

## **Family Mediation Center**

### **Mission Statement**

Preserving family integrity and protecting children's rights during the restructuring of families as the result of separation, divorce or other family matters.

### **FMC Scope of Services**

The majority of services provided by FMC are by local court rules 5.07 and 5.70.

**Pursuant to Local Court Rule 5.07**, all parties involved in all domestic actions under Chapters 125, 125A and 126 of the Nevada Revised Statute must complete the seminar for separating parents approved by the family division of the Court.

As the program coordinator for the divorce educational seminar, FMC monitors the program and provides quarterly in-service training for the private providers.

**Pursuant to Local Court Rule 5.70**, FMC provides mandatory mediation services to families in contested domestic relations proceedings where custody of children or visitation with children are disputed issues. This includes divorce, paternity, guardianship, termination of parental rights, stepparent adoptions and grandparent, relative and stepparent visitation. The mediation services function independently of any other court proceedings. Pursuant to Local Court Rule 5.70, FMC does not mediate child support or financial related issues.

FMC provides confidential mediation to parents involved in contested child custody matters. FMC is under the administration of the Eighth Judicial District Court - Family Division.

Upon the filing of an answer to a contested child custody motion, parents are mandated to attempt to resolve their dispute through mediation, prior to their trial date. Parents may obtain mediation services through the private sector or FMC. Parents may access the services of FMC by:

1. Stipulation & Order to Mediation
2. Request & Order for Mediation (Attachment 1)
3. Order of the Court (Attachment 2)

Mediation is completed within 45 days of the referral to FMC.

### **Benefits of Mediation**

- Improving Communication between the Parents.
- Diffusing Emotional Conflict.
- Identifying Underlying Needs.

- Serving as a resource for children's needs and parenting skills.
- Helping parents adapt to change.

### **FMC Mediation Program Content**

The Family Mediation Specialist assists the parents to:

1. Focus on the needs of the child;
2. Identify areas of stability for the child;
3. Identify the strengths of the family; and
4. Develop and promote continuity in the child's relationship with each parent.

FMC provides the following types of mediation services:

- **Access/Visitation Mediation**  
Mediation services are provided to parties involved in paternity or child support matters before the Court. Parties who are paying child support but have been unable to pursue access/visitation through Family Court are afforded an opportunity to explore resolution of access/visitation issues through FMC. The access/visitation mediation is funded through the Department of Health and Human Services.
- **Adoption Mediation**  
Mediation may be requested by the adoptive parents or biological parents as it relates to open adoptions. Adoption mediation affords the adoptive parents and biological parents to define open adoption and the scope of access the biological parent may have with the child upon the completion of the adoption.
- **Dependency Mediation**  
Mediation in child protection can help parents, children, child protection workers, attorneys, and others involved reach agreements acceptable to everyone that are also in the best interest of the child. Mediation is effective because it provides a forum for all the parties involved to voice their concerns and discuss options to find the best possible arrangement for the child's care. Mediation can be used at any point in the proceedings for almost any purpose.
- **Kinship Mediation**  
Kinship mediation may involve relatives, biological parents, child protection workers, attorneys, and others. The purpose of kinship mediation is to explore alternate placements for children whose parents are not in a position to care for them due to their own limitations or lack of their ability to maintain a safe environment for their children. Kinship mediation allows all parties to explore alternative placements for children within their family systems as opposed to foster care placements. Issues to be mediated may include relative placement, access to children by biological parents, visitation schedules and location of visitation for biological parents, and whether the visitation will be supervised.

- **Mandatory Mediation**  
In accordance with EDCR 5.70, all individuals filing an answer to a complaint/motion for contested, child-custody related divorce or post-divorce child-related issues are mandated to attend mediation toward the resolution of custody/access issues.
- **Marathon Mediation**  
Due to the geographical location of the parties, the Court may order marathon mediation. Marathon mediation involves parties spending the entire day at FMC with the Family Mediation Specialist who attempts to assist the parties in reaching resolution to their child custody dispute.
- **Re-mediation**  
Parties who have mediated through FMC may re-mediate their parenting agreement. Should the parenting agreement need to be modified, the parties may return to mediation prior to initiating further Court action, or the parties may be ordered for re-mediation by the Court.
- **Telephone Mediation**  
Given the geographical location of one or both parties, the Court may order telephone mediation services. When one party resides out-of-state, arrangements are made for the out-of-state party to be present by telephone for the mediation sessions. The party residing in-state, will be required to come into FMC for the scheduled appointments. In the event that both parties reside out-of-state, both will be allowed to participate in mediation by telephone.

