

Client Name _____

BERGER LAW FIRM, LLC

Attorney/Mediator

418 W. Blackhawk Dr., Suite 102
Byron, Illinois 61010

email: maria@bergerlawfirm.com

Telephone (815) 234-4950
Facsimile (815) 977-8821

Our office has received a copy of the court order requiring you to participate in mediation for the pending issues concerning your children. Mediation is a cost-effective alternative to litigation. It is designed to help parents reach agreements in a cooperative and rational manner, as well as minimizing the anger exchanged between parents which can escalate when people are in the Court system.

Mediation can be a powerful tool to preserve parents' financial resources, and more importantly minimize the time the family is in the Court system. Mediation can reestablish communication skills which ultimately benefit the children. Mediation helps parents to take charge of their lives and the decisions concerning their children.

Court Ordered Mediation is a *confidential* process. During mediation parents attempt to develop a parenting plan to best serve the children's future.

In Court Ordered Mediation, parents are treated as cooperative adults who are restructuring their lives and the lives of their children but who have diverse ideas of how to make that happen. It is intended to supplement the litigation system, which may cast parents as opponents, create an adversarial relationship and can take a long time.

The Mediator acts as a neutral facilitator. That includes: assisting parents in identifying parenting issues; creative problem solving; exploring alternative solutions; as well as aiding parents to reach a consensus...even if it is an "agree to disagree" agreement.

The Mediator is not a substitute for and in no way replaces your attorney. Both parents are strongly encouraged to meet with their attorney *prior* to the first mediation session. Only your attorney can advise you of your options and alternatives as they relate to your situation based on your facts. You should ask your attorney to give you a realistic assessment and a range to work with when you are in the mediation sessions (ie: "best case/worst-case" scenarios). If your attorney has already given you a proposed parenting agreement, ***bring that with you.*** The more information you come to the mediation session with, the more likely you will stay on task and suggest reaching the resolution of the issues. Have your attorney provide you with written settlement documents which reflect your position.

The mediator may not render any legal or financial advice. You must receive all recommendations and advice from your own legal counsel and other advisors. ***We suggest you consult with your attorney throughout the mediation process.***

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If you have not already done so, please contact our office to schedule your first mediation session. It will be one (1) hour in length. The following are the steps requested of both parents in scheduling the first mediation session:

1) The Court Order required each parent to contact our office within seven (7) business days from the date of the Order for Mediation. When you call or email, we will give you available appointment dates and times to schedule the mediation session. *Please note that parents only have forty-five (45) days from the date the Order for Mediation was entered to have completed all three (3) hours of Mediation. You are encouraged to act swiftly in scheduling your first mediation appointment. Appointments are booked on a first come/first served basis. The longer it takes for the parents to confer and agree on an appointment time, the longer it will take to get an appointment and any appointment time they may be considering may no longer be available;*

2) Confer with the other parent regarding schedules and availability for an appointment. Consider a few dates and times you are both available to participate in the mediation session on the available dates provided by the Mediator.

3) Call to confirm the agreed date and schedule time for the mediation appointment with the receptionist. ***Both parents must contact our office to confirm the appointment time. Otherwise we take the appointment off our calendar and open it up to others.***

4) Note, once the first parent has contacted our office to schedule an appointment time for the mediation session, our office will hold the appointment time for you for two (2) business days. The other parent ***must*** contact our office via phone or email to confirm the appointment time within these two (2) days. ***Please be advised that our office does not contact the other party to notify them of the appointment or to get confirmation.*** If our office has not received confirmation from both parents by the end of the second business day, the appointment time will be released and another family's appointment could be scheduled in its place.

Parents are required to communicate directly with each other in the scheduling process. Our office does not call either party regarding your appointment. In rare instances that the parents do not feel that they are able to do so, appointments can be confirmed by the parents' respective attorneys.

Each of you is required to pay all fees in full at the start of the first mediation session. Unless your Court Order specifies otherwise, the parents will split the fees equally. Each parent will pay \$100.00 each per person, plus \$150.00 per person for a document preparation retainer. Total Fee due at the first session is \$250.00 per parent. In the event that the Order for Mediation specifies a payment arrangement different from each party sharing equally in the fees, please come to the initial Mediation Session

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prepared to pay your respective share.

