

IN THE CIRCUIT COURT OF THE
NINETEENTH JUDICIAL CIRCUIT
IN AND FOR INDIAN RIVER,
MARTIN, OKEECHOBEE AND
ST. LUCIE COUNTIES, FLORIDA

ADMINISTRATIVE ORDER 08 - 11

RE: Mediation of Family Law Cases

WHEREAS, Chapter 44, Florida Statutes, and Florida Family Law Rule of Procedure 12.740 provide for mediation of family law actions; and

WHEREAS, Florida Statutes 44.108, provide for the funding of family law mediation programs;

WHEREAS, the mission of the Unified Family Court of the Nineteenth Judicial Circuit is to assist in moving families through a traumatic period of their lives in the least traumatic way;

Pursuant to Rule 2.215, Fla. R. Jud. Admin., it is therefore **ORDERED**:

1. All issues in proceedings before the Unified Family Court may be referred to mediation by the presiding judge, magistrate or hearing officer unless excluded by statute or rule. Matters referred to the Family Mediation Program will be handled by Florida Supreme Court certified family mediators and/or dependency mediators as appropriate. In cases that are not referred through the Family Mediation Program, the parties may agree upon a mediator pursuant to Florida Rules of Family Procedure 12.741 (6).
2. All Family Mediation Services referred through the Family Mediation Program shall be administered and coordinated by the Nineteenth Judicial Circuit Mediation Program at the direction of the Chief Judge of this circuit. All mediations conducted through the Family Mediation Program shall be in accordance with the Florida Rules of Family Procedure 12.741, as well as all sections of this Administrative Order. This program shall be available to all cases in which the parties have a combined gross income of less than \$100,000.00.

3. Actions in which the family has a combined gross income of \$100,000.00 or greater are not eligible for the services of the Family Mediation Program. These parties shall be referred to retain a mediator at their own expense.
4. Parties who do not income qualify for the Family Mediation Program, or who choose to hire a private mediator may be referred by the court to a private mediator. Family mediations that are not eligible for, or opt out of the Family Mediation Program shall be governed by Florida Rules of Family Procedure 12.740, Florida Statutes Chapter 44.
5. The payment for mediation conducted through the Family Mediation Program shall be in accordance with Florida Statutes section 44.108.
6. The following procedures shall apply to mediations conducted through the Family Mediation Program (Mediation Program):

- a. FAMILY MEDIATION PROGRAM STAFF MEDIATORS

All cases referred by order to the Family Mediation Program will be scheduled for mediation before a staff mediator unless there is a conflict or mediator unavailability. In the event of a conflict or mediator unavailability, the mediation will be referred to a contract mediator.

- b. LIST OF CONTRACT MEDIATORS

Certified Family Mediators who want to work as a contract mediator must sign a Professional Services Agreement with the 19th Judicial Circuit. The Family Mediation Program shall maintain a list of these mediators and shall assign them on a rotating basis in cases where the Program has a conflict or a staff mediator is not available.

- c. REFERRAL TO MEDIATION

Upon the Court's own motion or motion by any party the Court will enter an Order of Referral to Family Mediation Program, referring qualifying cases to the Family Mediation Program.

d. SCHEDULING MEDIATION

Upon receipt of the Order of Referral, the Family Mediation Program will coordinate and schedule the mediation session, assign a mediator, and provide written notice (Attachment 1) to all parties of the time, date, and location of the mediation. Once a case has been referred to mediation, a final hearing will not be held until the Court has received a Report of Mediation and/or a Mediation Agreement has been filed.

e. PAYMENT OF MEDIATION FEES

Pursuant to the Order of Referral to Mediation, the parties shall each pay their court ordered mediation fees to the Clerk of Court in the county in which the case is filed prior to the scheduled mediation. The parties must bring their paid receipts to the mediation.

f. PAYMENT OF CONTRACT MEDIATOR

Payment of contract mediators shall be in accordance with the Professional Services Agreement between the mediator and the 19th Judicial Circuit.

g. CONTINUANCES AND CANCELLATION

A mediation conference scheduled through the Family Mediation Program may not be canceled or continued without approval of the Family Mediation Program or the referring court. If a party fails to attend the mediation conference, they shall be responsible for the total cost of mediation (both their cost and the other side's cost). If, within 2 (two) business days of the scheduled mediation conference, a party requests that the mediation be continued and the request is granted, then the party requesting the continuance shall be solely responsible for the total fee for mediation (both their mediation fee and the fee of the other party).

h. SANCTIONS

In the event a party does not pay the Clerk of Court for the mediation session, or if either party fails to attend the mediation session or does not provide the required two (2) business days notice of cancellation or continuance, the Court may impose sanctions in accordance with rule 12.741(b)(2), Florida Family Rules of Procedure.

7. REPORT OF MEDIATOR

a. Within five (5) business days after the mediation, the mediator shall file the original mediation report with the Clerk of Court, with copies to the judge/magistrate and parties. The Report of Mediator will address attendance of parties, payment by the parties, and indicate impasse, settlement or partial settlement.

b. If a Mediation Agreement was reached, the mediator shall file the original Mediation Agreement with the Clerk of Court, and send a copy of the Mediation Agreement to the Judge assigned to the case accompanied by an original and sufficient copies for each party of the Joint Stipulation Approving Mediation Agreement (Attachment 2) or Stipulated Final Order of Modification of Final Judgment (for post-judgment matters)(Attachment 3), or other stipulated final order, a completed Child Support Guidelines Worksheet, when appropriate, and stamped envelopes addressed to each party. Upon signing of the Order by the Court, the Mediation Agreement will become an Order of the Court.

