

Clackamas County Resolution Services

MEDIATION ORIENTATION



Before We Get Started:

- Interpreter services available
- Accommodations for safety issues
- Logistics
 - Bathrooms
 - Refreshments



Agenda

- 9:00 - 9:50am: Presentation
- 9:50 - 10:00am: General questions
- 10:00 - 10:30am: Specific questions and scheduling
 - There are a limited number of first come, first served, appointments available at 10:30 am today.
 - You may also schedule for future date and time with the other party by phone (if you both have attended orientation.)
 - How do I know if the other person has attended?

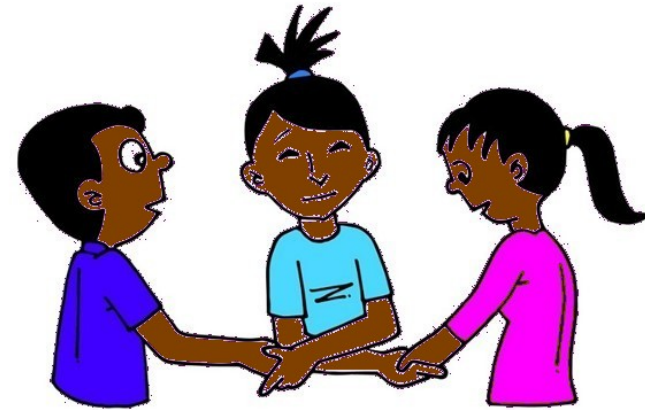
Supplementary and Local Rule Requirements

- If you have a case pending:
 - Mediation Orientation
 - Parent Education –
 - Required if you have minor children.
 - Registration and payment available online.
 - Alternative Dispute Resolution – Supplementary Local Rule 8.017
 - See next slide



Ways to Meet the Alternative Dispute Resolution Requirement

- Mediation with Resolution Services
- Mediation with a private mediator
- Collaborative law process
- Arbitration
- Judicial settlement conference
- Neutral assisted settlement conference
 - Mutually agreed upon family, friend, clergy etc.



What is Mediation?



Mediation is:

- A confidential process where parties discuss and attempt to reach agreement with the assistance of a neutral third party.
- How it typically looks:
 - Individual check in with mediator
 - Both parties and mediator meet together (barring any exceptions described on next slide)
 - Set goals and build an agenda
 - Brainstorm and share proposals
 - Mediator drafts any agreements in writing for client review

Exceptions to Joint Mediation

- Safety concerns
 - With or without protective orders
 - Options available when consulting your mediator:
 - Shuttle
 - Phone
 - Staggered arrivals/departures
 - Waiver
- Long distance
- Incarceration

Mediation with Protective Orders

- Mediation is NOT REQUIRED but permitted if:
 - You have a FAPA restraining order or a stalking protective order
 - The protected person requests mediation, AND
 - Mediation is structured to be in compliance with the protective order
- Mediation is NOT ALLOWED if you have a criminal no contact order

Who participates

- When your case is mandated by the courts, the only participants allowed are the named parties to the case, their counsel, and their children.
- If a case is voluntary, any mutually agreed upon third parties may participate.



When people mediate

- Upon the filing of a petition and response
- Post-judgment/Modification
- Pre-filing (voluntary)



Your mediator is:

- A neutral third party who provides
 - Legal information, not advice
 - Facilitated dialogue
 - Tools for improved communication
- A professional who does not offer opinions or make decisions
- An expert with:
 - Master's level education
 - Multiple years of experience working with families and children
 - Qualification as a court connected family law mediator
 - Trained in Child Inclusive Mediation



Legal Requirements

- Confidentiality
 - Covers all communications, written and verbal, between mediator and the parties
 - Encourages an open dialogue
- Informed consent
 - All parties to a mediation must clearly understand the terms, benefits and risks of a contemplated settlement
- Voluntary

CONFIDENTIAL

Reporting Requirements

- Mediators must report to child welfare or law enforcement
 - Child abuse or neglect
 - Threat of harm to self or others
 - Elder abuse
 - Mediation program reports to the court:
 - We don't report anything to the court unless you mediate with us
 - If you do mediate, we report:
 - Attendance at orientation
 - Participation in mediation session(s)
 - Whether you reach an agreement
- > If you don't use Resolution Services to resolve your dispute, it is the OTHER provider's obligation to report your participation to the Court.

