

IN THE CIRCUIT COURT OF THE
NINETEENTH JUDICIAL CIRCUIT
IN AND FOR INDIAN RIVER,
MARTIN, OKEECHOBEE AND
ST. LUCIE COUNTIES, FLORIDA

ADMINISTRATIVE ORDER 97-17

RE: Fees for Family Pro Se Mediation Program

WHEREAS, Rule 2.020(b)(2), Fla. R. Jud. Admin. requires that the Chief Judge of each circuit shall develop a plan for the efficient and proper administration of all courts within that circuit; and

WHEREAS, the plan shall include an administrative organization capable of effecting the prompt disposition of cases; and

WHEREAS, the mission of the Family Law Division of the Nineteenth Judicial Circuit is to assist in moving families through a traumatic period of their lives in the least traumatic way;

Pursuant to Rule 2.050, Fla. R. Jud. Admin., it is therefore **ORDERED:**

1. All Family Pro Se Mediation Services shall be administered and coordinated by the Nineteenth Judicial Circuit Mediation Program Director at the direction of the Chief Judge of this circuit. This program shall be available to all cases in which at least one party is appearing without counsel.

2. The fee for mediations conducted through the Family Pro Se Mediation Program will be a flat fee of \$150 per mediation; provided, however, that the Court may, based on the parties' financial affidavits, determine that either or both of the parties have the ability to pay mediation fees at the mediators regular hourly rate. Under these circumstances the Court may order that the mediator will be compensated at an hourly rate of \$150.00 per hour.

3. That the payment from each party for mediation conducted through the Family Pro Se Mediation Program shall be determined on a sliding scale based on the information disclosed to the court through the financial affidavit of each litigant as filed in the family law proceeding. The sliding fee scale shall be:

<u>Annual Income of Litigant</u>	<u>Litigant Pays</u>
Less than \$13,000	\$ 10
\$13,001 - \$16,000	\$ 25
\$16,001 - \$20,000	\$ 50
\$20,001 - 0\$25,000	\$ 75
Over \$25,000	Per Court Order

4. That the following procedures for Family Pro Se Mediation shall apply:

- a. LIST OF MEDIATORS: A list of certified Family Mediators shall be maintained by the Nineteenth Judicial Circuit Family Pro Se Mediation Program Director, 218 South Second Street, Fort Pierce, Florida 34950. This list will be comprised of all certified Family Mediators who have agreed to mediate pro se cases for a flat fee of \$150.00 per mediation, irrespective of the time necessary to mediate the case.
- b. REFERRAL TO MEDIATION: When all necessary documents have been completed and filed, upon the Court's Motion or at a party's request, the Pro Se Coordinator will complete the Mediation Referral for any case in which unresolved issues remain.
- c. SCHEDULING MEDIATION: The Mediation Program Director will schedule a mediation by contacting the next available certified family mediator using the rotation list. No final hearing will be set in contested cases, which have been referred to mediation until the court has received a report from the mediator on the attendance or non-attendance of the parties and/or a Mediated Settlement Agreement has been filed.
- d. ORDER APPOINTING MEDIATOR: After confirming a date, time and place for the mediation with the mediator, the program director will complete the Order Appointing Mediator and forward the order for entry by the Court along with stamped envelopes addressed to each party and to the mediator.
- e. WRITTEN CONFIRMATION AND RESCHEDULING: After the Court enters the Order Appointing Mediator, the Court will provide conformed copies of the Order to each party, the mediator, and the program director. This procedure confirms in writing the date, time, and place for mediation. The parties shall contact the mediator directly in the event any changes in scheduling must be made.
- f. REPORT OF MEDIATOR: If mediation is unsuccessful, the mediator shall send a mediation report to the Clerk of Court as to attendance of parties, payment by the parties, and indicating an impasse. If a mediated settlement agreement was reached, the mediator shall send the original of the Mediated Settlement Agreement to the Judge assigned to the case accompanied by a Joint Stipulation Approving Mediation Agreement and stamped envelopes addressed to each party which, upon signing by the Court, will become an Order of the Court.
- g. MOTION FOR PAYMENT OF MEDIATOR: The mediator shall forward a Motion for Payment and Order to the court along with stamp self addressed envelopes. The court will send a copy of the signed Order for Payment to the

mediator, the program director, and the County Commission of the county in which the case was filed.

