

CUSTODY AND VISITATION CONFIDENTIAL MEDIATION

Recognizing that families are faced with issues that need resolution by the Court, but that due to these unprecedented times, they are not able to schedule a hearing, the Court has adopted Emergency Rule 5-100: Optional Confidential Mediation Regarding Custody and Parenting Plans.

For litigants who have submitted a Request for Order (RFO) dealing with custody and/or visitation but have not yet received a hearing date, the court will be offering no-cost, “Custody and Visitation Confidential Mediation.” If you are interested in mediation regarding custody and/or visitation, please carefully read the following information.

- Although these sessions will be conducted by court staff, this session is not considered a Family Court Service (FCS) Recommending appointment. This “Custody and Visitation Confidential Mediation” is non-recommending and confidential. It does not replace FCS Recommending Counseling – if you do not reach an agreement, you will still need to schedule and attend a regular FCS Recommending Counseling appointment prior to your hearing. (Your subsequent appointment will be with a different staff member and may be scheduled once you have a hearing date/have served the other party. Your mediator will not share any information with the other staff member.)
- Please confirm that the other party is also willing to attend before requesting an appointment. Appointments will only be scheduled with the consent of both parties, and their willingness to participate.
- You must have submitted a Request for Order (FL-300) regarding custody and/or visitation.
- No proof of service of the submitted RFO is required. (However, as indicated above, you must confirm the other party is willing to participate before requesting an appointment.)
- Non-recommending mediation proceedings are confidential pursuant to Family Code § 3177. The mediator is not subject to subpoena.
- If the parents reach a full or partial agreement, the mediator will document the content of your agreement and submit it to the Court, the parties, and any attorneys. (Attorneys are still responsible for preparing the Stipulation based on the Agreement. Parties without an attorney can receive help from the Family Law Facilitator to have their agreement entered as a court order.)
- If there is no agreement, the mediator will not provide a recommendation. Instead, the mediator will inform the court that no agreement was made. Please note, even in confidential mediation, the mediator will report if there are safety concerns.
- Except as modified by Emergency Rule 5-100, please continue to follow local rule 5.13, including not providing documents to the mediator (except upon request of the mediator or court order).
- These mediation sessions will only address custody, parenting time, and other issues regarding minor children. If you are interested in mediation for any other issues in your case, the Court also offers a Family Law ADR panel. Please see: <https://www.sanmateo.courts.ca.gov/adr/familylaw>.
- We have a limited number of appointments. We will do our best to accommodate as many requests as possible.

To request an appointment, please complete the information below and send this document to: FCS@sanmateocourt.org

CASE NUMBER:

CASE NAME:

NAME of PARTY submitting request:

PHONE:

EMAIL:

NAME of OTHER PARTY:

PHONE:

EMAIL:

Which party submitted the RFO? What date?

Has the other party agreed to participate in optional confidential mediation?