

Mediation And You

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National Center on Women and Family Law

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MEDIATION AND YOU

INTRODUCTION

This booklet is designed for women who are having problems with their boyfriends, husbands, or "ex's." You may have heard about a way of settling the problem, called mediation. You may be wondering if it's something you'd want to try.

Before you decide, read this booklet. It might help you decide whether mediation is right for you. Here are answers to some common questions that women ask before mediation. If you're trying to decide whether to mediate, these answers may help you make a choice about it. If you've been ordered to mediate, the information may help prepare you for it.

WHAT IS DOMESTIC ABUSE?

It's when your boyfriend, ex-boyfriend, husband or ex-husband does things to hurt or control you, by making you afraid of him. Any of these can be domestic abuse:

--his hitting you

--his pushing, grabbing, pinching or shaking you, or slapping, arm-twisting, hair-pulling, kicking, punching, beating, choking, hitting you with things--anything that hurts you physically

--verbal threats to hurt or kill you, and any actions that make you believe him

--his coming to your workplace or school or home when you don't want him there

--his breaking or wrecking your property, including hurting

your pets;

--his physically blocking your way if you try to leave (or making you leave when you want to stay)

--his forcing you to have sex

--his using weapons to threaten or hurt you

--his threatening to take your children away and never let you see them again

--his using threats or actions like any of the above to control what you do:

* whether you work or where you work;

* whether you go to school or not;

* what you do with your money or property;

* who you see and when you can see them;

* your behavior in general--when you sleep, what you eat, even sometimes whether you can talk or not

--his TRYING to do any of these things (for example, taking a swing at you, even if he misses)

--his doing any of these things to someone close to you, like your children or other family members

--his violating an order that tells him not to do any of these things to you

DOMESTIC ABUSE IS A CRIME IF HE HURTS YOU OR ANYONE ELSE, OR IF HE DESTROYS OR TRESPASSES ON YOUR PROPERTY, OR IF HE THREATENS TO DO ANY OF THESE THINGS.

WHAT IS MEDIATION?

Mediation is a way of settling legal disputes, sometimes before, but usually after, a court case is started. Ideally, in mediation, you and your abuser try to settle the case through a neutral third person. The person, called a mediator, isn't involved in your case, and will try not to take sides. He or she will encourage each of you to pay attention to each other's concerns. He or she might be able to help you decide where you agree and disagree, help you settle the disagreements, and write up any agreements you make.

How does mediation come up when domestic abuse has happened?

If domestic abuse has happened to you, and you have asked for help from the police or the courts, you may find that mediation is being offered or required to deal with a criminal charge against him. Or, if you've decided to break up with your abuser, a court case may be started about custody of your children or about your shared property. The court might order mediation, or the lawyers might suggest you try it, as a way of settling the case.

How does mediation work?

Mediation works differently depending on the kind of court case in which you are involved.

Criminal cases

Mediating a criminal case is different from going to criminal court. In court, if your abuser is found guilty, he probably will be placed on probation and ordered to do any of a number of things:

stay away from you for a period of time, move out of your home, get counseling. He knows if he violates the probation he may then be sentenced to jail. In cases of extreme violence he may be sent directly to jail instead of receiving probation. Mediation is also different from letting the prosecutor and the abuser's lawyer settle it out of court, with your input about the terms of the settlement.

Instead, in mediation you try to work out an agreement, usually face-to-face, with your abuser and the mediator or mediators. Usually, in mediation, your abuser will agree not to harm you, and possibly may promise to go to counseling. (You may find yourself promising things, too, even though you're the one that got hurt. If you agree to any promises, such as staying away from him, it may be more difficult for you to get the police and court to act on your behalf in the future because they may think you were also abusing him). This agreement may be turned into a court order in some places, but in other places the agreement will not be a court order and it won't be enforced by the police.

Then, the prosecutor usually follows one of two policies:

--Some prosecutors drop the criminal charge entirely. This means that if the abuse happens again, you will have to call the police and file new charges to get any action from the court again.

--Other prosecutors put the charges "on hold" for a period of time (sometimes called a "continuance" or "adjournment"). The case can start up again, for court, if your partner breaks the agreement. If your abuser does not break the agreement in the time

the case is on hold (usually a year, but it varies), the charge is dropped.

You should ask the prosecutor or victims' advocate which policy, if any, will be used in your case, and whether you have a choice about what will happen.

