



Family Mediation Program of the Circuit Court of Lake County

What is the Family Court Mediation Program?

By local court rule in the Circuit Court of Lake County, parties to contested custody and visitation cases are referred to mediation to attempt to negotiate a settlement of their dispute before their case goes to trial. The parties may also agree to submit financial issues to the mediation process.

What is mediation?

Mediation is an informal way to resolve disputes outside of the formal legal system. The parties attempt to negotiate their own mutually acceptable voluntary settlement with the help of a neutral mediator.

Who are the mediators in the Family Court Mediation Program?

The mediators are trained professionals who have completed courses in mediation and family issues. They may be either attorneys or mental health professionals.

How is the mediator chosen for my case?

When a case is referred to mediation, the court appoints a mediator from the list of court approved mediators either by agreement of the parties or upon its own motion. If the parties cannot agree on the selection of the mediator, the court assigns a mediator based on the circumstances of your case.

What happens in a mediation?

Usually everyone meets together in a private room. Each party gets to speak about what is important to that party, and to hear what is important to the other side. The mediator (or sometimes co-mediators) does not decide who is right or wrong. The parties decide the outcome. The mediator facilitates the discussion. The discussions are considered confidential.

Who needs to be there?

All parties with decision-making authority need to be present.

What if one of the parties refuses to attend mediation?

Parties are referred to mediation by court order. If one of the parties fails to attend mediation without good cause, the court may enter a contempt order against that party.

How long will it take?

Many times mediation lasts only two to three hours. In some cases, the mediator may meet with the parties several times. When a case is referred for mediation, a court date is set for the parties to report to the court as to the status of the mediation. If the parties report that mediation has terminated unsuccessfully, the court will schedule dates for further court proceedings.

What are the advantages of mediation?

There is no agreement unless both parties agree. You do not give up control of your dispute to someone else to decide.

Mediation is usually less expensive than litigation.

Mediation is confidential.

Mediation is faster than waiting for a trial.

Mediation preserves relationships by improving communication.

Mediation tends to produce lasting agreements because the parties have produced them.

Does the mediator make recommendations to the court?

Mediation is a confidential process. The mediator does not report to the court what happens in mediation unless the parties have reached a signed written agreement.

Who pays for mediation?

The parties pay the cost of mediation. The court will allocate the cost between the parties. In cases of indigence or hardship, the court will order mediation for a reduced or no fee.

How much does mediation cost?

Court approved mediators are permitted to charge reasonable fees for their services according to their usual and customary charges. Parties are expected to pay for each mediation session at the beginning of the session. Some mediators may request the payment of an initial retainer to be applied against future charges.

Are there cases not appropriate for mediation?

Family matters in which there is physical or psychological abuse are not suited to mediation. If there is an extreme imbalance in bargaining power, sophistication, or knowledge of the parties, mediation may not be appropriate.

Do I need a lawyer to go to mediation?

You do not need a lawyer. If there are substantial legal issues involved, it is best to consult a lawyer about what your legal rights are prior to coming to mediation. Mediators may or may not be lawyers, but in mediation, the mediator cannot give legal advice to the parties. You are entitled to bring your attorney to a mediation session if you wish.

What makes a mediation successful?

The parties should be willing to negotiate in good faith, and have some flexibility in how the matter is resolved. Each party should be willing to listen with an open mind to the other side, and to share his or her own point of view.

What do I need to bring with me to the mediation?

You should be prepared to bring and show any documents that will help the other side to understand your point of view in the matter. You should also come prepared to explain your perspective fully. Since mediators do not give legal advice to either party, you should come prepared with legal advice or information about your case.

What if my case is not resolved in mediation?

You do not give up any other options by trying mediation. You may still pursue other alternatives such as court or arbitration.

Can my spouse and I go to mediation without a court referral?

At any time, even before a case is filed, parties may agree to attempt to resolve their dispute by attending mediation. They do not need a court order to enter into mediation.

How do I find a private mediator?

The mediation council of Illinois maintains a web site which provides valuable information about choosing a private mediator.

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice.

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of
Lake County, Illinois