

Mediation in Custody Actions

1940.3 Order for Orientation Session and Mediation. Selection of Mediator.

(a) Upon the commencement of an action for custody, partial custody or visitation of minor children, or the filing of a petition seeking modification or contempt of an existing order for custody, partial custody or visitation, at the time of the conciliation conference, the Conciliator shall screen the case and identify those cases suitable for referral to mediation.

a. The Conciliator shall, in his recommendation, refer all cases that he deems appropriate to a mediation orientation session.

(c) Mediation may be recommended after a conciliation conference when deemed appropriate by the Conciliator.

(d) All cases ordered to mediation by the court shall be scheduled for an initial orientation session. This initial orientation/mediation session shall be scheduled for one to two hours. Upon agreement of the parties, additional mediation sessions may be scheduled. The parties' attorneys shall not attend the orientation or any mediation sessions.

Rule 1940.4 Minimum Qualifications of the Mediator.

A mediator is a person approved by the Monroe County Court of Common Pleas who has met the requirements of Pa.R.C.P. 1940.4 and any additional qualifications this court may from time to time require, and who has been approved by the court to perform mediator services hereunder. All mediators shall adhere to the mediator standards of practice adopted by the Academy of Family Mediators and the American Bar Association.

Rule 1940.5 Fees

A fee authorized by 23 Pa.C.S. 3902(a) and a mediation fee adopted by the Court in its

fee schedule shall be paid to the Prothonotary at the time of filing of any complaint in divorce which contains a count for custody or a separate complaint for custody.