THE THIRTY-NINTH JUDICIAL CIRCUIT OF MICHIGAN

Circuit Judges
ANNA MARIE ANZALONE
MICHAEL R. OLSAVER

Court of Lenawee
Rex B Martin Building
Adrian, Michigan 49221

DAVID C. MCFARLAND
Friend of the Court
425 N Main St
Adrian, MI 49221
Phone: (517) 264-4706
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MEDIATION REQUEST

YOUR NAME: _____
ADDRESS: _____
OTHER PARTY'S NAME:_____
YOUR PHONE NUMBER:_____

DATE:_____ SIGNATURE:_____

Please note that a copy of this request **will** be sent to the other party.

Both parties will have to go through a Domestic **Relation** Mediation Screening before Mediation can take place. You will get a letter with **a date and** time for the screening.

Is Mediation Right for You?

What is Domestic Relations Mediation?

Mediation is a process which allows you and another party to resolve your dispute outside of the traditional court process. Unlike hearings or a trial, in mediation you and the other party work together to identify solutions to problems. The mediator, a trained neutral person, does not say who is right or wrong, and does not provide recommendations for resolving your dispute unless you both agree. Mediation can be quickly arranged, and frequently saves time and money compared to the traditional court process. Because mediation promotes cooperation, the emotional costs of resolving your dispute also may be reduced. You can choose to try mediation, or a judge may order you to try mediation. Here are some more things you should know about mediation:

In general, mediation is confidential. Some of the exceptions to confidentiality are:

- You and the other party agree that the information can be disclosed.
- You or the other party tell the mediator about child abuse or neglect.
- You or the other party tell the mediator about threats of bodily harm.
- You or the other party tell the mediator about planned future criminal activity.
- Information is necessary to resolve a dispute regarding the mediator's fee.

The mediator also is required to report to the court certain basic facts about mediation, such as who attended, whether or not an agreement was reached and general information necessary for program evaluation, depending on local court practice.

You and the other party may agree on who will be your mediator or you and the other party may agree to use a CDRP center. The court has a list of mediators who meet requirements set by the State Court Administrative Office. These requirements include training to screen for domestic abuse and other issues that may interfere with mediation. If you and the other party cannot agree, the court will select a mediator from this list.

Reaching an agreement is voluntary. Most people who try mediation do resolve all their issues through mediation. However, if you and the other party cannot agree on some issues, you can ask the mediator to tell you about other ways to reach an agreement. If a settlement is not reached, your case continues in the court process.

What are the Benefits of Mediation?

Compared to the traditional adversarial court process, mediation may:

- take less time
- cost less
- allow you to express all your opinions about the issues and results you want in an informal, private setting
- give you more control over the outcome of your dispute
- lead to fewer court proceedings after a judgment has been entered

How Do I Know if Mediation is Appropriate in My Case?

Mediation is Appropriate

and works best when both parties:

- ✓ do not use fear, force, threats, violence, or intimidation to get what they want
- ✓ commit to respecting and listening to the other's opinions and interests
- ✓ feel free to openly and safely express needs and concerns

Mediation is NOT Appropriate • and

does not work when the other party:

- ✓ uses fear, force, threats, violence or intimidation to get what they want
- ✓ does not respect or listen to your opinions and interests
- ✓ makes you afraid to openly express needs and concerns

If you think that mediation is not appropriate for your case for any of these reasons, it is important for you to let the court and the mediator know about these reasons.

IF YOU THINK THAT MEDIATION IS NOT APPROPRIATE FOR YOUR CASE,
PLEASE READ THE OTHER SIDE OF S NOTICE.

What if I do not want my case to go to mediation?

If your case is being ordered to mediation, you can ask the court to decide whether mediation is right for you. This request is made by filing a "Motion to Remove Case from Mediation" with the court. You can get the form to file this motion from the court clerk's office. After you file the motion, the court will hold a hearing in front of a judge or referee to decide if mediation is right for you. The following are reasons why the court may decide not to order mediation:

1. You or the other party now has a Personal Protection Order (PPO).

2. You or the other party are now or have been involved in a child abuse or neglect proceeding.

3. There has been domestic abuse and you will not have a lawyer with you during mediation.

4. There is reason to believe that your health or safety would be endangered by participating in mediation.

5. You are not able to negotiate for yourself and will not have a lawyer with you during mediation.

6. You have another good reason not to participate in mediation. Good reasons might include: the other party has been arrested for or convicted of domestic violence; there is a pending criminal domestic violence case; there is now or has been a protective order issued against the other party; the other party has a past history of violating court orders; the other party has threatened to harm or kill you or has harmed you; the other party has threatened to harm or kill the children; there is a history of depression or attempted suicide; past attempts at mediation have failed.

What is domestic violence?

Domestic violence is a pattern of behavior. It is one person scaring another into doing what the abuser wants. Abusers use physical and sexual violence, threats, money, emotional and psychological abuse to control their spouse or intimate partners and get their way. Many people don't think of themselves as victims of domestic violence. However, if you answer yes to any of the following, you may want to consider filing a motion to remove your case from mediation.

- ❑ Have you ever been physically hurt or threatened by the other party?
- ❑ Have you been hit, kicked, slapped, pushed or shoved by the other party?
- ❑ Has the other party threatened you with a weapon?
- ❑ Have you ever been forced or pressured to have sex when you did not want to?
- ❑ Has the other party ever physically hurt or threatened to hurt your children?
- ❑ Has the other party ever threatened to kill your friends, family or pets?
- ❑ Are you afraid of the other party?

Programs serving each county in Michigan offer confidential counseling, shelter, support groups, and safety planning to survivors of domestic violence. You can get the number for your local domestic violence program, and confidential crisis counseling and support, by calling the National Domestic Violence Hotline at:

1-800-799-SAFE (7233)

Or by calling your local Domestic Violence Program.