

**THIRD JUDICIAL CIRCUIT
OF MICHIGAN**

ROBERT J. COLOMBO, JR.
CHIEF JUDGE

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LOCAL ADMINISTRATIVE ORDER 2014 - 20

**STATE OF MICHIGAN
THIRD JUDICIAL CIRCUIT**

**SUBJECT: REFERRALS OF SELECTED PARENTING TIME DISPUTES TO THE
COMMUNITY DISPUTE RESOLUTION CENTER FOR MEDIATION**

This Administrative Order rescinds and replaces Administrative Order 2011-02.

The Third Judicial Circuit Court has determined that alternative dispute resolution (ADR), specifically mediation, can serve an extremely useful purpose in resolving parenting time disputes. Because of the benefits of mediation, the Court desires to use the Wayne Mediation Center to mediate parenting time disputes.

Annually, the Presiding Judge of the Domestic Relations Division, the Friend of the Court, the Director of Family Assessment and Education Department, the Director of the Mediation Tribunal, and the Wayne Mediation Center will review the mediation results and recommend amendments to the process. The Executive Director of the Mediation Tribunal Association is designated as the ADR Clerk of the Third Judicial Circuit pursuant to MCR 2.410(B)(2)(a). The ADR Clerk is required to have extensive experience and/or education in ADR and will be required to complete continuous training in ADR issues and rules.

The Third Judicial Circuit Court will select appropriate cases with parenting time disputes for mediation. Only those cases identified by the Friend of the Court Family Assessment Mediation and Education Department, Judges, or Referees in the Domestic Relations Division will be selected. The Wayne Mediation Center will provide mediation services. This Local Administrative Order describes the scope and applicability of the process, the referral for mediation, the qualifications to mediate, and the mediation procedures.

This Local Administrative Order is issued in accordance with MCL 552.641 and MCL 552.513.



IT IS ORDERED:

Effective Date: Upon approval by the State Court Administrative Office:

I. Scope and Applicability of Order

Domestic relations mediation is a nonbinding process in which a neutral third party facilitates communication between parties to promote settlement. If the parties so request, and the mediator agrees to do so, the mediator may provide a written recommendation for settlement of any issues that remain unresolved at the conclusion of a mediation proceeding.

II. Friend of the Court Cases Eligible for Mediation

A matter may be referred by a Judge or a Friend of the Court Referee. Also, if a party, who has a right to interact with a child, submits a written parenting time motion or a parenting time complaint, the Friend of the Court office will review the case to determine its eligibility for mediation.

A. The following cases will not be referred to mediation:

1. Cases involving child abuse or neglect.
2. Cases involving domestic abuse.
3. Cases where there is an inability of one or both parents to negotiate for themselves at the mediation.
4. When there is a reason to believe the health or safety of one or both parties would be endangered by mediation.
5. When other good cause is shown as determined by the Court, Referee or Friend of the Court.

B. The Friend of the Court may refer a case that does not have any of the foregoing conditions to mediation. The Friend of the Court may decline to refer the matters to mediation if circumstances are present as provided in MCL 552-641(2)(a)-(c).

III. Referral to Mediation

The Wayne Mediation Center volunteers will receive referrals and conduct domestic relations mediation. The referral will specify if evaluative mediation is requested.

A. The Family Assessment Mediation and Education Department and the Friend of the Court will provide the following to the Wayne Mediation Center:

1. A copy of the written order, motion, or complaint alleging a violation received by Friend of the Court.
 2. The parties' names, addresses, and phone numbers.
 3. The attorneys of record's names, addresses, and phone numbers.
 4. Copies of appropriate court orders for parenting time.
- B. The Friend of the Court will send the parties a notice for the mediation appointment. The notice will include the date, time, contact phone number, and location of the mediation session. Mediation sessions may be held at the Family Assessment Mediation and Education Department. The Friend of the Court shall send a copy of the notice to the Wayne Mediation Center.
- C. To object to a matter being referred to mediation, a party must file a motion before the assigned judge.
- D. The Wayne Mediation Center will conduct the Domestic Violence Screening before scheduling the case for mediation.

IV. Qualifications to Mediate Friend of the Court Matters

To be eligible to serve as a volunteer parenting time mediator, a mediator must have successfully completed an approved State Court Administrative Office 40-hour domestic relations mediation and the Domestic Violence training. The Presiding Judge of the Domestic Relations Division, Director of Family Assessment Mediation and Education Department, Director of The Mediation Tribunal Association, the Friend of the Court, and the Wayne Mediation Center will collaborate to establish standard requirements for ongoing training.

V. Mediation Procedures

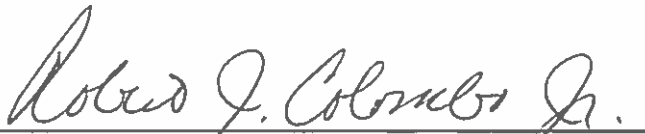
The Wayne Mediation Center's procedures:

- A. Intake Process: The Center will perform intake screening to identify the presence of any of the following which would exclude parties from mediation:
1. Child abuse or neglect.
 2. Domestic abuse.
 3. Inability of one or both parties to negotiate for themselves at the mediation.
 4. Reason to believe the health or safety of one or both parties would be endangered by mediation.

If any of the exemptions are identified during the community dispute resolution mediator's intake process, the parenting time dispute will be referred back to the Friend of the Court.

- B. If no exemptions from mediation are identified during the intake process, and the mediator has not had prior involvement with the parties, the mediator may conduct the mediation.
- C. The mediator will begin the process by explaining the mediation process in which the parties will participate. Any communications between a parenting time mediator and a parent during mediation is confidential and shall be preserved inviolate as a privileged communication. The communication shall not be admitted into evidence in any proceedings, shall not be used by the Friend of the Court for any investigative or enforcement procedure, and shall not be used during other mediation.
 - 1. If the referral includes a request for evaluative mediation, agreements and other necessary information will be reported to the assigned Judge/Referee.
- D. If the mediating parties reach an agreement, the agreement will be documented in writing and signed by the parties and the mediator. The Friend of the Court will take the necessary steps to have a consent order presented for entry by the court.
- E. If the party fails to appear for mediation, the volunteer mediator will promptly advise the Friend of the Court. The Friend of the Court will use the appropriate legal remedies to address the situation.
- F. At the conclusion of mediation, the volunteer mediator will record the outcome of the mediation, gather the necessary reporting information to provide the State Court Administrative Office, and return the required documentation to the Friend of the Court.
- G. If the party who filed the complaint fails to appear for the mediation, the Wayne Mediation Center will notify the Friend of the Court. The Friend of the Court will make a note in the case file stating that the party who filed the complaint failed to appear and no additional action was taken.

Dated: August 11, 2014


Honorable Robert J. Colombo, Jr., Chief Judge
Third Circuit Court

Date Approved by SCAO: October 31, 2014