



SIUC ADR Clinic
114 Lesar Law Building
Southern Illinois University at Carbondale
Carbondale, IL 62901-6821
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AGREEMENT TO MEDIATE

The parties to this mediation sincerely intend to resolve the current issues regarding the care of their child/children after divorce or separation.

Therefore, the parties understand and agree:

1. Mediator.

Mediation will be conducted by a mediator(s) provided by the SIU Alternative Dispute Resolution Clinic (SIU ADR Clinic) or other pro bono mediator on behalf of the SIU ADR Clinic at no cost. A law student trained in mediation may observe or assist. The mediator(s) will continually assess each party's ability and willingness to mediate. The mediator(s) will advise the parties if it appears that the mediation will not be successful.

2. Mediation Function.

Mediation should not begin unless the parents of the children are in the process of divorcing or their relationship is ending or has ended. This mediation is limited to issues regarding child custody and/or visitation. The parties further understand that the function of the mediator does not include reconciliation, therapy, marriage counseling, or legal advice.

3. Privacy of Mediation.

The mediator(s) and the parties agree to assert the mediation privilege provided by the Uniform Mediation Act and local court rules. To further ensure privacy, the mediator(s) and the parties agree that no party will call as a witness the mediator(s), the law student, nor any employee or agent of the SIU ADR Clinic to testify in any proceeding, nor seek to discover the mediator or the mediator's materials. The parties will not subpoena records of the mediator(s) or the SIU ADR Clinic for any reason.

4. Confidentiality.

The mediator(s) will treat all information provided during mediation as confidential. The mediator(s) will not disclose information obtained during mediation to outside persons or organizations without the permission of both parties, unless:

- a) there are allegations of child abuse,
- b) there is information regarding a clear and imminent danger to an individual or society, or
- c) information is necessary and relevant as a claim or defense of a claim against the mediator(s) or the SIU ADR Clinic.

Unless otherwise agreed, the mediator(s) will not keep information learned from one party secret from the other.

5. Attendance and Participation at Mediation Sessions.

The parties are expected to attend mediation sessions as scheduled. The parties should call the SIU ADR Clinic at least one full business day before the scheduled session if they need to cancel. Rescheduling is very difficult.

Mediation is a voluntary process. Either party may terminate the mediation at any time after the time period required by the Court. However, the parties agree that anyone wishing to terminate the mediation will do so during a mediation session.

