

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR POLK COUNTY, FLORIDA

In Re Matter Of:

Petitioner,

and

Respondent.

_____ /

CASE NO:
SECTION:

ORDER DIRECTING MEDIATION

Pursuant to Fla. Stat. §61.183, it is **ORDERED** that:

1. This matter is referred to mediation.
2. **Either party to this action may request in writing to the court, with copies to the opposing party, to be excused from mediation, if the party believes that domestic violence issues will compromise the mediation process. Upon filing of a written request to be excused from mediation, the mediation requirement is suspended pending a hearing. Either party may petition for a hearing. A written request to be excused from mediation must be filed and served within ten (10) days of the execution of this order, unless the alleged domestic violence issues arise between the execution of this order and the scheduled mediation.**
3. The party requesting meditation shall attempt an agreement with all concerned as to the selection of a mediator and the mediator’s compensation. If an agreement is achieved, the attorney of the party requesting mediation, or the opposing attorney if the party requesting mediation is unrepresented, shall file a notice making the agreement a matter of record. If the parties cannot agree within ten (10) days of the date of this order, the attorney of the party requesting mediation, or the opposing attorney if the party requesting mediation is unrepresented, shall notify the court to that effect and the court will enter an order appointing a mediator and setting the compensation.
4. The attorney of the party requesting mediation, or the opposing attorney if the party requesting mediation is unrepresented, shall a) schedule the mediation at an agreeable

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time sufficiently in advance of a scheduled case management conference or pretrial conference, and b) confirm the date, time and place of the mediation by letter to all concerned.

5. At least five (5) days in advance of the mediation, each attorney (or unrepresented party) shall provide the mediator with a summary listing the issues to be resolved at mediation, a copy of the most current financial affidavit of the party, and a child support guidelines worksheet calculation, if appropriate.
6. Pursuant to § 44.102(3) and §61.183(3), all discussions and representations, both written and oral, made at the mediation, shall be confidential, exempt from the provisions of Ch. 119, and with the exception of an executed settlement agreement, inadmissible in any judicial proceeding.
7. The mediator shall report to the court, within ten (10) days of the mediation, only information as to whether the parties appeared for mediation and whether an agreement was reached. The contents of any agreement shall not be communicated to the court unless and until it is reviewed by the attorneys for the parties, or unrepresented parties, and it is stipulated that the agreement be received in evidence.
8. The attorney who will try the case for a party shall appear at the mediation. The parties must also be present. A participant who fails to attend and/or leaves the mediation before the mediator declares an impasse, is subject to sanctions by the court. Sanctions may include taxing of fees and costs for the participants and mediator.

DONE AND ORDERED on this _____ day of _____, _____.

Circuit Judge