

CUSTODY MEDIATION WHERE DOMESTIC VIOLENCE IS PRESENT

STATE	STATUTE(S)	CAN THE COURT MANDATE MEDIATION IN CHILD CUSTODY CASES?	BAN OR OPT-OUT PROVISIONS?	EXCEPTIONS OR MEDIATION ONLY WITH PROTECTIVE CONDITIONS?	WHO CAN MEDIATE?
Alabama	§ 6-6-20	Yes→ Mediation is mandatory for all parties in the following instances: (1) at any time where all parties agree; (2) upon motion by any party; and (3) in the event no party requests mediation, the trial court may, on its own motion, order mediation.	Yes→ In a proceeding concerning the custody or visitation of a child, if an order for protection is in effect or if the court finds that domestic violence has occurred, the court shall not order mediation.	Where evidence of domestic violence exists mediation shall occur only if: (1) mediation is requested by the victim of the alleged domestic or family violence; (2) mediation is provided by a certified mediator who is trained in domestic and family violence in a specialized manner that protects the safety of the victim; and (3) the victim is permitted to have in attendance at mediation a supporting person of his or her choice, including but not limited to an attorney or advocate.	A mediator who receives a referral or order from a court to conduct mediation shall screen for the occurrence of domestic or family violence between the parties. Where evidence of domestic violence exists, mediation shall occur only if it is provided by a certified mediator who is trained in domestic and family violence in a specialized manner that protects the safety of the victim.
Alaska	§ 25.20.080	Yes→ At any time within 30 days	Yes→ The court may not order or refer parties to mediation if	A mediator may not engage in mediation when either party has committed	A mediator who is trained in domestic violence in a manner that protects the

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		<p>after a petition for child custody is filed under § 25.20.060, the court may order the parties to submit to mediation.</p>	<p>a party objects on the grounds that domestic violence has occurred between the parties. If the court proposes or suggests mediation under this subsection, (1) mediation may not occur unless the victim of the alleged domestic violence agrees to the mediation; and (2) the court shall advise the parties that each party has the right to not agree to mediation and that the decision of each party will not bias other decisions of the court.</p>	<p>a crime involving domestic violence unless: (1) mediation is requested by the victim of the alleged domestic violence, or proposed by the court and agreed to by the victim; (2) mediation is provided by a mediator who is trained in domestic violence in a manner that protects the safety of the victim and any household member, taking into account the results of an assessment of the potential danger posed by the perpetrator and the risk of harm to the victim; and (3) the victim is permitted to have in attendance a person of the victim's choice, including an attorney.</p>	<p>safety of the victim and any household member.</p>

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Arizona	Ariz. Fam. Law Proc. R. 67	Yes→ Any issue in dispute may be subject to mediation. The court may, on its own motion or on motion of either or both parties to a dispute, order a matter to mediation.	Yes→ The mediator shall reject for mediation or terminate mediation in any case the mediator deems to be inappropriate because of domestic violence.	<p>If there is a finding by the court of any conduct that would form the basis for an order of protection, the court may order mediation or refer the parties to mediation only if there are policies and procedures in place that protect the victim from harm, harassment, or intimidation.</p> <p>At the request of a party or on the court's own motion, in cases where there has been domestic violence between the parties, the court shall put reasonable procedures in place to protect the victim from harm, harassment, or intimidation.</p>	Mediation may be conducted by a private mediator agreed upon by the parties, a mediator assigned by the court from a roster of mediators maintained by the court, or a mediator participating in an ADR process overseen, administered, or approved by the court.

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Arkansas	§ 9-12-322	Yes→ When the parties to a divorce action have minor children residing with one (1) or both parents, the court, prior to or after entering a decree of divorce, may require the parties to submit to mediation in regard to addressing parenting, custody, and visitation issues.	A party may move to dispense with the referral to mediation for good cause shown.		The parties may choose a mediator from a list provided by the judge of those mediators who have met the Arkansas Alternative Dispute Resolution Commission's requirement guidelines for inclusion on a court-connected mediation roster or select a mediator not on the roster, if approved by the judge.
California	§ 3164 § 3170 § 3181	Yes→ If it appears on the face of a petition, application, or	Domestic violence cases shall be handled by Family Court Services in accordance with a separate written protocol approved	In a proceeding in which mediation is required pursuant to this chapter, where there has been a history of domestic	The mediator may be a member of the professional staff of a family conciliation court, probation department, or