The \$500.00 payment in full is due at the beginning of the first Mediation Session, \$200.00 is due at each additional Mediation Sessions. Though your Court Order requires you to make an advance payment, we ask that you pay in full at the time of the first session. In the event one of you is unable to make the required payment or does not make it at the time of the first meeting, the Mediation Session will be rescheduled to a later date when you will be able to do so.

Enclosed you will find several pieces of information necessary to start the mediation process. Please review, and complete all the enclosed documents carefully prior to your first mediation session.

As a recap, please be sure you have done the following:

- Schedule your first Mediation Session with our office
- Meet with your attorney; Request a Proposed Parenting Plan
- Scheduled/Attended the Caring, Coping & Children parenting class,(if required);

Please be sure to bring the following with you to the first Mediation Session:

- Signed and dated Court-Ordered Mediation Agreement
- Any Parenting Agreements either previously Court ordered or being proposed
- Cash, Debit and Credit Card or Check payable to Berger Law Firm, LLC in the amount of \$250.00 (or the respective amount specified by the Order for Mediation) to total \$500.00. Please be advised we do not keep cash in our office, so exact amount if paying cash is necessary.

We know that this is a difficult time for your family and we look forward to the opportunity to assisting you in facilitating a resolution that works for both parents, and most important, your children.

Respectfully,

Maria N. Berger

Attorney/Mediator
MNB/bb
enclosure

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MEDIATION SERVICES COURT ORDERED MEDIATION AGREEMENT

The undersigned parents, having decided to separate or divorce, or having previously divorced, intend to resolve the conflicts and issues arising out of their separation or divorce through mediation. They intend to avoid for themselves and their children the bitterness and frustration which often accompany differences and conflicts in parenting styles and goals.

Through mediation, the parents intend to create an agreement that settles their disputes related to parenting and parenting time with the minor children. The goal being that the agreement will represent the interests of both parents and their children and be acceptable to all concerned.

This *Agreement to Mediate* is made and entered into by and between the parents and Berger Law Firm, LLC, for the Services of the *Attorney/Mediator, Maria N. Berger*. The terms of this agreement are fully represented below and the parents and the Mediator agree to the following:

1. *MEDIATION PROCESS:*

The parents agree to attempt to resolve the issues and controversies that have arisen and brought them to this point. They agree to attempt to reach consensus or agreement on the issues which is ***acceptable*** to both parents and serves the best interests of their children.

2. *COSTS OF MEDIATION:*

Court Ordered Mediation will be conducted by *Maria N. Berger* at the rate of \$200.00 per session for an hour mediation time. The parents agree to pay a total of \$500.00, \$250.00 per parent (unless otherwise ordered by the court), to be paid at the beginning of the first mediation session to be held as a retainer for services. The fee for the first session of mediation is \$100.00 per party, up to an hour of mediation time. The remaining \$150.00 will go into the retainer account to be used towards additional services. **Services in addition to the actual mediation session shall be charged at Maria's normal**

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hourly rate of \$250.00, and include phone calls to and from the parents, their attorneys and other individuals; preparation of the written final agreement or report to the Court; review of documents; additional mediation time over the 1 hour per session; and anything else needed to responsibly serve the parents. Appointments not canceled 48 hours in advance may be billed for one (1) session.

3. ***NOTICE OF CANCELLATIONS:***

The parents agree that if the need arises where one, or both, parents must cancel a scheduled session, as a courtesy to the other parent and the Mediator, they will do so at least 48 hours in advance. If the parents fail to cancel their appointment less than two (2) full business days in advance of the appointment, or if one or both parents fail to appear for the scheduled time a full charge may be assessed for the missed appointment. The Mediator will take into consideration any emergency that may arise which would cause the parents' inability to attend the scheduled Mediation.

4. ***PRIVACY OF MEDIATION:***

The parents understand and agree that neither will call the Mediator, Maria N. Berger, nor any person performing Mediation under her direction, as a witness to testify in any court proceeding. The parents agree not to subpoena any records, documents, or other information or material the Mediator may have or have produced during the mediation relating to issues raised during Mediation.

