RULE 68 FAMILY COURT PROCEEDINGS

68.1 INITIAL FILING REQUIREMENTS

(1) At the time of filing a petition for dissolution of marriage, the attorney for the petitioner shall electronically file a Certificate of Dissolution of Marriage on a form to be provided by the clerk, as required by law. In cases where there are minor children, the information required by statute shall be furnished in the original pleading or contained in a separate affidavit attached to the original pleading.

(2) All original petitions and motions to modify prior decrees in domestic relations cases shall be electronically filed and processed as new cases for assignment purposes. All subsequent pleadings, motions and matters, including entries of appearance shall be electronically filed.

(3) Due to issues of confidentiality, in any dissolution case in which paternity of one or more children must be established, a separate case shall be filed to establish paternity with no filing fee required. The paternity case and the dissolution case shall be assigned to the same judicial officer for disposition. In order to avoid a separate filing fee, the attorney filing the paternity case shall be responsible for advising the Circuit Clerk of the companion divorce case and its case number.

Paternity does not need to be established for a child born prior to the marriage if both parties to the dissolution action are listed, with the consent of each party, as parents on the birth certificate for the child. Under such circumstances, no separate paternity action shall be filed.

(4) When filing a Petition for Change of Name by Parent (for Minor Child) the filing party shall file a copy of the minor child's current birth certificate, along with the other required documents, at the time the case is filed.

68.2 FILING OF INCOME AND EXPENSE AND PROPERTY STATEMENTS

(1) This rule shall apply to all petitions for dissolution of marriage or separate maintenance, legal separation, annulment, petitions for declaration of paternity or petitions for custody and support including uniform support and all motions to modify any judgment of the preceding causes of actions, petitions for third-party custody, and motions for grandparent visitation.

(2) Income and Expense and Property Statements shall be completed, under oath on the form approved by the court and available from the Office of the Circuit Clerk, typed in substantially the same format, and shall be electronically filed with the court and served on the other parties as provided herein.

(A) Petitioner/Movant shall electronically file financial statements with their first pleading and shall serve them on the other parties at the same time as the first pleading. The Circuit Clerk shall not accept the pleading for filing unless the financial statements are filed, unless they have been waived by a family court judicial officer. The amounts stated in the financial statement shall not state “varies” or “TBD” without approval of a family court judicial officer.

(B) Respondent shall electronically file financial statements within sixty (60) days of service or entry of appearance, whichever is earlier. A copy of the financial statements shall be mailed to the attorney for each opposing party or to any unrepresented party.

68.3 AUTOMATIC FAMILY COURT ORDER

(1) Upon the filing of a petition for dissolution of marriage, legal separation, annulment, declaration of paternity or child custody and/or support or a motion to modify any of the foregoing, the Office of the Circuit Clerk shall provide the filing party with a copy of this Automatic Family Court Order setting forth practices and procedures consistent with the terms contained in

Paragraph (2) of this Rule. A copy of the Automatic Family Court Order shall also be attached to the summons and served on the other party along with the petition and summons.

(2) Terms.

(A) Neither party shall harass, abuse, threaten to abuse, stalk, molest or disturb the peace of the other party or any of the parties' minor children, wherever they may be found.

(B) Neither party shall conceal or damage any property, real or personal, owned solely by the other party or jointly with the other party.

(C) Neither party shall cease payment for, or cause to be terminated, any coverage for the other party or any of the parties' minor children under any policy of health, dental, vision, automobile or disability insurance in force on the date of filing of the case unless ordered by the Court or unless consented to in writing by both parties.

(D) Neither party shall relocate the residence of any of the parties' minor children outside of the state of Missouri, nor shall any party conceal a child from the other or deprive or hinder a party with whom a child has resided for the 60 days immediately preceding the filing of the case from reasonable or previously ordered visitation or custody unless ordered by the Court or unless consented to in writing by both parties.

(E) In any dissolution, legal separation or annulment action, neither party shall shut off, cease payment for, or cause to be terminated the usual and necessary utilities being provided to the residence of either party unless ordered by the Court or unless consented to in writing by both parties.

(F) In any dissolution, legal separation or annulment action, neither party shall close or borrow against any bank or investment account, certificate of deposit or IRA or retirement account, nor shall either party dissipate, sell, remove, assign,

transfer, dispose of, lend, mortgage, or encumber any property of a party, real or personal, except in the ordinary course of business or for the necessary expenses of the parties' family under the circumstances unless ordered by the Court or unless consented to in writing by both parties.