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		other pleading to obtain or modify a temporary or permanent custody or visitation order that custody, visitation, or both are contested, the court shall set the contested issues for mediation.	by the Judicial Council.	violence between the parties or where a protective order is in effect, at the request of the party alleging domestic violence in a written declaration under penalty of perjury or protected by the order, the mediator appointed pursuant to this chapter shall meet with the parties separately and at separate times.	mental health services agency, or may be any other person or agency designated by the court.
Colorado	§ 13-22-311 § 14-10-128.1	Yes→ Any court of record may, in its discretion, refer any case for mediation services or dispute resolution programs, subject to the availability	Yes→ The court shall not refer the case to mediation services or dispute resolution programs where one of the parties claims that it has been the victim of physical or psychological abuse by the other party.		

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		of mediation services or dispute resolution programs.			
Delaware	§ 711A		Yes→ Notwithstanding any other provision of law to the contrary, Family Court mediation conferences shall be prohibited in any child custody or visitation proceeding in which one of the parties has been found by a court, whether in that proceeding or in some other proceeding, to have committed an act of domestic violence against the other party or if either party has been ordered to stay away or have no contact with the other party.	Mediation may occur despite domestic violence between the parties if a victim of domestic violence who is represented by counsel requests such mediation.	
Florida	§ 44.102	Yes→	Yes→		(Generally) The chief

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		In circuits in which a family mediation program has been established and upon a court finding of a dispute, the court shall refer to mediation all or part of custody, visitation, or other parental responsibility issues.	Upon motion or request of a party, a court shall not refer any case to mediation if it finds there has been a history of domestic violence that would compromise the mediation process.		judge of each judicial circuit shall maintain a list of mediators who have been certified by the Supreme Court and who have registered for appointment in that circuit.
Georgia	Georgia Code of Requirements for Qualification and Training of Neutrals App. B, I		Recommendation→ Mediation is not an appropriate forum for the protection of the rights of a person who cannot bargain for him or herself. Where a party is laboring under an incapacity which makes		Mediators who handle cases involving allegations of domestic violence must be currently registered as specialized domestic relations mediators and receive special training in the

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	Georgia Code of Ethical Standards for Neutrals App. C, Ch. 1, I		him or her incapable of effective bargaining, the mediator should terminate the mediation. An obvious example of a power imbalance occurs when there is a history of domestic violence.		subject of domestic violence. Specialized domestic violence training shall be no less than 14 hours of classroom training (including role plays and other participatory exercises).
Hawaii	§ 580-41.5		Yes→ In a proceeding concerning the custody or visitation of a child, if a protective order is in effect, the court shall not require a party alleging family violence to participate in any component of any mediation program against the wishes of that party.	A mediator who receives a referral or order from a court to conduct mediation shall screen for the occurrence of family violence between the parties. A mediator shall not engage in mediation when it appears to the mediator or when either party asserts that family violence has occurred unless: (1) mediation is authorized by the victim of the alleged family	A mediator who is trained in family violence.

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				violence; (2) mediation is provided in a specialized manner that protects the safety of the victim by a mediator who is trained in family violence; and (3) the victim is permitted to have in attendance at mediation, a supporting person of the victim's choice including, but not limited to, an attorney or advocate.	
Idaho	Idaho R. Civ. Pro. 16	Yes→ All domestic relations actions involving a controversy over custody or visitation of minor children at the pre-trial, trial and post-decree stages	A court shall order mediation if, in the court's discretion, it finds that mediation is in the best interest of the children and it is not otherwise inappropriate under the facts of the particular case.	Upon agreement of the parties or court finding that one or both parents have committed domestic violence, the court may appoint a parenting coordinator.	To be appointed as a Parenting Coordinator in the absence of a stipulation of the parties a person must be on the list of mediators compiled by the Supreme Court. Parenting Coordinators must have participated in at least twenty (20) hours

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		in the courts of this state shall be subject to mediation regarding issues of custody, visitation, or both.			of training in domestic violence and lethality assessment within two years of the initial application. They must also have a basic familiarity with child development as it pertains to issues of bonding, attachment, and loss in early life and future child development. Each parenting coordinator must, at his or her own expense, submit to a criminal history check.
Illinois	Supreme Court Rule 905	Each judicial circuit shall establish a program to provide mediation for cases involving	Ban or opt-out provisions are found in individual circuit court rules.	Exceptions or protective conditions are found in individual circuit court rules.	Qualifications are listed in individual circuit court rules.

