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CUSTODY AND VISITATION CONSENT TO MEDIATE

Mediation is a process where disputing parties meet with an impartial third party to discuss issues and reach agreements. You have agreed to mediate the issues of child custody and/or visitation or you have been ordered to mediation by the court. The process gives parents an opportunity to determine their own family's outcomes, and to demonstrate to their children the ability to cooperate about parenting. By signing this consent, you acknowledge receipt of this information and consent to the process.

1. Mediation may be voluntary or by Court order. An order compels the parties to meet for two sessions. Mediators may withdraw and end mediation when 1) continuing would harm the children or 2) either party is unwilling or unable to continue to participate meaningfully so that a reasonable agreement is likely.

2. It is often most productive when all adults in the immediate family are involved in the mediation. Parents, stepparents, and "significant others" living in the home may be allowed to participate in mediation if all parties (both parents and the mediator) consent to. With the consent of both parties, the children may also be involved, depending upon their ages and the issues of the case. Please do not bring children or "significant others" to the first mediation session unless specifically requested by the mediator.

3. By law all verbal or written information transmitted between any party to a dispute and a mediator conducting the session, or his or her staff, shall be kept confidential. (Exceptions to this are listed below). Each party, as well as the mediator, has a privilege in any action to refuse to disclose, and to prevent a witness from disclosing, any communication made in the course of the proceeding. No admission, representation or statement made in the proceedings shall be admissible as evidence or subject to discovery. The mediator is not subject to process (subpoena) requiring the disclosure of any matter discussed during the proceedings unless all the parties, including the mediator, consent to the waiver.

4. Kansas laws and regulations require the mediator to report suspected child abuse or neglect, cooperate with child abuse investigators, report any information required to comply with specific statutory or mediator approval procedures, and report information reasonably necessary to stop the commission of a current or future crime or fraud where there is an expressed intent to commit a crime. By signing this consent you are acknowledging these exceptions to confidentiality.

5. The parties agree to sign requested releases to persons, such as attorneys or children's therapists, who may have information relevant to the negotiations or who might help in the process of the mediation.

6. The mediator may need to contact your attorney to invite contribution of information. By signing this consent, the parties consent to this contact between the mediator and their respective attorneys.

7. Mediation will be scheduled within 30 days of the referral. Your appointments will be scheduled as your mediator is available, and it is likely you will be required to schedule some time off work to attend. Prepayment for each session is required. The mediator may report to the Court any delays due to not showing up for appointments, and/or failure to pay the required fees. If necessary, the parties may have to continue Court dates until mediation is completed.

8. Mediation can end with three outcomes: complete agreement, partial agreement, or without agreement (impasse). The mediator will make notes and prepare any agreements you make. These will be copied to your attorneys of record. We advise you to have your attorney review before you sign your agreements and they are journalized and become legally enforceable. Because journalizing may involved lengthy delays, the mediator will usually request you follow the verbal agreements from the date they were made.

9. After concluding mediation with the parties, the mediator can continue to mediate subsequent disputes between the parties. The mediator is, however, unable to act as an attorney for either of the parties and the parties are advised to seek independent legal counsel. The mediator can not provide either party with legal advice.

I have read and understand the above procedures and rules and consent to the process as outlined therein.

Signature

Date