

The Law Office of Brigid A. Duffield, P.C.

Attorney/Mediator/Speaker/Author

Dedicated to Providing a No BS Legal Experience

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Our office has received a copy of the court order requiring you to participate in mediation for the pending issues concerning your children. Mediation is a cost-effective alternative to litigation. It is designed to help parents reach agreements in a cooperative and rational manner, as well as minimizing the anger exchanges between parents which can escalate when people are in the Court system.

Mediation can be a powerful tool to preserve parents' financial resources, and more importantly minimize the time the family is in the Court system. Mediation can reestablish communication skills which ultimately benefit the children. Mediation helps parents to take charge of their lives and the decisions concerning their children.

Court Ordered Mediation is a 3-hour *confidential* process. During mediation parents attempt to develop a parenting plan to best serve the children's future.

In Court Ordered Mediation, parents are treated as cooperative adults who are restructuring their lives and the lives of their children but who have diverse ideas of how to make that happen. It is intended to supplement the litigation system, which may cast parents as opponents, create an adversarial relationship and can take a long time.

The Mediator acts as a neutral facilitator. That includes: assisting parents in identifying parenting issues; creative problem solving; or exploring alternative solutions; as well as aiding parents to reach a consensus...even if it is an "agree to disagree" agreement.

The Mediator is not a substitute for and in no way replaces your attorney. Both parents are strongly encouraged to meet with their attorney *prior* to the first mediation session. Only your attorney can advise you of your options and alternatives as they relate to your situation based on your facts. You should ask your attorney to give you a realistic assessment and a range to work with when you are in the mediation sessions (ie: "best case/worst-case" scenarios). If your attorney has already given you a proposed parenting agreement, ***bring that with you.*** The more information you come to the mediation session with, the more likely you will stay on task and suggest reaching the resolution of the issues. Have your attorney provide you with written settlement documents which reflect your position.

The mediator may not render any legal or financial advice. You must receive all recommendations and advice from your own legal counsel and other advisors. ***We suggest you consult with your attorney throughout the mediation process.***

If you have not already done so, please contact our office to schedule your first mediation session. It will be one and a half (1 ½) to two (2) hours in length. The following are the steps requested of both parents in scheduling the first mediation session:

1) The Court Order required each parent to contact our office within two (2) business days from the date the Order for Mediation. When you call or email, we will give you available appointment dates and times to schedule the mediation session. *Please note that parents only have forty-five (45) days from the date the Order for Mediation was entered to have completed all three (3) hours of Mediation. You are encouraged to act swiftly in scheduling your first mediation appointment. Appointments are booked on a first come/first served basis. The longer it takes for the parents to confer and agree on an appointment time, the longer it will take to get an appointment and any appointment time they may be considering may no longer be available;*

2) Confer with the other parent regarding schedules and availability for an appointment. Consider a few dates and times you are both available to participate in the mediation session on the available dates provided by the Mediator.

3) Call to confirm the agreed date and schedule time for the mediation appointment with the receptionist. ***Both parents must contact our office to confirm the appointment time. Otherwise we take the appointment off our calendar and open it up to others.***

4) Note, once the first parent has contacted our office to schedule an appointment time for the mediation session, our office will hold the appointment time for you for two (2) business days. The other parent ***must*** contact our office via phone or email to confirm the appointment time within these two (2) days. ***Please be advised that our office does not contact the other party to notify them of the appointment or to get confirmation.*** If our office has not received confirmation from both parents by the end of the second business day, the appointment time will be released and another family's appointment could be scheduled in its place.

Parents are required to communicate directly with each other in the scheduling process. Our office does not call either party regarding your appointment. In rare instances that the parents do not feel that they are able to do so, appointments can be confirmed by the parents' respective attorneys.

Each of you is required to pay all fees in full at the start of the first mediation session. Unless your Court Order specifies otherwise, the parents will split the fees equally. Each parent will pay four hundred and fifty dollars (\$450.00) each. Total Fee is \$900. In the event that the Order for Mediation specifies a payment arrangement different from each party sharing equally in the fees, please come to the initial Mediation Session prepared to pay your respective share.

The \$900 payment in full is due at the beginning of the initial Mediation Session. Though your Court Order requires you to make an advance payment, we ask that you pay in full at the time of the first session. In the event one of you is unable to make the required payment or does not make it at the time of the first meeting, the Mediation Session will be rescheduled to a later date when you will be able to do so.

The total mediation fee of \$900.00 includes three (3) hours of face to face mediation time and one (1) hour of administrative time for work required by the Court which is performed by the mediator outside of the actual session. This outside work may include, but is not limited to preparation of the court required mediation report, scheduling, telephone conferences, correspondence, and consultations with attorneys.

