

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar number, and address</i> )  TELEPHONE NO.: _____ FAX NO. ( <i>Optional</i> ): _____ E-MAIL ADDRESS ( <i>Optional</i> ): _____ ATTORNEY FOR ( <i>Name</i> ): _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, ALAMEDA COUNTY</b>  STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PETITIONER/PLAINTIFF: _____ RESPONDENT/DEFENDANT: _____ OTHER: _____	
<b>STIPULATION AND ORDER APPOINTING PRIVATE CHILD CUSTODY RECOMMENDING MEDIATOR</b>	CASE NUMBER: _____

1. Pursuant to the stipulation of the parties, attached hereto, **THE COURT FINDS** that there are contested custody and visitation issues, and that the parties have stipulated to a private child custody mediator pursuant to Family Code Sec. 3164 to conduct mediation of such contested issues. **Based on such finding, and good cause appearing THE COURT ORDERS**

<i>(Name):</i>	<i>(E-mail):</i>
<i>(Address):</i>	<i>(Telephone):</i>
	<i>(Fax):</i>

is appointed in place of court-connected mediation services respecting the child custody and visitation issues:

- a.  Described in the below listed Petition, Application or other pleading:  

<i>(name of document):</i>	<i>(filing date):</i>
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- b.  As follows (*specify*):

c. The mediation shall be conducted in accordance with and shall comply with Family Code §§216, 1815 and 3160 through 3188, and the applicable provisions of California Rules of Court. The MEDIATOR shall submit to the Court a written report and recommendations as to custody and/or visitation, and may submit such other recommendations as are authorized by Family Code §3183. The MEDIATOR shall be impartial and shall function at the request of the Court and pursuant to court order.

**2. TERM OF MEDIATOR**

- a.  The MEDIATOR's appointment shall continue until the Court orders otherwise, or until report/recommendation is issued respecting the above-described child custody and visitation issues, whichever first occurs.
- b.  For a term of (*fill in*) \_\_\_\_\_ years, commencing on the filing of this Order, all custody and visitation issues that are before the Court or arise between the parties shall be submitted for mediation to the MEDIATOR.

3. EX PARTE COMMUNICATION. Absent written stipulation of the parties, there shall be no ex parte communication between the MEDIATOR and any party or between the MEDIATOR and any attorney of record in this action, except to schedule appointments, coordinate collateral contacts, or as required or permitted by law.

4. DOCUMENTS AND INFORMATION. The parties shall immediately provide the MEDIATOR with copies of all pleadings, motions, declarations, correspondence or other documents that relate to the contested issues to be considered by the MEDIATOR. With the exception of such documents as are subject to a valid claim of privilege, the parties shall provide all records requested by the MEDIATOR within five (5) days of request by the MEDIATOR. All documents provided to the MEDIATOR by a party (directly or through counsel) shall be contemporaneously provided to the other party. The parties shall make themselves and their minor children reasonably available to the MEDIATOR, for mediation and interview.

5. RELEASES. Upon request by the MEDIATOR, the parties shall promptly sign all documents required to allow access by the MEDIATOR to documents and information in the possession of therapists, counselors, physicians, psychiatrists, psychologists, evaluators, educators, educational institutions, police and other law enforcement authorities, hospitals, social workers and child protection entities and staff. No release provided to the MEDIATOR pursuant to this Order, nor the disclosure or production of any documents or information to the MEDIATOR pursuant to this Order shall constitute a waiver of any valid privilege.

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**6. CONFIDENTIALITY**

- a. The MEDIATOR shall take such steps as are necessary to protect the therapeutic privilege of any minor child and, in doing so, may decline to provide any party or counsel with information disclosed by a child or that child's therapist which would otherwise be privileged. In the event that the Court requires disclosure of privileged information or testimony, such information or testimony shall be provided to the Court in camera in the absence of the parties. Counsel for the parties shall not disclose the details of such information or testimony.
- b. All reports or recommendations authored by or received from the MEDIATOR are confidential. No such report or recommendation may be provided or made available to or discussed with any person except the parties, counsel for the parties in the action, and any person allowed access by law or to whom the Court permits access by written order issued upon prior notice to all parties.
- c. No person who has access to a report or recommendation by the MEDIATOR shall make a copy or disclose the content thereof to the minor child or to any person not entitled to access pursuant to this Order. The parties shall not mention or discuss within the hearing of any minor child any statement made by the MEDIATOR.

