

# EXECUTIVE SUMMARY

## What is Mediation?

Mediation is a way of settling disagreements about the care of your children following separation and divorce without a courtroom battle. Mediation requires both parents to think about and work on these problems. The rights and responsibility of each parent are identified, and the ways in which the children's needs will continue to be met are discussed. The solutions to problems and responsibilities for the children are left where they have always been and will continue to be-- with the parents. The goal is to reorganize the family, not to "award" custody to one parent and make a "visitor" of the other.

The mediation program was developed to provide people with a choice, leaving the responsibility for making decisions where it belongs - with the family. While every family may not resolve all of the disputes regarding the future care of the children, most have found mediation useful in reaching acceptable agreements which define their ongoing relationships and responsibilities to each other as well as to the children.

## What does Mediation do for the Court?

With the assistance of trained mediators, parents meet together in an informal setting to decide on a parenting plan for the future which best meets their individual needs and the needs of their children. The mediators are neutral and objective; their role is to help parents work cooperatively in resolving their disputes so they can carry on with the task of parenting their children.

Mediation is a way to begin making joint custody work. New Mexico law now states "There shall be a presumption that joint custody is in the best interest of a child in an initial custody determination."

The Mediator reports to the Court with an outline of the agreements reached by the parents. If the agreement is approved by the Court, it will be entered as an enforceable order of the Court.

## Mediation Reports.

The Mediation Reports include the following information:

1. Total number of cases assigned to each Mediator.
2. Completed cases are tallied with the following information.
  - A. Hours spent on case
  - B. Amount paid to Mediator.
  - C. Average hours spent per case.
  - D. Average dollars (\$) spent on case (paid to Mediator).
  - E. Fees charged to clients.
  - F. Amount paid by clients.
  - G. Outstanding amount due by clients.
  - H. Resolved.
  - I. Not resolved.
  - J. Resolved before Mediation.
  - K. Other (includes "Declaration of No Contact" or "Mediation Conflict").
  - L. Partial Agreement
  - M. Free Process Awarded to a party