h. CANCELLATION BY PARTIES: If either party fails to attend the mediation conference or continues or cancels a scheduled mediation session with less than two business days notice to the mediator, the fees from the pro se parties, as indicated in the Order Appointing Mediator, will be due and payable by the parties within thirty (30) days. The remainder of the mediator's fee, if any, will be paid by the Mediation Fund.

i. CONTEMPT OF COURT: In the event either of the parties does not pay the mediator for the mediation conference within thirty(30) days, or if either party fails to attend the mediation conference or does not provide the required two(2) business days notice of cancellation or continuance, the mediator may move the court for entry of an Order to Show Cause why the noncompliant party(s) should not be held in Contempt of Court.

j. FORMS: The parties and the Court shall use the forms that are attached hereto or forms that contain substantially the same information.

5. That this Order shall be effective for cases ordered to mediation on or after November 1, 1997.

DONE AND ORDERED in quadruplicate at Vero Beach, Indian River County, Florida, this 15 day of October, 1997.



PAUL B. KANAREK
Chief Judge

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
OF FLORIDA, IN AND FOR _____ COUNTY

IN RE: The Marriage of

CASE NO. _____

Petitioner,

and

Respondent.

_____ /

ORDER APPOINTING MEDIATOR

UPON THE COURT'S MOTION AND PURSUANT TO SECTIONS 44.102(2)(a) and (b), FLORIDA STATUTES, AND RULE 12.740(b), FLORIDA FAMILY LAW RULES OF PROCEDURE, IT IS HEREBY ORDERED AS FOLLOWS:

1. The Court hereby appoints _____, a certified family mediator, whose address and telephone number is _____, Florida, (561) _____ as the Court's Family Mediator to attempt to achieve a full settlement of the issues in this case.

2. A mediation conference shall be held at _____ on _____, 19 ____, at _____ am / pm. Each party shall attend and participate in the mediation. A party is deemed to appear at a convened family mediation conference if the named party is physically present at the commencement of the mediation conference.

3. This mediation conference must occur within 30 days of the date of this order. NO FINAL HEARING WILL BE SET UNTIL THE COURT HAS RECEIVED A REPORT FROM THE MEDIATOR THAT THE PARTIES HAVE MEDIATED ALL CONTESTED ISSUES AND/OR A MEDIATED SETTLEMENT AGREEMENT HAS BEEN FILED WITH THE CLERK OF COURT.

4. The parties are hereby ordered to appear at the time, date, and place specified by this order for mediation of the issues in this case. The parties are further ordered to appear at any subsequent or follow-up mediation conference as may be set by the Mediator, until mediation has been successfully concluded or terminated by the Mediator.

5. Fees for mediation conducted through the Family Mediation Program will be on a sliding scale basis and shall be paid to the mediator at the time of mediation. The mediator shall maintain accurate records reflecting all fees received pursuant to this order and shall provide to each party a receipt of the payment made. The sliding fee scale is as follows:

<u>Annual Income of Litigant</u>	<u>Litigant Pays</u>
Less than \$13,000	\$ 10
\$13,001 - \$16,000	\$ 25
\$16,001 - \$20,000	\$ 50
\$20,001 - \$25,000	\$ 75
Over \$25,000	Per Court Order

6. After review of the PETITIONER'S financial affidavit in this case, the Court finds that

_____ Petitioner is eligible for reduced mediation fees and shall pay \$ _____ for the mediation;

or

___ Petitioner is not eligible for reduced mediation fees and shall pay \$ _____ per hour for the mediation conference.

7. After review of the RESPONDENT'S financial affidavit in this case, the Court finds that

_____ Respondent is eligible for reduced mediation fees and shall pay \$ _____ for the mediation;

or

___ Respondent is not eligible for reduced mediation fees and shall pay \$ _____ per hour for the mediation conference.

8. Mediation shall be conducted in accordance with Chapter 44 of the Florida Statutes and the Florida Family Rules of Procedure.

9. The parties are required to exchange the following documents prior to the mediation conference and bring copies with them to the conference.