(G) In any dissolution, legal separation or annulment action, neither party shall incur extraordinary credit card or other debt except in the ordinary course of business or for the necessary expenses of the parties' family under the circumstances unless ordered by the Court or unless consented to in writing by both parties.

(H) In any dissolution, legal separation or annulment action, neither party shall cause any financial account, credit card or line of credit to be restricted, modified or closed unless ordered by the Court or unless consented to in writing by both parties.

(3) Duration. The terms of the Automatic Family Court Order shall continue in effect until further order of the Court. Either party may request a hearing to modify the Automatic Family Court Order by motion to the Court in the division to which the case has been assigned.

(4) Enforcement. Either party may request a hearing to enforce the Automatic Family Court Order by motion to the Court. Violations of the Automatic Family Court Order may constitute contempt of court and are subject to fines or other sanctions as allowed by the Court, including reimbursement of expenses or attorney's fees and costs incurred due to the violation. Actions or conduct in anticipation of litigation or that occur prior to filing, that would otherwise be a violation of Rule 68.3 upon the filing, are discouraged by the Court and may be considered by the Court in the award of attorney fees pursuant to Mo. Rev. Stat. § 452.355, the division of the property and debts pursuant to Mo. Rev. Stat. § 452.330, and the award of temporary maintenance pursuant to Mo. Rev. Stat. § 452.315.

(5) Effect. The terms of the Automatic Family Court Order are intended simply to preserve the current situation of the parties and are not intended to impact the ultimate decision of the Court as to custody or support of the parties' minor children, maintenance or property and debt division. Nothing in this Rule prohibits the Court from entering other appropriate orders pending the final adjudication of the case. The terms of the Automatic Family Court Order shall not serve to modify, amend or supersede any prior judgments involving the parties, including ex parte or final orders of protection which may prohibit communication between the parties.

68.4 PARENT EDUCATION PROGRAM

In accordance with Mo. Rev. Stat. §§ 452.600 - 452.610, the court established the "Parent Education Program" requiring mandatory attendance of all parties to actions for dissolution of marriage, paternity, custody or visitation, as well as all parties to a motion modify a prior judgment involving dissolution of marriage, paternity, custody or visitation. This program is designed to help families cope with changes resulting from the court custody process and the effect of this process on their children. Each party, through his or her respective attorney, or the party if self-represented, shall provide a copy of certification of attendance at the time of the submission of a Judgment in a non-contested matter or on the first day of a contested hearing. Such proof of compliance shall be submitted to the court even if previously filed. Specifications and requirements of the Parent Education Program are set forth in Family Court Administrative Judge Orders.

68.5 MANDATORY EXCHANGE OF DOCUMENTS

(1) This rule shall apply to all petitions for dissolution of marriage or separate maintenance, legal separation, annulment, petitions for declaration of paternity or petitions for custody and support, petitions for third party custody, and all motions to modify any judgment of the preceding causes of action.

(2) Purpose: The purpose of this rule is to make sure that all parties have equal access to information relevant to the case at the earliest opportunity so as to encourage the settlement of disputes. It is not intended to preclude a party from serving formal discovery requests upon the other party pursuant to the Missouri Rules of Civil Procedure.

(3) Prior to the initial settlement conference, the parties may submit for approval a consent motion to waive the document exchange for good cause shown. Approval of said motion does not prohibit the entry of an order at a later date requiring the exchange of documents as provided in this rule.

(4) Delivery of Documents: Within seventy-five (75) days of service of summons each party shall deliver to the other party a complete and readable copy of each of the documents specified on the mandatory exchange of documents form. Each party must deliver to the opposing party copies of any documents that are in their possession or control, including documents which they may obtain electronically. Counsel for the parties or the party themselves, if unrepresented, shall coordinate a simultaneous exchange of such documents. So as to avoid the duplicate production of documents which are available to both parties, the parties may agree in writing as to which documents each party shall produce. This provision does not supersede any temporary or final order of protection which may prohibit communication between the parties. Disagreements regarding the production of certain documents shall be resolved at the initial conference with the court.

(5) Documents to be exchanged:

(A) The following documents must be exchanged in all cases:

1. Federal and state income tax returns including all schedules, W-2, K-1 and 1099 forms for the preceding three years;

2. Wage stubs (or other evidence of wages, tips or salaries if wage stubs are not issued) for the three months preceding the filing of the case;

3. Any statements or other documents evidencing expenses incurred in the last twelve (12) months preceding the filing of the case pertaining to work-related child care costs, premium payments for health insurance for the children of the parties and dental and orthodontic costs attributable to the children of the parties.