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		the custody of a child (whether or not the parties have been married).			
Indiana	§ 31-17-2.4-1	Whenever the court issues an order under this article, other than an ex parte order, the court shall determine whether the proceeding should be referred to mediation. In making this determination, the court shall consider: (1) the ability of the parties to pay for the mediation services; and (2)			

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		whether mediation is appropriate in helping the parties resolve their disputes.			
Iowa	§ 598.7 § 598.41	Yes→ The district court may, on its own motion or on the motion of any party, order the parties to participate in mediation in any dissolution of marriage action or other domestic relations action.	Yes→ The provisions of this section shall not apply to actions which involve domestic abuse. The court shall, on application of a party, grant a waiver from any court-ordered mediation under this section if the party demonstrates that a history of domestic abuse exists.		The supreme court shall prescribe qualifications for mediators under this section. The qualifications shall include but are not limited to the ethical standards to be observed by mediators. The qualifications shall not include a requirement that the mediator be licensed to practice any particular profession.
Kansas	§ 23-3502 Sup.Ct.Rule 902	Yes→ The court or hearing officer may order mediation of any			To mediate child custody or parenting cases, the applicant must have 14 hours of mediation skill training and 10 hours of

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		contested issue of child custody, residency, visitation, parenting time, division of property or other issues, at any time, upon motion of a party or on the court's own motion			training in child development, family systems, psychological aspects of divorce, domestic violence, or related substantive areas in addition to core training.
Kentucky	§ 403.036 AP XII, Sec. 2		Yes→ In any court proceeding conducted pursuant to §§ 403.010 to 403.350, if there is a finding of domestic violence and abuse, as defined in § 403.720, the court shall not order mediation.	Mediation may occur if it is requested by the victim of the alleged domestic violence and abuse, and the court finds that: (1) the victim's request is voluntary and not the result of coercion; and (2) mediation is a realistic and viable alternative to or adjunct to the issuance of	A mediator who offers to provide family mediation services should have the following minimum training and experience: (a) Forty hours of training by a mediation training provider including conflict resolution, the mediation process, communication skills, the

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				an order sought by the victim of the alleged domestic violence and abuse.	psychological aspects of divorce on families, domestic violence, substance abuse, financial and property issues, paternity, family law, and family or circuit court procedures. Family mediators are strongly encouraged to take general mediation training prior to this training. (b) Fifteen hours of mediation experience with parties in actual family disputes, representing at least three cases, where the mediator is a participating mediator under the guidance of a family mediator qualified under these Guidelines, or a mediation training

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Louisiana	§ 9:332 § 9:334 § 9:363	Yes→ The court may order the parties to mediate their differences in a custody or visitation proceeding.	Yes→ Notwithstanding any other provision of law to the contrary, in any separation, divorce, child custody, visitation, child support, alimony, or community property proceeding, no spouse or parent who satisfies the court that he or she, or any of the children, has been the victim of family violence perpetrated by the other spouse or parent shall be court ordered to participate in mediation.		Mediator may be agreed upon by the parties or, upon their failure to agree, selected by the court. A mediator in child custody disputes must meet certain statutorily defined criteria, which may include specialized training in the mediation of child custody disputes.
Maine	§ 251 Maine R. Civ. Pro. 110A	Yes→ The court may, in any Domestic Relations case, at any time refer the	Yes→ Upon motion supported by affidavit, the court may, for extraordinary cause shown, waive the mediation		

