

SUPERIOR COURT OF CALIFORNIA, COUNTY OF INYO
168 North Edwards Street (P.O. Drawer U) Independence, California 93526
Telephone: (760) 872-3038
Fax: (760) 873-5213

FAMILY LAW MEDIATION INSTRUCTIONS & REQUIREMENTS

(Rev. 12-20-10)

In any case, including actions for dissolution of marriage, legal separation, paternity, and/or domestic violence restraining orders, where there is any dispute as to child custody and/or visitation, the parties (parents) are ordered to participate, in good faith, in “mediation.”

If you are represented by counsel (attorney), you should discuss any questions you might have with your attorney. If you are not represented by counsel, you may (at your own expense) consult with an attorney of your choice.

Both parents must do the following:

- 1. See the Inyo County Family Law Facilitator to**
 - a. Complete the “Intake Form for Child Custody Mediation,”**
 - b. Complete the “Domestic Violence Assessment,” and**
 - c. Complete the Pre-Mediation Orientation;**
- 2. Agree upon a Mediator and schedule an appointment for mediation;**
- 3. Participate in mediation in good faith before your court date; and,**
- 4. Attend Court as scheduled.**

CONTACT THE FAMILY LAW FACILITATOR FOR INTAKE, DOMESTIC VIOLENCE ASSESSMENT, AND ORIENTATION

Before contacting a mediator, you must make an appointment with the Inyo County Family Law Facilitator to complete a general intake questionnaire entitled “Intake Form for Child Custody Mediation,” a domestic violence assessment form, and complete the pre-mediation orientation program. The pre-mediation orientation includes watching a 30-minute video tape which explains what mediation is about. The video must be watched at the offices of the Family Law Facilitator. The Family Law Facilitator will provide you with a document verifying that you have completed the intake process, domestic violence assessment, and watched the pre-mediation video. You will show the document to the mediator and bring it with you to court.

You are also required to read the “Orientation to Family Court Mediation - Parent Handbook.” Copies of the “Parent Handbook” are available at the offices of the Court Clerk or the Family Law Facilitator.

Call the Family Law Facilitator if you reside out of the area, and see if special arrangements can be made for you to comply with these court requirements.

The Inyo County **Family Law Facilitator** is **Ms. Sharon Remley**.
To contact the Family Law Facilitator call (760) 872-4444
Fax: (760) 872-4448

Office Address:

**Inyo County Family Law Facilitator/
Inyo Legal Self-Help Center
314 West Line Street, Suite D
Bishop, CA 93514**

The hours of operation are Monday through Friday 8:00 a.m. to 4:30 p.m. No appointment is necessary for mediation services only (intake, mediation orientation video, domestic violence assessment, and referral to a mediator).

MEDIATION

The parties (parents) are directed to agree on a mediator. You may select any mediator you wish, however, the court can only pay for mediation services provided by a mediator who is on the list of “Court Approved Family Law Mediators.”

Court mediators have agreed to the court’s compensation schedule, and have demonstrated they meet the qualifications for a mediator set forth in the California Family Code and California Rules of Court.

If you elect to use a mediator who is not on the court’s current list of approved “court mediators,” you will be responsible for paying the mediator’s fees. If you use a “court mediator” the court will pay the costs of mediation. You may use a mediator (at your own expense) who is not on the list of “court mediators,” and if mediation is not successful then utilize the services of a “court mediator,” or you may initially use a “court mediator.”

The Court Clerk’s Office maintains a list of approved “court mediators.” This list is entitled “Court Approved Family Law Mediators.” **A copy of the current list of “Court Approved Family Law Mediators” is attached.** Both of these lists can be obtained at the Court Clerk’s Office in Bishop (301 W. Line Street), or in the Courthouse in Independence. The lists are also available at the Inyo County Family Law Facilitator’s Office in Bishop, or either the Independence or Bishop Office of the Inyo County District Attorney’s Victim-Witness Office. These instructions and the list of “court mediators” may also be found on the Court’s website at www.inyocourt.ca.gov

You must schedule an appointment for mediation as soon as possible. However, you must first meet with the Family Law Facilitator to complete the intake form, domestic violence assessment, and the pre-mediation orientation before your appointment for mediation. **Also, mediation must be completed before your next court appearance.**

It is very important that you inform the Family Law Facilitator and the mediator if your case involves allegations of **domestic violence**. If so, upon your request, the mediator will coordinate mediation sessions so that you are seen separately and other safety precautions are put in place.