### **FMC Mediation Sessions**

Each family referred for mediation is seen for:

- a. A minimum of two sessions totaling four hours. Extended mediation services are provided as needed.
- b. Mediation is held in private and all communications, verbal or written, are confidential and are not to be disclosed, even upon waiver of the privilege by either or both parties, except where the Family Mediation Specialist is required to report any information which falls within the scope of child abuse reporting requirements.
- c. Domestic violence issues are serious concerns to FMC. Referrals for services in which these allegations are raised relative to custody and visitation issues requires careful screening to assess the appropriateness of proceeding in mediation. FMC uses a Domestic Violence Assessment Tool to determine if the parties want to participate in mediation on all referrals where there are allegations of domestic violence.

When mediation is successful, the Family Mediation Specialist and the parties carefully draft a comprehensive agreement which includes, but is not limited to, the following:

1. Designation of legal and physical custody and how this is related to parental authority and decision making;
2. A weekly schedule for the child and each parent;
3. A holiday schedule for the child and each parent;
4. A summer schedule for the child with each parent;
5. Vacation time (i.e. time that the child may spend each year without regularly scheduled physical contact with the other parent);
6. Provision for protecting the child, such as supervised visitation if high risk factors are present (e.g., a history of substance abuse, debilitating illness, acts of domestic violence by one or both parents, child abuse, or neglect); and
7. Special day arrangements (e.g., birthdays of the child, siblings, and parents).

Partial Parenting Agreements are completed when parties may not have resolved all their issues in the mediation process. The issues upon which parties cannot agree are provided to the Court. This still allows the parties the major portion of self-determination while saving the Court time and avoiding an evidentiary hearing, in most instances.

**Fees for Mediation**

FMC provides mediation services on a sliding scale based upon each parent’s individual annual gross income.

|                     |          |            |
|---------------------|----------|------------|
| Less than \$12,000  | \$50.00  | per person |
| \$12,001 - \$25,000 | \$100.00 | per person |
| \$25,001 - \$50,000 | \$150.00 | per person |
| More than \$50,000  | \$200.00 | per person |

**FMC Child Interviews**

At the direction of the Court, FMC may be ordered to interview a child regarding their parent’s divorce, feelings about the present custodial arrangement, timeshare, school schedule, and familial relationships, etc.

- Interviews occur with children between the ages of 4 and 18.

The interviews are child focused and address the child’s relationship with both parents, school, extracurricular activities, sibling relationships and the child’s concerns related to their parents’ custodial conflicts. Children are not asked if they have a custodial preference. Parents are not interviewed during the child interview nor is any collateral information provided by either parent reviewed by the Family Mediation Specialist. At the direction of the Court, the Family Mediation Specialist may be requested to ask specific questions, presented by the Court, which may benefit the Court in making a final determination in the matter.

**Fees for Child Interview Services**

Parties are assessed \$50.00 per party for child interviews through FMC.

### **FMC Child Reunification Services & Parent/Child Observations**

In child custody matters, often children have been estranged from one parent due to hostility between the parties, the geographical location of one parent, unresolved emotional issues, remarriages or allegations of drugs, child abuse and/or sexual abuse. At the request of the Court, FMC assists in the reunification and re-establishment of parent/child relationships with non-custodial parents. These reunifications are facilitated by a Family Mediation Specialist and occur at FMC.

Child reunification services and parent/child observations are time limited. The minimum scheduled time for child reunification services are two hours in duration. Subsequent child reunification services may be in FMC if the child is reluctant to spend time with the non-custodial parent.

### **Fees for Parent/Child Reunification Services & Parent/Child Observations**

Parties are assessed \$50.00 per child per litigant for parent/child reunification services and/or parent/child observation services.

### **Criminal History/Juvenile Records Check**

At the direction of the Court, FMC obtains criminal history/juvenile records for families involved in contested child custody disputes. Upon receipt of the records, the information is forwarded to the Court.

If the Court determines that they need information regarding criminal history or juvenile records information, the Court may complete the **Request for Criminal History or Juvenile Records Check Order** (attachment 3).

### **FMC Staff**

The FMC professional staff has specialized training in divorce and child custody mediation and at least three years post-master's experience.

Family Mediation Specialists adhere to the Model Standards of Conduct for Mediators as jointly developed by the American Arbitration Association, American Bar Association, and Society of Professionals in Dispute Resolution.

### **Center Hours**

FMC is open Monday through Friday from 7:00 a.m. to 6:00 p.m.