

IN THE CIRCUIT COURT OF THE 15TH JUDICIAL
CIRCUIT OF FLORIDA, IN AND FOR PALM BEACH COUNTY.

FAMILY DIVISION

IN RE: THE MATTER OF:

CASE NO.

_____,
Petitioner,
and
_____,
Respondent.

ORDER AND REFERRAL TO FAMILY MEDIATION (ADR OFFICE)

Based on a review of the file, and/or upon a Motion for Mediation having been filed by ONE OF THE PARTIES, the Court has determined that mediation may be helpful to resolve the pending issues and hereby directs the parties as follows:

1. The court appoints, and the parties shall meet with _____, a Family Mediator, in the Alternative Dispute Resolution (ADR) Office, Room _____, _____ BRANCH Courthouse _____, (561-355-2739), on _____ @ _____.

Attendance by both parties (and counsel if any) is mandatory. This court has the power to and may impose sanctions on parties or attorneys who fail to attend the session. The parties are directed to mediate in good faith. Failure to appear for Mediation may result in dismissal of the case, entry of a default, or such other actions as the court deems appropriate.

El Juez asigna a _____ como Mediador Civil de la Oficina de Resolución de Conflictos (ADR), oficina # _____, Tribunales del Condado de Palm Beach, _____, (561-355-2739), con quien las partes deben reunirse el _____ @ _____. a las AM/PM **La comparecencia de ambas partes (y sus abogados si es que los tienen) es obligatoria. Este Juez tendrá la facultad de imponer sanciones, si es que alguna de las partes no se presenta. Las partes deberán participar en esta mediación de buena fe.**

Tribinal la apwente l, epi tou de pati yo dwe ale rankontre yon Medyatè pou Fanmiy kin an Biwo Rezolisyon pou Dispit Altènatif la (ADR), Chanm # _____, Tribinal Konte Palm Beach la, _____, (561) 355-2739 nan dat _____ @ _____. Li obligatwa pou tou de pati yo prezan (ak avoka yo si yo genyan). **Tribinal sa gen pouvwa pou enpoze sanksyon sou tou de pati yo si yo pa vin asiste sesyon an. Yo mande tou de pati yo pou fè med yasyon an de bòn fwa.**

2. FEES:

- A. Parties MUST pay the mediation fees **within ten (10) days of the date of this order**, and the receipt shall be presented to the ADR office at the mediation session.

- B. Payment must be made by cash, money order, check or Master Card/Visa credit card to the Clerk of the Courts, at each of the courthouse locations.
 - C. **No family mediation session will be held for any party who fails to make the required payment unless the party has been found indigent or excused from payment.**
 - D. If the parties have a combined annual income of less than \$50,000, each of the parties shall pay the sum of **\$60.00**.
 - E. If the parties have a combined annual income greater than \$50,000 but less than \$100,000.00, each of the parties shall pay the sum of **\$120.00**.
 - F. **If a party has been found to be indigent**, that party shall bring a copy of the Determination of Indigence Status or appropriate court order to the ADR office, in which case the fee will be waived for that party.
 - G. If the parties have a combined annual income greater than \$100,000.00, parties must utilize private mediation. Please refer to paragraph 4 of this order for additional instructions.
3. **Both parties shall complete and file a notarized *Family Law Financial Affidavit* with the Clerk of the Courts at least 10 days prior to mediation. Each party shall bring to mediation a copy of their filed *Family Law Financial Affidavit* AND proof of all income and expenses, including but not limited to, paycheck stubs, income tax return for the most recent year, W-2 forms or 1099 forms, medical expenses, child care and any other related documents.**
 4. **Either party may file a motion with the Clerk of the Courts to cancel Mediation, in the event the parties have a combined annual income of over \$100,000. The Form Motion can be obtained from the Self Help Center or the Court's Website. If needed, this motion must be filed with the Clerk of the Courts, along with notarized *Family Law Financial Affidavit* Forms for both parties, providing a copy to all parties involved in the case.**
 5. **If a Final Judgment of Injunction for Protection against Domestic or Repeat Violence has been entered or a Domestic Violence or Repeat Violence case is pending that prohibits contact between the parties, parties shall inform the ADR Program, so accommodations may be made. A Family Mediation Questionnaire is attached for your convenience. Please complete this Questionnaire and return it in the self-addressed stamped envelope as soon as possible.**
 6. If the case is settled prior to mediation, parties **MUST** file with the Clerk of the Courts, the settlement agreement along with Parenting Plan and Child Support Guidelines Worksheet, if the case involves minor children. Parties **MUST** file the appropriate **motion to cancel mediation** with the Clerk of the Courts, no later than seven (7) full business days prior to mediation. **Failure to do so will result in imposition of fees against one or both of the parties.** The party who failed to appear shall pay the required fee of \$60.00 or \$120.00 to the Clerk of the Court within 15 days of the filing of the mediator's report. If both parties fail to appear, each shall pay the \$60.00 or \$120.00 to the Clerk of the Court within 15 days of the filing of the mediators report.

