

**EL DORADO COUNTY SUPERIOR COURT**

Petitioner: \_\_\_\_\_  
and  
Respondent: \_\_\_\_\_

Case No: \_\_\_\_\_

**(STIPULATION AND) ORDER  
RE: PRIVATE MEDIATION**

1. \_\_\_\_\_ is hereby appointed and designated by this Court to mediate issues concerning custody and visitation of the following named child(ren): \_\_\_\_\_ pursuant to Family Code §3164.

2. Said mediator shall have all the duties and responsibilities as set forth in Chapter 11, Articles 1, 2, and 3, §§3160 et seq. of the California Family Code, as set forth in Paragraph 7, below.

3. Said mediator shall, pursuant to Family Code §3183, and consistent with local court rules, submit a recommendation to the court as to the custody of or visitation with the child(ren).

4. Payment of fees for mediation services, including preparation of a report, shall be as follows: (check one)

- a) \_\_\_\_\_ to pay all fees subject to the court reserving the right to order reimbursement from the other party.
- b) Parties to share all fees, \_\_\_\_\_% payable by Petitioner and \_\_\_\_\_% payable by Respondent.
- c) \_\_\_\_\_.

5. Said mediator shall have access to pertinent information obtained by Child Protective Services regarding the above-named child(ren) and shall keep such information confidential.

6. Other: \_\_\_\_\_

7. Mediation will be performed in accordance with the provisions of Family Code §§3177, 3178(a), 3180, 3181(a), 3182, 3183, 3184, and 3185(a), as outlined on the reverse of this Stipulation and Order.

**Complete For Stipulation Only:**

THE FOREGOING IS AGREED TO BY:

Dated: \_\_\_\_\_, Petitioner

Dated: \_\_\_\_\_, Respondent

Dated: \_\_\_\_\_  
Attorney for Petitioner

Dated: \_\_\_\_\_  
Attorney for Respondent

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT

**ON AND) ORDER RE: PRIVATE MEDIATION**

Stipulation and Order re: Private Mediation

**Confidentiality of Mediation Proceedings** (Family Code §3177). Mediation proceedings shall be held in private and shall be confidential. All communications, verbal or written, from the parties to the mediator made in the proceeding are official information within the meaning of Section 1040 of the Evidence Code.

**Agreement Reached by Parties** (Family Code §3178(a)). An agreement reached by the parties as a result of mediation shall be limited to the resolution of issues relating to parenting plans, custody, visitation, or a combination of these issues.

**Assessment of Needs and Interests of Child(ren)** (Family Code §3180). In mediation proceedings, the mediator has the duty to assess the needs and interest of the child(ren) involved in the controversy, and is entitled to interview the child(ren) where the mediator considers the interview appropriate or necessary. The mediator shall use his or her best efforts to effect a settlement of the custody and/or visitation dispute that is in the best interest of the child(ren).

**Separate Mediation Where Domestic Violence Prevention Order Exists** (Family Code §3181). Where there has been a history of domestic violence between the parties or where a domestic violence prevention order has been issued by a court, at the request of the party alleging domestic violence in a written declaration under penalty of perjury, or the party protected by a court order, the mediatory shall meet with the parties separately and at separate times.

**Exclusion of Individuals From Mediation Proceedings** (Family Code §§3182, 6303). The mediator has authority to exclude counsel from participating in the mediation proceedings if, in the mediator's discretion, exclusion of counsel is appropriate or necessary. The mediator has authority to exclude a domestic violence person from a mediation proceeding if the support person participates in the mediation session, or acts as an advocate, or the presence of a particular support person is disruptive or disrupts the process of mediation.

**Recommendations** (Family Code §§3183, 3185(a)). The mediator shall inform the court, in writing, if issues relating to custody and/or visitation are not resolved by agreement of the parties participating in mediation. The mediator shall submit a recommendation to the court as to the custody of and/or visitation with the child(ren).

Where the parties have not reached an agreement as a result of the mediation proceedings, the mediator may recommend to the court that an investigation be conducted or that other action be taken to assist the parties to effect a resolution of the controversy before a hearing on the issues.

The mediator may recommend that restraining orders be issued, pending determination of the controversy, to protect the well-being of the child(ren) involved in the controversy.

**Recommendation That Counsel Be Appointed for a Minor Child(ren)** (Family Code §3184). The mediator may recommend to the court that counsel be appointed to represent the minor child(ren). In making this recommendation, the mediator shall inform the court of the reasons why it would be in the best interest of the minor child(ren) to have counsel appointed.

**Agreements Reached in Mediation** (Family Code §3186). An agreement reached by the parties as a result of mediation shall be reported to counsel for the parties by the mediator on the day set for mediation or as soon thereafter as practical, but before the agreement is reported to the court.

**ON AND) ORDER RE: PRIVATE MEDIATION**

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Stipulation and Order re: Private Mediation