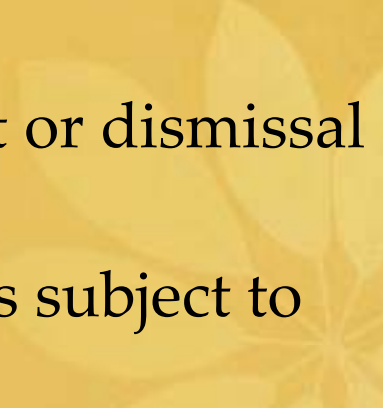


CLERK ORDERED  
MEDIATION  
AND  
GUARDIANSHIPS



# Mediation Rules

## **Rule 1: Initiating Mediation Matters Before the Clerk**

- Clerk orders on own motion.
  - Party motions clerk to order mediation.
  - Clerk is required to distribute brochure.
  - Petition cannot be dismissed after mediation is ordered.
  - Any agreement reached must be reduced to writing and signed by all parties.
  - After agreement reached consent judgment or dismissal is filed.
  - Agreement is introduced as evidence and is subject to clerk's approval.
- 



# Mediation Rules cont...

**Rule 2: Selection of Mediator**

**Rule 3: The Mediation**

**Rule 4: Duties of Parties, Attorneys and other  
Participants in Mediations**

**Rule 5: Sanctions for Failure to Attend Mediation**

**Rule 6: Authority and Duties of Mediators**



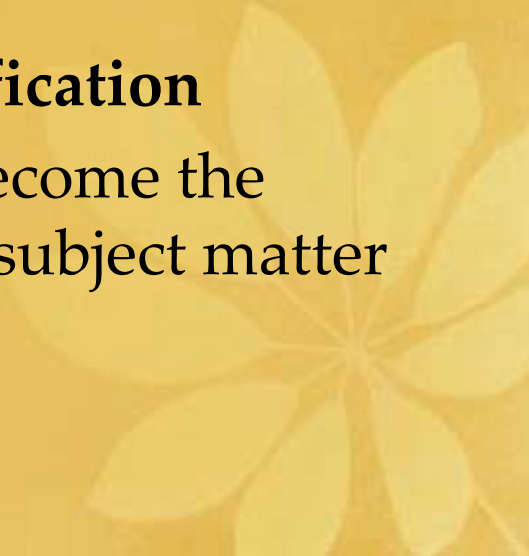


# Mediation Rules cont...

## **Rule 7: Compensation of the Mediator**

- Mediator is paid by parties and not out of estate.
- Indigent persons not required to pay fees.
- Court appointed mediator fee is set by statute.  
(currently \$125.00 per hour)

## **Rule 8: Mediator Certification and Decertification**

- It is improper for a mediator to agree to become the appointed fiduciary in the case that is the subject matter of the mediation.
- 



# Mediation Rules cont...

## **Rule 9: Certification of Mediation Training Programs**

- Mediators are required to complete a 24 hour certification program specific to estates and guardianship mediation in addition to the general certification program.

## **Rule 10: Procedural Details**

## **Rule 11: Definitions**

## **Rule 12: Time Limits**



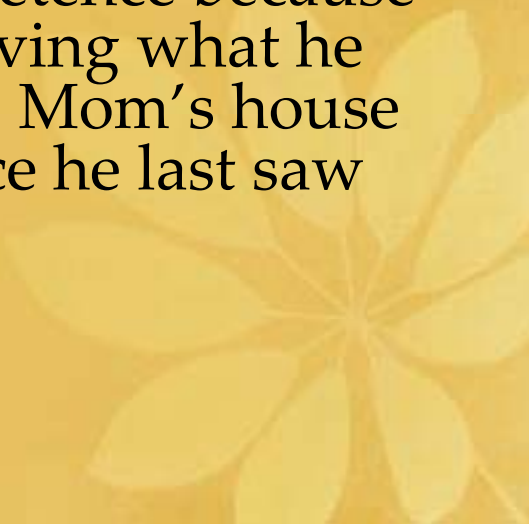




# Classic Example

Elderly mother lives alone. She has four children, only one of whom lives in town. The other children live far away and are so busy with their own lives that they rarely get to visit Mom. The daughter who lives in the same town as Mom is Mom's primary caregiver.

After visiting Mom for the first time in 3 years the son files a Petition for Adjudication of Incompetence because he was concerned that Mom was not receiving what he considered to be proper care. Apparently, Mom's house is not so clean and she has lost weight since he last saw her.





# Clerk Ordered Mediation Forms

AOC-G-300T

Motion for an Order to Mediate  
Matter Before the Clerk

AOC-G-301T

Order Regarding Mediation in  
Matters Before the Clerk

AOC-G-308T

Motion and Order to Extend  
Completion Date for Clerk  
Program Mediation

AOC-G-303T

Report of Mediator in Clerk  
Program Mediation

AOC-G-304T

Order for Apportionment of  
Mediator Fee in Guardianship or  
Estate Matter