Si el caso se resuelve antes de la mediación, el Demandante será responsable de cancelar la cita tan pronto como le sea posible. La Notificación de Cancelación deberá ser entregada a ADR, por lo menos con siete (7) días hábiles de anticipación. La falta de hacerlo resultará en la imposición de costos a una o a las dos partes. La parte que no ha comparecido deberá pagar los costos requeridos de \$60.00 o de \$120.00 a los Secretarios del Tribunal, dentro de los quince días siguientes al registro del reporte del mediador. Si las dos partes no han comparecido, cada una pagará los \$60.00 o los \$120.00 a los Secretarios del Tribunal, dentro de los quince días siguientes al registro del reporte del mediador.

Si ka a rezoud avan medyasyon an, Demandè a responsab pou li anile randevou a pi vit ke posib. Se pou fè ADR konnen wap anile ka a omwen (7) jou travay davans. Si nou pa fè l yap chaje yon nan nou oswa nou tou lè de. Pati ki pa parèt la yo mande pou li peye \$60.00 Oswa \$ 120.00 bay biwo Sekretè Tribinal la pa pita ke 15 jou de lè ke Medyatè a te depoze rapò a. Si se nou tou le de pati yo ki pa parèt chak ap peye \$ 60.00 oswa \$120.00 bay biwo Sekretè Tribinal la pa pita ke 15 jou de lè ke Medyatè a te depoze rapò a.

7. The Mediator shall prepare a **Child Support Guidelines** worksheet. If the child support to be paid varies by more than 5% from the guidelines amount ordered, the Mediator shall require the parties to state the factors justifying the deviation. See Fla. Stat. §61.30(1)(a).
8. All discussions, representations and statements made during mediation shall be privileged. Nothing relating to mediation shall be admitted or testified to at trial. However, the mediator shall file a report with the court advising whether the parties attended mediation, and whether an agreement was reached.
9. When a mediated agreement is reached, the agreement shall immediately be reduced to writing, signed by both parties and their attorneys. It is the responsibility of the parties to make sure that a court order is entered ratifying the agreement.

DONE AND ORDERED this ___day of _____, _____ in, Palm Beach County, Florida.

Circuit Judge

Copies furnished to:

Alternative Dispute Resolution Office (via Electronic Mail at CAD-Mediation@pbcgov.org)

Name

Address

Order and Referral to Family Mediation
Case No:

INTERPRETERS: It is the responsibility of the party needing an interpreter to bring to court an interpreter who is certified, language skilled, provisionally approved or who is registered with the Office of State Court Administrator as required by Rule 2.560 and Rule 2.565 of the Florida Rules of Judicial Administration. For further information or for assistance locating an interpreter, please visit our website at <http://15thcircuit.co.palm-beach.fl.us/web/guest/court-interpreters>. Persons unable to obtain an interpreter may bring someone to assist. The Court shall determine if they are qualified to interpret the proceedings.

SPANISH

INTÉRPRETES: Si una parte litigante necesita un intérprete, es su responsabilidad traer consigo al tribunal un intérprete certificado, aprobado provisionalmente, capacitado en idiomas, o que este registrado con la Oficina Administrativa del Tribunal Estatal, conforme a la Regla 2.560, y la Regla 2.565, de las Reglas Judiciales Administrativas de la Florida. Si requiere más información o necesita ayuda para localizar un intérprete, por favor visite nuestro sitio web en <http://15thcircuit.co.palm-beach.fl.us/web/guest/court-interpreters>. Las personas que no puedan obtener un intérprete, pueden traer una persona que les pueda asistir. El Juez determinará si la persona está calificada para interpretar en dicho procedimiento.

