

What to know about Legality & Mediation for Divorce and/or Child Custody (updated 3/16/2019)

Mediation gives you:

- An efficient context to be facilitated in communications, negotiation and drafting agreements with (an)other party(ies).

The facilitator is a neutral third party. The expertise of the Mediator is in the communications, negotiations and drafting of documents- these documents, with a lawyer's review and submission to the court can be made legally binding. If not submitted, the signed documents may support a future legal case and serve as some protection, or, be considered binding by a Judge.

A Mediator is not a legal professional, is not a Lawyer. and in most cases does not have legal training. A Mediator cannot advise clients in any way in regards to the law.

When in Mediation for Divorce and/or child custody Issues, please DO also employ a lawyer or online legal counsel for:

1. **Support:** information on court steps and stages, technical terminology, understanding the law in your state as it applies to you specifically.
2. **Review:** to review and approve documents once completely drafted (and edited) in mediation. In addition, your Legal Counsel may edit as s/he sees fit
3. **Protection:** Having a lawyer retained, or even hired for a la carte consulting, will help the client gain protection should they become in a situation that needs legal protection at some point in their process.

**** Talk to an attorney to see if you do need legal protection** to find out what to do to get the protection, AND/OR, call the police if you feel you or your child is threatened or in harm's way, to see if they can help.

Mediation also provides protections, but only by agreement. In some cases, the client's lawyer and police need to be called on for protection.

Legal Recourse after an Agreement is binding and becomes a court order

In general, if someone fails to follow a parenting schedule ordered or accepted by the Court, the other party can call the police, show the police the signed written order from the Court (or the Court's order adopting the parties' signed agreement) and the police will generally intervene to go to the other parent's home and ensure the exchange of the child to the other parent who is scheduled.

Other enforcement mechanisms include requesting the Court to hold the party in contempt for failing to follow the schedule. This takes longer, but can lead to fines or jail time if the party is found in contempt. When it comes to late child support payments, contempt proceedings are the main enforcement route. In addition, interest on past due support can be quite high. Check your state to see the interest due in these cases. That percentage applies no matter what the reason for the lateness.