Studies show that abusers are a good bet to break their agreements and abuse again, often worse than before. Even in communities where the prosecutor had not dropped the charges, and tried to start the case up again, abusers are rarely ever held legally accountable for what they have done before the mediation agreement. Prosecutors find it much harder to gather the witnesses and other information about the case to present in court because of the time delay. Judges often only consider the most recent assault.

Mediation of the criminal charge has two big advantages for your abuser. First, he can avoid having a "guilty" finding on his record at all. Second, he doesn't have to worry about being prosecuted because the charge has been dropped. Thus he won't have to worry so much about what will happen if he breaks the agreement. Instead, you'll have to rely on his promise not to abuse you.

Whether or not you feel you can trust your abuser to keep his promise, you should know that abusers themselves think there is a difference between making a promise in a mediation agreement and hearing an order made directly by the judge. In hearings before a special task force of the United States Attorney General, men who

abused their partners said going to court and hearing judges sentence them was the biggest reason they tried to stop their abuse.

When a case goes to court, the judge can say to your abuser, loud and clear: what you did was wrong, and it has to stop. The judge probably won't put him in jail unless he hurt you badly, but can order the abuser not to hurt you (and order him to do various things such as put him on probation or make him go to counseling, if that's what you want). Probably most important of all, the judge can make clear to your abuser that breaking the order will mean jail. Most people find it easy to break a promise, but hard to ignore what a judge tells them.

So, if your partner or ex-partner has abused you and been charged with a crime for it, mediation may not make him stop. Instead, it is often best to go before a judge, even though it can also be frightening sometimes. (Remember, you can and should ask for support from your victims' advocate and your friends). Going to court with the criminal case might be the best way to send your abuser a message that he has to stop abusing you.

Custody cases

In many custody cases, the judge may order, or the lawyers may suggest, mediation. If you don't settle the case in mediation, the case could go back before the judge, or it could be settled out of court, through the lawyers. However, if you do settle the case, you will end mediation with a written agreement, sometimes called

a "parenting plan."

Mediation often sounds like a good way to settle custody cases. However, if there has been domestic abuse, you may be so anxious to get away from your abuser that you might agree to anything he wants, even if you don't think it's good for the children. You may be too scared of the abuser to tell him to his face what you want. You may be afraid that the abuse is going to continue in the future and fear continued contact with the abuser when visitation occurs. However, the mediator may not understand how the domestic abuse is affecting you as you negotiate. Even if the mediator does understand, he or she cannot really speak up for you, because a mediator is supposed to be "neutral."

The mediator may not be aware of how domestic abuse affects children, either. Studies of families where there has been domestic abuse show that the children have many more problems than others. For example, these children get sick more often, don't sleep as well, don't do as well in school, and get into fights more often. You may have seen some signs of this yourself. The children may be acting like their father and beating up on each other, or other children, or even you. They may be scared of him because they've seen what has happened to you.

Despite these problems for the children, the abuser may want to have custody, and he may not want you to see the children at all, or he may only want you to see them while he is present. Even if he is willing to let the children live with you, he may still want the power to make decisions about the children, even though

you'll have to carry them out.

If the mediator doesn't understand about how domestic abuse can affect you, or your children, he or she may feel that the abuser's position is reasonable. Studies show that most mediated custody cases end with the parents having joint custody. This means either that the parents make decisions about the children together (joint legal custody), or that the children spend about half their time with each parent (joint physical custody), or it may mean both. Most of the time, agreements are for joint legal custody with one parent, usually the mother, having physical custody more than half the time.

Mediators, lawyers and some judges often find it easy to suggest joint custody, because it seems "fairer" for parents to have equal rights to custody. Sometimes parents find it easy, too. However, you and your children will have to live with an agreement like this--not the judge, not the mediator, and not the lawyers, and it is important to think about how it will affect you.

It is a necessary part of joint custody in any form that the parents be able to talk together and work together to make decisions about the children. If you have been abused, you may find it difficult, even impossible, to talk with your abuser, even if you both care about the children and want what is best for them. Sometimes, you may doubt whether your abuser really does care about them. Either way, you might be able to foresee many future arguments about the children. If you see these problems, a mediated agreement--particularly one calling for joint custody--

may not be good for your children, or safe for you.

In general, it is also true that children in joint custody don't live as comfortably. Courts in many cases order no or lower child support when there is joint custody, even though the poorer parent, usually the mother, still has to have rooms and pay expenses for the children.

It is difficult to enforce a joint custody order, for example if the order does not clearly state when the children will be with each parent. In other words, if one parent breaks the agreement and does not return the children, it is hard to get the police or sheriff to help get the children back.

