



CARROLL COUNTY ADR PROGRAM

311 Newnan Street, 3rd Floor • Mediation Suite • Carrollton, Georgia 30117
P.O. Box 338 • Carrollton, Georgia 30112
Phone: 770.830.5993 • Fax: 770.830.0434
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www.carrollcountyga.com

Rita D. Carroll
Program Director

CASE INITIATION:

The Mediation Initiation Form, either Domestic Relations or General Civil (non-domestic), should be completed in full and attached via email, mailed, or faxed to the above address or fax number. The case should be initiated a minimum of 45 days prior to an anticipated final hearing or trial date. ADR staff will conduct an intake process with parties and answer questions about the mediation process if parties are pro se. If parties are represented, the attorney's information must be included on the initiation form in order for their schedules to be taken into consideration during scheduling process.

NOTE:

All cases are screened prior to mediation to determine whether a mediator with domestic violence certification will be necessary. Parties must complete the confidential on-line domestic relations screening at: <https://godr.org/adr-screening/>. It is mobile enabled and can be done from a cell phone. Not all cases are appropriate for mediation. **If any party has questions or concerns about whether a case is appropriate for mediation because of allegations of domestic violence, child abuse, or any other special circumstances, please advise the ADR Office of those concerns.** Additional screening may be necessary to determine whether mediation is appropriate.

MEDIATOR ASSIGNMENT/SELECTION:

The ADR Office assigns mediators to cases on a rotational basis from its list of program-approved mediators. Parties, by agreement, may schedule mediation privately with the mediator of choice provided the mediator is registered with the Georgia Office of Dispute Resolution. Mediators registered with the Office of Dispute Resolution may be found at <https://godr.org/>, under the tab "Find A Neutral". If the parties have selected a mediator, this must be indicated in writing and attached to the initiation form when case is submitted to the ADR Office.

MEDIATION FEES:

If the ADR Office assigns the mediator, the fee will be \$100.00 per hour with a minimum of two hours (each party will be responsible for \$100.00 payable to the mediator); additional hours will cost \$100.00 per hour and will be shared equally. The parties must be prepared to pay the mediator at the time of the session. Requests for fee reduction, payment options, or waiver due to a party's inability to pay must be made to the Carroll County Mediation Office prior to the session on the appropriate form (copies are available from the ADR Office and on the Clerk of Court's website: <https://www.carrollcountyclerk.com>).

Parties scheduling privately are responsible for paying the mediator's fee and complying with the mediator's policies regarding payment and cancellation. The ADR Program cannot grant a fee waiver for a privately scheduled mediation.

SCHEDULING:

The ADR Office schedules the case and notifies all parties and attorneys in writing as to the date, time, and location of the session. Consideration will be given to parties' and attorneys' desired dates and times during the scheduling process. If scheduling conflicts arise, however, the ADR Office will set the appointment.

Once the session is scheduled, no unilateral canceling or rescheduling is permitted. If an appointment must be changed due to legal conflict, notice pursuant to Uniform Superior Court Rule 17.1 must be presented to the ADR Office. If a party fails to appear at a duly noticed mediation session or fails to give 48 hours' notice of cancellation, said party will be responsible for the minimum mediation fee of \$200.00.

SPECIAL INSTRUCTIONS AND INFORMATION:

In domestic cases, pursuant to U.S.C.R. 24.2, the parties are required to bring copies of their financial affidavits if issues of child support, alimony, property division or attorney's fees are to be mediated. If child custody or visitation issues exist, the parties are required to attend a court approved four-hour parent seminar prior to scheduling the mediation session.

All relevant information pertinent to the issues to be discussed should be brought to the session. Failure to bring the required information may cause adjournment of the first session and rescheduling at a time when the information is available.

A party or party's representative with full authority to settle the dispute must be present at the session. Attorneys of record are required to attend mediation unless excused by the Court.

No legal or financial advice is given by the mediator or program staff.

GUIDELINES FOR MEDIATION

1. I understand that I am required by Standing Order Number Five of the Coweta Judicial Circuit to attend mediation. I am aware of my responsibility **to make a good faith effort to discuss and attempt settlement of this case** and that this process requires open and honest communication. The Mediator will facilitate discussion to allow the parties to reach an agreement. Should it be impossible, however, to reach an agreement, I understand that my case may then proceed to litigation through the court process. Deliberately withholding pertinent information or providing false information relevant to the issues discussed may result in any agreement reached being set aside.

2. Communication and information shared with the Mediator is confidential. I understand that I may request a caucus (private meeting) with the Mediator to discuss matters that may be relevant that I do not wish to discuss in the presence of the other party. Confidential matters disclosed in a caucus will not be divulged to the other party without the consent of the party making the disclosure. The Mediator will not disclose any information learned during the mediation without the express permission of the parties.

3. I understand that the Carroll County ADR Program, the Program Director and/or Staff, the Mediator or any Observers are not responsible for the result of mediation. I further understand that the mediation services provided through the Carroll County Alternative Dispute Resolution (ADR) Program **do not include legal or financial advice**. Therefore, I should not rely on the Mediator, even if the Mediator is in fact an attorney, for such advice or representation, but should seek advice, as needed, through my attorney or a qualified professional financial advisor.

