

# State of Michigan

Circuit Judges  
Michael J. Beale  
Jonathan E. Lauderbach  
District Judges  
Stephen P. Carras  
John H. Hart  
Probate Judge  
Dorene S. Allen



Jerome M.P. Kole  
Trial Court Administrator  
(989) 837-6595  
(989) 837-6596 Fax  
jkole@co.midland.mi.us

Midland County Courthouse  
301 W. Main Street  
Midland, Michigan 48640-5183

42<sup>nd</sup> Circuit Court – Administrative Order 2008 – 02

## ORDER REGARDING REFERRALS TO DISPUTE RESOLUTION PROGRAM CENTER FOR MEDIATION

The 42<sup>nd</sup> Circuit Court has agreed to participate in a pilot program that refers parties in domestic relations matters involving custody and parenting time and who voluntarily request mediation to the Community Resolution Center (the "Center"). The Center will provide domestic relations mediation conducted by a neutral third party who facilitates communication between the parties to promote settlement. This local administrative order applies to custody and parenting time motions filed with the court, grandparenting time visitations, contested custody and parenting time issues identified by the court.

This administrative order is issued in accordance with MCL 552.513 and MCR 3.216.

### IT IS THEREFORE ORDERED:

#### Types of Referrals

- I. The following domestic relations cases may be referred to the Center for mediation:
  - A. Motions regarding custody, parenting time and grandparenting time; and
  - B. Contested custody and parenting time issues identified by the court; and
  - C. Requests by a parent to resolve issues related to custody or parenting time or other issues related to the case.

- II. The following domestic relations cases may not be referred to the Center for mediation:
- A. Cases that include allegations of child abuse or neglect; and
  - B. Cases that include allegations of domestic violence; and
  - C. Cases in which one or both parents are unable to negotiate for themselves at the mediation; and
  - D. Cases in which the court has a reasonable belief that one or both parties' health or safety would be endangered by mediation; and
  - E. Cases in which the Office of Friend of the Court has determined other good cause exists to decline to refer to mediation.

### **Procedures for Referral to Mediation**

- I. For cases referred to the Center for mediation, the court or Office of Friend of the Court will:
- A. Send a notice to the parties that the case has been referred to the Center for mediation and that the Center will contact the parties with the date, time, and location of the mediation. A party who has voluntarily requested mediation may object to mediation by letter or email to the Office of Friend of the Court requesting removal of the case from mediation. A party, who has been ordered to mediation by the court, may object to the mediation by filing a motion with the court.
  - B. Send a copy of the referral notice to the Center by letter or email.
  - C. Before the scheduled mediation and the request of the Center, provide the Center with the following information:
    - 1. Copies of motions and responses received by the court that relate to domestic relations matters identified as being within the scope of this pilot; and
    - 2. The parties' names, mailing addresses, and telephone numbers; and
    - 3. The parties' attorneys names, addresses, and telephone numbers; and
    - 4. Copies of court orders involving the domestic relations case.

## **Mediation Procedures**

- I. The Center will schedule the mediation and notify the parties and the court or Office of Friend of the Court of the date, time, and location of the mediation session, including information about how the parties may contact the Center.
- II. Prior to mediation, the Center will conduct an intake with each party.

In the event one or more of the following are identified during the intake, the case will not be mediated and the Center will notify the court or Office of Friend of the Court that this case is not suitable for mediation.

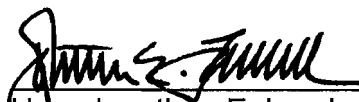
- A. Allegations of child abuse or neglect; and
  - B. Allegations of domestic violence; and
  - C. The inability of one or both parties to negotiate for themselves during the mediation; and
  - D. A reasonable belief by the Center that one or both parties' health and safety may be endangered by mediation.
- III. After the Center conducts an intake for each party and the case is identified as being suitable for mediation, the case will be assigned to the first available mediator. Only mediators who have received training approved by the State Court Administrative Office are qualified to conduct mediation pursuant to this Order.
  - IV. The following applies to the mediations conducted by the Center:
    - A. Communications between the mediator and parties during mediation and between the parties in the presence of the mediator are confidential and will be preserved and accepted by this court as a privileged communication.
      1. Any confidential communication will not be admitted as evidence in any proceedings.
      2. The court will not use confidential mediation communications for any investigative or enforcement procedures, nor during other alternative dispute resolution processes.
    - B. Agreements reached during mediation between the parties regarding custody and/or parenting time will be written into a memorandum of understanding and will be signed by the parties

and the mediator. The memorandum of understanding will be forwarded to the Office of Friend of the Court where a determination may be made to modify an existing order.

- C. In cases where the parties do not reach an agreement, the case will be referred back to the court or Office of Friend of the Court.
- D. Within 24 hours of the conclusion of the scheduled mediation, the Center will provide the following to the court or Office of Friend of the Court, if applicable:
  - 1. The original memorandum of understanding signed by both parties and the mediator(s),
  - 2. A report from the Center that contains information about the outcome of mediation, including:
    - a.. The name of the party who failed to appear or participate in the mediation services;
    - b. That mediation was held, but no agreement was reached;
    - c. That mediation was held, but only a partial agreement was reached;
    - d. That mediation was held, but the mediation was terminated before an agreement was reached;
    - e. Mediations may be terminated by the mediator or by either party at any time; specifically, if allegations of domestic violence or child abuse are made or a party is threatening or violent;
    - f. The date, time, and duration of the mediation;
    - g. The mediator's name.

Effective Date: 5/1/08

Date: 5/2/08



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Hon. Jonathan E. Lauderbach, Chief Judge  
42<sup>nd</sup> Circuit Court