(B) In addition, the following documents must be exchanged in cases involving an award of maintenance, an award of property or a division of debt or a request for the payment of attorney fees:

1. The three most recent statements for all bank accounts and all other accounts held jointly or individually by the parties in any brokerage firm or other financial institution;

2. The most recent benefit statement for any retirement plan, whether vested or not vested, in which a party has an interest;

3. Any appraisals of any marital or separate property conducted in the 12-month period preceding the filing of the case;

4. Credit card statements and store charges for purchases occurring during the three months preceding the filing of the case;

5. The most recent mortgage statement for any real property owned jointly or separately by the parties and copy of the deed for any such property;

6. The most recent balance statement for any existing debt owed jointly or separately by the parties; and

7. Any trust instrument and any amendments thereto under which either party is the grantor/settlor which was created during the marriage of the parties, together with a statement or list identifying all assets held in the name of such trust(s) not otherwise disclosed or listed on the statement of property.

(6) Documents not provided: If a document that is required to be provided pursuant to this local rule is not produced for exchange, the party shall advise the other party in writing of the name and current address of the person who is in possession or control of the required document or, if applicable, that no such documents continue to exist or ever existed.

(7) Waiver: The parties may agree in writing to waive any portion of this rule to the extent that they agree that certain documents are not relevant to any issue to be presented in the case. All of the requirements of this mandatory document exchange rule shall be waived if within seventy-five (75) days of service, the case has been scheduled for a default or non-contested hearing.

(8) Documentation of completion of the exchange: The mandatory document exchange compliance form is available on the court's website. Upon completion of the exchange of documents, each party shall file with the court a compliance form approved by the court, certifying the date upon which the documents were exchanged, the documents that were exchanged or the reasons why certain documents were not exchanged. Copies of the documents exchanged need not be filed in the court file.

(9) Failure to comply: Any documents required to be produced under this Rule that are not timely exchanged with the other party shall not be admissible into evidence at any hearing or trial of the case unless the court finds good cause for the failure to exchange.

68.6 STATUS CONFERENCES WITH THE COURT

(1) Scheduling: As soon as a petition or motion is served on the other party or an entry of appearance has been filed, but no later than seventy-five (75) days after service on the other party or an entry of appearance has been filed, the party who filed the petition or motion shall, or the responding party may, schedule a conference with the court in the division to which the case has been assigned. The conference should be scheduled for a date no later than one hundred and twenty (120) days after service. Subsequent conferences may be scheduled by the parties or the Court as appropriate as the case progresses. Only the judicial officer in the division to which the case has been assigned may reschedule the conferences.

(2) Communication: At least seven days prior to any status conference, counsel for the parties and any self-represented party shall exchange contact information (including email addresses) and communicate with one another regarding the status of the pending case and areas of agreement and disagreement of the parties. This rule does not supersede any temporary or final order of protection that may be in effect against either party which prohibits any communication between the parties.

(3) Documents: At the first conference, the parties and their attorneys shall either stipulate to the authenticity of documents exchanged pursuant to the mandatory exchange of documents rule or raise any such objections to the authenticity of the documents. If objections as to the authenticity of the documents are not raised at the first conference, any such objections shall be deemed to have been waived at trial except for good cause shown.

(4) Updated information: At least seven days prior to any conference, if there has been any material change, the parties shall exchange any updated income and expense statements or

statements of property as well as any amended parenting plans or child support worksheets (Form 14).

(5) Issues to be discussed: The parties and their attorneys shall be prepared to discuss any and all issues related to the pending case, including, but not limited to:

(A) Discovery issues related to the mandatory exchange of documents rule;

(B) The need for any further simultaneous exchange of documents;

(C) Appointment of a guardian ad litem;

(D) Referrals to Domestic Relations Services;

(E) Any need for the addition of parties;

(F) Any need for orders pendente lite ("PDL") relief. Before contested motions for PDL may be heard, a status conference addressing PDL issues shall be held with the judicial officer;

(G) Scheduling of a settlement status conference or non-contested hearing;

(H) The settlement of all or some of the issues in the case;

(I) Setting the case for trial; and

(J) Compliance with Rule 68.14 (Mandatory Mediation).

