

Alternative Dispute Resolution Information Sheet for Family Law Cases

What is Alternative Dispute Resolution (ADR)?

“Alternative Dispute Resolution” (ADR) is a general term for methods of resolving a dispute without going through the formal court process. ADR can save you time, money and increase your overall satisfaction with the outcome of your case.

How does the ADR Mediation process work?

- **Mediation through the Court’s ADR program is voluntary.** A neutral person called a “mediator” meets with parties and/or their attorneys to assist them in reaching an agreement. The mediator facilitates communication between the participants, clarifies issues, explores each party’s needs and interests, and helps the participants consider options for settlement.
- **Mediation is private and confidential.** The sessions are usually conducted at the mediator’s office or other private location. Anything spoken or written during the mediation by any of the participants is confidential and may not be disclosed to the Court or any other person without consent of all participants.
- **Mediation is flexible.** Parties may resolve a single issue or the entire case. It can be used at any point to resolve disputes regarding property division, child support, spousal support, paternity, child custody, parenting plans, and other family law issues. An agreement reached in mediation is binding once it is turned into a court order. You cannot be forced into a settlement and your participation does not impact your right to a court hearing. If an agreement is not reached, you may continue through the court system.

What ADR Family Law Mediation resources are available?

The Fresno County Superior Court has following ADR Family Law Mediation program options:

- **ADR Family Law Mediation Panel:** The Court maintains a panel of private attorneys and dispute resolution professionals with specialized training in mediation. Panelists offer a 90 minute reduced-fee mediation for \$150.00 (\$75 per party). Additional time may be scheduled with the mediator at their regular hourly fee. In order to participate in the program, parties select a mediator from the panel and file stipulation form (PADR-05 E09-16) with the Court. Once the stipulation is filed, the parties must contact the mediator to schedule their mediation session. Visit www.fresno.courts.ca.gov/alternative_dispute_resolution or contact the ADR department at 559.457-1908 for more information.
- **Better Business Bureau (BBB) Family Law Mediation Program:** The Court partners with the BBB to provide free / low cost mediation services for family law cases. They specialize in assisting unrepresented parties with community property division in divorce cases. Fees for the service are based on a sliding scale according to annual income. Those who are unrepresented and currently qualify for a court approved fee waiver, will receive 90 minutes of mediation at no charge. If an agreement is reached, a marital settlement agreement (MSA) is prepared for the parties to file along with their judgment documents. For more information, contact the **BBB Mediation Services at 559.256-6300** or www.mediationservicesbybbb.org.

Additional Family Law Resources

Self-Help Center & Family Law Facilitator

The Self-Help Center and Family Law Facilitator office provide free procedural information for family law and family support issues. They offer guidance regarding legal forms and how they are to be completed. They assist with dissolution, legal separation and nullity; paternity actions; request for orders for child support, spousal support, custody and visitation; domestic violence; elder abuse; wage assignments; fee waiver applications; and provide referrals to other departments and agencies. They do not provide legal advice or representation in court.

Services provided by the Facilitator's Office and Self- Help Center are free of charge. The Center is located at 1130 "O" Street, 1st Floor, Fresno, CA. 9372. Office hours are: Monday -Tuesday and Thursday - Friday 8:00 a.m. - 4:00 p.m. and closed on Wednesdays. **For more information contact the Self-Help Center at 559-457-2100 or toll-free within Fresno County: 1-866-665-2345 or visit, www.fresno.courts.ca.gov/family/facilitators_office and www.fresno.courts.ca.gov/family/sshc**

Family Court Services (FCS) Mediation & Custody Recommending Counseling

FCS provides assistance to parties who disagree regarding child custody and visitation issues. California law requires that parties must meet with a Family Court Services (FCS) Counselor before requesting an order regarding custody or visitation from a judge.

The purpose of a FCS Mediation or Child Custody Recommending Counseling session is to:

- *Reduce conflict and hostility between the parties*
- *Develop an agreement that assures close and continuing contact with both parents and is in the best interest of the child*
- *Finalize a settlement on visitation rights for all parties that is in the best interest of the child.*

Services provided by FCS are free and open to any parties in need of assistance resolving custody and visitation issues. FCS staff do not address property division. **For more information contact Family Court Services at 559. 457-2100 (option 4) or visit, www.fresno.courts.ca.gov/family/family_court_services.**

Collaborative Practice

In Collaborative Practice the parties in conflict commit to resolving their differences without going to court. Together, they work with a supportive team of trained collaborative attorneys, divorce/communication coaches and financial specialists to find mutually acceptable, family-focused solutions and to foster cooperative co-parenting.

The members of **Central Valley Collaborative Law Affiliates** provide collaborative divorce services locally. To find out more about Collaborative Practice and the services offered by its member professionals, visit www.divorcefresno.com.