

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT IN
AND FOR BREVARD COUNTY,
FLORIDA

ADMINISTRATIVE ORDER NO.
07-19-B
SUPERSEDES 96-35-B

**IN RE: MEDIATION - FAMILY MEDIATION MANDATORY REFERRAL OF ALL CONTESTED
FAMILY LAW CASES TO MEDIATION**

Whereas, mediation is a process whereby a neutral third party acts to encourage the resolution of disputes through a non-adversarial process and assists the parties in reaching a mutually acceptable agreement; and

Whereas, certain disputes that include family matters in marriage dissolution and post-dissolution proceedings, in domestic proceedings between unmarried parents, and modifications thereof; and matters of juvenile dependency can be amicably and expeditiously resolved through mediation prior to hearing by the Court; and

Whereas, the mediation process can result in cost and schedule efficiencies to the parties; and

Whereas, mediation of certain matters promotes prompt and efficient administration of justice by the Court; reduces litigation; and reduces Court dockets; and

Whereas, applicable provisions of Florida Statute Chapter 44 - Mediation Alternatives to Judicial Action; Chapter 61 - Dissolution of Marriage, Support, Custody; and Chapter 39 - Proceedings Relating to Children; and the applicable provisions of the Florida Rules of Civil Procedure, Family Procedure, and Juvenile Procedure, as they relate to Family Mediation and Dependency Mediation, are incorporated into this Order.

IT IS HEREBY ORDERED THAT:

1. **FAMILY MEDIATION PROGRAM:** The Family Mediation Program ("Program") shall be governed by applicable Florida Statutes and Rules of Procedure. The Program office staff shall be responsible for scheduling mediations as ordered by the Court for matters including, but not limited to, shared parental responsibility, child residency, child support, payment of alimony, child visitation, and division of property and debt, juvenile

dependency, and any other domestic disputes appearing on the court docket. This program will be administered under the direction of

the Office of the Trial Court Administrator and the Chief Judge of the Eighteenth Judicial Circuit and shall include both staff mediator(s) and contract mediators.

2. **FAMILY MEDIATORS:** The Family Mediation Program shall appoint only mediators who are Florida Supreme Court Certified Family Mediators. The Program staff shall be responsible for assigning mediators and referring applicable cases to private mediation.
3. **MANDATORY REFERRAL OF ALL CONTESTED PRE-JUDGMENT AND POST-JUDGMENT FAMILY LAW MATTERS:**
 - a. Any party who seeks to schedule a final hearing for either a pre-judgment family law matter or a modification of a post-judgment matter, including domestic proceedings between unmarried parents, shall first participate in a mediation conference through the Family Mediation Program herein established, or through a private mediator, unless otherwise ordered by the Court.
 - b. An Order to Family Mediation will be prepared by the presiding Judge.
4. **MEDIATION FEES:** The fees for mediation are defined by Florida Statute 44.108, are based upon the parties' combined income, and are established per scheduled session. Fees defined by that Statute shall be paid in full by the parties prior to the scheduled mediation session(s). Failure to pay all mediation fees prior to the scheduled mediation session(s) may result in the cancellation of the session and may result in the Court's imposition of sanctions.
5. **RECORD KEEPING:** The Family Mediation Program shall keep a record of the case name, number, assigning judge, mediator, the attorneys, and the outcome of the mediation in all cases referred to the Family Mediation Program.

DONE AND ORDERED this 25TH day of June 2007.

TONYA RAINWATER
TONYA RAINWATER
CHIEF JUDGE

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