

Using This Form

1. Copies
 - a. Original – to court.
 - b. First copy – to plaintiff/petitioner/first parent.
 - c. Second copy – to defendant/respondent/second parent.
2. Prepared by clerk for judge’s signature or by judge.
3. Attachments – none.
4. Preparation details – This form is to be used when a court refers the parties before it to a mediation orientation.

MEDIATION ORIENTATION ORDER OF REFERRAL

Case No. 1

Commonwealth of Virginia
Va. Code §§ 8.01-576.5 through 8.01-576.12

[] General District Court [] Circuit Court
[] Juvenile & Domestic Relations District Court

2
CITY/COUNTY

In Re: 3

4 v. 5
NAME OF PLAINTIFF/PETITIONER/PARENT NAME OF DEFENDANT/RESPONDENT/PARENT

ADDRESS ADDRESS

HOME TELEPHONE NUMBER OFFICE TELEPHONE NUMBER HOME TELEPHONE NUMBER OFFICE TELEPHONE NUMBER

The Court has determined that this matter on the attached petition(s) or other pleading, which is currently before the Court as a contested civil matter, is appropriate for referral to a dispute resolution proceeding. It is hereby ORDERED that:

6 Pursuant to the provisions of Virginia Code § 8.01-576.5 of the Code of Virginia, as amended, the matter is referred to a dispute resolution orientation session, for which there shall be no cost to the parties. The preliminary orientation session is to be conducted by
[] 7
NAME OF CERTIFIED MEDIATOR, Certified Mediator, at
7
ADDRESS OF CERTIFIED MEDIATOR TELEPHONE NUMBER
[] a neutral or dispute resolution program selected by the parties, to allow the parties to decide whether to attempt resolution of their dispute through mediation or other alternative process.

8 2. [] The orientation shall be conducted at a time and location convenient to the parties, to be set by the mediator no later than 30 days from the entry of this order OR [] the orientation session will be held on DATE

9 3. The issues to be mediated include

4. A description of procedures for referral to a dispute resolution proceeding is on the reverse and incorporated into this Order by reference.

5. Irrespective of this referral, this case has been set for return to court in accordance with the Court's normal docketing procedures on 10 DATE at 10 TIME m.

The Court must be informed in writing if the dispute is resolved prior to the return date or if a continuance is requested to further pursue a dispute resolution proceeding. Otherwise, the parties shall appear in court at that time.

11
DATE

12
JUDGE

TO BE COMPLETED BY CERTIFIED MEDIATOR

13 [] Agreement reached in mediation
[] copy attached.
[] copy to be forwarded by parties or counsel.

14 [] Agreement not reached in mediation.
15 [] No orientation session or mediation occurred.

16
DATE

17
CERTIFIED MEDIATOR

Data Elements

1. Court case number.
2. Name of locality and check box for appropriate court.
3. Name of case if it is “in re” case.
4. Name, address and telephone numbers of plaintiff/petitioner/parent.
5. Name, address and telephone number of defendant/respondent/parent.
6. Check appropriate box to indicate whether the parties are being sent to a specific mediator or will select their own.
7. Name, address and phone number of certified mediator if the court is sending the parties to a specific mediator.
8. Date on which or time within which mediation evaluation session to be held.
9. Describe the issues to mediated.
10. Date and time of return to court.
11. Date of entering of order.
12. Signature of judge.
13. If mediation agreement reached, check to indicate whether agreement is attached or is to be forwarded.
14. Check to indicate if no mediate agreement has been reached.
15. Check if no evaluation session or mediation occurred.
16. Date completed by mediator.
17. Signature of mediator.

PROCEDURES FOR REFERRAL TO A DISPUTE RESOLUTION PROCEEDING

1. If any party objects to this ORDER OF REFERRAL, a written statement signed by such party must be filed with this Court within fourteen (14) days after the entry of this ORDER. The statement must indicate that the dispute resolution process has been explained to the party and that he or she objects to the Court's ORDER OF REFERRAL.
2. If no objection is filed to the ORDER within fourteen days, and the parties do not accept the referral to a particular neutral or program offered by the Court, the parties and their attorneys are directed to select a neutral to conduct the orientation session.
3. Referral to the dispute resolution orientation session has no impact on the docketing procedures followed by this court and this case either has been or will be set for trial in accordance with normal docketing procedures.
4. Attorneys for any party may be present at the dispute resolution orientation session.
5. After the orientation session, further participation in the dispute resolution proceeding shall be by consent of all parties. The decision to proceed shall be made at the close of the orientation session or no more than ten days after the orientation session.
6. If the parties choose to proceed with mediation or some other alternative dispute resolution mechanism, they may proceed with the neutral who conducted the orientation session or select another neutral. A Directory of Court Certified Mediators is maintained for this purpose on the court's website at www.courts.state.va.us, or a party may contact the clerk's office where the matter is pending. The parties and their attorneys have seven days to agree upon a neutral or dispute resolution program on the list. If they cannot agree, they may request that the Court select a neutral or dispute resolution program from the list. The Court shall make such referral on the basis of a fair and equitable rotation, in accordance with the statute.
7. Any payment for the services of a mediator or other neutral following the no-cost orientation session shall be made by the parties. All costs and fees associated with the services shall be disclosed to the parties prior to the services being provided.
8. Upon request of a party, the Court shall inquire as to the availability of a neutral or dispute resolution program from the list that will provide services at no cost to the parties.
9. Regardless of the method of resolution selected by the parties, the case will proceed along the same time line as if the referral to the dispute resolution proceeding had never occurred. Thus, if the parties elect to proceed with mediation, they may be required to request that the Court grant a continuance to allow them to complete that process prior to any trial date set by the Court.