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		parties to mediation on any issue. Prior to a contested hearing when there are minor children of the parties, the court shall refer the parties to mediation.	requirement. The magistrate may require the parties to attend a case management conference if there has been a history of domestic abuse.		
Maryland	MD Rule 9-205 Mediation Training Programs Rule 17-104	Yes→ If the court concludes that mediation is appropriate and feasible, it shall enter an order requiring the parties to mediate the custody or visitation dispute.	Yes→ If a party or a child represents to the court in good faith that there is a genuine issue of physical or sexual abuse of the party or child, and that, as a result, mediation would be inappropriate, the court shall not order mediation.		To be designated by the court as a mediator with respect to issues concerning child access, the person must have completed a mediation training program, which includes screening for and addressing domestic violence.
Massachusetts	209A § 3		Yes→ No court may compel		

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			parties to mediate any aspect of an abuse prevention proceeding under G.L. c. 209A, § 3, which includes temporary and permanent child custody orders.		
Michigan	MCR 3.216	Yes→ All domestic relations cases, as defined in § 552.502(m), are subject to mediation under this rule, unless otherwise provided by statute or court rule.	Yes→ Cases may be exempt from mediation on the basis of the following: (a) child abuse or neglect; (b) domestic abuse, unless attorneys for both parties will be present at the mediation session; (c) inability of one or both parties to negotiate for themselves at the mediation, unless attorneys for both parties will be present at the mediation session;		The parties may stipulate to the selection of a mediator. A mediator selected by agreement of the parties need not meet the qualifications set forth in subrule (G), which states that to be eligible to serve as a domestic relations mediator, an applicant must have completed a program in domestic relations mediation skills.

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STATE	STATUTE(S)	CAN THE COURT MANDATE MEDIATION IN CHILD CUSTODY CASES?	BAN OR OPT-OUT PROVISIONS?	EXCEPTIONS OR MEDIATION ONLY WITH PROTECTIVE CONDITIONS?	WHO CAN MEDIATE?
			(d) reason to believe that one or both parties' health or safety would be endangered by mediation; or (e) for other good cause shown.		
Minnesota	§ 518.619	Yes→ If it appears on the face of the petition or other application for an order or modification of an order for the custody of a child that custody or parenting time is contested, or that any issue pertinent to a custody or	Yes→ If the court determines that there is probable cause that one of the parties, or a child of a party, has been physically or sexually abused by the other party, the court shall not require or refer the parties to mediation or any other process that requires parties to meet and confer without counsel, if any, present.		A mediator who performs mediation in contested child custody matters shall meet the following minimum qualifications: (a) knowledge of the court system and the procedures used in contested child custody matters; (b) knowledge of other resources in the community to which the parties to contested child custody matters can be referred for assistance; (c) knowledge of child

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		parenting time determination, including parenting time rights, is unresolved, the matter may be set for mediation of the contested issue prior to, concurrent with, or subsequent to the setting of the matter for hearing.			development, clinical issues relating to children, the effects of marriage dissolution on children, and child custody research; and (d) a minimum of 40 hours of certified mediation training.
Mississippi	Court Annexed Mediation Rules for Civil Litigation Rule III	Any circuit, chancery and county court in this state may, either on its own motion or on the motion of any party, determine that a case is			

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		appropriate for mediation. A court may not order a case to mediation more than one time.			
Missouri	§ 452.372	Yes→ In cases involving custody or visitation issues, the court may, except for good cause shown, order the parties to participate in an alternative dispute resolution program to resolve any issues in dispute or may set a hearing on the matter.	Yes→ “Good cause” includes a finding of domestic violence or abuse as determined by a court with jurisdiction after all parties have received notice and an opportunity to be heard.		Qualifications are listed separately in individual local court rules.
Montana	§ 40-4-301	Yes→	Yes→		The court shall appoint a