5. ***CONFIDENTIALITY OF MEDIATION:***

Except for communication with your attorneys, the Mediator agrees to keep confidential information, written documents and oral communications discussed and/or disclosed during mediation. The Mediator will not give any information obtained during mediation to any outside person or organization unless both parents concur. Unless otherwise agreed, the Mediator will not keep the information confidential between the parents.

The parents agree that they will discuss the information with their attorneys. In addition, they will not use information in a malicious, harmful way or in any way that would discredit the other parent.

6. ***INFORMATION NOT HELD CONFIDENTIAL:***

The safety of the parents and the children is of utmost concern. The parents understand that the Mediator will *not* keep confidential any information that causes the Mediator to suspect that child abuse has occurred or could occur or that any person will be in danger or risk of immediate bodily harm.

7. **ATTENDANCE & TERMINATION OF MEDIATION:**

The Parents shall attend the mediation sessions, a total of three sessions, unless extended by the agreement of the parents, the Mediator and their attorneys. The Parents are expected to organize their business and personal affairs so they may attend the Mediation Sessions. Attendance at Mediation is limited to the parents, unless otherwise ordered by the Court. The Mediation may be terminated or suspended at the option of the Mediator or the Court. The Mediator shall immediately advise the Court in writing if she suspends or terminates Mediation or in the event that either or both parents fail to comply with the terms of this paragraph.

8. **PARTICIPATION OF CHILDREN AND OTHERS**

Children and other persons having a direct interest in the mediation may participate in a mediation session only if *both* parents *and* the Mediator, agree.

9. **REPORTING OF MEDIATION:**

Parents understand that the Mediator will submit the Mediation Report to the Court and a recap to each parent's legal counsel.

10. **SEPARATE MEETINGS:**

The parents agree not to contact or discuss their case with the Mediator outside of the mediation session. The Mediator or the parents may request separate meetings when either feels this may facilitate the process. The parents will be given equal time for such meetings.

11. **USE OF MEDIATOR:**

The parents and the Mediator agree that the Mediator will provide a fair and neutral process during Mediation and will assist the parents in reaching a solution of the issues presented.

The Mediator reserves the right to verbally inform the parents, or note in any written agreement, if the Mediator does not concur with any provision of the agreement or the full agreement reached by the parents. Concurrence is defined by the Mediator as believing that the agreement is fair and reasonable to both parents and serves the best interests of the children. Lack of Mediator concurrence will have no effect on the parents' ability to reach agreement or carry out any and all terms of the agreement.

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The Mediator does not serve in any other capacity regardless of professional education or background. The Mediator does not prepare or file legal documents, give legal advice, or represent either parent in *any* capacity.

12. ***USE OF ATTORNEYS:***

The parents are strongly encouraged to consult with attorneys early in the mediation process in order to understand their legal rights and determine the legal parameters of their case, their *best case/worst case scenario*. Attorneys chosen by the parents are regarded as part of the mediation team. In Court Ordered Mediation the Mediator generally does not discuss issues related to the mediation with either attorney retained or consulted by the parents. It is assumed that any agreements reached in mediation have been discussed by the parent with their attorney, or will be reviewed by the attorney before being processed in court.

13. ***PARENTS' COMMITMENT:***

The parents agree to use their best efforts to reach a resolution of the issues. They agree that each will abstain from using any mood-altering substance, drugs or alcohol, on the day mediation sessions are scheduled.

14. ***IMPASSE:***

If the parents are unable to reach an agreement about any or all issues, they and the Mediator will discuss alternative options for resolution of the issues. These options may include referral of particular issues to their attorney or other professionals. If the parents are still unable to reach a satisfactory resolution, the case will be referred back to the Court.

15. ***CONCERN ABOUT ABUSE***

The safety of all parents and children is of utmost concern. Mandated reporters are required by law to report suspected cases of child abuse. It is our policy to work with parents to get them the best possible help for all types of suspected abuse.

16. ***COURT PROCEEDING:***

Your attorney will advise you on the court proceedings and the estimated time your case may be expected to take. Be sure to ask your attorney what a realistic time line is for your case to be concluded.