(6) Orders issued at conferences: At the conference, the court may issue any orders which it deems appropriate, including but not limited to:

(A) A schedule for discovery or orders for additional simultaneous exchange of information without the necessity of formal discovery;

(B) An order setting the matter for another settlement status conference, uncontested hearing or contested trial date;

(C) Orders concerning the conduct of the trial addressing the production of exhibits and exhibit lists; the allocation of trial time; the deadline for disclosure of expert witnesses; and stipulations as to the admission of evidence;

(D) Any other order reasonable under the circumstances; and

(E) Compliance with Rule 68.14 (Mandatory Mediation).

(7) Attendance: All parties and their attorneys of record are required to attend the initial conference in person unless their attendance has been excused by the judicial officer in the division in which the case is pending or unless they have set the matter for a non-contested hearing within 30 days of the scheduled conference. Attorneys must have settlement authority from their clients and have their schedules available so as to identify any conflict dates for future court dates.

68.7 PRETRIAL CONFERENCE

(1) Scheduling: The judicial officer or counsel for the parties or any self-represented party, may schedule a pretrial conference for a date at least forty-five (45) days prior to trial.

(2) Updated information: At least seven days prior to the pretrial conference, if there is a material change, counsel for the parties or any self-represented party shall exchange updated income

and expense and property statements and any amendments to their proposed parenting plan and Form 14 child support worksheets.

(3) Communication: At least seven days prior to the pretrial conference, counsel for the parties and any self-represented party shall communicate with one another regarding the status of the pending case and areas of agreement and disagreement of the parties. This rule does not supersede any temporary or final order of protection that may be in effect against either party which prohibits any communication between the parties.

(4) The parties should be prepared to discuss and the court may issue orders regarding:

(A) Any outstanding discovery issue;

(B) Trial exhibits and exhibit lists;

(C) The allocation of trial time, including witness scheduling issues;

(D) Stipulations as to the admission of evidence;

(E) Settlement of any of the issues in the case;

(F) Pretrial motions;

(G) Whether a child may be called to testify

(5) Attendance: Attendance of the parties at pretrial conferences is at the discretion of the judicial officer. The attorneys must have settlement authority.

68.8 NON-CONTESTED AND DEFAULT HEARINGS

(1) Non-contested and default hearings shall be scheduled with the Clerk in the division to which the case is assigned.

(2) In all cases where written separation agreements are made under the provisions of Mo. Rev. Stat. § 452.325, a copy of such executed agreements shall be submitted to the court prior to the hearing. In cases where a party is seeking a default judgment, the moving party shall file a proposed division of property and debts and submit it to the court prior to the hearing.

(3) In all cases involving disposition of real estate, the legal description of each parcel of real estate shall be typewritten upon a separate sheet of paper, marked as an exhibit and offered in evidence with all rights of cross-examination or explanation covering such exhibits being reserved by the parties.

(4) In all cases involving custody of minor children, prior to the hearing, the parties shall file an executed parenting plan that complies with Mo. Rev. Stat. § 452.310.8.

68.9 ENTRY OF JUDGMENT UPON AFFIDAVIT REQUIREMENTS

(1) Judgments Entered – When. Judgments in proceedings for dissolution of marriage or legal separation, motions to modify, and actions for declaration of paternity may be entered upon the affidavit of both parties when:

(A) There are no minor children of the mother and father and the mother is not pregnant, or one of the parties is represented by counsel and the parties have entered into a written agreement determining custody and child support; and

(B) The adverse party has been served in a manner provided by Missouri Rules of Civil Procedure or has formally filed a verified entry of appearance or responsive pleading; and

(C) There is no genuine issue as to any material fact; and

(D) There is no dispute as to the division of marital property and the parties have entered into a written agreement for the division of their marital property.

(2) Affidavit – Filing. If the parties desire to submit the matter for entry of judgment upon affidavits, the parties shall file affidavits setting forth sworn testimony showing the court's jurisdiction and factual averments sufficient to support the relief requested in the proceeding, together with a copy of the proposed judgment, a copy of any written agreement proposed for adoption by the court, a completed Form 14, and may submit any other supporting evidence. The filing of such affidavits shall not be deemed to shorten any statutory waiting period required for entry of a judgment of dissolution or legal separation.

(3) Hearing Required – When. The court shall not be bound to enter a judgment upon the affidavits of the parties, but the court may, upon its own motion, require that a formal hearing be held to determine any or all issues presented by the pleadings.

68.10 FORMS OF JUDGMENT

(1) Judgments shall be entered on forms provided by the court unless the judicial officer authorizes another form.