Enclosed you will find several pieces of information necessary to start the mediation process. Please review, and complete all the enclosed documents carefully prior to your first mediation session.

As a recap, please be sure you have done the following:

- ◆ Scheduled your first Mediation Session with our office
- ◆ Met with your attorney; Request a Proposed Parenting Plan
- ◆ Scheduled/Attended the Caring, Coping & Children parenting class,(if required); Please be sure to bring the following with you to the first Mediation Session:
- ◆ Signed and dated Court-Ordered Mediation Agreement
- ◆ Signed and dated Confidentiality Agreement
- ◆ Parenting Agreements either previously Court ordered or being proposed
- ◆ Cash or Check payable to the Law Office of Brigid A. Duffield, P.C., in the amount of \$450.00 (or the respective amount specified by the Order for Mediation) to total \$900

If after participated in the mediation process, you have not reached an agreement, a Court Ordered Evaluation may be required or perhaps a Guardian Ad Litem will be appointed for your children. The Evaluation Program consists of twelve (12) one (1) hour sessions with an Evaluator, a clinical psychologist. The cost for the Evaluation Program ranges between \$2,500.00 - \$10,000. A Guardian Ad Litem will investigate for the court, what is in your children's best interest. A retainer of \$2,500 or more will likely be required for the Guardian. Your attorney can answer your questions regarding the Evaluation Program and the appointment of a Guardian Ad Litem and can provide you with more information on this process in the event that it becomes necessary.

We know that this is a difficult time for your family and we look forward to the opportunity to assisting you in facilitating a resolution that works for both parents, and most important, your children.

Respectfully,

Brigid A. Duffield

Attorney/Mediator
BAD/ai
enclosure

The Law Office of Brigid A. Duffield, P.C.
MEDIATION SERVICES
COURT ORDERED MEDIATION AGREEMENT

The undersigned parents, having decided to separate or divorce, or having previously divorced, intend to resolve the conflicts and issues arising out of their separation or divorce through mediation. They intend to avoid for themselves and their children the bitterness and frustration which often accompany differences and conflicts in parenting styles and goals.

Through mediation, the parents intend to create an agreement that settles their disputes related to parenting and parenting time with the minor children. The goal being that the agreement will represent the interests of both parents and their children and be acceptable to all concerned.

This *Agreement to Mediate* is made and entered into by and between the parents and the *Attorney/Mediator, Brigid A. Duffield*. The terms of this agreement are fully represented below and the parents and the Mediator agree to the following:

1. ***MEDIATION PROCESS:***

The parents agree to attempt to resolve the issues and controversies that have arisen and brought them to this point. They agree to attempt to reach consensus or agreement on the issues which is ***acceptable*** to both parents and serves the best interests of their children. In the event the parents fail to promptly attend and participate in mediation without good cause shown, the Court, upon motion, may impose sanctions.

2. ***COSTS OF MEDIATION:***

Court Ordered Mediation will be conducted by ***Brigid A. Duffield*** at the rate of \$225 per hour. The time is charged for hours spent in the mediation, both in and out of the session. The parents agree that the total fee of \$900, \$450.00 per parent (unless otherwise ordered by the court), shall be paid at the beginning of the initial mediation session. Services in addition to the actual mediation session include phone calls to and from the parents, their attorneys and other individuals; preparation of the written final agreement or report to the Court; review of documents; and anything else needed to responsibly serve the parents. Two Hundred Twenty Five Dollars, the equivalent of one hour is included in the court-established fee of \$900. Appointments not canceled 48 hours in advance may be billed for one (1) hour.

3. ***NOTICE OF CANCELLATIONS:***

The parents agree that if the need arises where one, or both, parents must cancel a scheduled session, as a courtesy to the other parent and the Mediator, they will do so at least 48 hours in advance. If the parents fail to cancel their appointment less than two (2) full business days in advance of the appointment, or if one or both parents fail to appear for the scheduled time a full charge may be assessed for the missed appointment. The

Mediator will take into consideration any emergency that may arise which would cause the parents' inability to attend the scheduled Mediation.

4. ***PRIVACY OF MEDIATION:***

The parents understand and agree that neither will call the Mediator, Brigid A. Duffield, nor any person performing Mediation under her direction, as a witness to testify in any court proceeding. The parents agree not to subpoena any records, documents, or other information or material the Mediator may have or have produced during the mediation relating to issues raised during Mediation.

