

PROPOSED

**40-4-309. Early mediation of parenting disputes.**

- (1) Each judicial district shall issue a local rule that mandates early mediation of all cases involving the parenting of a child, except as provided in §40-4-301(2). Such mediation shall be initiated no later than sixty (60) days after filing a petition for temporary or permanent child support, for enforcement of an existing child support order, for the entry of an interim or permanent parenting plan or for modification of an existing parenting plan.
- (2) If the mediation fails to produce an agreement on all disputed parenting matters, the local rule may provide that the matter be submitted to a special master or standing master for resolution pursuant to Rule 53 of M.R.C.P. The court shall establish minimum standards for the appointment of a special or standing master, including familiarity with family law and extent of judicial experience.
- (3) Each judicial district shall maintain a list of Certified Family Mediators who meet the minimum qualifications set forth in 40-4-307 and, in addition, have at least 40 hours of training in basic mediation, plus training in family law, domestic violence, early child development and substance abuse; provided that a court may waive these requirements for good cause shown. Parties may select any mediator who meets the minimum qualifications set forth in 40-4-307. If the parties have not agreed to the selection of a mediator within seven days of issuance of the order of referral, the court shall appoint a Certified Family Mediator on a random, rotating or other equitable basis.
- (4) The parties shall share the costs of the mediation and special or standing master in accordance with a fee schedule to be established by the court and based on the income and resources of the parties. To be eligible for appointment by the court a mediator or special or standing master must agree to comply with the court's fee schedule.