

Parenting Plan Mediation

Pre-adjudication:

- Parenting Plan Mediation can be set with Juvenile Court Mediators pre-adjudication if the **parenting plan agreement would resolve the need for dependency without an adjudication.**
- Although an existing Family Law case (SP or D), completion of the DREC (Domestic Relations Education Course), and consolidation with the JD case are not required prior to the setting of the pre-adjudication parenting plan mediation, a Judge cannot make the necessary findings/orders without them, so it is best to initiate those processes as soon as you recognize they are needed.

Post-adjudication:

- Parenting Plan Mediation can be set with Juvenile Court Mediators post-adjudication if the establishment of a **parenting plan agreement is necessary to close the dependency action.**
- Prior to setting a Parenting Plan Mediation post-adjudication, a Family Law case (SP or D) must already exist, it must be consolidated with the open JD, the child/ren must be placed with a parent, and at least the parent with whom the child/ren is placed must have completed the DREC (Domestic Relations Education Course). If parents are going to be seeking Joint Legal Decision Making, both parents must have completed the DREC for the Judge to grant it.

What the mediator does:

- Mediation addresses Legal Decision Making and Parenting Time, and safety planning if necessary.
- Mediator educates parents about the elements of a parenting plan and clarifies the options.
- Mediator informs the parents of the positions received from the Department and Minor's attorney and explains what impact their positions may have on the parenting plan agreement.
- Mediator assists the parents in identifying their positions and interests, assist the parents in generating possibilities for co-parenting, and addresses communication.
- When an agreement is reached, the mediator drafts the Memorandum of Understanding, obtains signatures, and submits the signed parenting plan with a form of order to the assigned Judge.
- With the parents' permission, the mediator emails an unexecuted copy of the plan to all attorneys for review.

What the attorneys can do to assist:

In most cases your client will be attending a Parenting Plan mediation without you so please prepare your client:

- Provide your client with a Parenting Plan Worksheet prior to the mediation.
- Have a frank conversation with your client about what is reasonable to expect regarding Legal Decision Making and Parenting Time given the safety concerns identified in the JD case and where things currently stand in the case.
- If the Department's and minor's attorney's positions were provided to you, discuss those with your client.
- If possible, be available to your client for questions at the time of the session.
- Even if not REQUIRED for your client, STRONGLY encourage/urge/recommend that your client complete the DREC prior to mediation – the information from that class is very helpful during the session and will eventually be required if they wish to modify their plan downtown.
- Inform your client that the Parenting Plan Agreement itself does not resolve/finalize their family law case and that there are steps they must take to prevent their SP/D case from being dismissed.