Cobb County Superior Court ADR Program

Preparing for Domestic Mediation: A Guide for Participants

Mediation offers a valuable opportunity to resolve domestic disputes amicably. To maximize its effectiveness, thorough preparation is key. This guide outlines the process and provides helpful tips.

Understanding the Mediation Process

Scheduling

1. Parties can mutually agree on a mediator, date, and time.
2. Alternatively, the ADR Program will assign a mediator and schedule the session at the next available time.

Duration

The length of mediation varies depending on:

1. The number and complexity of the issues involved.
2. The negotiation styles of all parties and their attorneys.
3. The level of preparedness of each participant.

Fees

1. Mediation fees are based on the mediator's hourly rate and are typically split equally between the parties.
2. Hourly rates for approved mediators may be obtained from the ADR Program or from the list of approved neutrals provided with the ADR Referral notice.

Fee Waivers (Financial Hardship)

Eligibility

1. The ADR Program must be notified within 10 days of receiving the referral if a party has financial hardship.
2. Eligibility is determined by requesting party's income only, which must be at or below 150% of the federal poverty guidelines (updated annually).
3. The assigned judge may also waive fees at their discretion.
4. Any required documentation must be submitted to support a fee waiver request. Failure to provide adequate documentation will result in the party being responsible for their share of the mediation costs.

Mediation Sessions

1. **Initial Session:** Parties are **required** to attempt at least one mediation session.
2. **Additional Sessions:** If necessary, additional sessions can be scheduled with the agreement of all parties.
3. **Resolution:** Some cases are resolved in a single session, while others may require multiple sessions.

CHILDREN ARE NOT ALLOWED AT THE MEDIATION SESSION.

ALTERNATIVE ARRANGEMENTS MUST BE MADE FOR CHILDCARE.



Preparing for a Productive Mediation and Essential Documents to Bring

To ensure a productive mediation, gather all relevant documents. In domestic actions (divorce, modifications, contempt, legitimation, paternity), depending on the issues to be discussed, bring the following:

EQUITABLE DIVISION OF PROPERTY Sworn financial affidavits of both parties are required.	
Real Estate	Description and location of the property. Something to show value of property (tax bill, appraisal, relator's statement); statements showing original mortgage amount, as well as current balance, payment, and interest rate; any information about second mortgages or home equity loans.
Personal Property	Detailed list of all property to be divided and value of eat item (include all household items).
Vehicles/Boats/etc.	Description and current value of item. Include loan information or lease information.
Checking/Savings Accounts/ Investments	Description of the plan type and amount (i.e., pension plan, profit sharing plan, 401(k) plan, employee's stock ownership plan (ESOP), government plan, etc.). Bring a Summary Plan Description - available through Administrator.
Life Insurance	Description of types, policy numbers and amounts of all policies.
Debts	Statements of all debt including credit cards, store accounts, vehicle payments, personal debt and any other type of debt.
SPOUSAL SUPPORT Sworn financial affidavits of both parties are required.	
CHILDREN'S ISSUES	
Child Support, Divorce, and Modifications	Sworn financial affidavits and completed child support worksheets of both parties are required with required documentation attached.
Child Custody/Visitation	Bring preferences of the holiday and school schedules.
ATTORNEY'S FEES Sworn financial affidavits of both parties are required.	

Mediator's Role

The mediator's role is to facilitate discussion and remain neutral. They rely on the parties to provide the necessary information for informed decision-making.

The mediator will have basic information about the parties and the issues in dispute (e.g., custody, visitation, property division).

To discuss potential solutions, it's essential to provide relevant documentation. For example, to discuss the marital home, provide its current value, mortgage balance, etc.

Important: Failure to provide necessary information may result in the session being stopped and rescheduled, with the parties still being responsible for the initial session's fees.

IMPORTANT

A Domestic Relations Financial Affidavit is **required** for all domestic cases involving alimony, equitable division of property, and/or modification of alimony.

A Domestic Relations Financial Affidavit **AND** completed Child Support Worksheets are **required** for all domestic cases involving temporary or permanent child support.

A Financial Affidavit may be obtained by visiting the Court's website at: https://www.cobbcounty.gov/courts/superior-court/administration/forms.

Child support worksheets must be completed prior to the mediation session and are available for download from the Child Support Commission Website: https://csconlinecalc.georgiacourts.gov/frontend/web/index.php.

Internet access is available at public libraries. For Cobb Judicial Circuit cases, computers are available at the ADR Office **by appointment** to complete the worksheet.