

**THE STATE OF NEW HAMPSHIRE**  
**JUDICIAL BRANCH**  
<http://www.courts.state.nh.us>

**IMPORTANT MEDIATION INFORMATION**

Mediation Date: \_\_\_\_\_

Mediation Time: \_\_\_\_\_

Mediation Place: \_\_\_\_\_

**This information applies to divorce/parenting mediations.**

**1. Mediation is an ORDER of this court.**

You have been ordered to attend mediation. This is similar to being ordered to attend a court hearing. You must attend. Failure to comply with this order of the court and attend mediation will result in further court action, in addition to the fees set forth in the Order on Appointment of Mediator (NHJB-2069-FS).

**2. How does mediation work?**

Mediation is a process where parties try to resolve a dispute without the hostility that is sometimes associated with going to court. In mediation, the parties meet in a private, confidential setting to work out solutions to their problems with the help of a certified, neutral mediator. Generally, each mediation session is 2 hours long. A mediator does not decide who is right or wrong. The mediator does not force the parties to reach agreement or to accept particular settlement terms. The mediator helps each side better understand their situation. The mediator encourages the parties to create solutions that meet their individual needs.

**3. What issues will be discussed in mediation?**

You are being ordered to mediation because if you have minor children they will be impacted by your court action and the decisions you make at this time. At first, you should try to work out all issues that have to do with your child(ren). After that, you are encouraged to try to resolve any other issues that remain, such as debts and property matters (in divorce cases).

**4. What should you do if you MUST reschedule your mediation?**

Since you agreed upon the date and time for the mediation, you should not have to reschedule it. However, if something entirely unexpected comes up and you have no other choice but to reschedule, you must contact the mediator directly as soon as you are aware of the need to reschedule. Do NOT call the court to reschedule. Do NOT file a Motion with the court to reschedule your meditation. Instead, cooperate with your mediator and the other party to find an acceptable new date and time. The mediator will contact the court with the new mediation date and time. NOTE: THE MEDIATOR HAS SET ASIDE TIME FOR YOUR MEDIATION SESSION. FAILURE TO APPEAR AT MEDIATION WILL RESULT IN YOU BEING CHARGED FOR THE MEDIATOR'S TIME.

**5. What about payment?**

Unless the court ordered payment through the Family/Indigent Mediation Fund or the Mediation Grant, you MUST pay for mediation ON THE DAY of each session. You may elect to pay the full \$300 at the first session if you prefer. The standard fee is \$300 for up to 5 hours of mediation services. However, the mediator has discretion to bill less than the set fee in appropriate circumstances. The fee is divided between the parties, proportionately, as set forth in the Order on Appointment of Mediator (NHJB-2069-FS). For the first mediation session, you should plan on two hours and bring your share of the payment that will be due at the first session. If the court ordered payment for one or both parties through the Family/Indigent Mediation Fund, the party(ies) found eligible for the fund will not need to bring money to the mediation session. Parties found eligible for the Fund **will be required to reimburse** the State through the Office of Cost Containment for mediation fees as outlined in the Order on Appointment of Mediator (NHJB-2069-FS). If the parties agree to mediate for MORE than the 5 hours covered by the \$300 standard fee, the hourly fee for the additional sessions will be determined according to a sliding scale based on NH Supreme Court Rule 48-B and the form, Important Information Regarding Mediation Fees (NHJB-2680-FS). There is no reimbursement obligation if the parties are ordered to mediation under the Mediation Grant, unless party(ies) fail to appear at the mediation session.

**6. What should you do if you thought you could afford mediation but now do not think you can afford it?**

At the First Appearance, you filled out a Mediation Payment Worksheet (NHJB-2782-FS) on which you were given the opportunity to request assistance with payment for court ordered mediation. If you did not request assistance with payment then, but now think you cannot afford mediation, you must immediately file a Motion in which you request payment from the Court Family/Indigent Mediation Fund. If the Judge grants your Motion, you will not have to take any money to your mediation session but **you will be required to reimburse the State** for mediation fees. **IF YOUR MOTION IS DENIED, YOU WILL HAVE TO PAY AT EACH MEDIATION SESSION. IF THIS IS YOUR SITUATION, DO NOT DELAY. UNLESS OR UNTIL THE COURT FINDS YOU ELIGIBLE FOR THE MEDIATION FUND, YOU ARE OBLIGATED TO PAY FOR YOUR SCHEDULED MEDIATION ON THE DAY OF EACH SESSION.**

**7. What should you take to mediation?**

The more prepared you are for mediation, the better. This will save you time and money in mediation. As it says on the Order on Appointment of Mediator (NHJB-2069-FS), you should send a copy of your financial affidavit to the mediator 7 days in advance of the mediation. When you go to your mediation session, you should bring copies of financial records such as pay stubs, retirement plan statements, health insurance information, tax bills, income tax filings, and whatever else your mediator asks you to bring.

**8. How does your attorney factor in to mediation?**

There are many ways to work with the other side when mediating your case. Each case is different. If you have an attorney, you have a right to have your attorney with you throughout the mediation process. If you do not have an attorney, the mediator will work with both sides to provide a fair and equal process. Mediators are trained to address this situation and may offer different options as a solution to various problems. There are solutions that can be worked out by the mediator, the parties, and counsel.

If you feel that there are financial reasons that would make it hard for you to have an attorney with you at every mediation session or court hearing, please note that there are opportunities to work with attorneys on a task-by-task basis, using a process called "Limited Representation". This type of representation allows you to have an attorney working with you in limited aspects of your case where you feel it is important to have legal representation, but in a way that is affordable for you. In other words, instead of paying an attorney to represent you for your entire case, "Limited Representation" allows you to hire an attorney to represent you for a specific hearing or portion of your case, including representation during mediation only.

Work with your mediator and your attorney to explore how best to incorporate your attorney into your mediation process. **NOTE: YOU SHOULD NOT SIGN ANY AGREEMENT UNLESS YOU HAVE HAD IT REVIEWED BY AN ATTORNEY.** If you are unable to afford an attorney, you may wish to contact the Legal Advice and Referral Center at 800-639-5290 or 603-224-3333 to find out if you qualify for an attorney free of charge. You may also wish to contact the NH Bar Association Reduced Fee Program at 603-715-3290 or [ReducedFee@nhbar.org](mailto:ReducedFee@nhbar.org) to find out if you qualify for an attorney at a reduce fee.

**9. What if mediation does not work out?**

If mediation does not work out for you or for the other parent, the mediator will let the court know by filing a Mediation Report at the end of the mediation session(s). The court will then schedule the next necessary hearing in your case.