



What is mediation?

In mediation, a person called a “mediator” helps people in a dispute to communicate with one another, to understand each other, and if possible, to reach agreements that satisfy everyone’s interests. The mediator does not take sides or decide who was right or wrong in the past. The mediators helps people to make their own decisions and focus on the future.

What are the benefits of mediation?

Mediation often improves communication, saves time and money, reduces stress, improves parent-child relationships, and leads to longer-lasting agreements.

Can I bring my attorney?

Yes.¹ Attorneys are strongly encouraged to prepare clients for mediation sessions, attend mediation sessions, and assist with drafting agreements. You do not need to agree to anything in mediation without first speaking with an attorney.

How much will mediation cost?

That depends on the issues and on you and the other party. Mediators on the court roster have agreed to provide the first 90 minutes of mediation free of charge. Some mediation providers may offer additional, free mediation services to qualifying couples, others may offer a sliding fee scale. Community Dispute Resolution Centers charge a nominal (small) administrative fee.

Will the mediator speak with the judge?

No. Mediation is confidential, with the exception of cases involving child abuse or threat of imminent harm. The judge may ask if you were *screened* for mediation, to make sure you have had the opportunity -- if you both want it, and if it is appropriate in your case-- to try to resolve

¹ If you don’t have an attorney, and you qualify for one, the court may assign you an attorney. You do not need to agree to anything in mediation without first speaking with an attorney.

your dispute out of court. The judge or referee may also ask if you are interested in trying mediation again at a later stage in the litigation process.

Do I have to go to mediation?

No. Mediation is voluntary. If you do not want to participate, complete the Mediation Opt-Out Form. If you do decide to participate in mediation, you may stop at any time.

Should I try mediation?

Mediation helps many people but does not work for everyone. Mediation may not be appropriate or safe in cases involving a history or fear of domestic violence. Mediation may be inappropriate if a party has a significant advantage in power or control over the other.

What if I am afraid or I don't feel safe?

In mediation, it is important that you feel safe so that you can talk openly with the other person about your dispute. If you have been hurt or threatened by the other party, it may be hard for you to feel safe enough to negotiate or disagree. In some cases, mediation may not be a safe choice.

How do I decide if it is safe or appropriate for me to participate in mediation?

You are the best judge of your own situation. Has the other person ever:

- Physically hurt you? Insulted or talked down to you?
- Threatened you or friends, loved ones, or pets with harm?
- Destroyed your property?
- Kept or discouraged you from seeing friends or family members?
- Controlled who you see, where you go, or what you do?
- Intimidated you with guns, knives, or other weapons?
- Limited access to money to control your behavior?

If you answered yes to any of these questions, mediation may not be appropriate for you.

If you or someone you know is in this situation and needs help, visit www.opdv.ny.gov.

How do I learn more about mediation?

For more information about mediation, see www.nycourts.gov/adr or contact your County ADR Program Coordinator