

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

_____,
Petitioner

and

Case No: _____

Division: _____

_____,
Respondent

**ORDER OF REFERRAL TO FAMILY COURT MEDIATION
(ANNUAL COMBINED INCOME UNDER \$100,000)**

UPON REVIEW of the case file, the Court finds that it has jurisdiction over the parties and the subject matter, and that the case involves one or more of the following contested issues: division of property and/or debt; spousal support; parenting plan to address the child(ren)'s education, healthcare, physical, social and emotional well-being, child support; and/or a time-sharing schedule for the minor child(ren).

THE COURT on its own volition finds that reducing conflict through a process that promotes an amicable agreement on the issues is in the best interest of the parties, therefore both parties are required to attend mediation to resolve the contested issues.

PURSUANT TO Florida Statutes 44.108 (2) (a) fees for family mediation when the parties' combined income is greater than \$50,000 but less than \$100,000 per year, shall be one hundred and twenty dollars (\$120.00) per person; and pursuant to Florida Statutes 44.108 (2) (b) fees for family mediation when parties' combined income is less than \$50,000 shall be sixty dollars (\$60.00) per person. No mediation fees shall be assessed if the party is found to be indigent.

PURSUANT TO Florida Statutes 44.102 (2) © Upon the filing of a motion or request of a party, the 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.

HEREBY ORDERED AND ADJUDGED:

1. If there is an existing Injunction for Protection Against Domestic Violence or any such Court Order that prohibits contact between the parties, either party may file within ten (10) days from the date of this Order a written request or motion to set aside this Order to Attend Mediation.

2. Within ten (10) days of the date of this order, both parties shall complete and file a notarized *Family Law Financial Affidavit* with the Family Law Division of the Clerk of Courts.

3. Any party who believes he/she cannot pay the required mediation fees must file an *Application for Determination of Civil Indigent Status*, along with the completed *Financial Affidavit*.

4. Upon receipt of the Application and Financial Affidavits of the parties, the Clerk of Court shall review the information and determine if the applicant is indigent, according to the Florida Statute.

5. If a party is not determined to be indigent by the Clerk of Court, he/she must pay the mediation fees indicated in paragraph III above within ten (10) days of the date of this order. **If one party does not pay the required fees within the ten (10) days as ordered, the other party may pay their fees and request reimbursement at the final hearing, or may request a case management conference with the court.**

6. Upon payment of the required fees, the parties must contact a mediator from the attached list of certified mediators, and schedule the mediation session. Both parties are directed to provide the mediator with a current mailing address and telephone number. **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 by order of the Court, for good cause shown.**

7. Each party to this case shall attend the mediation session and participate earnestly to resolve all disputed family law issues. All issues, including but not limited to a parenting plan, time-sharing schedule with the child(ren), child support, alimony, equitable distribution of property and debt, medical and life insurance issues, and responsibility for costs of this action are referred to mediation pursuant to the terms of this Order.

8. Should the parties come to an agreement on all of the issues related to the case, they must file a notarized *Marital Settlement Agreement* signed by both parties stipulating to all issues related to their case including, but not limited to, a parenting plan, a time-sharing schedule, child support, alimony, medical and life insurance, and property and debt distribution.

The *Marital Settlement Agreement* must be filed with the Clerk of Court, Family Law Division, 190 Governmental Center, Pensacola, Florida, 32502. If mediation has already been scheduled, the parties must immediately notify the mediator that they have filed a *Marital Settlement Agreement* and need to cancel the mediation session. Parties may file a request with the Court to waive the court ordered mediation and refund any mediation fees they have paid.

FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN A FINDING OF CONTEMPT FOR WHICH YOU CAN BE FINED OR INCARCERATED BY THE COURT.

ORDERED at Pensacola, Florida, this _____ day of _____, 20____.

CIRCUIT JUDGE

Copies to:
Petitioner
Respondent

5/12/2010