8. The Clerk of each county is directed to maintain the Mediation Trust Fund previously established. The balance of the funds remaining in the Mediation Trust Fund shall not revert to the Board of County Commissioners at the end of each year; rather, it shall rollover for use each successive year. If the Family Mediation Program is ever terminated, the balance of the Mediation Trust Fund will revert to the Board of County Commissioners in each county on behalf of the Court's Family Mediation Program after all mediators have been paid.

9. That this Order shall be effective upon signing, and shall rescind and replace Administrative Order 05-10.

DONE AND ORDERED in quadruplicate at Stuart, Martin County, Florida
this 20 day of October, 2008.



HONORABLE WILLIAM L. ROBY
Chief Judge

19th Circuit Family Mediation Program
Mediation Confirmation Letter

(772) 807-4370
delatejeram@circuit19.org

Fax: (772) 807-4377

Date:

Re:

Case No

To:

Fee Amount: \$

Fee Amount: \$

Please be advised that your mediation session has been scheduled and you are to appear as follows:

New Date: , 2008

New Time:

Location:

Port St. Lucie County Courthouse
250 NW Country Club Drive, Mediation Suite, 1st Floor
Port St. Lucie, FL 34986

Parties are ordered to mediation with the Family Mediation Program. Other than those certified by the Clerk of Court as indigent, are required to prepay the fee for the mediation session(s).

PLEASE BRING A COPY OF YOUR RECEIPT TO THE MEDIATION CONFERENCE.

PAYMENT SHOULD BE IN ADVANCE AT:

St. Lucie County Family Relations Department
2400 Rhode Island Avenue
Ft. Pierce, FL. 34982
772-462-6910

Payment may be made only by CASH, MONEY ORDER, OR CASHIER'S CHECK made payable to the "Clerk of Court". Please bring a copy of your Order of Referral to Mediation Program with you so the Clerk can credit the correct case and bring your receipt to the mediation conference. The fee, and each party's individual responsibility for the fee, is to pay for one (1), two (2) hour session of mediation.

Please plan to arrive a few minutes early so that we may begin promptly at the time scheduled. Please schedule at least two hours for your mediation and **bring your children's social security, your completed financial affidavit. Also, please bring the last three years of your federal income tax returns, current financial information and current real estate appraisals** to the mediation. No witnesses are used in this process, so please do not bring other people. Do not bring children to mediation, as we do not provide childcare services and discussing these issues in front of children is not appropriate.

The mediation program is providing mediation services to assist you and the other party in discussing important issues and, where appropriate, creating your own settlement of the dispute. Thank you for your willingness to participate in the mediation program.

If you need to reschedule the mediation, please call us at (772) 807-4370 at least 72 hours before your session. If you need an interpreter, please provide your own. We do not provide interpreting services for mediation. Por favor traiga un intérprete mayor de edad en este día si es necesario. La corte no provee intérpretes para corte de familia.

Rebecca Storrow

Mediation Services Coordinator

Notice to Persons with Disabilities

If you are a person with a disability who needs any accommodation in order to participate in this procedure, you are entitled, at no cost to you, to the provisions of certain assistance. Please contact Court Administration, 250 Northwest Country Club Drive, Suite 217, Port St. Lucie, FL 34986, (772) 807-4370, within two working days of your receipt of this notice, if you are hearing or voice impaired, call 1-800-955-8771.

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR COUNTY FLORIDA

IN RE: The Marriage of:

Case No.

Petitioner/ Husband

And

Respondent/ Wife

JOINT STIPULATION APPROVING MEDIATION AGREEMENT

COMES NOW the parties and hereby stipulate and agree that the Mediation Agreement reached by the parties on _____, 2008, should be approved by this Court.

Stipulated by:

, Petitioner

, Respondent

ORDER APPROVING MEDIATION AGREEMENT

THIS CAUSE having come before the Court on the above stipulation of the parties and the Court having otherwise been advised in the premises; it is hereby:

ORDERED AND ADJUDGED that the mediation agreement entered into by the parties on October 10, 2008 is approved by this Court and made a part of the above styled case.

The Court retains jurisdiction for all such other further relief as the Court deems just and proper.

DONE AND ORDERED in Chambers at Martin County, Florida, this _____ day of _____, 2008.

Honorable
Circuit Judge

Copies to:

Pet:

Resp:

Mediation Program, 250 NW Country Club Dr., Port St. Lucie, FL 34986

Attachment 2

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY FLORIDA

Father/Former Husband

And

CASE NO. _____

Mother/Former Wife.
_____ /

FINAL ORDER OF MODIFICATION OF FINAL JUDGMENT

THIS CAUSE having come before the Court on the parties' Mediation Agreement dated _____, 2008 and after being duly advised in the premises, it is

ORDERED AND ADJUDGED as follows:

1. The Mediation Agreement of the parties filed herein is ratified in its entirety and is incorporated and made a part of the above-styled case. The parties are ordered to comply with all of the terms and conditions as contained in the Agreement.
2. Except as modified by the Mediation Agreement, all other provisions and terms contained in prior Orders or Judgments are hereby ratified and confirmed and shall remain in full force and effect.
3. The Court retains jurisdiction for all such other and further relief as the Court deems just and proper.

DONE AND ORDERED at _____, _____ County, Florida, this _____ th day of _____, 2008.

Honorable
Circuit Judge

Copies Furnished To:
Former Wife
Former Husband
Mediation Program, 250 Northwest Country Club Drive, Port St. Lucie, FL 34986