5. ***CONFIDENTIALITY OF MEDIATION:***

Except for communication with your attorneys, the Mediator agrees to keep confidential information, written documents and oral communications discussed and/or disclosed during mediation. The Mediator will not give any information obtained during mediation to any outside person or organization unless both parents concur. Unless otherwise agreed, the Mediator will not keep the information confidential between the parents.

The parents agree that they will discuss the information with their attorneys. In addition, they will not use information in a malicious, harmful way or in any way that would discredit the other parent. ***The parents understand that at no time during the mediation is a recording device allowed.***

6. ***INFORMATION NOT HELD CONFIDENTIAL:***

The safety of the parents and the children is of utmost concern. The parents understand that the Mediator will ***not*** keep confidential any information that causes the Mediator to suspect that child abuse has occurred or could occur or that any person will be in danger or risk of immediate bodily harm.

7. ***ATTENDANCE & TERMINATION OF MEDIATION:***

The Parents shall attend the mediation sessions, a total of three hours, unless extended by the agreement of the parents, the Mediator and their attorneys. The Parents are expected to organize their business and personal affairs so they may attend the Mediation Sessions. Attendance at Mediation is limited to the parents, unless otherwise ordered by the Court. The Mediation may be terminated or suspended at the option of the Mediator or the Court. The Mediator shall immediately advise the Court in writing if she suspends or terminates Mediation or in the event that either or both parents fail to comply with the terms of this paragraph. The parents understand that the mediation process may be extended by agreement of the parties, attorneys, or the Court.

8. ***PARTICIPATION OF CHILDREN AND OTHERS***

Children and other persons having a direct interest in the mediation may participate in a mediation session only if ***both*** parents ***and*** the Mediator, agree.

9. **REPORTING OF MEDIATION:**

Parents understand that the Mediator will submit the Mediation Report to the Court and a recap to each parent's legal counsel by the 45-day status date.

10. **SEPARATE MEETINGS:**

The parents agree not to contact or discuss their case with the Mediator outside of the mediation session. The Mediator or the parents may request separate meetings when either feels this may facilitate the process. The parents will be given equal time for such meetings.

11. **USE OF MEDIATOR:**

The parents and the Mediator agree that the Mediator will provide a fair and neutral process during Mediation and will assist the parents in reaching a solution of the issues presented.

The Mediator reserves the right to verbally inform the parents, or note in any written agreement, if the Mediator does not concur with any provision of the agreement or the full agreement reached by the parents. Concurrence is defined by the Mediator as believing that the agreement is fair and reasonable to both parents and serves the best interests of the children. Lack of Mediator concurrence will have no effect on the parents' ability to reach agreement or carry out any and all terms of the agreement.

The Mediator does not serve in any other capacity regardless of professional education or background. The Mediator does not prepare or file legal documents, give legal advice, or represent either parent in *any* capacity.

12. **USE OF ATTORNEYS:**

The parents are strongly encouraged to consult with attorneys early in the mediation process in order to understand their legal rights and determine the legal parameters of their case, their *best case/worst case scenario*. Attorneys chosen by the parents are regarded as part of the mediation team. In Court Ordered Mediation the Mediator generally does not discuss issues related to the mediation with either attorney retained or consulted by the parents. It is assumed that any agreements reached in mediation have been discussed by the parent with their attorney, or will be reviewed by the attorney before being processed in court.

13. **PARENTS' COMMITMENT:**

The parents agree to use their best efforts to reach a resolution of the issues. They agree that each will abstain from using any mood-altering substance, drug or alcohol, on the day mediation sessions are scheduled.

14. **IMPASSE:**

If the parents are unable to reach an agreement about any or all issues, they and the Mediator will discuss alternative options for resolution of the issues. These options may include referral of particular issues to their attorney or other professionals. If the parents are still unable to reach a satisfactory resolution, the case will be referred back to the Court.

15. **CONCERN ABOUT ABUSE**

The safety of all parents and children is of utmost concern. Mandated reporters are required by law to report suspected cases of child abuse. It is our policy to work with parents to get them the best possible help for all types of suspected abuse.

16. **COURT PROCEEDING:**

Your attorney will advise you on the court proceedings and the estimated time your case may be expected to take. Be sure to ask your attorney what a realistic time line is for your case to be concluded. The time line can be as long as 18 months for the date of filing the Petition.

17. **MEDIATION OF FUTURE DISPUTES:**

Disputes concerning any of the terms of the agreement or other future issues may be brought back to mediation at any time in the future.

18. **FINANCIAL RESPONSIBILITY:**

Unless the court order states otherwise, both parents share equally the financial responsibility for payment of the costs of mediation. Payments may be made in accordance with that order.

We have read, understood, and agree to be bound by this agreement to Mediate.