HAITIAN CREOLE

ENTÈPRÈT: Selon Règleman 2.560 and Règleman 2.565 Administrasyon Jidisyè Florid, se responsablite moun ke bezwen entèprèt la ki sipoze mennen yon entèprèt sètifye, kalifye, aprouve provizwaman, oswa anrejistre ak Biro Administrasyon Tribinal Leta. Pou plis enfòmasyon sou asistans lokalize yon entèprèt, tanpri vizite sit Entènèt <http://15thcircuit.co.palm-beach.fl.us/web/guest/court-interpreters>. Moun ki pa kapab jwenn yon entèprèt gendwa mennen yon moun pou ède. Tribinal la va detèmine si moun sa a kalifye pou entèprete nan prosedi yo.

This notice is provided pursuant to Administrative Order No. 2.207-9/12

“If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Tammy Anton, Americans with Disabilities Act Coordinator, Palm Beach County Courthouse, 205 North Dixie Highway West Palm Beach, Florida 33401; telephone number (561) 355-4380 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.”

“Si usted es una persona minusválida que necesita algún acomodamiento para poder participar en este procedimiento, usted tiene derecho, sin tener gastos propios, a que se le provea cierta ayuda. Tenga la amabilidad de ponerse en contacto con Germaine English, 205 N. Dixie Highway, West Palm Beach, Florida 33401; teléfono número (561) 355-4380, por lo menos 7 días antes de la cita fijada para su comparecencia en los tribunales, o inmediatamente después de recibir esta notificación si el tiempo antes de la comparecencia que se ha programado es menos de 7 días; si usted tiene discapacitación del oído o de la voz, llame al 711.”

“Si ou se yon moun ki enfim ki bezwen akomodasyon pou w ka patisipe nan pwosedi sa, ou kalifye san ou pa gen okenn lajan pou w peye, gen pwovizyon pou jwen kèk èd. Tanpri kontakte Germaine English, kòdonatè pwogram Lwa pou ameriken ki Enfim yo nan Tribinal Konte Palm Beach la ki nan 205 North Dixie Highway, West Palm Beach, Florida 33401; telefòn li se (561) 355-4380 nan 7 jou anvan dat ou gen randevou pou parèt nan tribinal la, oubyen imedyatman apre ou fin resevwa konvokasyon an si lè ou gen pou w parèt nan tribinal la mwens ke 7 jou; si ou gen pwoblèm pou w tande oubyen pale, rele 711.”

FAMILY MEDIATION QUESTIONNAIRE

Please complete this Questionnaire and return it in the self-addressed stamped envelope as soon as possible. The following questions relate to you and the other person in this case. This form and any other communications with the mediator are confidential and privileged to the extent provided by sections 44.401-44.406, Florida Statutes.

Mediation is a process in which two people work together with a neutral third person (the mediator) to discuss the issues in their case to try to work them out. Mediation often occurs with both people in the same room.

- 1. Are you afraid of the other person? Yes No

- 2. Is contact between you and the other person limited by a court order (such as an injunction, a no contact order in a criminal case, etc.)? Yes No

- 3. Do you believe you can express your needs and concerns in the presence of the other person and the mediator? Yes No

- 4. If you have children, do you believe you can express the needs and concerns of your children in the presence of the other person and the mediator? Yes No

- 5. If you answered no to question 3 or question 4, would you be able to express your needs and concerns and those of your children with the mediator only? Yes No

- 6. Do you believe that during mediation you would be intimidated by the other person into accepting an unfair result? Yes No

OTHER COMMENTS: _____

IF YOU HAVE ANY CONCERNS ABOUT YOUR PHYSICAL SAFETY DURING MEDIATION, PLEASE CALL THE MEDIATION OFFICE AT (561) 355-2739 OR DISCUSS WITH THE MEDIATOR PRIOR TO THE MEDIATION.

According to Florida Statute 44.102(2)(c): “. . . Upon motion or request of a party, a court shall not refer any case to mediation if it finds there has been a history of domestic violence that would compromise the mediation process.”

Your Signature Today's Date Case #

Printed Name Phone: Email Date of Mediation