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		The district court may at any time consider the advisability of requiring the parties to a proceeding under this chapter to participate in the mediation of the case.	Unless each of the parties provides written, informed consent, the court may not authorize or permit continuation of mediated negotiations if the court has reason to suspect that one of the parties or a child of a party has been physically, sexually, or emotionally abused by the other party.		mediator from a list maintained pursuant to § 40-4-306. By agreement of all parties, mediators not on the list may be appointed. Mediations involving the abuse of a party or a child, which proceed with the written, informed consent of both parties, may be conducted by a mediator who is trained in mediating domestic violence cases.
Nebraska	§ 43-2937 § 43-2938 § 43-2939	Yes→ Except for good cause shown, a court may, at any time in the proceedings upon its own motion or upon the motion of either party,	Yes→ A Parenting Act mediator, prior to meeting with the parties in an initial mediation session, shall provide an individual initial screening session with each party to assess the presence of child abuse or neglect,	The mediator has the duty to determine whether to proceed in joint session, individual sessions, or caucus meetings with the parties in order to address safety and freedom to negotiate. In any mediation or specialized alternative	A mediator under the Parenting Act may be a court conciliation program counselor, a court conciliation program mediator, an approved mediation center affiliated mediator, or a mediator in private practice.

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		refer a case to mediation or specialized alternative dispute resolution in order to attempt resolution of any relevant matter.	unresolved parental conflict, domestic intimate partner abuse, other forms of intimidation or coercion, or a party's inability to negotiate freely and make informed decisions. If any of these conditions exist, the mediator shall not proceed with the mediation session, but shall proceed with a specialized alternative dispute resolution process that addresses safety measures for the parties.	dispute resolution, a mediator has the ongoing duty to assess appropriateness of the process and safety of the process upon the parties. The mediator may terminate mediation if allegations are made of direct physical or significant emotional harm to a party or to a child that have not been heard and ruled upon by the court.	Mediators involved in proceedings under the Parenting Act shall participate in training approved by the State Court Administrator to recognize child abuse or neglect, domestic intimate partner abuse, and unresolved parental conflict and its potential impact upon children and families.
Nevada	§ 3.500 Mediation Rule 4	Yes→ In a county whose population is 100,000 or more and less than 700,000, the district court shall	Yes→ The program must allow the court to exclude a case from the program for good cause shown, including a showing of a history of child abuse or domestic		Mediators must have the equivalent of at least 10 years of civil experience as a practicing attorney or judge or must have the equivalent of at least 5 years' experience as

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		establish by rule approved by the Supreme Court a program of mandatory mediation in cases which involve the custody or visitation of a child. A district court in a county whose population is less than 100,000 may establish such a program in the same manner for use in that county.	violence by one of the parties, ongoing private mediation or residency of one of the parties out of the jurisdiction of the court.		a mediator or must be a senior judge or justice.
New Hampshire	§ 458:15-c § 328-C:5	Yes→ The court may order the parties to participate in mediation upon	Yes→ The court shall not order mediation if there is a finding of domestic violence as defined in §	The court may order mediation if there is a finding of domestic violence if all parties agree to mediation.	To be eligible for certification or conditional certification as a family mediator, an applicant shall, among other

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		the request of either party or at the discretion of the court.	173-B:1.		requirements, complete a program of instruction approved by the board and at least 48 hours in length, including at least 8 hours in domestic violence, and components in family dynamics and relevant law.
New Jersey	Court Rule 1:40-5 Court Rule 1:40-12	Yes→ All complaints or motions involving a custody or parenting time issue shall be screened to determine whether the issue is genuine and substantial, and if such a determination is made, the matter	Yes→ In matters involving domestic violence in which no order has been entered or in cases involving child abuse or sexual abuse, the custody or parenting time issues shall be referred to mediation provided that the issues of domestic violence, child abuse or sexual abuse shall not be mediated in the custody mediation process. No matter shall be referred		Mediators in custody and parenting time disputes must meet the following minimum qualifications: (A) a graduate degree or certification of advanced training in a behavioral or social science; (B) training in mediation techniques and practice as prescribed by these rules; and (C) supervised clinical experience in mediation, preferably with

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		shall be referred to mediation for resolution in the child's best interests.	to mediation if there is in effect a preliminary or final order of domestic violence entered pursuant to the Prevention of Domestic Violence Act.		families. In the discretion of the Assignment Judge relevant experience may be substituted for either a graduate degree or certification, or clinical experience, or both.
New Mexico	§ 40-4-8	Yes→ When custody is contested, the court shall refer that issue to mediation if feasible.	Yes→ The court shall not refer the issue to mediation if a party asserts or it appears to the court that domestic violence or child abuse has occurred.	The court may refer the issue to mediation where a party asserts or it appears to the court that domestic violence or child abuse has occurred if the court finds that 1) the mediator has substantial training concerning the effects of domestic violence or child abuse on victims; 2) a party who is or alleges to be the victim of domestic violence is capable of negotiating with the other party in mediation, either	A mediator who has substantial training concerning the effects of domestic violence or child abuse on victims may mediate a case involving child abuse or domestic violence under certain circumstances.