- A. A sworn financial affidavit including income, expenses, assets and liabilities in accordance with the form approved by the Court;
- B. Federal income tax returns for the last three years;
- C. In cases where there are child(ren), a completed child support guidelines worksheet completed in accordance with the form approved by the Court;
- D. Any unprivileged reports, or reports of any professionals who may be used as expert witnesses in the case, in regard to the issues of child custody and the testing or evaluation of the children of the parties, or the parties themselves.

10. The Mediator shall be compensated at the rate of \$150.00 per mediation unless the Court has set an hourly rate. Unless otherwise agreed between the parties and the mediator, each party shall bring cash or a check to the mediation conference to pay for the initial session;

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
OF FLORIDA, IN AND FOR _____ COUNTY

IN RE: The Marriage of

CASE NO. _____

Petitioner,
and

Respondent.

_____ /

ORDER APPOINTING MEDIATOR

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1. The Court hereby appoints _____, a certified family mediator, whose address and telephone number is _____, Florida, (561) _____ as the Court's Family Mediator to attempt to achieve a full settlement of the issues in this case.

2. A mediation conference shall be held at _____ on _____, 19 ____, at _____ am / pm. Each party shall attend and participate in the mediation. A party is deemed to appear at a convened family mediation conference if the named party is physically present at the commencement of the mediation conference.

3. This mediation conference must occur within 30 days of the date of this order. NO FINAL HEARING WILL BE SET UNTIL THE COURT HAS RECEIVED A REPORT FROM THE MEDIATOR THAT THE PARTIES HAVE MEDIATED ALL CONTESTED ISSUES AND/OR A MEDIATED SETTLEMENT AGREEMENT HAS BEEN FILED WITH THE CLERK OF COURT.

4. The parties are hereby ordered to appear at the time, date, and place specified by this order for mediation of the issues in this case. The parties are further ordered to appear at any subsequent or follow-up mediation conference as may be set by the Mediator, until mediation has been successfully concluded or terminated by the Mediator.

5. Fees for mediation conducted through the Family Mediation Program will be on a sliding scale basis and shall be paid to the mediator at the time of mediation. The mediator shall maintain accurate records reflecting all fees received pursuant to this order and shall provide to each party a receipt of the payment made. The sliding fee scale is as follows:

IN THE CIRCUIT COURT OF THE
NINETEENTH JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY,
STATE OF FLORIDA

IN RE: The Marriage of

Petitioner,

vs.

CASE NO: _____

Respondent.

_____ /

MOTION FOR CONTEMPT AND NOTICE OF HEARING

TO: _____

YOU ARE NOTIFIED that, _____, the Mediator appointed in this case will apply to the Honorable _____, Circuit Judge, on the _____ day of _____, 19 __, at _____ am/pm, in the _____ County Courthouse at _____, Florida, for an order adjudging you in contempt of court for violation of the terms of the Order Appointing Mediator entered by this court on _____, 199 __, by failing to pay the mediators fees as required.

CERTIFICATE OF SERVICE

I certify that a copy of this Motion and Notice of Hearing was ____ mailed to the named party by certified mail, return receipt requested, **OR** ____ was served by the Sheriff to the named party at the above address on _____, 19 __.

Signature of Petitioner

Print Name: _____

Address _____

Telephone _____

IN THE CIRCUIT COURT OF THE
NINETEENTH JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY,
STATE OF FLORIDA

IN RE: The Marriage of:

Petitioner,
-vs-

Respondent.
_____ /

CASE NO: _____

ORDER ON MOTION FOR CONTEMPT

THIS MATTER came on to be heard on _____, 199____, upon the Motion for Contempt and Notice of Hearing, and the Court having heard the evidence makes the following findings of fact:

1. The Petitioner/ Respondent was duly served with the Motion for Contempt and Notice of Hearing and has had reasonable notice of this hearing.
2. The Petitioner/ Respondent ____ was or ____ was not was present in Court.
3. The Petitioner/ Respondent has willfully refused to pay the mediation fee as ordered by the Court, although he/she has had the ability. Mediation occurred on _____.
4. As of the date of this hearing the Petitioner/ Respondent owes \$ _____ in mediation fees to _____, the Certified Family Mediator who conducted the mediation.
5. The Petitioner/ Respondent __ does or __ does not have the present ability to purge himself/herself of the contempt.

