

## How confidential is mediation?

Information gathered during mediation is confidential, except that the mediator has the duty to report danger to either parent or danger to the child or children. If no agreement is reached, the mediator will inform the Court of that fact and of what issues the Court must resolve. If the mediator believes the parents have reached an agreement, the mediator may return the signed agreement, partial agreement, or draft agreement to the Court only with the consent of both parents. The mediator will not give the Court an opinion on possible solutions, nor will the mediator disclose to the Court any information that is not included in the agreement. Ohio law prohibits the mediator from testifying as a witness for or against any party in Court proceedings.

### **REMEMBER:**

*This pamphlet is meant to give you general information and not to give you specific legal advice. This information cannot take the place of advice from a lawyer. Each case is different and needs individual legal advice. You should contact a lawyer if you need representation or if you have questions.*



The  
**Legal Aid Society**  
of Cleveland  
*Since 1905*

*This pamphlet was prepared by  
The Legal Aid Society of Cleveland which serves  
low-income people in Ashtabula, Cuyahoga,  
Geauga, Lake and Lorain Counties.*

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## Custody Mediation: What You Should Know in Advance



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## What is Custody Mediation?

Mediation is a process where the parents meet with a neutral third party called a “mediator” to see if they can resolve their differences and reach an agreement on custody of their child or children. If the parents are able to reach an agreement on custody, that agreement is put in writing for the Judge to issue a court order which adopts that agreement.

## What will happen at Custody Mediation?

You will sign an “Agreement to Mediate.” The mediation session will focus on the future of the child or children. You and the other parent will be able to discuss what arrangements you prefer for the child or children’s residence and parenting time (visitation). The mediator will explain the terms and procedures of mediation and will help you and the other parent reach an agreement on a parenting arrangement for your child or children. The mediator may speak to parties separately or together. The mediator has no power to impose an agreement, but more than two-thirds of parents who go to mediation succeed in agreeing to a parenting plan.

## How long will mediation take?

Mediation sessions last about two to two and one-half hours. If more time is needed, a follow-up session will be scheduled. Most parents complete their mediation in one session.

## What should I do to prepare for mediation?

You should think about and write down all of the concerns you have about parenting issues that you want to discuss, including any issues you anticipate may come up from now until the child or children reach the age of eighteen. These issues might include discipline practices, religious practices, recreational pursuits, and relationships with other children or adults in either parent’s household, or alcohol or tobacco use in the household. You should be prepared to state what you want, including your reasons. You should NOT include any accusations of fault or blame, as this would only hinder the process.

## What should I bring with me to mediation?

In addition to your list of concerns, you should also bring your work schedule, schedules of the child or children’s activities, any information about time constraints, and any information about medical or other issues that need to be addressed in the agreement. You must disclose all necessary information if you want certain provisions included in the agreement and enforced by the Court.

## What if I have concerns for my safety?

You must notify the mediator of those concerns and of any existing safety orders, such as **Civil or Criminal Protection Orders, Temporary Restraining Orders, or Anti-Stalking Orders**. You may refuse to participate in mediation if, after consulting with the mediator regarding safety arrangements, you are not convinced that you will be safe.

## What is my goal in mediation?

Your goal is to reach a satisfactory and workable agreement with the other parent. Remember, if the two of you are unable to reach an agreement in mediation, the case will be assigned to a Magistrate who can enter a parenting order without your consent.