

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address)          ATTORNEY FOR (Name):	Telephone Number          FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA <input type="checkbox"/> 800 SOUTH VICTORIA AVE. VENTURA, CA 93009	
PLAINTIFF/PETITIONER DEFENDANT/RESPONDENT	
<b>STIPULATION AND ORDER FOR PRIVATE MEDIATION</b>	CASE NUMBER:

IT IS HEREBY STIPULATED by and between the parties hereto and their respective attorneys of record as follows:

1. The current issues relative to child custody/visitation shall be referred to, \_\_\_\_\_, who has been contacted and who agrees to act as Mediator in this case as to these issues.

2. This mediation is in place of mediation afforded to parties pursuant to Family Code Section 3170. The parties agree that the Mediator above named is qualified to act as such in accordance with Family Code Sections 1815 and 3164.

3. The Mediator appointed hereunder is qualified to testify as an expert witness in this matter with regard to the custody issues addressed in mediation.

4. The parties are ordered to cooperate with the scheduling and attending of mediation sessions as required by the Mediator appointed hereunder. Notice of mediation sessions may be given directly to the parties personally or by telephone or through their counsel of record, by telephone or facsimile in place of certified mail as otherwise required by the provisions of Family Code Section 3176(b).

5. The parties shall appear in person at all mediation sessions where their appearance is requested by the Mediator appointed hereunder and the parties shall, when requested by such Mediator, bring with them or otherwise arrange for the appearance in person of the minor child(ren) then in their care. If the Mediator requests that a minor child(ren) be brought by a party, that party shall bring the minor child(ren) whether same would be such party's ordinary time with the child(ren).

6. The Mediator is directed to report to the parties and counsel, in writing, as to his or her findings including the fact that the parties have reached an agreement, or if no agreement is reached, the recommendation(s) of the Mediator. All oral communications of the Mediator shall be made only in sessions or in conference call in which both parties or both parties' attorneys or all parties and counsel participate. Written recommendation(s) shall be mailed to both parties' attorney at the same time or faxed to them in sequence. The written recommendation(s) shall be admissible in evidence without further foundation but subject to the right of either party to depose and/or cross-examine the Mediator.

7. The mediator is directed:

- a.  to reveal the comments of the minor child(ren) to the parties
- b.  not to reveal the comments of the minor child(ren) to the parties.

8. Subject to reallocation by the Court, the fees of the Mediator shall be paid by the parties such that Petitioner pays \_\_\_\_% and Respondent pays \_\_\_\_%. The report of the Mediator shall not be released until all fees have been paid.

9. Subject to reallocation by the Court, in the event of further Court proceedings involving issues herewith submitted to mediation, the party calling the Mediator as a witness shall advance the fees for same.

10. This appointment shall remain in effect during the pendency of the presently filed proceedings until the entry of an Order/Judgment which includes provisions regarding disputes presently in issue and the physical custody of all the children of the parties, at which time the appointment shall terminate automatically without further order of Court.

Date: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
(SIGNATURE OF PETITIONER)

\_\_\_\_\_  
(SIGNATURE OF RESPONDENT)

\_\_\_\_\_  
(ATTORNEY FOR PETITIONER)

\_\_\_\_\_  
(ATTORNEY FOR RESPONDENT)

**ORDER**

The foregoing written stipulation between the parties is approved and the Mediator as noted herein appointed. The parties are ordered to comply with the stipulation as set forth herein. The stipulation is declared the order of the Court and ordered filed.

Date: \_\_\_\_\_

\_\_\_\_\_  
JUDGE/COMMISSIONER