While many courts have been ordering joint custody, this trend seems to be slowing. Courts are now learning from families in which domestic abuse has happened that joint custody does not help make things better.

Whatever you agree to, one of the disadvantages of a mediated custody agreement or parenting plan is that it is NOT a court order. The agreement is just a piece of paper with a promise on it, and the promise can be broken. To make it more than just a promise, someone (probably you, through a lawyer) will have to take an extra step: bring the agreement to a judge, who will have to look at it and sign it.

As in criminal cases, there is a difference between a promise and a court order. If there is an order, the court can punish violations with a fine or even jail time, so that the other parent thinks twice before violating the order in the first place. Under

a mediated agreement, the abuser doesn't have to worry about that; more likely, the agreement would call for more mediation, which he might or might not do. Even if you did take him back to court, the judge would be unlikely to penalize him; the abuser would simply be ordered to obey the agreement. So, if your abuser decides that he doesn't want to share the children as your agreement says, it would take longer for you to make him comply. In the meantime, your life would be disrupted, and that of your children as well.

In short, while it may sound like a good idea, mediating custody--especially if it ends with joint custody--can sometimes do more harm than good. This is important to remember whether you are thinking about mediating, or have been ordered to mediate.

Property and support cases

If domestic abuse has happened to you, you may not be thinking much about money. Still, if you were married to your partner, you do have legal property rights, and possibly support rights. (This also may be true if you simply lived with him for a long time). If you have children with your abuser (regardless of whether you were married to him) they have the legal right to support from him.

Mediation is sometimes available to settle a dispute about these rights. You are more likely to have a choice about whether to mediate these issues than if the case involves a criminal charge or child custody. However, some things are similar. If you mediate an agreement about property and support, you must do the same things you would do in a custody case (see above) to make the

agreement a binding court order.

Still, before you decide to try mediating property and support, ask yourself these questions:

--How much do you know about the family finances? (The locations of bank accounts, how much money your partner earns at work, whether he has income other than from work)

--Whose name is on your important property, like the house deed or apartment lease, or the car registration?

--Who handled the money while you were together? Who paid the bills, did the income taxes, and balanced the checkbook?

--What happened when you had arguments about money? Did he always get his way?

The answers to these questions have a lot to do with the results in mediation. Studies show that women, in general, are not as happy with mediated property and support settlements as men are. Sometimes, the support amounts are lower than what judges order in comparable cases. Often, this is because women--whether they are abused or not--go into mediation not knowing much about the family finances. If domestic abuse has happened to you, it may be that he controlled the money or property, and never let you have any say in decisions about them. You may know very little about what there is to bargain over, or where it is, or how much it is worth. When this is the case, you may lose out in mediation.

How long does mediation take?

The amount of time people spend in mediation varies. Studies

show that each mediation session typically takes an hour or two hours. Most people either settle the case or stop after one session (criminal cases) or three sessions (other kinds of cases). Remember that evidence that you might want to put before the court could be lost, and children in a custody case may be harmed, from the delay. In some places, the court sets deadlines for finishing mediation.

What kind of training does a mediator have?

Mediators usually have special training in helping people solve legal disputes. (Sometimes the training may only be a few weeks, however). Sometimes they have some training in family law (but often only a few hours worth). They may be counselors, psychologists, social workers, lawyers or they may simply be volunteers. Check with your local battered women's program to find out the requirements for mediators in your state. As you might with a doctor, you can ask to see the mediator's license.

Even though mediators are trained in helping people solve legal disputes, many of them DON'T understand what it's like to be a victim of domestic abuse. Some abused women who have gone through mediation in criminal cases have testified in hearings before the United States Attorney General. These women said that their mediators blamed them for starting trouble, and persuaded them to sign papers the women didn't want to sign. Not all mediators will do this, but some might try.

The mediator may be a man or a woman, or there may be two--

one man, one woman.

Is mediation like counseling?

No. Because many mediators are counselors or psychologists or social workers, people sometimes think they are getting counseling in mediation. However, mediation is different than going to counseling. You may feel better after mediation because the legal dispute is solved, but that's not the same as getting counseling.

There are two important differences between mediation and counseling. First, they cover different topics. When you mediate you are there to settle a legal dispute: whether he is legally guilty of harming you, or who should have legal custody of the children, or who should have legal ownership of your property. Counseling covers different problems, like the way in which the abuser will deal with you, whether the two of you get back together or not, and his emotional problems.