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				alone or with assistance, without suffering from an imbalance of power as a result of the alleged domestic violence; and 3) the mediation process contains appropriate provisions and conditions to protect against an imbalance of power between the parties resulting from the alleged domestic violence or child abuse; or (b) in the case of domestic violence involving parents, the parent who is or alleges to be the victim requests mediation and the mediator is informed of the alleged domestic violence.	
North Carolina	§ 50-13.1	Yes→ Whenever it	Yes→ For good cause, on the		

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		appears to the court, from the pleadings or otherwise, that an action involves a contested issue as to the custody or visitation of a minor child, the matter, where there is a program established pursuant to § 7A-494, shall be set for mediation of the unresolved issues as to custody and visitation.	motion of either party or on the court's own motion, the court may waive the mandatory setting of a contested custody or visitation matter for mediation. Good cause may include allegations of abuse or neglect of the minor child, allegations of alcoholism, drug abuse, or domestic violence between the parents in common, or allegations of severe psychological, psychiatric, or emotional problems.		
North Dakota	§ 14-09.1-02 Administrative Order 17	Yes→ In any proceeding involving an order,	Yes→ The court may not order mediation if the custody, support, or	In a case in which an order for protection exists, the court may require mediation if:	Initial training programs for civil mediators must relate primarily to the practice of civil

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	Administrative Rule 43	modification of an order, or enforcement of an order for the custody, support, or visitation of a child in which the custody or visitation issue is contested, the court may order mediation at the parties' own expense.	visitation issue involves or may involve physical or sexual abuse of any party or the child of any party to the proceeding.	(1) mediation is requested by the victim of the domestic violence or sexual abuse, and an exception to the order of protection is made by the court; (2) mediation is provided by a mediator trained to address the needs and safety of victims where domestic violence is at issue; (3) the victim of domestic violence is provided the opportunity for separate meetings with the mediator during the mediation, and to mediate using separate rooms if they choose; (4) mediation takes place in a courthouse or other building where security	mediation. The training must comply with N.D.R.Ct. 8.9(b)(2). If offered for certification for domestic relations mediation, the training program for civil mediators must also include domestic abuse training.

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				measures are in place; and (5) the victim has an advocate or support person of his or her choice in the mediation.	
Ohio	Sup. Ct. R. 16	A local mediation rule shall include procedures for ensuring that parties are allowed to participate in mediation.	Yes→ A local mediation rule shall include a provision for prohibiting the use of mediation as an alternative to the prosecution or adjudication of domestic violence. It shall also include provisions that allow mediation to proceed, when violence or fear of violence is alleged, suspected, or present, only if certain requirements are met.	Exception: if the mediator has specialized training set forth in division (C)(2) of this rule and all of the following conditions are satisfied: (a) The person who is or may be the victim of domestic violence is fully informed, both orally and in writing, about the mediation process, his or her right to decline participation in the mediation process, and his or her option to have a support person present at mediation sessions.	A mediator employed by the division or to whom the division makes referrals for mediation of any case shall complete at least 14 hours of specialized training in domestic abuse and mediation through a training program approved by the Supreme Court Dispute Resolution Section.

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				<p>(b) The parties have the capacity to mediate without fear of coercion or control.</p> <p>(c) Appropriate procedures are in place to provide for the safety of the person who is or may be the victim of domestic violence and all other persons present at the mediation.</p> <p>(d) Procedures are in place for the mediator to terminate mediation if he or she believes there is continued threat of domestic violence or coercion between the parties.</p> <p>(e) Procedures are in place for issuing written findings of fact, as required by R.C.</p>	

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				3109.052, to refer certain cases involving domestic violence to mediation.	
Oklahoma	§ 107.3	Yes→ When property, separate maintenance, or custody is at issue, the court may refer the issue or issues to mediation if feasible.	Yes→ If a party asserts or it appears to the court that domestic violence or child abuse has occurred, the court shall halt or suspend professional mediation.	If a party asserts or it appears to the court that domestic violence or child abuse has occurred, the court shall halt or suspend professional mediation unless the court specifically finds that (1) the professional mediator has substantial training concerning the effects of domestic violence or child abuse on victims; (2) a party who is or alleges to be the victim of domestic violence is capable of negotiating with the other party in mediation, either alone or	A professional mediator who has substantial training concerning the effects of domestic violence or child abuse on victims.