X _____
Mother Date

X _____
Father Date

X _____
Brigid A. Duffield, As Mediator Date

The Law Office of Brigid A. Duffield, P.C.
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LAW OFFICE OF BRIGID DUFFIELD, P.C.
MEDIATION GROUND RULES

1. The parties agree to come to the mediation with an open and a willingness to learn new conflict resolution skills.
2. The parents agree to start on time and participate fully in all sessions without being under the influence of illegal drugs or alcohol.
3. The parents agree to call each other by their first names, not pronouns “he,” “she,” or Mr. Smith or Mrs. Smith or anything else. No name calling.
4. The parents agree not to blame, attack, swear or engage in snipes or put-downs, and will ask questions for the purpose of clarification only.
5. Parents agree to use “I” statements and agree to stay away from “hard” positions. They agree to express themselves in terms of their own needs and interests, not what they think the other parent wants or will or won’t do.
6. The parents agree to listen respectfully, and to try to understand the other parent's needs and interest by taking turns speaking and not interrupting each other.
7. The parents agree not to dwell on things that did not work in the past, but instead to focus on ideas and possible solutions of what might work in the future and what they would like for themselves and their children.
8. The parties agree to ensure the child completes all homework assignments on time.
9. The parents agree to work toward what they believe to be the most viable constructive agreement possible.
10. The parents agree to speak up if something is not working in the mediation.
11. The parents agree not to try to convince the mediator of anything including why they are right and the other is wrong.
12. The parents agree to point out when, or if, they feel the mediator is being partial.
13. The parties agree to refrain from aggressive and intimidating behavior before, during or after any session.
14. The parties are aware that there are security measures in place at the office.
15. The parties agree that they will not initiate or file any new motions or pleadings in court during their participation in the program without leave of Court.
16. The parties understand that their compliance with the program will be reported to the court.

The Law Office of Brigid A. Duffield, P.C.

PARENT'S MEDIATION CHECKLIST COURT ORDERED

TO DO NOW:

- ❖ Schedule first mediation session;

TO HAVE DONE PRIOR TO FIRST MEDIATION SESSION:

- ❖ Schedule/Attend Caring, Coping & Children Class (if required)
- ❖ Meet with your attorney

TO BRING TO FIRST MEDIATION SESSION:

- ❖ Signed and dated Court-Ordered Mediation Agreement.
- ❖ Signed and dated Confidentiality Agreement.
- ❖ Settlement & Parenting Agreements either previously ordered or being proposed
- ❖ Cash or Check payable to the Law Office of Brigid A. Duffield, P.C., in the amount of four hundred fifty dollars (\$450.00). In the event that the Court has specifically ordered you to pay a different amount, the amount you have been ordered to pay.
- ❖ If child(ren) are in grades kindergarten through high school, please bring a copy of the school calendar for the current school year, and if available, the upcoming school year. The school calendar should reflect all days that the children do not have school (ie: winter/summer break, recognized holidays, teacher's institute days, etc. . .).
- ❖ If children are involved any extracurricular activities (ie: sports, music lessons, after-school job, etc. . .), please bring a copy of the schedules with you.
- ❖ Please come prepared to the mediation session with your proposal for resolution of the issues referred to mediation. For example, if you have been referred to mediation for the purpose of custody or visitation, please bring a proposal of what you believe would be a realistic schedule.

The more information you have, the more productive the sessions.

MEDIATION CLIENT INFORMATION

Session Date: _____ **Next Court Date** _____

Name: _____ **Date of birth:** _____ **Age:** _____

Place of birth: _____ **Social Security number:** _____

Home phone: _____ **Cell phone:** _____

Residential Address: _____

City, State, Zip: _____

E-mail address: _____ **Driver's License No.:** _____

Maiden Name (if applicable): _____ **Preferred method of contact:** _____

Friend/ Relative (alternate contact): _____ **Phone:** _____

Employer: _____ **Address:** _____

Occupation: _____ **Education/Degree:** _____

Gross Earnings: _____ **Net Earnings:** _____ **Per month:** _____

Work phone: _____ **Personal Calls Allowed?** Yes _____ No _____

Other sources of income _____

Do you have an Attorney? Yes _____ No _____

If yes, Attorney name: _____ **Phone:** _____ **Fax:** _____

Email address _____

Children:	Name	Birth date	Age
1)	_____	_____	_____
2)	_____	_____	_____
3)	_____	_____	_____

Are you currently paying support for the children? Yes _____ No _____

\$ _____ **Frequency** _____

Are you currently paying support to a former spouse? Yes _____ No _____

\$ _____ **Frequency** _____

Other than your children and/or spouse, are there any other people living with you?