Second, mediation and counseling have different confidentiality rules. In mediation, you usually have three-way conversations, and nothing that you say can be kept completely confidential from the abuser, the court or other people. In counseling, depending on what kind of counselor you see, the things discussed can sometimes be kept confidential from the abuser, and from the court.

So, if you are thinking that you might want to get counseling or you might want your abuser to get counseling, you should

understand that mediation is not a counseling.

If the mediator is a lawyer, do I need a lawyer of my own?

Yes. In fact, you should talk to a lawyer no matter what kind of training your mediator has. (In criminal cases, your "lawyer," in a way, maybe the prosecutor, but you may also want to get your own lawyer since the Prosecutor actually represents the state).

Having a lawyer-mediator is NOT the same as having legal advice or representation. Your mediator may be a lawyer, BUT HE OR SHE IS NOT YOUR LAWYER. The mediator will take no one's side. He or she will try to help you reach an agreement, and that's all. If you want to talk with someone who will look at things with only your interests in mind, you must see a lawyer of your own in addition to the mediator. You can usually keep private what you tell your lawyer. Your own lawyer can tell you what you can get if you go to court and what you should ask for in mediation.

DECIDING WHETHER TO MEDIATE IF YOU ARE A VICTIM OF DOMESTIC ABUSE

Depending on the kind of case you are involved in, you may have a choice on whether to mediate. Should you? The best way to decide is to consult an advocate for battered women. See the list at the end of this book for places you can find an advocate.

In general the answer as to whether you should mediate is:

NO. In mediation, the things you say may not be kept confidential from your abuser--like your address and phone number, or information about the children, even information about your new

relationships.

NO. In mediation, you will have to "go it alone," because the mediator will not be able to take your side. The mediator's job is to be neutral. This is true even if you've been injured from domestic abuse and your partner wasn't.

NO. In criminal cases, mediation takes away your chance to have the judge tell your abuser to stop abusing you--the most effective way to send this message.

NO. In custody cases, mediation may result in agreements that are harmful to the children, and dangerous to you.

NO. In property and support cases, you may not be able to bargain knowledgeably. Also because you are afraid for your safety and the safety of your children you may bargain away money to protect yourself or your children.

NO. You may have heard that mediation is cheaper than a lawyer. However, most good mediators will suggest that each of you get a lawyer of your own to make sure you understand what you are agreeing to, anyway. Often, mediators won't take your case unless you do. The fees you pay to both a mediator and a lawyer may be about the same as what you would pay the lawyer alone, and will probably be more if you don't get an agreement.

Remember that if you go into mediation you **DO NOT HAVE** to make a mediated agreement. You **DO** have other options if mediation does not work. The resources listed at the end of this booklet can tell you about them.

A USER'S CHECKLIST FOR MEDIATION

Even though mediation may not be what you want, you may find that you have been ordered to try it. Or, you may want to try it. Either way, use this checklist to remind you of important things you should do or bring up as you go along.

____ **STEP 1. LEARN ABOUT DOMESTIC ABUSE AND MEDIATION.**

If you haven't already done so, read the booklet "Mediation and You" and talk with an advocate at one of the resources for abused women on the list at the end.

____ **STEP 2. TALK TO AN ATTORNEY.**

DON'T skip this step. If you don't have a lawyer already, contact one of the resources on the list for a referral to an attorney. Then, be sure to ask the attorney any and all questions you may have.

BE SURE to ask about the confidentiality rules for mediation in your state, and whether the mediator will talk about the case to other people. Specifically:

- * Will the mediator release any other information about the case to anyone else, without your consent? In what situations? (Subpoena, court order, written request?)

- * Will the mediator call the police about threats or abuse that occur or are reported during mediation?

- * Will the mediator testify in court about threats or

abuse that occur or are reported during mediation?

_____ **In criminal cases:**

* Do you have a choice between mediating and going to court?

* If so, what will happen if you go to court instead of mediating? What kind of sentence would be imposed if your abuser pleaded guilty or were convicted? Ask about:

-- a jail sentence for him if that's what you want,

-- getting him to pay you back for your medical expenses or lost work time,

-- a stay-away order to protect you and your children, and

-- counseling for him as well as--or instead of--jail time, if that's what you want.

* How does mediation work? What kind of an agreement would be made? Ask about the possibility of getting any or all of the above conditions in the agreement, and how the court would make sure he does what he promises to do. Will the agreement be made a court order?

* What would happen to the criminal charge if you mediated? Would the prosecutor drop it immediately, or put it "on hold" and then drop it after a period of time if the abuser leaves you alone? Or will there be a permanent record? What will it say?