Telephone the Family Law Facilitator (760-872-4444) if you reside out-of-state or a significant distance from Inyo County, and if your personal appearance for mediation within Inyo County would cause an undue hardship. You may request a specific court order to accommodate your needs including telephonic mediation. Telephonic mediation is generally not as successful as in-person mediation, and is therefore not favored.

CONFIDENTIALITY

Initially, Family Law mediation in Inyo County is confidential. In other words, if you do not reach an agreement, the mediator does not make a recommendation to the court regarding a parenting plan. However, if you do reach an agreement, the mediator will report your agreement to the Court. If you reach a partial agreement, with your consent, the mediator will report to the court your partial agreement, and a description of the issues still in dispute, without specific reference to either party. Any agreement, or partial agreement, can be disclosed to your attorney. You will have the opportunity to discuss your mediation agreement with your attorney, if any, before it becomes an order of the Court.

There are limited situations where the mediator must report information, including, but not limited to, possible child abuse, child neglect, or when a person is a danger to others.

Also, the mediator may make any or all of the following recommendations to the Court:

1. Pursuant to Family Code (FC) Section 3183(b), that a child custody evaluation or investigation be conducted under FC § 3110;
2. Pursuant to FC § 3184, that an attorney be appointed under FC § 3150 to represent the child or children;
3. That the parties (parents) be ordered under FC § 3190 to participate in a “co-parenting” or other counseling program; and/or,
4. Pursuant to FC § 3183(c), that restraining orders be issued, pending determination of the controversy, to protect the well-being of the child or children involved in the controversy.

If mediation is not entirely successful, the Court may order you to participate in non-confidential mediation (Recommending Counseling) where the mediator will make a recommendation to the Court. See the section entitled “Unsuccessful Confidential Mediation” below for further information about Recommending Counseling.

ATTENDING COURT

You must attend Court as scheduled. This is true whether your mediation was entirely successful, partially successful, or not successful at all. In certain cases, the Court may allow you to appear by telephone. Please check with your attorney, the Family Law Facilitator, or the Court Clerk if you need to appear by telephone. You may contact the Court's Calendar Clerk at 760-872-4901 to seek permission to appear telephonically. If authorized, you may appear by "CourtCall." Information about the CourtCall program can be obtained from the Clerk's Office or by visiting the Court's website at www.inyocourt.ca.gov If you have reached an agreement which resolves all pending issues, the Court will make sure you both understand the agreement, that you haven't changed your mind, and will then make the agreement an order of the Court. If you have reached a partial agreement the Court may make orders at the hearing resolving the remaining issues, order further mediation (see below), set you case for further hearing at a future date, or make other orders. If your mediation was not successful at all, the Court may make custody and visitation orders at the hearing, set your case for hearing at a future date, order further mediation (see below), or make other orders.

Where mediation is not entirely successful, the Court may appoint an attorney to represent your child or children, or order that you participate in a "child custody evaluation" with a licensed psychologist appointed by the Court.

UNSUCCESSFUL CONFIDENTIAL MEDIATION

If "confidential mediation" is not successful, in whole or in part, the Court may order you to participate in "Recommending Counseling;" where the Recommending Counselor will make a recommendation to the Court as to a parenting plan (custody and visitation). Recommending Counseling is also known as 2nd tier or non-confidential mediation. (See Inyo County Superior Court Local Rules of Court, Rule 7.4(f)) The Court will pay for the Recommending Counseling. The Court's order will require you to attend further mediation with a court approved "Recommending Counselor." The Court Clerk's Office and Court's website (www.inyocourt.ca.gov) maintain a list of court-approved "Recommending Counselors." Unless both parents agree in writing or in open Court, the Recommending Counselor will not be the same person (mediator) who performed the unsuccessful initial confidential mediation. If the Court orders you to participate in Recommending Counseling, you will be required to contact the Family Law Facilitator to arrange for the Recommending Counseling. A future court date will be set which you must attend. If you do not reach an agreement, or if the Recommending Counselor does not believe that your agreement is in the best interests of your child(ren), the Recommending Counselor will provide a written recommendation to the court regarding a parenting plan (custody and visitation). You will receive a copy of the report and recommendation before the court hearing.

If you have any questions, please consult with your attorney or the Family Law Facilitator.