

# Choices for Solving Legal Problems without a Court Hearing

## FAMILY COURT

### Alternate Dispute Resolution is a CHOICE in Family Law Cases

“Alternative Dispute Resolution” (ADR) is a term used for ways you can solve problems without going to a formal Court hearing with a Judge. Some choices are explained below. ADR can save you time and money. With ADR, you are likely to feel better about the legal process and how your case is settled.

You can often solve Family Law issues such as child custody, visitation, support, and division of property by agreement instead of by going to a Court hearing.

### TYPES OF RESOLUTION PROCESSES

#### **Custody/Visitation Mediation - *Free***

California law says that if parents do not agree upon custody and visitation issues, they must try to settle the issues by going to mediation. Mediation is a way for parents to meet with someone who does not work for either side, to try to agree about their children. Mediation can be done through the Court at Family Court Services or through a mediator you hire on your own. Like any mediation, mediation through Family Court Services is a confidential process - the mediator will not go to a Court hearing to tell the Judge what you or the other parent said in mediation. The mediator can help you and the other parent talk about and decide issues such as how much time the child will spend with each parent, how to best exchange the child, and other custody or visitation issues.

You can schedule Orientation and Mediation by calling Family Court Services at **(408) 534-5760**. Parties must attend an Orientation program before mediation, if they have never been to mediation before.

#### **Personal Property Arbitration – *Free***

A volunteer attorney will decide how to divide your personal property, such as furniture. The arbitrations are done at the Family Court and may be scheduled by calling the calendar office at **(408) 882-2900**. Both parties must agree to the arbitration. The arbitrator writes up a decision after each side presents his or her case.

## Early Neutral Evaluation (ENE) - Free

A volunteer attorney will meet with parties who do not have their own attorneys. The attorney will help them identify and understand what property issues they have and what court processes can help them. The attorney is not either party's attorney. This process is done by agreement only. You can ask for an ENE at your Case Management Conference. You can set up a Case Management Conference by calling **(408) 534-5710 at the Park Avenue Courthouse or (408) 481-3512 at the Sunnyvale Courthouse or (408) 695-5000 at the South County Courthouse.**

## Settlement Officer Conference (SOC) - Free

The Court has a full time Settlement Officer, whose job is to help parties settle their Family Law Cases free. The Settlement Officer Conference (SOC) focuses on solving property and support issues. The meeting works best when parties have given each other information in advance about their finances and how they think things should be settled. An SOC can be set at any time *after you have served the Preliminary Declaration of Disclosure on the other party* by calling the calendar office at **(408) 882-2900.**

## Mediation

Mediation is a way to reach an agreement with the help of a person who is specially trained to help resolve disagreements. The mediator can help the parties talk with each other clearly and think about options for settlement. Mediators are usually attorneys hired by the parties but they are not the attorney for either party. A mediator can help solve one issue or the whole case. Mediation is private and confidential. Anything that is said or written in the mediation process by the parties is confidential. The mediator may not talk about the case to the Court or anyone else unless the parties and the mediator agree. Agreements reached in mediation can become court orders if both parties agree.

Visit the Court website for a list of Family Law mediators:

<http://www.sccsuperiorcourt.org/family/ADR/default.htm>. You may also contact the ADR Administrator for the Court at **(408) 882-2932.**

## Collaborative Practice

In the collaborative practice process, each party has a private attorney and each makes a commitment to resolve any disagreements without going to court. The parties and their attorneys have a series of private meetings to create solutions based on the needs of the parties. All parties and their attorneys agree that if the parties cannot settle their case and/or if either party chooses to withdraw from the process and go to court, the collaborative attorneys cannot represent these parties in court.

Visit the Court website for a list of local collaborative law attorneys:

<http://www.sccsuperiorcourt.org/family/ADR/default.htm>. You may also call the ADR Administrator at **(408) 882-2932** for more information.

*The Court does not think any form of ADR or any ADR provider is better than another and does not guarantee how your case will work out.*