

**IN THE CIRCUIT COURT FOR THE FIRST JUDICIAL CIRCUIT,
IN AND FOR OKALOOSA COUNTY, FLORIDA**

IN RE: The Marriage Of

ProperName

and

ProperName

CASE NO: CaseNumber

ORDER OF REFERRAL TO FAMILY MEDIATION

IT APPEARING to the Court that this proceeding involves issues concerning family matters, including married and unmarried persons, before and after judgments involving dissolution of marriage; modification of dissolution of marriage, property division; spousal support; shared or sole parental responsibility; or child support, custody and visitation and that one or more of said issues are contested; and

FURTHER, that the Court appears to have jurisdiction over the Parties and the subject matter of this action; and

FURTHER, that the Court finds that reducing conflict and promoting the reaching of amicable agreements are in the best interest of minor children and the family; and

FURTHER, that the Court finds that agreements are more likely to be complied with when arrived at by the Parties themselves rather than being imposed upon them by judicial order;

NOW, THEREFORE, in accordance with 61.183 and 44.102, Florida Statutes (1992), this cause is referred to FAMILY MEDIATION for mediation relating to the above issues on the following terms:

1. Petitioner or Petitioner's attorney must choose a mediator from the attached list of state certified, contracted mediators. If Respondent or Respondent's attorney does not agree with the mediator selected by the Petitioner, the petitioner must contact the Mediation Services Office at (850) 595-4482, and a mediator will be assigned to the case. Once the mediator is chosen or assigned, the Petitioner or Petitioner's attorney must contact the mediator to schedule a mediation conference, and provide the mediator with current mailing addresses and telephone numbers for both parties.

2. All Parties and their attorneys are directed to meet with the mediator at such times as appointments are set. After or during the first session, in the discretion of the mediator and with the agreement of the Parties, Family Mediation may proceed in the absence of counsel. All mediation shall be completed within seventy-five (75) days of the date of this order and prior to requesting a final hearing unless extended or waived by order of the Court, for good cause shown.

3. Each Party shall prepare a notarized Financial Affidavit in the form approved by the Florida Supreme Court and file the original with the Court prior to the mediation session. Each Party shall present a copy of the Financial Affidavit filed with the Court to the mediator at the time of the first mediation session.

4. The provisions of this Order shall not apply to those cases where all the issues have been agreed upon by the Parties and are evidenced by an agreement or stipulation, in writing, signed by the Parties and/or their respective attorneys and filed with the Court at the time of the filing of the action or prior to the scheduled date for the first mediation session.

5. All issues, including but not limited to a parenting plan, primary residence, time sharing with a child, support of a child, equitable distribution of property, alimony, medical and life insurance issues and responsibility for and amounts of attorney's fees and costs are hereby referred to mediation pursuant to the terms of this Order. The attorneys participating in the case shall prepare the Agreement.

6. The confidentiality of any records of FAMILY MEDIATION SERVICES shall be maintained at all times in accordance with the requirements of Florida Law.

7. Mediation fees will be \$120.00 per person per session when the parties' combined income is greater than \$50,000 but less than \$100,000 per year; \$60.00 per person per session when the parties' combined income is less than \$50,000. The fees will be paid at the time of the filing of the petition unless a stipulated agreement signed by both parties is filed. Said fees shall cover the costs of the first mediation session. A mediation session is defined as the time needed to resolve contested issues in the case, for up to three (3) hours. Any time

needed above three (3) hours must be agreed upon by the parties and the mediator. Fees for any additional mediation sessions shall be paid to the Clerk of Court prior to that session.

When the parties' combined income is greater than \$100,000, the fees for mediation will be contractual between the parties and the mediator.

If any party is determined to be indigent by the Clerk of Court by filing a Civil Affidavit/Application for Indigent Status for the case being mediated, the fees will be waived. A copy of the receipt indicating the mediation fees have been paid or the Affidavit approving indigent status must be presented to the mediator at the time of the mediation.

If a scheduled mediation is not canceled at least 72 hours prior to the appointment excluding weekends, the fees will be due and payable to be paid prior to final judgment. Mediation fees required herein may be subject to assessment as court costs.

8. FAILURE TO COMPLY WITH ANY REQUIREMENT SET FORTH ABOVE WILL RESULT IN THE ISSUANCE OF A RULE TO SHOW CAUSE TO THE PARTY NOT COMPLYING AS TO WHY HE OR SHE SHOULD NOT BE HELD IN CONTEMPT OF COURT.

DONE AND ORDERED in Chambers, at Crestview/Shalimar, Okaloosa County, Florida this 27 day of January, 2011.

/s/ ProperName
CIRCUIT JUDGE

Conformed copies to:
Petitioner/Attorney: ProperName
Respondent/Attorney: ProperName