

Summit County, Ohio, Probate Court Local Rule 16.1 - Mediation

(A) At any time, any action under the jurisdiction of this Court may be referred to mediation by:

- (1) Voluntary referral by motion of all parties.
- (2) Selection by the Judge of this Court.
- (3) No issues involving domestic violence or protection orders may be mediated.
- (4) If a dispute involves a matter under the jurisdiction of the Probate Court, including a client with mental health, mental retardation, or developmental disability, or aging adult issues, but a guardian case has not been filed, an agency may file a Motion with the Court to refer the matter to mediation. A case shall be referred if mediation is likely to resolve the dispute as a less restrictive alternative to guardianship.

(B) Participation in mediation is voluntary unless referred by the Court, but the Court may not require that settlement be reached on any particular issue.

- (1) Cases may be ordered to mediation at the first pretrial at the discretion of the Judge or Magistrate.
- (2) If a case is set for mediation, all hearings are held in abeyance until mediation is complete.
- (3) The parties shall set a mediation date with the Mediation Coordinator.
- (4) The Court shall issue a Mediation Order.
- (5) Continuances of mediation will only be granted in exceptional circumstances.
- (6) Parties shall prepare a Mediation Statement and submit it to the mediator at least 48 hours before the mediation session.

(C) Fees for the mediator shall be set by the Court.

(D) A mediator will be assigned by the Court to conduct the mediation and submit an agreement or report within ninety (90) days.

(1) Ensure that parties are allowed to participate in mediation and, if the parties wish, that their attorneys and other individuals they designate are allowed to accompany them and participate in mediation.

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(E) All mediation communications related to or made during the mediation process are subject to, and governed by the "Uniform Mediation Act" (UMA) R.C. 2710.01 to 2710.10, the Rules of Evidence, and any other pertinent judicial rule(s).

(1) If an agreement is reached, that agreement may be filed under seal to preserve confidentiality, provided the parties request that the agreement be sealed and the Court approves.

(F) At the conclusion of the mediation and in compliance with R.C. 2710.06, the Court shall be informed of the status of the mediation including all of the following:

- (1) Whether the mediation occurred or was terminated.
- (2) Whether a settlement was reached on some, all, or none of the issues.
- (3) Future mediation session(s), including date and time.
- (4) Further action required by the Court.

Sup. R. 16 Mediation.

(A) General Provisions. A division of the court of common pleas, municipal court, and county court shall consider, and may adopt, a local rule providing for mediation.

(B) Content of Mediation Rule. A local rule providing for mediation shall include the applicable provisions set forth in this division, in addition to such other provisions as the court or division considers necessary and appropriate.

(1) Required provisions for all mediation rules. A local mediation rule shall include all of the following provisions:

(a) Procedures for ensuring that parties are allowed to participate in mediation and, if the parties wish, that their attorneys and other individuals they designate are allowed to accompany them and participate in mediation.

(b) Procedures for screening for domestic violence both before and during mediation.

(c) Procedures for encouraging appropriate referrals to legal counsel and other support services for all parties, including victims of and suspected victims of domestic violence.

(d) Procedures for prohibiting the use of mediation in any of the following:

(i) As an alternative to the prosecution or adjudication of domestic violence;

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(ii) In determining whether to grant, modify or terminate a protection order;

(iii) In determining the terms and conditions of a protection order; and

(iv) In determining the penalty for violation of a protection order.

Nothing in division (B)(1)(d) of this rule shall prohibit the use of mediation in a subsequent divorce or custody case even though that case may result in the termination of the provisions of a protection order.