

I Have Mediated My Contested Divorce-Now What? **Information for self-represented (pro se) parties**

Please refer to the following information to determine how to schedule a court hearing if you were not able to resolve all of the disputed issues at mediation (options A or B) and what paperwork needs to be filed with the court if you reached full or partial agreement (options B or C). The mediator will file a disposition notice with the court indicating the outcome of the mediation session(s).

MEDIATION OUTCOMES: Choose the option that most clearly describes the outcome of your mediation session(s). A full description of each outcome is provided below and on the following pages.

- A. “No Agreement”** - We did not resolve any of our disputed issues
- B. “Partial Agreement”** - We resolved some, but not all, of our disputed issues
- C. “Full Agreement”** - We resolved all of our disputed issues

A. We Did Not Resolve Any of Our Disputed Issues

- 1) The mediator will prepare a “Mediation Disposition Notice” that will indicate that your issues were not settled. The mediator will send the original Mediation Disposition Notice to the courthouse where the petition was filed and a copy will be sent to you and your spouse. If either of you have an attorney, a copy will be sent to them. Another copy gets sent to the divorce mediation program coordinator.
- 2) The original “Mediation Disposition Notice” is placed in your divorce case file at the courthouse.
- 3) You need to contact the domestic court clerk at the courthouse where the petition was filed to determine if your case file is complete and if you can schedule court time to have a Commissioner or Judge hear your case to decide the issues that you were unable to resolve. You may need to complete some additional paperwork or provide proof that all requirements have been met before the court time can be scheduled.
- 4) A list of the telephone numbers and addresses for each courthouse can be found on the court website: <http://www.utcourts.gov/directory/>

B. We Resolved Some of Our Disputed Issues But Not All of Our Disputed Issues

- 1) The mediator will prepare a “Mediation Disposition Notice” that will indicate that some of your issues were not settled. The mediator will send the original Mediation Disposition Notice to the courthouse where the petition was filed and a copy will be sent to you and your spouse. If either of you have an attorney, a copy will be sent to them. Another copy gets sent to the divorce mediation program coordinator.
- 2) The original “Mediation Disposition Notice” is placed in your divorce case file at the courthouse.
- 3) The mediator (or sometimes either party’s attorney) will prepare a draft “Memorandum of Understanding” (MOU) that lists the issues that were resolved during the mediation, how they were resolved, and list the other issues that were not resolved.

- 4) The mediator will send a copy of the draft MOU to each party to approve what was written in the MOU. Both parties need to approve what is written in the MOU as an accurate representation of what they agreed to during the mediation. If anything is not accurate, you must inform the mediator of any proposed correction(s). Both parties must agree to the correction(s). The mediator will contact the other party to determine if they agree to the proposed correction(s). This is not a time to offer new resolutions to disputed issues but to capture what was resolved during the mediation. The MOU will continue to be considered a “draft” until both parties agree to the accuracy of its content. Once both parties agree that the content is an accurate reflection of what was agreed to during the mediation, the mediator will provide a final, jointly approved copy of the MOU to each party. The mediator will ask if you want a paper or electronic copy sent to you. If either party has an attorney, the mediator will ask the party if they want a copy of the final MOU to be sent to their attorney. The final MOU is a non-binding agreement that captures the details of what was agreed to during the mediation.
- 5) You may offer new resolution options to the other party to the unresolved, disputed issues at any time. You would need to negotiate with the mediator if you want to use their services and continue the mediation process to offer the new resolutions. You can use other resources and processes available to you or you can present the new resolution options to the other party yourself.
- 6) The resolved issues that are included in the final MOU must be presented to the court in the form of “Stipulations.” These stipulations are a list of your resolved issues put in a legal format that the court will accept. They can be drawn up by either party’s attorney, either party individually, both parties together, or sometimes by the mediator if the mediator is also an attorney and is willing to prepare the final divorce stipulations and paperwork. (If the mediator who is also an attorney is willing to prepare the final stipulations and paperwork, you must sign a waiver to allow the mediator to do so.) There are other legal papers that need to be submitted with your stipulations when you give them to the court clerk to schedule court time. If you do not have an attorney or your mediator has not agreed to prepare your stipulations and final divorce paperwork, you may use the Online Court Assistance Program (OCAP) to prepare them. You can do this individually or jointly with your spouse. The OCAP stipulations and final divorce paperwork can be found on the court website: <http://www.utcourts.gov/ocap/>.
- 7) Once you have the final “Stipulations” and paperwork that outlines the agreements that were reached, the paperwork needs to be submitted to the courthouse where the petition was filed. You need to contact the domestic court clerk to determine if your case file is complete and to see if you can schedule court time to have a Commissioner or Judge hear your case to decide the issues that you were unable to resolve. You may need to complete some additional paperwork or provide proof that all requirements have been met before the court time can be scheduled.
- 8) A list of the telephone numbers and addresses for each courthouse can be found on the court website: <http://www.utcourts.gov/directory/>

C. We Resolved All of Our Disputed Issues

- 1) The mediator will prepare a “Mediation Disposition Notice” that will indicate that all your issues were settled. The mediator will send the original Mediation Disposition Notice to the courthouse where the petition was filed and a copy will be sent to you and your spouse. If either of you have an attorney, a copy will be sent to them. Another copy gets sent to the divorce mediation program coordinator.

- 2) The original "Mediation Disposition Notice" is placed in your divorce case file at the courthouse.
- 3) The mediator (or sometimes either party's attorney) will prepare a draft "Memorandum of Understanding" (MOU) that lists the issues that were resolved during the mediation and how they were resolved.
- 4) The mediator will send a copy of the draft MOU to each party to approve what was written in the MOU. Both parties need to approve what is written in the MOU as an accurate representation of what they agreed to during the mediation. If anything is not accurate, you must inform the mediator of any proposed correction(s). Both parties must agree to the correction(s). The mediator will contact the other party to determine if they agree to the proposed correction(s). This is not a time to offer new resolutions to disputed issues but to capture what was resolved during the mediation. The MOU will continue to be considered a "draft" until both parties agree to the accuracy of its content. Once both parties agree that the content is an accurate reflection of what was agreed to during the mediation, the mediator will provide a final, jointly approved copy of the MOU to each party. The mediator will ask if you want a paper or electronic copy sent to you. If either party has an attorney, the mediator will ask the party if they want a copy of the final MOU to be sent to their attorney. The final MOU is a non-binding agreement that captures the details of what was agreed to during the mediation.
- 5) The resolved issues that are included in the final MOU must be presented to the court in the form of "Stipulations." These stipulations are a list of your resolved issues put in a legal format that the court will accept. They can be drawn up by either party's attorney, either party individually, both parties together, or sometimes by the mediator if the mediator is also an attorney and is willing to prepare the final divorce stipulations and paperwork. (If the mediator who is also an attorney is willing to prepare the final stipulations and paperwork, you must sign a waiver to allow the mediator to do so.) There are other legal papers that need to be submitted with your stipulations when you give them to the court clerk to schedule court time. If you do not have an attorney or your mediator has not agreed to prepare your stipulations and final divorce paperwork, you may use the Online Court Assistance Program (OCAP) to prepare them. You can do this individually or jointly with your spouse. The OCAP stipulations and final divorce paperwork can be found on the court website: <http://www.utcourts.gov/ocap/>.
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