

CUSTODY MEDIATION

8th Judicial District Court

Overview

Mediation is a process in which the parties in a dispute attempt to work out an agreement that will be a useable solution for all parties involved in the matter.

Mediation is available in all counties for the 8th Judicial District Court. Any of the District Court Judges or Hearing officers for the Court can order mediation.

Custody Mediation is a process that allows parents to make their own decisions about their children by allowing them to explore options and create more flexibility in their agreements. Most parties are happier when they make the agreements themselves.

Through mediation, you can also avoid high cost of courtroom battles and the emotional stress that comes with it. Finally, all the parties are more likely to comply with the agreements they come up with rather than the decisions made for you by the court. It is better for families to make decisions for their children instead of the courts, who don't know them.

With the assistance of trained mediators, parties will meet together in an informal setting to work at reaching an agreement. The role of the mediator is to help the parties communicate more clearly and to work cooperatively together. Parties are encouraged to put the past behind them and focus on the future needs of their children in an open and positive way.

Mediations are always confidential and no information shared, except the agreement and outcome of the mediation session.

The parties may request mediation by filling out and submitting Form 4A-205 NMRA.

How It Works

- 1 The parties may request a Referral to Mediation or a presiding Judge or Hearing Officer might refer them.
- 2 The Court will then ask for income information from the parties in order to determine the fee to charge bases on the Sliding Fee Scale.

- 3 Once an Order of Referral to Mediation (Order) is filed, the parties and/or their attorney will **CONTACT THE MEDIATOR** by the deadline provided by the order. They shall provide information about the issues if requested by the mediator. You must inform the mediator if your attorney will be participating in mediation.
- 4 Once Mediation is scheduled, each party **MUST** pay their mediation costs to the Court **AT LEAST THREE DAYS** prior to the scheduled mediation. The mediation costs for each person are on the Order.
- 5 At the end of the mediation, the mediator will submit a report to the Court. The report will explain any agreements reached and any issues that remain unresolved. The mediator will write out any agreements, which will contain the specifics agreements. The parties may receive a call or email asking them to come to the Court to sign their agreement.
- 6 If there is no agreement, the parties may request a hearing on the unresolved issues.

Preparing For Mediation

- 1 Review the order and the packet thoroughly.
- 2 Write down your proposal and have it with you to refer to at mediation.
- 3 Keep the best interests of your children in mind at all times.
- 4 Come with an open mind & be willing to make compromises.
- 5 Be willing to listen.
- 6 Try not to interrupt.
- 7 Make a list of all areas of agreement.
- 8 Make a list of all issues still in dispute.
- 9 Bring all supporting documentation that will assist you in discussing the issues.
- 10 Bring your ideas for resolving all issues in dispute.

