

MEDIATION IN CHILD CUSTODY CASES IN PHILADELPHIA COUNTY

What is Mediation?

Mediation is way for parties to reach an agreement with the help of a neutral mediator. Mediation is not a court proceeding and any agreement must be based on the parties' agreement, not what the mediator says. Some or all of the issues the parties are disputing may be resolved by agreement in mediation. The agreement may resolve all or only some of the disputed issues in a custody case. Mediation is not a substitute for the benefit of legal advice. Mediation is for the parties in a custody case only.

What is a Custody Mediator?

A custody mediator is a trained professional and a neutral third party who has been approved by the Court to conduct custody mediations. The mediator is NOT empowered to make decisions or issue/sign orders in your case.

What is Mediation Orientation?

Mediation Orientation is a mandatory step for parties where one party has filed a Petition to Modify a Custody Order. It explains the mediation process, takes about 20-30 minutes and is scheduled before a mediator on the 7th Floor of Philadelphia Family Court at the Mediation unit.

Is the Mediation Orientation Mandatory?

Yes, if you receive a notice for Mediation Orientation you must attend. If you do not attend the mediation orientation, there may be serious consequences for you and your case.

If you can not attend you must contact the Mediation Unit at custodymed@courts.phila.gov

You must attend mediation orientation EVEN IF:

- You believe the issues will not be resolved
- You have been to mediation in the past
- The other party is behind in child support

What if there has been Domestic Violence?

Cases in which there has been recent domestic violence by one party may not be appropriate for
Sponsored by the Family Law Section of the Philadelphia Bar Association

mediation, especially if you or the child has been abused by the other party within the past 24 months. You should contact the Mediation Unit to confirm whether your situation falls under this exception. They can be reached at custodymed@courts.phila.gov

Who Attends the Mediation Orientation?

Only parties to the case attend.

Am I Required to Continue with Mediation After the Orientation Session?

No. If one party decides not to stay for the mediation after the orientation, there is no mediation. However, if both parties decide to continue, the mediation will take place for no additional fee.

What Happens at Mediation?

Mediation is an opportunity for you and the other party to meet with a neutral trained professional who will help you attempt to resolve ONLY your custody issues. Mediation is not the place to discuss financial issues, child support or division of property.

Is Mediation Confidential?

Yes, the mediator will not speak to anyone regarding anything said at mediation, except in limited circumstances that the mediator will explain to you.

May I Record the Mediation Session?

No, recording is not allowed during mediation session. All cell phones must be put on "silent mode" or on Do Not Disturb during the mediation session.

Can the Mediator Provide Legal Advice?

No, the mediator cannot and will not provide legal advice to either party. Both parties may hire an attorney to represent themselves and receive legal advice about their custody case.

Can We Reach an Agreement at the Mediation?

Yes. If you do, the mediator will assist you in preparing a proposed custody order with the terms of

MEDIATION IN CHILD CUSTODY CASES IN PHILADELPHIA COUNTY

your agreement. Once the terms are formed, your mediator will take you to a Judge to have a brief hearing on the record explaining the terms of your agreement. If you choose, you can review the custody order with an attorney before you sign it.

If We Sign an Agreement at Mediation, Do I Still Have to go to a Custody Hearing?

No, the signed agreement will be submitted to the court and no further custody hearings will take place.

If We Do Not Sign an Agreement at Mediation, Can We Still Agree Before a Judge at a Custody Hearing?

Yes, but depending on your situation you will either need to submit the agreement as a Stipulation or to the Judge you're scheduled to appear before. Please speak with the Mediation Unit to understand where you need to submit your agreement.

IS LEGAL HELP AVAILABLE?

Philadelphia Legal Assistance
215-981-3800

www.philalegal.org

Philadelphia Bar Association Lawyer
Referral & Information Service
215-238-6333

www.Philadelphiabarlawyers.com

You may download all custody forms from the Philadelphia Family Court's website under Court of Common Pleas-Domestic Relations at <https://www.courts.phila.gov/forms/>