17. ***MEDIATION OF FUTURE DISPUTES:***

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PARENT'S MEDIATION CHECKLIST COURT ORDERED

TO DO NOW:

- Schedule first mediation session;

TO HAVE DONE PRIOR TO FIRST MEDIATION SESSION:

- Schedule/Attend Caring, Coping & Children Class (if required)
- Meet with your attorney

TO BRING TO FIRST MEDIATION SESSION:

- Signed and dated Court-Ordered Mediation Agreement.
- Any Settlement & Parenting Agreements either previously ordered or being proposed
- Cash or Check payable to Berger Law Firm, LLC, in the amount of Two Hundred and Fifty dollars (\$250.00). Our office also accepts debit and credit cards. In the event that the Court has specifically ordered you to pay a different amount, bring the amount you have been ordered to pay.
- If child(ren) are in grades kindergarten through high school, please bring a copy of the school calendar for the current school year, and if available, the upcoming school year. The school calendar should reflect all days that the children do not have school (ie: winter/summer break, recognized holidays, teacher's institute days, etc. . .).
- If children are involved in any extracurricular activities (ie: sports, music lessons, after-school job, etc. . .), please bring a copy of the schedules with you.
- Please come prepared to the mediation session with your proposal for resolution of the issues referred to mediation. For example, if you have been referred to mediation for the purpose of custody or visitation, please bring a proposal of what you believe would be a realistic schedule.

The more information you have, the more productive the session will be.

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Maria N. Berger
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MEDIATION CLIENT REPORT

Session Date: _____ Next Court Date: _____

Name: _____ Home phone: _____

Business phone: _____ Cell phone: _____

Res. Address: _____

City, State, Zip: _____

E-mail: _____

Date of birth: _____ Age: _____

Emergency Contact: _____ Phone No: _____

Employer: _____

Occupation: _____ Education: _____

Gross Earnings: _____ Net Earnings: _____ Monthly: _____

Personal Calls Allowed Yes ___ No ___

Do you have an Attorney Yes ___ No ___

If yes, Attorney name: _____ Phone No.: _____

Address: _____ Email: _____

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Children:	Name	Birth date	Age
1)	_____	_____	_____
2)	_____	_____	_____
3)	_____	_____	_____

Are you currently paying support for the children? Yes ___ No ___ \$ _____

Frequency: _____

Are you currently paying support to a former spouse? Yes ___ No ___ \$ _____

Frequency: _____

Other than your children/spouse, do any others live with you? Yes ___ No ___

If *yes*, please list their name and relationship to you

Spouse/Person involved in this proceeding, if different: _____

Date of Marriage: _____ How Long: _____

Place of this marriage: _____

Are you residing with this person? Yes: ___ No: ___

Does your spouse/ex-spouse have an Attorney? Yes: ___ No: ___

If *yes*, Attorney name: _____ Phone No: _____

Who referred you to Mediation? _____

Do you have an interest in reconciliation? Yes: ___ No: ___

As far as you know, does your spouse? Yes: ___ No: ___

Are you presently seeing a counselor or therapist? Yes: ___ No: ___

If *yes*, what type? Individual: ___ Joint: ___ Family: ___

Have you previously seen a counselor or therapist? Yes: ___ No: ___

If *yes*, what type? Individual: ___ Joint: ___ Family: ___

Has your spouse previously seen a counselor or therapist? Yes: ___ No: ___

If *yes*, what type? Individual: ___ Joint: ___ Family: ___

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Do you anticipate a dispute about custody of the children? Yes: _____ No: _____

Do you anticipate a dispute about visitation of the children? Yes: _____ No: _____

Previous Marriages:

Name of Former Spouse	Duration	Marriage ended by	Children from	Age	Reside with Mom or Dad
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1) _____

2) _____

Have you previously been involved in Mediation? Yes: _____ No: _____

If yes, Name: _____ Phone No: _____

Is there a Child Representative appointed for the children? Yes: _____ No: _____

If yes, Name: _____ Phone No: _____

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CONFIDENTIAL QUESTIONNAIRE
(Required by Court Order)

**IF YOU HAVE AN ORDER OF PROTECTION OR NO-CONTACT ORDER IN PLACE, PLEASE LET US
KNOW PRIOR TO COMING TO YOUR FIRST SESSION.**