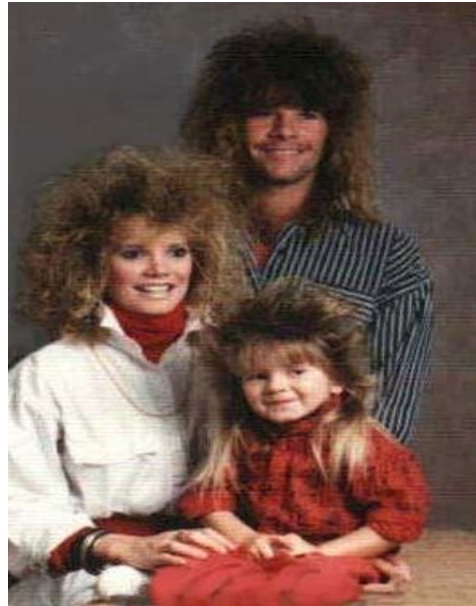
Mediation Topics

- Custody/Decision Making
- Parenting Time
- Financial Matters



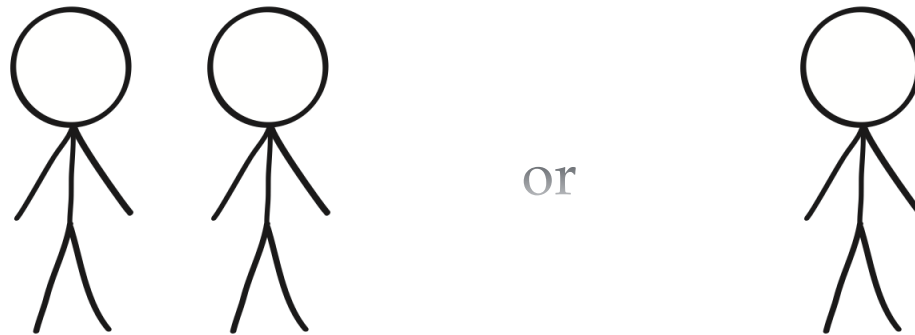
Custody

- Legal custody is decision making authority about:
 - Education
 - Non-emergency health care
 - Religious training
 - Residence



Types of Custody

- Joint
 - Parents have shared authority to make decisions
- Sole
 - One parent alone has the authority to make decisions
- If parties cannot agree, the court will choose one parent to have sole custody. The court cannot order joint custody unless both parties request it.



Parenting Plan

- Regular weekly schedule
- Exceptions to regular weekly schedule
 - Holidays
 - Vacations
 - Non-school days
- Other child related issues:
 - Transportation, travel, activities, communication, changes to schedule, child care, safety, etc.



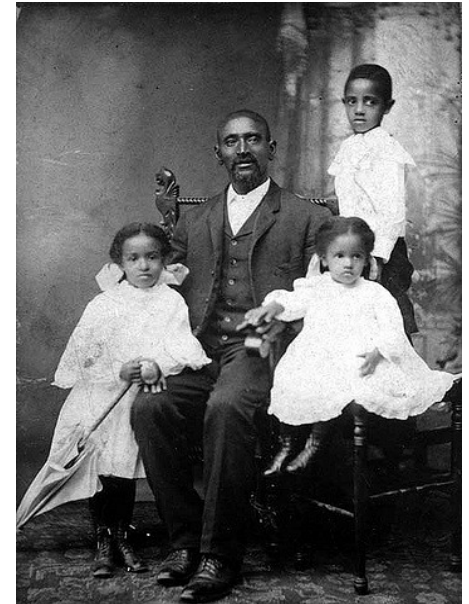
Financial Matters

- Child support
- Spousal support
- Distribution of assets and debts



Child Support

- Child support is money one parent must pay the other for the care, support, education and welfare of the parties' children.
- Calculation factors:
 - Income of each parent
 - Overnights
 - Day care and health care expenses
- Oregon Child Support Calculator can be found here at <https://justice.oregon.gov/guidelines/>



Spousal Support

- Spousal support is considered when one party is unable to meet their needs without financial assistance from the other party.
- The amount and duration are influenced by the following factors:
 - Length of the marriage
 - Age and health of the parties
 - Earning capacity of each party
 - Lifestyle enjoyed during the marriage
- If spousal support is not awarded in your initial judgment, it cannot be added at a later date.
- Because there is no calculator for spousal support, it may be helpful to seek legal advice prior to mediation.

Distribution of Assets and Debts

- Marital (or shared) property is subject to an equitable distribution, and may include the following:
 - Real property
 - Personal property
 - Bank accounts, retirement, etc.
- Marital (or shared) debt is also subject to division, including:
 - Consumer debt
 - Loans

