

**IN THE COURT OF COMMON PLEAS OF MERCER COUNTY, OHIO
GENERAL DIVISION**

	:	Case No.
Plaintiff	:	
vs.	:	AGREEMENT TO MEDIATE
	:	[CM 23]
	:	
Defendant	:	

Mediation is a process that helps people make good decisions in difficult situations. A trained mediator assists the parties to identify the issues, communicate, and select constructive outcomes.

The mediator is not a judge or magistrate and has no authority to force the parties to reach an agreement. The mediator is an impartial facilitator. The mediator is not an advocate for any party. An agreement shall be reached only if the parties believe the agreement is fair and in their best interests. Parties are free to withdraw from the mediation at anytime.

The mediator is not authorized to give the parties legal or financial advice at any time. Either party is encouraged to talk with an attorney about his/her legal rights. Parties to the mediation may bring a support person with them to the mediation.

The mediator and/or the parties agree that there are no potential conflicts of interest that may prevent or interfere with the mediation process.

Free and open communication is necessary in mediation. Because it is so important, the session is **confidential** to the extent agreed by the parties. The mediator agrees not to disclose to anyone else outside the Mediation Services Office information that is learned during the mediation without permission of the parties.

However, there are certain exceptions. Circumstances in which mediation communication is not confidential are:

- Statements concerning neglect or abuse of a child that **are not confidential**. Also statements of elder abuse **are not confidential**.
- Information or statements that a felony has been or is being committed **are not confidential**.
- Threats of harm to people **are not confidential**.

- A court may order disclosure of an otherwise confidential mediation statement to prevent a clear injustice if after a hearing, the court decides that the need to disclose is far greater than the importance of maintaining confidentiality.
- Nothing spoken in mediation can be disclosed in court without the permission of all parties.
- The privilege to testify about mediation communication in any adjudicative proceeding is defined under ORC 2710.01-2710.1, ORC 2317.02 and Rule of Evidence, Article IV, Rule 408.

If any agreements are reached a Memorandum of Understanding will be drafted. This document is **not confidential**. In order for it to become the court order the terms of the agreement must be filed as an agreed judgment with the Court.

This agreement to mediate binds all parties and non-party participants - all persons present - to these rules for the mediation.

By signing below, I agree that I understand the above and that the mediator has verbally explained this document to me. I further agree to participate in the mediation.

Signature Date

Signature Date

Mediator Date