

Rules for Mandatory Custody/Visitation Mediation in District 29B

These local rules are a supplement to the “Uniform Rules Regulating Mediation of Child Custody and Visitation Disputes” set forth in the Annotated Rules of the General Statutes, which should be read for a more detailed description of the program and its goals. NOTE: these Rules do not apply to “Family Financial Mediation,” which is a different program with different procedures and rules.

1. The Mediator shall keep the domestic clerk in each county currently informed of the dates of upcoming orientation sessions. The clerk shall maintain a notebook showing the dates of the upcoming orientation sessions, and how many cases are scheduled for each session.
2. When a new custody/visitation file is opened, or a motion of that type is made in an existing case, the domestic clerk shall inquire if the movant seeks to have mediation waived. If so, the clerk shall supply the movant with a blank **MOTION FOR WAIVER** form. When that form is returned, properly filled-in, the clerk shall bring it to the attention of the next regular district court judge to hold court in the county. That judge may grant the motion, deny the motion, or require that the movant appear ex-parte to justify the motion, after which the judge shall either grant or deny the motion. Upon the judge’s ruling on the motion, the clerk shall mail a copy of the form, as completed by the judge, to all parties, or to the attorney of record for represented parties. The cost of such mailing shall be taxed to the movant.
3. If mediation was waived by the judge, the movant shall notice the motion in for an upcoming domestic day, serving the motion and notice as provided by the Rules of Civil Procedure. Waiver of mediation removes the entire case, not merely that party, from the mediation process.
4. If mediation was not waived by the judge, or if the movant did not request waiver, the clerk shall consult the notebook to see which of the upcoming orientation sessions are not yet filled. The clerk shall assign the new matter to the next appropriate unfilled. The clerk shall enter the date of the orientation session on two copies of the **NOTIFICATION** form, one of which shall go in the court file, and the other of which (or a copy of it) shall be added to the papers (complaint and summons, or motion) to be served on the other party. The clerk shall reflect the scheduling thus done in the notebook, noting who is to attend, on which date, and reducing that date’s running total of available slots by the appropriate number..

5. Unless mediation has been waived by a District Judge, all parties are required to attend the orientation session and at least one mediation session. Willful failure to attend the orientation session or the subsequent mediation session is criminal contempt of court, and will be dealt with as such. At the orientation session, the Mediator shall fix the date for the first actual mediation session. Parties who have previously had their orientation shall nevertheless go to the orientation meeting for the purpose of scheduling the date of the first mediation, but they need not stay for the full orientation.

6. At the call of the domestic calendar for each domestic term of court, the judge presiding shall confirm that there has been compliance with the mediation procedure. If it has not, the judge shall either order the matter into mediation or, if appropriate, waive mediation and set the case for trial.

7. These Rules shall apply to all new cases filed in Judicial District 29B, and to new motions in existing cases.