

INFORMED CONSENT TO PARTICIPATE IN MEDIATION

Montana Code Annotated 2019

40-4-301. Family law mediation -- exception. (1) The district court may at any time consider the advisability of requiring the parties to a proceeding under this chapter to participate in the mediation of the case. Any party may request the court to order mediation. If the parties agree to mediation, the court may require the attendance of the parties or the representatives of the parties with authority to settle the case at the mediation sessions.

(2) Unless each of the parties provides written, informed consent, the court may not authorize or permit continuation of mediated negotiations if the court has reason to suspect that one of the parties or a child of a party has been physically, sexually, or emotionally abused by the other party. A mediation conducted under this subsection may be conducted by a mediator who is trained in mediating domestic violence cases.

(3) The court shall appoint a mediator from the list maintained pursuant to 40-4-306. By agreement of all parties, mediators not on the list may be appointed.

(4) The court may adopt rules to implement this part.

(5) For purposes of this section, "informed consent" means an educated, competent, and voluntary choice to enter into mediation.

History: En. Sec. 1, Ch. 199, L. 1993; amd. Sec. 2, Ch. 350, L. 2013.

I have reviewed Mont. Code Ann. §40-4-301. I understand the terms of the law, and I understand that it says that the court may not authorize or permit continuation of mediated negotiations if the court has reason to suspect one of the parties, or a child of the parties, has been physically, sexually or emotionally abused by the other party.

By voluntarily signing this agreement to enter into mediation, I am stating that these circumstances do not apply to me, or that although these circumstances may exist in my case, I wish to provide my informed consent to participate in the mediation process.

By signing below, I am stating that I am making an educated, competent and voluntary choice to enter into the mediation process.

Signature

Date

Printed Name