_____ **In custody cases:**

* If you are not sure that the abuser is the father of

the child, how does that affect his rights to custody or visitation?

* Does your state's law require judges to consider domestic abuse and its effects on the children, in deciding custody or visitation? Do judges in your community do this?

* Does the lawyer feel that mediators in your community understand how domestic abuse affects children?

* What kinds of protections have the Courts in your community ordered in domestic abuse custody cases? (Supervised visitation, third-party help in picking up or dropping off the children).

_____ **In support-property cases:**

* Can you get child support? If so, how are the amounts set in your community? Many states now have fixed support guidelines, based on one or both parents' incomes. If support is allowed to be higher or lower, what are the factors used to determine this (e.g., joint custody)? It is often possible to know exactly how much child support should be. The attorney may be able to give you a copy of these guidelines.

* Who will pay for the children's education?

* If you are on public assistance, how will that affect the amount of child support you actually see? (You should receive at least \$50 per month from any child support payments he does make, through the state).

* Can you get medical insurance for the children or yourself through the other parent? Who will pay unreimbursed

medical expenses?

* Can you sue your partner for injuries or lost work time due to domestic abuse? How is that related to your other claims for property and support?

* If you are married to your partner, can you expect to get alimony (which is sometimes called "maintenance" or spousal support)? Be sure to ask about any typical conditions on the alimony, such as if it will end after a few years, or on your remarriage or your living with another partner.

* Is it better for you to get child support or alimony?

* If you are married to your partner and one of you has a retirement fund of some kind--a pension, a life insurance policy or annuity, an IRA--will the law allow you both to share it?

* Can the children be named as beneficiaries on any life insurance policy?

* If you are married to your partner and one of you has a special skill, such as being a doctor, lawyer or architect, will the law allow both of you to share in the salary earned from it?

* Can you be compensated for it in some other way?

* If you are married to your partner and the two of you have property together--anything from land, to an apartment lease, to pots and pans--how will the law treat that property? Could it affect your getting public benefits, like AFDC?

* If there are debts, who might be held responsible for them? What will happen if one of you goes into bankruptcy?

* Might the state or federal tax laws affect your

property or support settlement? How?

* If you are not married to your partner, do you have any property and support rights, and if so what kind?

_____ **STEP 3. SCHEDULE A PRIVATE MEETING WITH THE MEDIATOR.**

Don't tell your abuser or anyone close to him when it will be. Steps 4 through 11 are all things to bring up at the meeting.

_____ **STEP 4. IF YOU DO NOT WANT MEDIATION, BE ABLE TO SAY WHY.**

Be sure you bring an up-to-date copy of any restraining orders or police reports you have against your abuser when you go to meet with the mediator.

If you do not want to mediate, sit down and think of all of the reasons why. Make a list, if that helps. Then, discuss all of these things with the mediator. Tell the mediator about the domestic abuse and show your order, if you have one.

If the mediator agrees with you that you should not mediate, be ready to talk about the best way to handle the situation so that you and other family members, like your children, will be safe.

_____ **STEP 5. CHECK THE MEDIATOR'S NEUTRALITY.**

Check for conflicts of interest. Ask whether the mediator knows your partner or your partner's lawyer, or is friends with them. If so, you should ask for or find a different mediator. (If you must request a new mediator and your request is rejected, you should see a lawyer, who can ask the court to give you a new

mediator).

STEP 6. CHECK THE MEDIATOR'S SAFETY MEASURES.

If you will be mediating, and it would make you feel safer, ask the mediator to meet with you and your abuser separately, on different days. Ask to be allowed to bring a person with you (to sit in the room or wait outside, whichever you want).

Again, if the mediator refuses to do these things, ask for a different mediator. Even if you cannot get a new mediator, it may help to talk with the mediator's supervisor.

STEP 7. CHECK THE MEDIATOR'S VIEWS ON CUSTODY MEDIATION.

In custody cases, ask the mediator's opinions on custody, joint custody, and how domestic abuse affects children. Again, if you have a problem with the mediator on this, get a different mediator, or ask to talk to the supervisor.

Also, if your children are teenagers, think about whether it might be good to have them there. Ask what the mediator thinks.

STEP 8. SET A TIMETABLE AND A BUDGET FOR MEDIATION.

If you do mediate, set a timetable with the mediator and your partner, including how many sessions you will attend, and the amount of time they should take. If mediation is not free, set a budget for how much you can afford to spend on it. This will prevent your wasting time and money, yet you can be flexible and change the schedule later on if you want.