3. I understand **the mediation is confidential**. I will not subpoena the Mediator(s), the Mediation Program Coordinator, Staff, Agents or Employees thereof, or any Observers to testify regarding this mediation in the event of a subsequent action. Likewise, I will not subpoena any document(s) generated in connection with the mediation. If there is a complaint against the Mediator or the ADR Program, confidentiality may be breached to the extent necessary to defend against the specific complaint.

4. **I understand that this confidentiality does not extend to a situation in which there are threats of imminent violence to self or others, the Mediator reasonably believes that a child is abused, or that the safety of any party or third person is in danger.**

5. I understand that the Mediator has the right to end the mediation at any time if the Mediator feels that the case is inappropriate for mediation or that further discussions would not be helpful. I affirm that by signing this agreement to mediate, I am competent and have the capacity to conduct good faith negotiations and make decisions, which may include deciding to terminate the mediation if I am unable to continue.

6. Any agreement reached will be reduced to writing. The agreement is binding upon signing.

7. I understand that I am required to pay my portion of the Mediator's fee (\$100.00 per hour) with a two-hour minimum. I am prepared to pay the Mediator at the end of the session or have obtained ADR Program Approval for a fee waiver, reduction, modification or payment schedule.

8. All participants acknowledge the use of any recording devices during mediation are prohibited and, if determined by the mediator that such device(s) (including cellphones) have been or are being used, the mediation is subject to termination immediately.

9. At the conclusion of mediation, there is a Mediation Certification Form to be signed. I will sign this certification before leaving the mediation.

Date

Mediator

Complainant

Respondent

Attorney for Complainant

Attorney for Respondent

Other:
Relationship to case: _____

Other:
Relationship to case: _____

Other:
Relationship to case: _____

Other:
Relationship to case: _____



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HOW DO I PREPARE FOR DIVORCE MEDIATION?

The length of time to successfully mediate a domestic case is determined by a combination of several factors: the number and complexity of the issues, the negotiation styles of the parties and their attorneys, and how prepared the parties are to discuss the issues. **Generally mediation sessions are scheduled with a two hour minimum** but may last for several hours. Usually, the parties and the mediator evaluate where they are after the first couple of hours to determine whether they will continue that day or adjourn to another scheduled time.

In order to get the most out of the mediation process and better utilize your time and money, you should be well prepared for the mediation session. Since the mediator's role is to remain neutral and impartial, he/she knows very little about your case prior to the session. The mediator comes to the session with basic information on the parties and an idea of what issues may be in dispute (i.e., custody, visitation, property division, etc.) The mediator relies upon the parties to supply the information necessary for an educated discussion of the issues. For example, if the parties want to decide what happens to the marital home, in order to discuss possible solutions, the mediator and parties must know its current value, what's owed on it, etc. The mediator cannot work without this information. If you do not have it, the mediator may stop the session and reschedule when the information is available. If the first session is cancelled and rescheduled for this reason, the parties will still be responsible for the minimum number of hours set by the mediator (usually two hours).

The best way to get ready for mediation is to gather all the papers that are important to the dispute. In domestic actions (divorce or modifications), depending upon what issues are to be discussed, you should bring the following:

Issue

Bring the following items:

Equitable Division Of Property:

Sworn Financial Affidavits of both parties are required.

Real Estate

Description and location of property. Something to show value of property (tax bill, appraisal, realtor's statement). Statements showing original mortgage amount, as well as current balance, payment, and interest rate. Any information about second mortgages or home equity loans.

Personal Property

Detailed list of all property to be divided and values of each item. (Include all household items.)

Vehicles/Boats/etc.	Description and current value of item. Include loan information or lease information.
Checking/Savings Accounts; Investments	Most recent statements.
Retirement Accounts	Description of the plan type and amount (i.e., pension plan, profit sharing plan, 401K plan, employee stock ownership plan (ESOP), government plan, etc.). Bring a Summary Plan Description and information regarding the value at the time of the marriage.
Life Insurance	Description of types, policy numbers and amounts of all policies.
Debts	Statements of all debt including credit cards, store accounts, vehicle payments, personal debt and any other type debt.
Spousal Support:	Sworn Financial Affidavits of both parties are required.
Children's Issues:	Both parties <u>must attend</u> a court approved four-hour parent seminar prior to scheduling the mediation or obtain a waiver from the Court. The ADR Program cannot excuse a party's attendance.
Child Support (INCLUDING MODIFICATIONS)	Sworn Financial Affidavits of both parties are required. Confirmation of all income - bring paycheck stubs and income tax returns. Self-employed parties should bring all information necessary to determine personal income. Bring description of all health insurance including type of coverage, cost of each coverage type (including the cost of single coverage and family coverage), deductibles, and amounts of co-payments.
Child Custody / Visitation	Bring preferences for the holiday schedule.
Attorney's Fees:	Sworn Financial Affidavits of both parties are required.

Most divorce and modification cases involve issues which require that you bring a financial affidavit. If you have not completed your financial affidavit, contact your attorney prior to the mediation session to complete one. You must provide the mediator with a sworn financial affidavit which has been filed with the Superior Court.

If there is an existing temporary order in your case or your case involves a modification of a final decree, please bring a copy of the temporary order or the final decree.

We cannot cover all the possible issues which may be discussed during the mediation session, nor can we list all the necessary documents which may apply in your particular case. If you have questions about how to prepare for the mediation session, please feel free to contact the mediation office at (770) 830-5993.