

# Mediation & Conflict Solutions (MCS)

## Family Agreement to Mediate

\_\_\_\_\_  
(topic)

Mediation is a voluntary process. Anyone in the mediation session may ask to stop the mediation at any time. All parties retain the legal right to pursue this matter in other ways. Parties cannot call a mediator to testify. Nor can they use discussions or writings developed in the mediation process in subsequent judicial or administrative proceedings. You will only get a copy of any signed Mediated Settlement Agreement.

1. All parties agree to negotiate truthfully and in good faith to resolve the issues in a mutually agreeable way. All parties will have an opportunity to present their side of the issue.
2. Mediators are neutral and will not make decisions for parties in resolving the disagreement. The mediator's role is to help the parties clarify the issues and interests, explore and evaluate options for settlement. If there is agreement then the mediators will assist in writing a Mediated Settlement Agreement. Mediators have no responsibility concerning fairness, legality, or enforcement of the parties' agreement. **MEDIATORS CANNOT GIVE LEGAL ADVICE.**
3. Mediators do not offer advisory services or counseling with respect to such issues as mental health, crisis prevention, social services, drug and alcohol rehabilitation or similar subjects.
4. Mediation proceedings are **CONFIDENTIAL**. Parties can speak openly about feelings and conflicts that have occurred. What is said during mediations are not to be shared with anyone outside of the room. Any disclosure of what is said in the mediation must be agreed to by all parties otherwise it stays in the room.
5. Mediators are mandated reporters, required by law to report allegations or suspicions of abuse of a child and/ or a vulnerable adult and threats of bodily injury directed at an individual, or the substantial likelihood that an individual's actions or inactions may lead to another's serious bodily harm.
6. Mediators, board members, volunteers, staff, or files of Mediation & Conflict Solutions or Olmsted Outreach cannot be subpoenaed to testify on behalf of any party. Parties cannot try to discover or use as evidence any communication or documents (including notes) made before, in, or as a result of this mediation in any hearing related to the disagreement. However the Mediated Settlement Agreement may be used in court.
7. Each party understands that:
  - (a) The mediators have no duty to protect the parties' interests or provide them with information about their legal rights.
  - (b) Signing a Mediated Settlement Agreement may adversely affect a party's legal rights.

(c) A party should consult an attorney before signing the Mediated Settlement Agreement if they are uncertain of their rights.

8. Each party understands that remote mediations shall not be recorded and that only parties to the mediation shall be present during the mediation.

We, the undersigned, agree to work cooperatively to resolve any differences. We have read and understand the above information.

This Agreement to Mediate must be signed at the mediation session before the mediation can proceed.

\_\_\_\_\_  
Party

\_\_\_\_\_  
Party

\_\_\_\_\_  
Mediator

\_\_\_\_\_  
Mediator

\_\_\_\_\_  
Observer

\_\_\_\_\_  
Other parties or observers

Date

Case # \_\_\_\_\_