WHEREFORE, the Court **ORDERS, ADJUDGES, and DECREES** as follows:

A. PAYMENT OF FEES FOR MEDIATION

- ____ 1. The Petitioner / Respondent shall pay the full amount of the mediation fee \$ _____ on or before the ____ day of _____, 19____.
- ____ 2. OTHER _____

DONE AND ORDERED at _____ County, Florida, this ____ day of _____, 199__.

CIRCUIT JUDGE

cc: Petitioner
Respondent
Mediator

IN THE CIRCUIT COURT OF THE
NINETEENTH JUDICIAL CIRCUIT
IN AND FOR _____, COUNTY,
STATE OF FLORIDA.

IN RE: The Marriage of

_____,
Petitioner

and

CASE NO: _____

_____,
Respondent.

_____ /

JOINT STIPULATION APPROVING MEDIATION AGREEMENT

COMES NOW the parties and hereby stipulate and agree that the mediation agreement reached by the parties on the _____ day of _____, 19 ____, should be approved by this Court.

Wife

Husband

ORDER APPROVING MEDIATION AGREEMENT

THIS CAUSE having come before the Court on the above stipulation of the parties and the Court having otherwise been advised in the premises, it is hereby:

ORDERED AND ADJUDGED that the mediation agreement entered by the parties on the ___ day of _____, 19 ____, is hereby approved by this Court and made a part of the above-styled case.

DONE AND ORDERED in Chambers at _____ County, Florida,
this _____ day of _____, 19 ____.

Circuit Court Judge

copies provided to:

- ___ Petitioner
- ___ Respondent
- ___ Mediator

IN THE CIRCUIT COURT OF THE
NINETEENTH JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY,
STATE OF FLORIDA

IN RE: The Marriage of:

_____,
Petitioner
and

_____,
Respondent.

_____ /

MOTION FOR PAYMENT AND REPORT OF MEDIATOR

Comes now _____, Certified Family Mediator, and moves the Court for payment based on the mediation conducted for the Nineteenth Judicial Circuit Pro Se Family Mediation Program. A report of mediation(s) conducted is as follows:

1. A mediation conference was conducted on _____, 19____, by _____, mediator.

2. The Petitioner _____ appeared or _____ did not appear
_____ pro se or _____ with counsel
_____ paid \$ _____ or _____ did not pay.

3. The Respondent _____ appeared or _____ did not appear
_____ pro se or _____ with counsel
_____ paid \$ _____ or _____ did not pay.

4. The remaining portion of the mediation fee is \$ _____. The Mediator requests payment of that amount from the mediation-arbitration fund.

5. The parties reached a _____ partial, _____ complete, or _____ no settlement of the contested issues.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to _____ and _____ by hand, or _____ by United States mail, this _____ day of _____, 19____.

Certified Family Mediator

Address _____

Telephone _____
Fla. Bar # _____

IN THE CIRCUIT COURT OF THE
NINETEENTH JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY,
STATE OF FLORIDA

IN RE: The Marriage of

Petitioner,
and

CASE NO: _____

Respondent.
_____ /

ORDER FOR PAYMENT TO MEDIATOR

PURSUANT TO ADMINISTRATIVE ORDER 97-17, THE COURT appointed _____, a certified family mediator, to conduct a mediation in this case. The mediator has filed a Motion for Payment and Report of Mediator which is attached to this order and documents the mediation(s) conducted and that a total of \$ _____ was paid by the parties. The remaining portion of the mediator's compensation in the amount of \$ _____ shall be paid from the mediation-arbitration fund maintained by the Clerk of the Court.

IT IS THEREFORE ORDERED AND ADJUDGED that the mediator, _____ whose address is _____ shall be paid by the Board of County Commissioners of _____ County, Florida, the sum of \$ _____ as indicated on the attached Motion for Payment and Report of Mediator and that said funds shall be paid from the County's Family Division Mediation Fund.

DONE AND ORDERED in Chambers at _____ County, Florida, this _____ day of _____, 19 ____.