68.11 CONTESTED HEARINGS

(1) Except as otherwise ordered, in all cases concerning the division of property or allocation of debt, at least seven days prior to the first date of trial, the parties shall exchange

typewritten schedules of all property which they claim has a value of at least one hundred dollars ($100). The schedule must indicate for each item of property whether they contend that it is marital or separate property and the proposed division of each item of property. The schedules shall also include each debt with a balance of one hundred dollars ($100) or more and as to each debt their proposal for allocation of that debt to Petitioner or Respondent.

(2) Except as otherwise ordered, in all cases at least seven days prior to the first date of trial, each party shall exchange any updated income and expense or property statements.

(3) Except as otherwise ordered, in all cases in which the custody or support of children is at issue, each party shall exchange any updated proposed parenting plans and their proposed Form 14 at least seven days prior to trial.

68.12 RETROACTIVE PAYMENT OF CHILD SUPPORT

(1) In all proceedings to modify any provision for support of a minor child, there shall exist a rebuttable presumption that any modification of the obligation for payment of support for a minor child shall be retroactive to the date of filing of movant's statement of income and expenses or the date of service of movant's motion to modify, whichever shall occur later.

(2) Any amount paid by a party in excess of the then existing support obligation under the decree of dissolution or order of paternity after the date of filing of movant's statement of income and expenses or the date of service of movant's motion to modify, whichever is later, may be credited against the amount of any retroactive award. When the court reduces the child support retroactively, any amount may be credited toward any arrearage and the balance, if any, applied to future support.

68.13 SANCTIONS

The failure of a party or attorney to comply with any provision of Rule 68 may, without further notice, result in the imposition of sanctions within the discretion of court which may include dismissal and or an award of attorney fees occasioned by the failure to comply.

68.14 MEDIATION

(1) ADR POLICY

It is the policy of the St. Louis County Family Court to strongly support the use of alternative dispute resolution (ADR) for the resolution of all issues in domestic cases pending in Family Court. The Family Court recognizes the value of the use of ADR options in eligible cases. It is the Family Court's expectation that litigants will utilize some form of ADR as a mechanism for case resolution before trial.

Missouri Supreme Court Rule 88.02 provides: "As provided in this Rule 88, any judicial circuit may elect to establish a mediation program for contested issues, including, but not limited to, child custody, parenting time, parenting plans, child support, maintenance, and property division, in domestic relations and paternity cases." This Circuit chooses to establish a mediation program, as defined in Missouri Supreme Court Rule 88.03, that will operate as provided by Missouri Supreme Court Rule 88 as supplemented by this Circuit's local rules set out below.

(2) MEDIATION DEFINITION

Mediation as used in these rules is the process by which a neutral mediator appointed or approved by the Court assists the parties in reaching a mutually acceptable agreement as to contested issues in domestic relations and paternity cases, including, but not limited to, child custody, parenting time,

parenting plans, child support, maintenance, and property division. The role of the mediator is to assist the parties in identifying the issues, reducing misunderstanding, clarifying priorities, exploring areas of compromise, and finding points of agreement. An agreement reached by the parties is to be based on the decisions of the parties and not the decisions of the mediator. The agreement reached can resolve all or only some of the contested issues.

Mediation may be conducted in person, by telephone, or video conferencing.

(3) MANDATORY MEDIATION OF CONTESTED ISSUES IN DOMESTIC RELATIONS CASES

Pursuant to that authority, this Circuit requires that, in every domestic relations and paternity case involving contested issues, including, but not limited to, child custody, parenting time, parenting plans, child support, maintenance, or property division, the parties shall be required to participate in mediation as an alternative dispute resolution method, unless the mediator or the parties show good cause why, or the court, on its own motion, determines, that mediation should not occur. Good cause includes, but is not limited to, domestic violence, abuse, or a significant imbalance of negotiating power.

(4) APPOINTMENT OF MEDIATORS

Pursuant to Missouri Supreme Court Rule 88.04(d), “The court may appoint a mediator agreed upon by the parties. If the parties cannot agree or the court does not approve of the agreed-upon mediator, the court may select the mediator." Pursuant to Missouri Supreme Court Rule 88.05(b), the Family Court Administrator shall maintain a master list for the Circuit of qualified mediators available for appointment.

The master list shall indicate the name, office address,

mailing address, telephone number, e-mail address, qualifications, and current hourly rates of each mediator listed. The Family Court Administrator shall update such list as needed.

