

**A MESSAGE
FROM
THE HONORABLE
MICHAEL B. FORTE**

The Family Court Mediation Program is a service provided to help resolve cases involving divorce, child custody, child placement, and parenting time, as well as other legal matters before the Court. If you have a complaint or motion pending before the Family Court, you and the other party in your case may be referred to a mediator who can help you come to your own agreement about the issues in your case.

Mediation may help you settle your disagreements in a more timely fashion. This process helps parties to resolve differences in a private, cooperative and positive manner.

When children are involved, divorce or separation is not the *end* of your family - it is a transformation of your family. Mediation will help to settle your case in a way that will address your personal concerns while meeting the needs of your family.

Michael B. Forte
Chief Judge

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Rhode Island Family Court



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Rhode Island Family Court

Mediation Program

What is mediation?

Mediation is a process in which parties meet privately with a neutral third party who will help them come to a voluntary agreement on issues in their case. The success of the mediation depends on the participants' willingness to work cooperatively to reach an agreement.

What does a mediator do?

A mediator helps people discuss issues, explore options, and resolve differences in order to reach a final agreement on matters before the Court. The mediator is a neutral third party, which means he or she cannot take sides in your case.

Who attends mediation sessions?

In addition to the mediator, the mediation typically includes only the plaintiff and the defendant. Your lawyer may be available to consult with you before and after the mediation, and to review any agreement.

What are the benefits of mediation?

- The outcome of a case is determined by the two parties, not by a judge
- Less costly than litigation
- May be less time-consuming
- The process is private
- It promotes improved communication
- It models a more cooperative decision-making process for parents
- It may reduce conflict between parents, which benefits their children

How does the Rhode Island Family Court provide mediation services?

All Miscellaneous cases (case numbers end with "M") involving issues of child custody, child placement, parenting time, or child support shall be referred to the mediation program. Mediation is typically scheduled between the date that a complaint is filed in Court and the time of the first court hearing.

Cases also may be referred to the mediation program by a judge or magistrate on your court date. Either party involved - or their attorneys - also may ask a judge or magistrate to make a referral to mediation.

Can we meet with a mediator before filing a case in Family Court?

To meet with a Family Court mediator, you must have a case pending in Family Court. If you have not yet filed a complaint in court, you may hire a private mediator. **To find a mediator:** check the Rhode Island Mediators Association's online directory at www.rimediators.org/directory, or call the association at 401-253-2458.

Where are mediations held?

Many mediation sessions are held in the Mediation Office (3A) on the third floor of the Family Court in the Garrahy Judicial Complex in Providence. If your case was filed outside of Providence County, your mediation may take place at other county courthouse in the state.

Do I need a lawyer?

You should consult with an attorney when possible. Lawyers help their clients understand the law, make informed decisions, write up orders, and complete the legal procedures necessary to protect your legal interests.

What if there is domestic abuse in my case?

If you have experienced domestic abuse and wish to have your case mediated, safe mediation is possible with precautions. If needed, the court may schedule separate arrival and departure times for you and the other party. The mediator can also meet with each person individually in separate rooms. Please contact the Mediation Unit (458-5032) in advance with questions or concerns.

May a mediator give legal advice?

Only a lawyer may give legal advice. A mediator cannot give legal advice at any time, and does not represent either party. A mediator must remain neutral.

What if we can't agree on all issues?

Most mediations end with a full or partial agreement. If no agreement is reached, the matter is referred to the trial calendar.

Is a mediation agreement binding?

A mediation agreement is not binding until it is approved by the Court. It becomes an enforceable order when the judge or magistrate approves and signs the agreement.