

633.560A Mediation.

1. The district court may, on its own motion or on the motion of any party, order the parties to participate in mediation in any guardianship or conservatorship action. Mediation performed under [this section](#) shall comply with the provisions of [chapter 679C](#). The court shall, upon application of a party, grant a waiver from any court-ordered mediation under [this section](#) if the party demonstrates that a history of domestic abuse exists similarly as considered in [section 598.41, subsection 3](#), paragraph “j”. The court may, upon application of a party, grant a waiver from any court-ordered mediation if the action involves elder abuse pursuant to [chapter 235F](#).

2. Mediation shall comply with all of the following standards:

a. The parties will participate in good faith. Participation in mediation shall include attendance at a mediation session with the mediator and the parties to the action, listening to the mediator’s explanation of the mediation process, presentation of one party’s view of the case, and listening to the response of the other party. Participation in mediation does not require that the parties reach an agreement.

b. Unless the parties agree upon a mediator, the court shall appoint a mediator. Any mediator appointed by the court shall meet the qualifications established in [this section](#).

c. Parties to the mediation shall have the right to representation by an attorney at all times.

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

e. The costs of mediation shall be borne by the parties, as agreed to by the parties, or as ordered by the court, and may be taxed as court costs.

3. A mediator appointed by the court acting pursuant to [this section](#) shall have the following qualifications:

a. Completed a one-hour internet seminar or live session regarding the external resources available to a respondent with particular focus on resources for older persons.

b. A minimum of twenty-five hours of general mediation training.

c. Either of the following:

(1) Fifteen hours of probate-specific or elder-specific mediation training.

(2) Ten continuous years of practice in Iowa as a licensed attorney with the greater of four hundred hours or forty percent of the total hours of law practice per year being devoted to matters concerning wills, trusts, and estate work for each of the ten continuous years.

[2019 Acts, ch 57, §19, 43, 44](#)

Section takes effect January 1, 2020, and applies to guardianships and guardianship proceedings for adults and conservatorships and conservatorship proceedings for adults and minors established or pending before, on, or after that date; 2019 Acts, ch 57, §43, 44

NEW section