	<i>Yes</i>	<i>No</i>
1) Do You have any concerns about the child(ren)'s emotional and/or physical safety with the other party?	_____	_____
2) Do you have any other concerns about your own emotional and/or physical safety with the other person?	_____	_____
3) Has the Illinois Department of Children and Family Services been involved with the family regarding allegations of abuse and/or neglect to the children?	_____	_____
4) Have you ever feared that you would not have access to your child(ren)?	_____	_____
5) Has your spouse ever threatened to deny you access to your child(ren)?	_____	_____
6) Do you have any questions or concerns about your child(ren) speaking with the Mediator?	_____	_____
7) Do you have any concerns about the children's emotional or physical safety with you or the other parent?	_____	_____
8) Has there ever been medical treatment or hospitalization for psychiatric disorders in the immediate family?	_____	_____
9) Has your spouse ever threatened to hurt you in any way?	_____	_____
10) Are you fearful of your spouse for any reason?	_____	_____
11) Has your spouse ever hit you or used any other type of physical force towards you?	_____	_____
12) Are you currently afraid your spouse will physically harm you?	_____	_____
13) Has there ever been any physical confrontation between you and the other person?	_____	_____
14) Have you ever called the police or sought help for yourself as a result of abuse by your spouse?	_____	_____
15) Are you now, or have there previously been, Orders of Protection? If yes, expiration date _____.	_____	_____

- 16) Are you in any way afraid to meet with the Mediator and the the other parent in the same room? _____
- 17) Do you believe you would be able to communicate with your spouse on an equal basis in mediation session? _____
- 18) Are there Historical or Current Problems Concerning the following:
- A. Alcohol Abuse _____
 - B. Drug Abuse _____
 - C. Physical Abuse _____
 - D. Child Abuse _____
 - E. Sexual Abuse _____
 - F. Mental/Emotional Abuse _____
 - G. Previous Therapy _____
 - H. Criminal Record _____
 - I. D. U. I. _____
 - J. Orders of Protection _____
 - K. D. C. F. S. Complaints _____
 - L. Domestic Violence _____
 - M. Legal Problems _____
 - N. Bankruptcy _____
- 19) Do you have any concerns regarding the use of alcohol and/or drugs in the immediate family? _____
- 20) Are you an alcoholic, recovering alcoholic or have you ever been hospitalized or institutionalized due to drinking? _____
- 21) Do you have any fear about answering these questions?
If yes, briefly state why _____
- 22) Is there, or has there been in the past, alternate living arrangements for your children or either parent?
If yes, what were they and why _____
- 23) Are you involved in other court-referred programs or services? _____
- 24) Are there other pending proceedings in other courts (e.g. Juvenile or Criminal)
If yes, please describe _____
- 25) Do you or your spouse own any firearms or weapons? _____
- 26) Are you a member of a cult? _____
- 27) Have the police been called to your home? _____

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Mediation Ground Rules

1. The parties agree to come to the mediation with an open mind and a willingness to learn new conflict resolution skills.
2. The parents agree to start on time and participate fully in all sessions without being under the influence of illegal drugs or alcohol.
3. The parents agree to call each other by their first names, not pronouns “he,” “she,” or Mr. Smith or Mrs. Smith or anything else. No name calling.
4. The parents agree not to blame, attack, swear or engage in snipes or put-downs, and will ask questions for the purpose of clarification only.
5. Parents agree to use “I” statements and agree to stay away from “hard” positions. They agree to express themselves in terms of their own needs and interests, not what they think the other parent wants or will or won’t do.
6. The parents agree to listen respectfully, and to try to understand the other parent's needs and interest by taking turns speaking and not interrupting each other.
7. The parents agree not to dwell on things that did not work in the past, but instead to focus on ideas and possible solutions of what might work in the future and what they would like for themselves and their children.
8. The parties agree to complete all homework assignments and participate in all exercises during the sessions.
9. The parents agree to work toward what they believe to be the most viable constructive agreement possible.
10. The parents agree to speak up if something is not working in the mediation.
11. The parents agree not to try to convince the mediator of anything including why they are right and the other is wrong.
12. The parents agree to point out when, or if, they feel the mediator is being partial.
13. The parties agree to refrain from aggressive and intimidating behavior before, during or after any session.
14. The parties are aware that there are security measures in place at the office.
15. The parties agree that they will not initiate or file any new motions or pleadings in court during their participation in the program without leave of Court.
16. The parties understand that their compliance with the program will be reported to the court.