

**GEAUGA COUNTY COURT OF COMMON PLEAS
PROBATE DIVISION
JUDGE TIMOTHY J. GRENDALL**

AGREEMENT TO MEDIATE

Date: _____, 20____

Case

Number: _____

Mediator: _____

We understand and agree to the following:

1. The mediator is not acting as a judge or magistrate and has no authority to force the parties to reach an agreement. An agreement should be reached only if the parties believe the agreement is fair and in their best interests. The mediator is not authorized to give and must not give the parties legal advice at any time. The mediator or parties may consult an attorney at any time during the mediation process.
2. The mediator is an impartial facilitator. The mediator is not an advocate for any party. The mediator and the parties state that there are no potential conflicts of interest that may prevent or interfere with the mediation process. The mediator and each participant understand that each may withdraw from mediation at any time. Parties understand that withdrawing from mediation may or may not result in further action of the Court.
3. What is said during the mediation process and any written mediation communications (excepting written agreements all parties to an formal case wish to be made an Order of the Court or information parties mutually agree to be discussed outside of mediation) resulting from this mediation process is confidential and privileged and may not be used against any participant in any Court Proceeding. However, the mediator may inform the Court or report to proper authorities certain information including (i) unreported allegations of abuse or neglect, (ii) certain threats of harm to other people or yourself, (iii) statements or actions during the mediation process to plan or hide an ongoing crime, (iv) things said during the mediation process that reveal unreported felony and other criminal activity as required by statute, and (v) any matters the the Local Geauga Rules require to be disclosed. Absent a specific agreement between and among the parties otherwise, reporting of the aforementioned exceptions or disclosure of information as required by statute, the information the mediator provides to the Court is party attendance and the outcome of the mediation.
4. Any agreements that are reached by the parties in this mediation do not modify or replace any Court Orders. If the parties wish to have this agreement made an Order of the Court in formal cases, as indicated above it must be presented to the Court by the parties in the form of an agreed entry.
5. All parties are bound by the duties imposed by the Local Geauga Rule regarding mediation.

Signature Date

Signature Date