

What is Parenting Plan Mediation?

Mediation of a Parenting Plan involves a structured discussion between the mother and father of a child and a third party neutral person who has received the state required training in mediation. The mediator is impartial and is not representing either of the parties. The mediator will schedule an individual mediation session with each parent to discuss the mediation process, requirements of a parenting plan, and assess if the parents should mediate together or in separate sessions. During mediation sessions the mediator will facilitate the parent's discussion of the parenting issues and possible terms the parents may decide to include in their Parenting Plan. Every element of a parenting plan must be mutually agreed upon to be a part of the plan. This is a privileged and confidential process which means the mediator by law may not testify in court, nor reveal any of the discussion that went on during the mediation session other than the terms agreed upon and a general reference to items that may remain at issue between the parents.

The Parenting Act sets out the requirements that must be met to qualify as a mediator in family matters. A person must have a minimum of thirty hours of basic mediation training, thirty hours of family mediation training, and shall have served as an apprentice to an experienced mediator. The mediator is also required to have general knowledge of child development, the potential effects of parental separation upon children and parents; knowledge of the Nebraska court system and family law regarding parenting functions, best interests of the child elements, child custody, parenting time, visitation and general issues pertaining to children. Mediators also receive training in child abuse and neglect, domestic intimate partner abuse and the potential impact of abuse upon the safety of family members. In Douglas County a family mediator must meet all these requirements, and must be approved by the Mediation Committee of the District Court as required in Local Rule 4.3D.

The Parenting Act also requires a specialized form of mediation with a specially trained mediator for cases where the parents have experienced unresolved conflict over a period of time, or in cases where there are allegations of child abuse or neglect, domestic intimate partner abuse, or high conflict. The special alternative dispute resolution process uses individual sessions with the mediator to seek mutual agreements which seek to provide a highly structured agreement which may contain communication guidelines or restrictions, provisions for safety including rules for exchange of a child, and limits on the type of interaction which is permitted between the parents.

A mediator may offer information to the parents, but may not give legal advice. The mediator will set the structure for the mediation process and establish basic rules for fairness and constructive communications in the session. For example, bad language, and abusive behavior will not be tolerated, nor is one person permitted to dominate the discussion, attempting to force conditions and/or terms to be included in the plan without the other parent having an equal opportunity to discuss, disagree, or refuse to agree.

The parents are charged for mediation services on a sliding fee scale according to each parent's ability to pay. If you have a financial need to reduce the fee advise the Conciliation Court before assignment of a mediator to your case, or advise the mediator when you are contacted to schedule your mediation.

Should you have further questions about the mediation process please call 444-7168; it is helpful if you leave a message which includes the docket and page number of your case along with your phone number.