Yes _____ No _____ **If yes, please list their name(s) and relationship(s) to you:**

Name of Spouse/Person involved in this proceeding, if different: _____

Date of Marriage: _____ City/County/State of this marriage: _____

Are you residing with this person? Yes _____ No _____

If *no*, date of separation (last resided as husband and wife) _____

Does your spouse/ex-spouse have an Attorney? Yes _____ No _____

If *yes*, Attorney name: _____ Phone No. _____ Fax No. _____

Who referred you to Mediation? _____

Do you have an interest in reconciliation? Yes _____ No _____

As far as you know, does your spouse? Yes _____ No _____

Are you presently seeing a counselor or therapist? Yes _____ No _____

If *yes*, _____ Individual _____ Joint _____ Family _____

Have you previously seen a counselor or therapist? Yes _____ No _____

If *yes*, _____ Individual _____ Marital _____ Family _____

Has your spouse previously seen a counselor or therapist? Yes _____ No _____

If *yes*, _____ Individual _____ Marital _____ Family _____

Do you anticipate a dispute about custody of the children? Yes _____ No _____

Do you anticipate a dispute about visitation of the children? Yes _____ No _____

Any Previous Marriages:

Name Ex-Spouse	Duration	Ended By	Children from	Age	Resides with
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1) _____

2) _____

Have you previously been involved in Mediation? Yes _____ No _____

If yes, Name of Mediator: _____ Phone: _____

Is there a Child Representative appointed for the children? Yes _____ No _____

If yes, Name: _____ Phone: _____ Fax: _____

Other relevant information: _____

CONFIDENTIAL QUESTIONNAIRE
(Required by Court Order)

	Yes	No
1) Do You have any concerns about the child(ren)'s emotional and/or physical safety with the other party?	_____	_____
2) Do you have any other concerns about your own emotional and/or physical safety with the other person?	_____	_____
3) Has the Illinois Department of Children and Family Services been involved with the family regarding allegations of abuse and/or neglect to the children?	_____	_____
4) Have you ever feared that you would not have access to your child(ren)?	_____	_____
5) Has your spouse ever threatened to deny you access to your child(ren)?	_____	_____
6) Do you have any questions or concerns about your child(ren) speaking with the Mediator?	_____	_____
7) Do you have any concerns about the children's emotional or physical safety with you or the other parent?	_____	_____
8) Has there ever been medical treatment or hospitalization for psychiatric disorders in the immediate family?	_____	_____
9) Has your spouse ever threatened to hurt you in any way?	_____	_____
10) Are you fearful of your spouse for any reason?	_____	_____
11) Has your spouse ever hit you or used any other type of physical force towards you?	_____	_____
12) Are you currently afraid your spouse will physically harm you?	_____	_____
13) Has there ever been any physical confrontation between you and the other person?	_____	_____
14) Have you ever called the police or sought help for yourself as a result of abuse by your spouse?	_____	_____
15) Are you now, or have there previously been, Orders of Protection? If yes, expiration date_____.	_____	_____
16) Are you in any way afraid to meet with the Mediator and the other parent in the same room?	_____	_____

	<i>Yes</i>	<i>No</i>
17) Do you believe you would be able to communicate with your spouse on an equal basis in mediation session?	_____	_____
18) Are there Historical or Current Problems Concerning the following:		
A. Alcohol Abuse	_____	_____
B. Drug Abuse	_____	_____
C. Physical Abuse	_____	_____
D. Child Abuse	_____	_____
E. Sexual Abuse	_____	_____
F. Mental/Emotional Abuse	_____	_____
G. Previous Therapy	_____	_____
H. Criminal Record	_____	_____
I. D. U. I.	_____	_____
J. Orders of Protection	_____	_____
K. D. C. F. S. Complaints	_____	_____
L. Domestic Violence	_____	_____
M. Legal Problems	_____	_____
N. Bankruptcy	_____	_____
19) Do you have any concerns regarding the use of alcohol and/or drugs in the immediate family?	_____	_____
20) Are you an alcoholic or recovering alcoholic? Have you ever been to a hospital or institution on account of drinking?	_____	_____
21) Do you have any fear about answering these questions?	_____	_____
If yes, briefly state why _____		

22) Is there, or has there been in the past, alternate living arrangements for your children or either parent?	_____	_____
If yes, what were they and why _____		

23) Are you involved in other court-referred programs or services?	_____	_____
24) Are there other pending proceedings in other courts (e.g. Juvenile or Criminal)	_____	_____

If yes, please describe _____		

25) Do you or your spouse own any firearms or weapons?	_____	_____
26) Are you a member of a cult?	_____	_____
27) Have the police been called to your home?	_____	_____