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				with assistance, without suffering an imbalance of power as a result of the alleged domestic violence; and (3) the mediation process contains appropriate provisions and conditions to protect against an imbalance of power between parties resulting from the alleged domestic violence or child abuse, or in the case of domestic violence involving parents, the parent who is or alleges to be the victim requests mediation and the mediator is informed of the alleged domestic violence.	
Oregon	§ 107.755	Yes→ Each judicial district shall	Yes→ The court need not order mediation upon a finding of	All mediation programs and mediators must develop and implement:	All mediators shall obtain continuing education regarding domestic

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		provide mediation in any case in which child custody, parenting time, and visitation are in dispute.	good cause.	(i) A screening and ongoing evaluation process of domestic violence issues for all mediation cases; (ii) A provision for opting out of mediation that allows a party to decline mediation after the party has been informed of the advantages and disadvantages of mediation or at any time during the mediation; and (iii) A set of safety procedures intended to minimize the likelihood of intimidation or violence in the orientation session, during mediation or on the way in or out of the building in which the orientation or mediation occurs.	violence and related issues.

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Pennsylvania	§ 3901 Pa.R.C.P. 1940.3, 1940.4(b), and 1940.6	Yes→ The court may order the parties to attend an orientation session to explain the mediation process at any time upon motion by a party, stipulation of the parties, or the court's own initiative. Following the orientation session and with the consent of the parties, the court may order the parties to mediation.	Yes→ The court shall not order an orientation session or mediation in a case where either party or child of either party is or has been a subject of domestic violence or child abuse at any time during the pendency of an action under this part or within 24 months preceding the filing of any action under this part.	Explanatory comment: The parties themselves may always agree to mediation.	A mediator must have, among other qualifications, successfully completed basic training in domestic and family violence or child abuse and a divorce and custody mediation program. The mediator has a continuing ethical obligation, during the mediation, to screen for abuse and to terminate the mediation in the event he or she determines that the abuse renders the case unsuitable for mediation. Mediation shall be terminated if the mediator determines that the proceedings are inappropriate for mediation.

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Rhode Island	§ 15-5-29 § 9-19-44	Yes→ Where, in any petition for divorce, divorce from bed and board, or relief without the commencement of divorce proceedings, the family court may, as to issues of custody and visitation, direct the parties to participate in mediation in an effort to resolve their differences.			A mediator is an impartial person who enters into a written agreement with the parties to assist them in resolving their dispute and who has completed at least 30 hours of training in mediation, or has two years of professional experience as a mediator, or has been appointed to mediate by a judicial or governmental body.
South Carolina	§ 63-3-530 ADR Rule 20	Yes→ All contested issues in domestic relations actions			An approved training program for mediators in the Family Court shall consist of a minimum of

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		filed in family court are subject to court-ordered mediation under these rules unless the parties agree to conduct an arbitration.			forty (40) hours of instruction, unless otherwise provided by these rules. The curriculum of such programs shall at a minimum include, among other training, specific training regarding domestic violence.
South Dakota	§ 25-4-56	Yes→ In any custody or visitation dispute between parents, the court shall order mediation to assist the parties in formulating or modifying a plan, or in implementing a plan, for custody or visitation.	Yes→ Mediation shall not be ordered if one of the parents has a history of domestic abuse or one of the parents has been convicted of domestic abuse.		Minimum qualifications for family court mediators can be found in § 25-4-58.1.