** See example worksheet on next slide

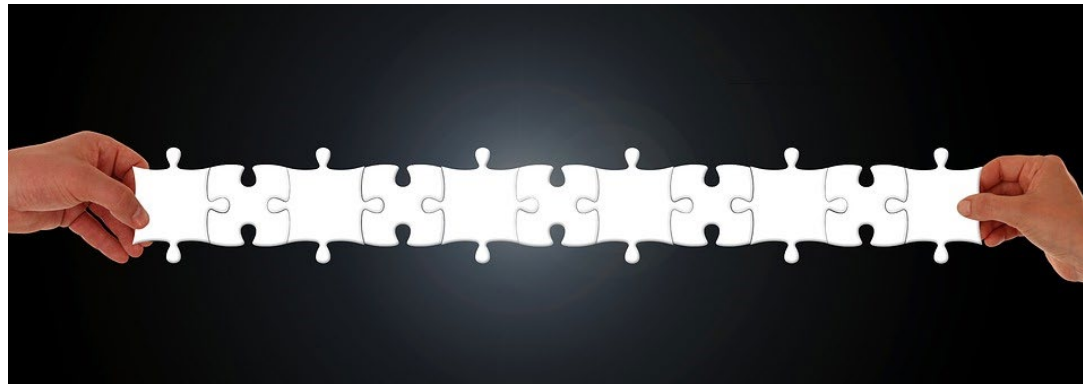
Asset/Debt Worksheet

Asset/Debt	Value	Liability	Net Value/Liability	Party A	Party B
Home at 123 Main St.	325,000	(275,000)	50,000	50,000	
Toyota	11,000	(6,000)	5,000		5,000
401K	75,000	---	75,000		75,000
Chase C.C.	---	(8,000)	(8,000)		(8,000)
Total	411,000	(289,000)	122,000	50,000	72,000
Equalization				11,000	(11,000)
Final Distribution				61,000	61,000

*Equalization: $72,000 - 50,000 = 22,000$. One half of 22,000 is 11,000.

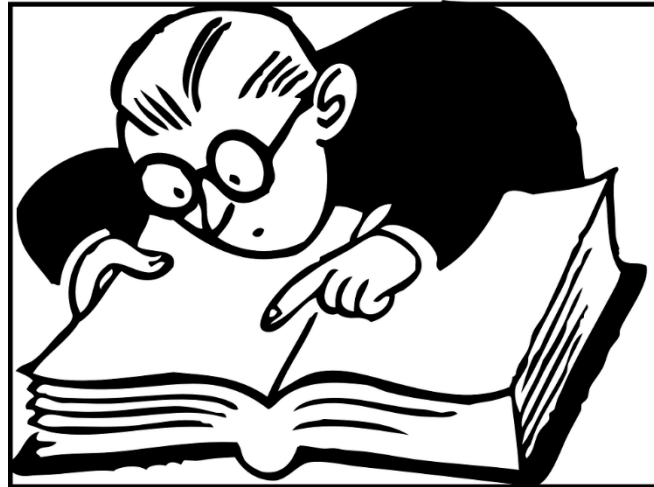
Outcomes of Mediation

- Information sharing
- Return to mediation to continue discussion
- No agreement
- Partial agreement
- Full agreement



If You Reach Agreement

- Consider seeking a legal review of your document
- Complete the court required paperwork at <http://www.courts.oregon.gov/forms/Pages/default.aspx>
- File your mediated agreement with the legal paperwork



Benefits of Mediation

- More affordable and timely than the court process
- Allows parties to retain critical decision-making power
- Creates more durable and family-specific agreements
- Promotes communication skills and tools for problem solving in the future
- Helps children by showing them that their parents are working together for their benefit



Preparing for Mediation

- Bring your proposals
 - Not only what you want, but why
 - How your proposal meets the needs of your children
 - Identify areas of flexibility
 - Have the information needed to make informed decisions
- Be willing to listen to the ideas and proposals of the other parent
- Think about ways to regulate your emotions and behavior



Mediating at Resolution Services

- Two sessions, free of charge. \$125/hour after that (presumed to be split between the parties)
 - ***Sessions are only free if you have a Domestic Relations pending case***
- Sessions are typically 90 minutes long
- Average number of sessions is 2-4, depending on the complexity of your case



Other Services

- Voluntary Mediation
 - Pre-filing or post-judgment
 - No court involvement but need help making decisions together
- Relationship Coaching
 - Couples or co-parents who want to improve their relationship
- Forms Assistance
 - Help completing court paperwork
- Child Inclusive Mediation
 - Children are interviewed by a mediator trained in Child Inclusive Mediation
- Parent Education
 - Mandatory for parents with minor children
 - Offered most Wednesday evenings from 5:30 - 9pm
 - Covers the impact of family restructuring and parental conduct on children



Video

Now What?

- If you have questions about your case, stay in the room and talk to one of the family law mediators.
- If you are clear that you are finished here, you are free to go.
- To schedule a mediation session for a future date, stay in the room to sign up.
- If you are participating in mediation today at 10:30, stay in the room. We will give you paperwork to fill out and sign prior to your session. Your mediation will begin at 10:30 a.m.

