

Senate File 33 - Introduced

SENATE FILE 33

BY JOCHUM

A BILL FOR

1 An Act providing for mediation in grandparent visitation
2 actions.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 600C.2 Mediation.

2 1. The district court may, on its own motion or on the
3 motion of any party provided notice under section 600C.1, order
4 the parties to participate in mediation in any proceeding
5 under this chapter, unless the court determines that such
6 mediation is not in the best interest of the child. Mediation
7 performed under this section shall comply with the provisions
8 of chapter 679C. The supreme court shall prescribe rules for
9 such mediation.

10 2. Mediation under this section shall comply with all of the
11 following standards:

12 a. Participation in mediation shall include attendance
13 at a mediation session with the mediator and the parties
14 to the action, listening to the mediator's explanation of
15 the mediation process, presentation of one party's view of
16 the case, and listening to the response of the other party.
17 Participation in mediation does not require that the parties
18 reach an agreement.

19 b. The parties may choose the mediator, or the court shall
20 appoint a mediator. A court-appointed mediator shall meet the
21 qualifications established by the supreme court.

22 c. Parties to the mediation have the right to advice and
23 presence of counsel at all times.

24 d. The parties to the mediation shall present any agreement
25 reached through the mediation to their attorneys, if any.
26 A mediation agreement reached by the parties shall not be
27 enforceable until approved by the court.

28 e. The costs of mediation shall be borne by the parties,
29 as agreed to by the parties, or as ordered by the court, and
30 may be taxed as court costs. Mediation shall be provided on a
31 sliding fee scale for parties who are determined to be indigent
32 pursuant to section 815.9.

33 3. The supreme court shall prescribe qualifications for
34 mediators under this section. The qualifications shall include
35 but are not limited to the ethical standards to be observed by

1 mediators. The qualifications shall not include a requirement
2 that the mediator be licensed to practice any particular
3 profession.

4 EXPLANATION

5 This bill provides for mediation for parties to an action
6 regarding grandparent or great-grandparent visitation. The
7 bill provides that the district court may, on its own motion or
8 on the motion of any party, order the parties to participate
9 in mediation in a proceeding, unless the court determines
10 that such mediation is not in the best interest of the child.
11 Mediation performed under the bill must comply with the
12 provisions of Code chapter 679C (mediation). The supreme
13 court is directed to prescribe rules for the mediation, and
14 the bill specifies standards with which mediation provided
15 under the bill must comply including participation in the
16 mediation; the selection of a mediator; the rights of the
17 parties to the advice and presence of counsel at all times;
18 the presentation of any agreement and the enforceability of a
19 mediation agreement; the costs of mediation; and qualifications
20 for mediators.