Circuit Judge

Copies Furnished to:

_____, Mediator
Andrea Bemenderfer, Program Director
Board of County Commissioners of _____ County

IN THE CIRCUIT COURT OF THE
NINETEENTH JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY,
STATE OF FLORIDA

IN RE: The Marriage of

_____,
Petitioner

and

CASE NO: _____

_____,
Respondent.

_____/

MEDIATED SETTLEMENT AGREEMENT

A mediation conference was conducted on _____ 199____, by _____, mediator. The parties reached a partial/complete settlement of the contested issues. Each party agrees to sign and exchange a Marital Settlement Agreement which will be filed with the Clerk of Court and incorporated by reference into the Final Judgment of Dissolution. The terms on which the parties reached agreement are as follows:

CHILD RESPONSIBILITY AND RESIDENCE

1. The parenting responsibilities of the minor child(ren) will be shared / sole to _____.
2. Primary physical residence of the minor child(ren) shall be with _____.
3. _____ shall have reasonable and liberal visitation pursuant to:
____ a. The attached schedule.
____ b. The following schedule: _____

4. Other agreements regarding child responsibility or residence: _____

CHILD SUPPORT

1. The _____ (Husband or Wife) shall pay child support by income deduction paid through the Clerk of Court in the amount of \$ _____ plus the Clerk's fee of \$ _____ each and every _____. The parties agree that payments will begin on the ____ day of _____, 199 ____ and shall continue on a _____ basis thereafter until the child(ren) attains the age of 18 years, enters the Armed Forces, ceases residing with the residential parent, becomes self-supporting, marries or dies, whichever occurs first. However, if a child attains the age of 18 years and is still in high school, performing in good faith with a reasonable expectation of graduating before the age of 19, then child support payments shall continue until graduation from high school or until said child has attained the age of 19, whichever occurs first.

2. The _____ (Husband or Wife) agrees to maintain health insurance coverage for the minor child(ren) as long as such insurance is available at a reasonable group rate.

3. Uninsured medical/dental expenses for the child(ren) shall be paid as follows: _____

DIVISION OF POSSESSIONS

1. The Husband gives to the Wife the following belongings and/or real property:

2. The Wife gives to the Husband the following belongings and /or real property:

DIVISION OF BILLS AND DEBTS

1. The Husband shall pay the following bills and will not, at any time, ask the wife to pay these bills:

2. The Wife shall pay the following bills and will not, at any time, ask the Husband to pay these bills:

SPOUSAL SUPPORT (ALIMONY)

___ 1. Neither party shall receive spousal support.

___ 2. The _____ (*Husband or Wife*) shall pay spousal support by income deduction paid through the Clerk of Court in the amount of \$ _____ plus the clerk's fee of \$ _____ each and every _____. The parties agree that the payments will begin on the ____ day of _____, 199___, and shall continue on a _____ basis,

- ___ a. Until _____ or
- ___ b. Until the receiving party dies or remarries, whichever occurs first.

OTHER PROVISIONS

___ There are no other provisions to this agreement.
___ Additional provisions are contained in additional sheets attached hereto.
___ Additional provisions are as follows:

PAYMENT TO MEDIATOR

If payment from the parties for this mediation conference was not made prior to or at the mediation, each party further agrees to pay the court ordered fee to the mediator within 30 days of this date.

[each party shall initial below]

_____ the Petitioner shall pay the mediator the sum of \$ _____.

and/or

_____ the Respondent shall pay the mediator the sum of \$ _____.

Dated this _____ day of _____, 199____.

Mediator

Petitioner's Signature

Address _____

Telephone No. _____

DATED: _____

Respondent's Signature

Address _____

Telephone No. _____

DATED: _____

MEDIATION REFERRAL

Petitioner: _____
Address: _____
Phone: _____
Respondent: _____
Address: _____
Phone: _____
Case Number: _____ Today's Date: _____ 19____
Syle of Case: _____
Court date that mediation was ordered: _____ 19____
Date mediation Order was signed: _____ 19____
Name of court appointed mediator: _____
Address/place of mediation: _____
Time of mediation: _____

SUMMARY NOTES:

Family Pro Se Program of the Ninetheenth Judicial Circuit For additional information please call:

<u>County</u>	<u>Pro Se Coordinator</u>	<u>Telephone</u>
St. Lucie	Carol Tschudi	561-462-1149
Okeechobee	Cathy Bouyssou	941-763-4749
Martin	Christine Hergenhan	561-288-4832
Indian River	Cathy Bouyssou	561-770-4841