_____ STEP 9. YOU SHOULD BE ABLE TO STOP MEDIATION WHENEVER YOU WANT.

Under most circumstances, mediators will clearly state that either as a participant you may stop the mediation at any time. Obtain more information about the way in which you need to communicate your desire to stop the process. Can you tell the mediator in separate session? Can you contact the mediator between sessions to indicate that you do not wish to proceed? Will your request to stop mediation be discussed in joint session with your partner?

_____ STEP 10. DOUBLE-CHECK THE CONFIDENTIALITY RULES.

Make sure that the mediator will follow the law about confidentiality. (See STEP 2 above)

_____ STEP 11. CHECK ON DOCUMENTS NEEDED FOR MEDIATION.

Ask whether the mediator will expect you or the abuser to provide any documents or other material; if so which ones and when; and what will happen if either of you does not produce them. Then, double-check with a lawyer on whether you may lose your right to keep the papers confidential from the judge if you give them to the mediator. Gather your papers.

_____ STEP 12. CHECK ON WHAT WILL HAPPEN IF YOU MAKE AN AGREEMENT.

Bring up with the mediator what will happen if you make an

agreement. You should make sure that you don't have to sign any written document until you have had your own lawyer look at it.

STEP 13: MEDIATION

* Make a plan to protect yourself in getting to and from the mediation office safely, with or without your children:

-- Again, if you have an order barring your abuser from harming you, always bring a copy with you to mediation.

-- Bring someone with you. Have the person sit in the room or, if he or she isn't allowed to stay, have him or her wait. A friend or a counselor is best (it doesn't have to be a lawyer).

* Depending on the confidentiality rules, avoid giving information about things that you want to keep private.

* Talk to a lawyer as you go along. If you are unsure about anything, discuss your doubts. This is especially important to do when your partner or the mediator is trying to predict what a court "probably" will do, in claiming that a particular settlement is "reasonable." No one can predict this 100%, but a lawyer of your own choice will at least make predictions with your interests in mind.

* DON'T sign anything until you have brought it to a lawyer.

If you are mediating a criminal case:

* DO NOT agree to any restrictions on YOUR behavior. Your abuser is the one charged with a crime, not you.

* DO NOT discuss the children, child support, or anything

except the criminal case.

* DO NOT agree to dropping the charges, or to postponing them for awhile to see if things "calm down."

_____ **If you are mediating a custody case:**

* DO NOT agree to joint custody in any form, unless you have first discussed what it will mean with an attorney.

* SPELL OUT the exact day(s), time(s) and meeting place(s) for the children to have visitation with him, if any.

* SPELL OUT any special conditions for his visitation. Ask that someone else be present when he comes to pick up or drop off the children, and have a suggestion ready on who it should be. (It should not be only you, if you can help it).

_____ **If you are mediating a support-property case:**

* BE SURE you ask your attorney if you have all of the financial information you need from your partner has been disclosed.

* BE SURE you go over any proposed settlement with your attorney.

_____ **STEP 14: DON'T SIGN AN AGREEMENT UNTIL A LAWYER HAS REVIEWED IT WITH YOU.**

If you and your partner do make an agreement, you should go over it with the lawyer. Discuss the legal meanings of words you aren't sure about. Let him or her point out things you may have forgotten to cover. Get an idea of whether the court might decide things much differently.

STEP 15: TURN THE AGREEMENT INTO A COURT ORDER.

If, the agreement says what you want, you should have the lawyer arrange to bring it to a judge to be signed. Your partner is less likely to break a court order.

STEP 16: STOP MEDIATION IF THE AGREEMENT FALLS THROUGH.

If you and your partner don't make an agreement by the deadline set, or if either of you decides against making an agreement after talking to your lawyers, you may want to end mediation. Remember that you DO NOT have to make a mediated agreement, even if you are court-ordered to try. You DO have other options. The resources listed in this booklet can tell you about them. Consult your lawyer.

RESOURCE LIST FOR ABUSED WOMEN

Shelters for Abused Women

--local shelters and safe homes are available, contact the National Coalition Against Domestic Violence, National Hotline 1-800-333-SAFE

Counseling Services for Abused Women

--support groups are available through shelters and battered womens programs (See above)

Legal Advocacy

--your local Legal Services Law office (Should be listed under Legal Services or Legal Aid in your telephone book. If you cannot find a listing contact the National Center on Women and Family Law, (212) 674-8200 for the number of the office nearest you.)