

## Iowa District 3 Resource On Mediation

### What is mediation?

Mediation is an opportunity for people to talk together and make their own decisions on what to do next, with the help of a neutral mediator. Mediation is private and confidential. In mediation, you can tell the other person what is important to you about the situation and how it has affected you. You can tell them what you want them to understand. You can ask questions. You can hear what they have to say. Sometimes mediation is the only chance people have to talk directly to each other, to talk things through, to be heard. Most of the time, people hear new information in mediation.

Often, people feel heard for the first time. There is no agreement in mediation unless you both agree to it. Most people are sure that mediation won't work for them, yet over 70% of the people who mediate reach an agreement. When people do reach agreement, they save money and time and they make their own decisions. Even when people do not reach an agreement in mediation, they often find that they are clearer on what to do next and better able to move on.

### When is mediation required?

The Code of Iowa allows the court to order parties to participate in mediation of domestic relations cases. (Iowa Code Sec. 598.7)

### What are the advantages of mediation?

- Decision-making remains with the parents. When the parents have created the agreement, they are more likely to cooperate with its terms
- The parents work together to solve disputes regarding their children
- It is informal, quick, private, and less costly
- The children's emotional well-being is greatly improved when parents cooperate and maintain a relationship with their children

### What does the mediator do?

The mediator provides a safe and impartial setting for parents to discuss issues and facilitates the discussion on co-parenting your children. The mediator begins with the premise that children need a relationship with each parent and the care of each parent.

## What does mediation cost?

Each mediator has a set hourly rate for mediation. The cost of mediation is typically split equally between the parents and paid at the time of each session. If you cannot afford a mediator you can ask the court to have a mediator appointed at no cost. This is the [form you must use \(DOC\)](#) and you must also attach a completed [financial affidavit \(DOC\)](#) with your request.

## What issues may be mediated?

Practically any issue disputed between parents can be mediated including how much time the child spends in each home, vacations, out-of-state travel, church attendance, activity participation, medical/dental issues, education, etc. The confidentiality of mediation is protected by a contract between the parties and the mediator. The mediator can be made to testify only under extraordinary circumstances. A mediator is prohibited from communicating information to any third party about the parents' behavior or statements unless child abuse is involved or a credible threat of harm to a party or third party. The mediator may report whether the parent appeared for the scheduled mediation session and whether the mediation was successful or not.

## How long does mediation last?

In most cases, the mediation sessions last one to two hours and continue so long as the parents agree and progress is made. When a parent lives elsewhere, sometimes longer mediation sessions are held for the convenience of the parties. The number of sessions needed to complete an agreement is influenced by the parents' cooperation and the difficulty of the issues.

## What role do attorneys play in the mediation process?

Your attorney can prepare you for the mediation process and answer questions during the process. The mediator will prepare the parenting agreement. You will then have an

opportunity to take the agreement to your attorney for review before signing. You may also consult with your attorney by phone during the mediation session. Parties may also have their attorney participate in the mediation session with them. Parties can decide what issues beyond the parenting agreement they want to mediate, including property settlement. Parties may also request the mediator to prepare the agreement of terms to be submitted to the court for consideration for a stipulated decree. The Iowa Supreme Court Rules governs how much child support shall be paid by each party.

## What are the chances of mediation being successful?

Mediation succeeds when the parents cooperate on behalf of their children, rather than compete for them. Parenting plans work best when both parents participate and agree to the co-parenting arrangement. Mediation has been very successful in minimizing the trauma of divorce on the parents and the children. In addition, mediation can help to review many other property division issues and identify options that may be available to resolve property disputes.

## What happens after the mediation agreement is signed?

Each parent will receive a signed copy of the mediation agreement. Parties are encouraged to consult with their attorney and agree on having one of the attorneys submit it to the court for approval. If there are no attorneys, the parties may request the mediator to prepare agreed upon terms of settlement.

## What if mediation fails?

The court will make decisions about what will happen after a trial is conducted.

## Where can I find additional information about mediation?

- [How to prepare for mediation \(DOC\)](#)
- [List of mediators \(PDF\)](#)
- [Form for mediators to file with the court \(DOC\)](#)
- [Form for mediation participants to provide feedback to the court \(DOC\)](#)
- [Parenting plan checklist and agreement \(DOC\)](#)
- [Children First flyer \(PDF\)](#)