**7. FACTS**

- a. The parties  never married       married on *(date)*:       separated on *(date)*:
- b. The names, birth dates, and gender of the parties' children are:

CHILDS NAME	DATE OF BIRTH	M/F
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**8. FEES AND COSTS OF THE MEDIATOR**

- a. The allocation of fees and costs of the MEDIATOR shall be
  - subject to later reallocation between the parties as may be ordered by the Court.
  - between parties as follows
 

Petitioner	%	Respondent	%	Other	%
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  - other *(specify)*:
- b. Should the report or recommendation of the MEDIATOR proceed to hearing, or should the MEDIATOR be requested by a party to attend a hearing or deposition, the party requesting the attendance of the MEDIATOR shall provide the MEDIATOR with ten (10) days written notice of the date and time of the appearance, and shall, no less than twenty- four hours prior to the appearance, advance and tender the fees requested by the MEDIATOR for preparation and appearance.
- c. Any objection to any statement, invoice or bill submitted by the MEDIATOR for payment by a party shall be in writing and delivered to the MEDIATOR within ten (10) days of the date of mailing of the statements, invoice or bill. Without prejudice to any right to initiate or maintain any other action, and provided jurisdiction exists, any dispute regarding the MEDIATOR's fees or costs shall be brought to the immediate attention of this Court by the disputing party by service and filing of a motion, with written notice to the MEDIATOR pursuant to CCP §1005(b).

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9. ADDITIONAL ORDERS

- a. Prior to the commencement of mediation, the parties may obtain such advice as they require regarding Civil Code §47 and immunity.
- b. The parties shall promptly advise the Court should the MEDIATOR be unable or unwilling to accept appointment pursuant to this Order.
- c. Upon notice to the parties, the MEDIATOR may make written application to the Court for such further instruction, information, and assistance as may be necessary for the completion of the tasks set forth herein. Once the appointment has been accepted by the MEDIATOR, the MEDIATOR may, upon a showing of good cause and upon written notice to the parties, petition the Court to withdraw as MEDIATOR.
- d. The MEDIATOR shall provide the Court with immediate written notice if at any time during the mediation a situation arises that is immediately dangerous to the minor child or to any party, family member, child, attorney, judge or mental health professional involved in this action. Such notification may be made on an ex parte basis, and may be accompanied by an application for ex parte relief.
- e. The MEDIATOR shall execute, file and serve the attached "Consent To Serve And Certification" within ten (10) days of service of this Order on the proposed MEDIATOR.

10.  Hearing on the contested issues of custody and visitation is hereby set  
 on *(date)*: \_\_\_\_\_ at *(time)*: \_\_\_\_\_ in Dept. \_\_\_\_\_

Date:

\_\_\_\_\_  
 (JUDICIAL OFFICER)

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**STIPULATION FOR ENTRY OF ORDER**

The parties hereto stipulate that the Court may enter the foregoing as on Order, each party waiving the right to request a statement of decision, the right to notice of entry, and the right to appeal therefrom.

Date:  
\_\_\_\_\_  
(TYPE OR PRINT NAME)

▶ \_\_\_\_\_  
(SIGNATURE OF PETITIONER)

Date:  
\_\_\_\_\_  
(TYPE OR PRINT NAME)

▶ \_\_\_\_\_  
(SIGNATURE OF RESPONDENT)

Approved as to form and content:

Date:  
\_\_\_\_\_  
(TYPE OR PRINT NAME)

▶ \_\_\_\_\_  
(SIGNATURE OF ATTORNEY FOR PETITIONER)

Date:  
\_\_\_\_\_  
(TYPE OR PRINT NAME)

▶ \_\_\_\_\_  
(SIGNATURE OF ATTORNEY FOR RESPONDENT)