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Tennessee	§ 36-6-305 Sup.Ct.Rule 31, § 17	Yes→ A court may order the parties to an eligible civil action to participate in certain alternative dispute resolution proceedings.	Yes→ Where there is a finding of domestic abuse within the marriage in any proceeding concerning the visitation of a child, the court may order mediation only if certain conditions are met.	Only if: (1) Mediation is agreed to by the victim of the alleged domestic or family violence; (2) Mediation is provided by a certified mediator who is trained in domestic and family violence in a specialized manner that protects the safety of the victim; and (3) The victim is permitted to have in attendance at mediation a supporting person of the victim's choice, including, but not limited to, an attorney or advocate.	To be listed as a mediator in family cases, one must complete 40 hours of training in family mediation, which includes four hours of training in screening for and dealing with domestic violence in the mediation context.
Texas	§ 153.0071 § 154.052	Yes→ On the written agreement of the parties or on the	Yes→ A party may, at any time prior to the final mediation order, file a written	If the suit is referred to mediation, the court shall order appropriate measures be taken to ensure the	To qualify for an appointment as an impartial third party in a dispute relating to the

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		court's own motion, the court may refer a suit affecting the parent-child relationship to mediation.	objection to the referral of a suit affecting the parent-child relationship to mediation on the basis of family violence having been committed by another party against the objecting party or a child who is the subject of the suit. After an objection is filed, the suit may not be referred to mediation unless, on the request of a party, a hearing is held and the court finds that a preponderance of the evidence does not support the objection.	physical and emotional safety of the party who filed the objection. The order shall provide that the parties not be required to have face-to-face contact and that the parties be placed in separate rooms during mediation.	parent-child relationship, a person must complete a minimum of 40 classroom hours of training in dispute resolution techniques in a course conducted by an alternative dispute resolution system or other dispute resolution organization approved by the court and an additional 24 hours of training in the fields of family dynamics, child development, and family law.
Utah	§ 30-3-39	Yes→ As pertains to divorce proceedings, there is established a mandatory			The parties shall use a mediator qualified to mediate domestic disputes under criteria established by the Judicial Council in accordance with § 78B-6-

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		domestic mediation program to help reduce the time and tensions associated with obtaining a divorce. If, after the filing of an answer to a complaint of divorce, there are any remaining contested issues, the parties shall participate in good faith in at least one session of mediation.			205.
Vermont	Vermont Fam. Proceedings R. 14	The judges of the Family Court in each county are authorized and	Yes→ When domestic violence is involved in an action, the litigants shall not be		

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		encouraged to develop litigant education programs for the orientation of litigants to the benefits and availability of mediation and other methods of alternative dispute resolution.	required to attend such an orientation program.		
Virginia	§ 20-124.4	Yes→ In any appropriate case the court shall refer the parents or persons with a legitimate interest to a dispute resolution evaluation session to be conducted by a mediator.	In assessing the appropriateness of a referral, the court shall ascertain, upon motion of a party, whether there is a history of family abuse.		

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Washington		The rules regarding mediation in custody cases in Washington are set out in individual local court rules.			
West Virginia	§ 48-9-202 Fam. Ct. R. 38	Yes→ If parents are unable to resolve issues and agree to a parenting plan, the court shall require mediation.	There is not a per se bar to mediation if domestic violence, child abuse or neglect, acts or threats of duress or coercion, substance abuse, mental illness or other such elements exist, but it may be the basis for the court, in its discretion, not to order mediation or not to require a parent to have face-to-face meetings with the other parent.		Each family court shall establish a panel of mediators meeting the qualifications and training requirements established by the Supreme Court of Appeals.
Wisconsin	§ 767.405	Yes→	The court may, in its		Every mediator assigned

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		<p>In any action affecting the family in which it appears that legal custody or physical placement is contested, the court shall refer the parties to the director of family court services for possible mediation of those contested issues.</p>	<p>discretion, hold a trial or hearing without requiring attendance at mediation if the court finds that attending the session will cause undue hardship or would endanger the health or safety of one of the parties. In making its determination of whether attendance at the session would endanger the health or safety of one of the parties, the court shall consider evidence that a party engaged in abuse of the child or interspousal battery.</p>		<p>shall have not less than 25 hours of mediation training or not less than three years of professional experience in dispute resolution. Every mediator assigned for family court services shall have training on the dynamics of domestic violence and the effects of domestic violence on victims of domestic violence and on children.</p>

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