(5) COMPLIANCE WITH THIS RULE

This rule may be complied with as follows:

(a) the parties may jointly and voluntarily agree upon a mediator from the Court's master list to conduct confidential mediation;

(b) The Court may order the Parties to mediation with a mediator from the Court's master list to conduct confidential mediation; OR

(c) The Parties may be ordered to work with Domestic Relations Services in St. Louis County Family Court for the purposes of developing a custody plan. The use of Domestic Relations Services is not confidential.

Pursuant to Missouri Supreme Court Rule 88.04(e), "At any time following assignment of a mediator, a party may file a written application to disqualify the mediator only for good cause shown. A service copy of the application and a notice of the time when it will be presented to the court must be provided to all interested parties." An adverse party has ten days within which to file a denial of the cause or causes alleged in the application.

Upon the filing of a denial, the Court may hear evidence and determine the issue. If the Court finds in the applicant's favor or no denial is filed, reassignment of a mediator shall be done in accordance with the procedures for appointment of a mediator as set out in Missouri Supreme Court Rule 88.04(d).

(6) QUALIFICATIONS OF MEDIATORS

In order to be included on the court-approved list, a mediator must submit to the Court an affidavit stating that he or she meets the requirements as outlined in the Mediation Policy and Procedures maintained by the Family Court Administrator and available on the Family Court website.

A mediator who is placed on the court-approved list shall:

(a) Be an attorney or a person who possesses a graduate degree in a field that includes the study of psychiatry, psychology, social work, counseling or other behavioral science substantially related to marriage and family interpersonal relationships; and

(b) Meet all of the training and requirements to be placed on the list of court-approved mediators which are included in the Mediation Policy and Procedures maintained by the Family Court Administrator and available on the Family Court website; and

(c) Certify on an annual basis that they continue to meet all of the requirements for being included on the list and that they want to continue to be on the list.

(7) DUTIES OF MEDIATORS

All of the duties of a mediator are included in the Mediation Policy and Procedures maintained by the Family Court Administrator and available on the Family Court website.

(8) TERMINATION OF MEDIATION

Termination of mediation shall be as set out in Missouri Supreme Court Rule 88.07.

(9) CONFIDENTIALITY OF MEDIATION

Mediation confidentiality shall be as set out in Missouri Supreme Court Rule 88.08.

(10) REPRESENTATION BY COUNSEL ATTENDANCE OF COUNSEL

With the consent of both parties, counsel for each party may participate in the mediation process. Counsel for each party shall at any time be permitted to privately communicate with their client concerning the mediation process. Mediation by parties not represented by counsel shall be governed by Missouri Supreme Court Rule 88.09.

(11) COSTS

Where the parties cannot agree upon the method or allocation of the mediator's payment, the Court retains the authority to determine a final, equitable allocation of the costs of the mediation process. If a party fails to pay for the mediator, the Court may, upon motion, issue an order for the payment of such costs and impose appropriate sanctions. If a party is determined indigent by the Court then the Court may order free or low-cost mediation services.

(12) FAILURE TO APPEAR

If either party fails to appear for any scheduled mediation session without reasonable notice, the court may, on its own motion or motion of a party, award mediator's fees and/or costs or impose any other appropriate sanction provided by law.

(13) FORM 15

(A) Ninety (90) days from the date of original service of summons or the filing of an entry of appearance or after a finding of paternity, the parties shall file a Form 15 with the Court certifying that:

(a) there are no contested issues of child custody, parenting time, parenting plans, child support, maintenance or property division;

(b) that the parties have voluntarily participated in mediation;

(c) that the parties have agreed to a mediator (identifying the mediator) and have a mediation session scheduled;

(d) that the parties cannot agree on a mediator;

(e) that they are requesting an exemption from this rule; or

(f) that the case is not ripe for mediation and an extension of time is requested.

(B) A new Form 15 must be filed every sixty (60) days until the case is mediated.

(C) A party may make an application to waive the mediation requirement for good cause including, but not limited to, allegations of domestic violence, abuse, or if there exists a significant imbalance of negotiating power from this rule using Form 15.

(D) In the event that the parties have not voluntarily

engaged in mediation and an exemption has not been granted, the Court may order the parties to participate in mediation and appoint a qualified mediator, OR may refer the parties to Domestic Relations Services.

(E) Unless an extension of time is requested as set out above in 13(A)(f) and granted, the mediation process must be completed and/or scheduled with the mediator and the Form 15 filed with the Court no later than the date of the first case conference.

(F) A case subject to this mediation requirement may not be set for trial on the merits until the Form 15 has been filed and the requirements of this rule have been satisfied.