistrate.