

**TENTH CIRCUIT MEDIATION SERVICES:
POLICIES AND PROCEDURES**

- I. **Authority to Refer Mediation:** Chapter 44, Florida Statutes, and Rules 12.740 and 12.741, Florida Family Law Rules of Procedure, provide that the Court, on its own motion, may refer all or any part of a civil case to mediation for the purpose of mediating family matters between married and unmarried persons, before and after judgments involving:
1. dissolution of marriage,
 2. shared or sole parental responsibility,
 3. child residency,
 4. child support,
 5. payment of alimony,
 6. child visitation,
 7. distribution of property, or
 8. division of liabilities.
- II. **Mediation - The Process:** The following procedures will be followed for services provided by Mediation Services:
1. Within five days of receiving the Order to Mediation, each party must provide a current address, a financial affidavit, a current pay stub voucher or letter from an employer stating current earnings, and a statement (to the best of their knowledge) as to the earnings of the other party to Mediation Services at P.O. Box 9000, Drawer J112, Bartow, Florida 33831-9000. If self-employed, the party must submit a copy of their most recent tax return. If neither party has supplied the necessary information within the designated time, each party will be assessed the full session fee of \$80.00.
 2. Once Mediation Services has received the above information, a letter will be mailed to each party indicating their fee for mediation services. The letter will also instruct each party to call Mediation Services at 863/534-4698 within three days of receipt of the letter to schedule their mediation session. Each session will be scheduled for 150 minutes.
- III. **Fees:**
1. The fee for each session will be assessed as follows:
 - A. Any person may apply to the Clerk of Court for a deferral of the mediation session fee.
 - B. No fee for dependency mediations.
 - C. **\$40.00** per party if the parties combined gross earnings is under \$50,000.
 - D. **\$80.00** per party if the parties combined gross earnings is over \$50,000, but under \$100,000.
 - E. If the parties combined gross earnings are over \$100,000, the parties do not qualify for the mediation services offered by Mediation Services and must seek private mediation services.

2. If subsequent mediation sessions are scheduled, or if the mediation session is extended for more than 120 minutes, the parties will be required to pay an additional session fee at the previously determined rate.
3. The mediation session fee may be paid at any time prior to the scheduled mediation. All mediation session fees shall be paid to the Clerk of Court in the county that has jurisdiction over the case. The parties must bring a receipt for the payment or a certified certificate of indigent status from the Clerk of Court to Mediation Services.
4. Failure to pay mediation session fee: The mediation will be conducted if one party fails to pay their mediation session fee, but the other pays their assessed fee. However, the Court may issue an order to appear and show cause requiring the non-paying party to appear before the Court at a hearing to show good cause why they should not be held in civil contempt for failing to pay the assessed mediation fees. The Court may assess additional fees and costs against the non-paying party. Any additional fees and costs assessed by the Court shall not be credited toward future mediation sessions, nor may the party seek a refund from the State of Florida for any paid mediation session fees. The other party will not be penalized.

IV. **Cancellations and Continuances:** A mediation session may be continued or cancelled at the discretion of the mediator, by written joint consent of the parties, or by order of the Court.

1. If the mediation session is continued at the discretion of the mediator or by the Court, any paid fees will be credited toward future mediation sessions. If the mediation session is cancelled at the discretion of the mediator or by the Court, the parties may seek a refund from the State of Florida for any paid mediation session fees.
2. Cancellation and Continuances by the Parties:
 - A. It is the responsibility of the requesting party to provide Mediation Services with documentation that the mediation is to be continued or cancelled.
 - B. If the notice of the continuance or cancellation is provided at least 5 business days prior to the scheduled mediation session, any paid fees will be credited toward future mediation sessions.
 - C. If notice of the continuance or cancellation is provided less than 5 business days prior to the scheduled mediation session, unless there is a major medical emergency or death in the immediate family, the full payment of the mediation fee will be charged to the requesting party for the scheduled session. The fees will not be credited toward a future mediation session, nor may the party seek a refund from the State of Florida for any paid mediation session fees. The other party will not be penalized.
 - D. In the event that the parties reach a full and complete settlement that is submitted to the Court for approval, and a signed copy is provided to Mediation Services prior to the mediation session, no session fee will be charged. If any mediation session fees have been paid, the parties may apply to the State of Florida for a refund.

V. **Attendance at Mediation Session:**

1. General: Each party shall appear at any scheduled mediation session. Each party is responsible for paying the Clerk of Court the fee regardless of whether the other party appears. The Court, on its own motion, having received notification by Mediation Services that a party failed to appear for a scheduled mediation session, or upon motion of the appearing party, may issue an order to appear and show cause why the non-appearing party should not be held in civil contempt. Pursuant to Rule 12.741(2), Florida Family Law Rules of Procedure, the Court may “impose sanctions, including an award of mediator and attorneys’ fees and other costs, against the party failing to appear.” Any additional fees and costs assessed by the Court shall not be credited toward future mediation sessions, nor may the party seek a refund from the State of Florida for any paid mediation session fees.
2. Appearance by telephone: In the case of an emergency or when a party resides over 100 miles away from the mediation session location, the parties may agree by stipulation to the affected party appearing by telephone. Any such agreement must be provided to Mediation Services prior to the mediation session. Any party attempting to appear by telephone without an agreement by the parties will be considered a non-appearing party. Any party may seek an order from the Court to appear for the mediation session by telephone.