
Parenting Plan Dispute Resolution Program

Helping Parents
Resolve Disagreements
about Decision
Making,
Communication,
&
Parenting Time

The Alaska Court System offers dispute resolution (also called mediation) to parents who have a divorce with children, child custody, or custody modification case pending in court. These services are available in person, by telephone, or by video-remote.

What is dispute resolution?

Dispute resolution is a voluntary, confidential, problem-solving process led by an experienced mediator. Parents work to resolve disputes and create parenting agreements that usually become part of the divorce or custody case.

The mediator helps the parents:

- determine the important issues,
- explain and understand each other's proposals,
- clear up misunderstandings,
- explore creative solutions, and
- reach acceptable agreements.

Who is the mediator?

The court appoints a mediator who has been trained in parenting plan mediations. The mediator is neutral and not part of the case.

The mediator does not tell people what to do or decide who's right or wrong.

The parents make the decisions.

What will the mediator do?

The mediator will want to talk with parents individually before the meeting to make sure everyone is prepared.

The mediator will:

- explain the mediation process,
- ask you what's important to be discussed,
- want to know if you have any fears or concerns about being in the same room with the other parent,
- explain what is and what is not confidential in mediation,
- ask what can help you feel more comfortable when you come to the meeting, and
- answer your questions about mediation.

After talking to parents individually, the mediator will conduct the mediation. The mediator works to create an environment that promotes problem-solving and makes sure that all parties' voices are heard.

Does dispute resolution cost anything?

The court system pays for a set number of hours, which is usually enough to complete the process. If you want additional time, you can discuss it with the mediator.

What happens if we reach an agreement?

The agreement is written down, the parents sign it, and the mediator usually files it with the court. The court will usually schedule a hearing to finalize the agreement.

What happens if we don't reach agreement?

If you did not reach any agreements, the judge will decide all the issues in the case. If you agreed on some issues, you can file a partial agreement with the court. The judge will decide the remaining issues.

Mediation can be helpful even if you do not reach any agreements, because it will help you identify the issues you will need to focus on at a hearing or trial.

How do I start dispute resolution?

Either parent may ask the judge for a referral. This can be done orally at a hearing or by filing a Request for Parenting Plan Dispute Resolution (form MED-405), available online at: <https://public.courts.alaska.gov/web/forms/docs/med-405.pdf>.

What happens if there is domestic violence?

Mediation may not be appropriate when there has been domestic violence between you and another person in the case.

If you are considering mediation with a person who controls or attempts to control you through force, intimidation, or the threat of violence, you should request a private session to discuss this with the mediator.

If you are a victim of domestic violence, you cannot be required to participate in mediation if you do not want to. Mediation in cases involving domestic violence must be provided by a mediator trained in the dynamics of domestic violence to protect your safety and the safety of your household members. As a victim of domestic violence, you may bring a support person or advocate to the mediation, including a lawyer (see Alaska Statutes 25.20.080 & 25.20.110).

To be eligible for this program, you must have an open, pending case in court. If you are not eligible for this program, but want to consider mediation, please review the resources listed below.

Please note that in Alaska anyone can act as a mediator. There are no state standards or licensing requirements. Mediator education, training, experience, and style vary. It is up to the people involved to decide what they need in a mediator and to be sure that the mediator they choose has the necessary skills and approach. To help parties choose a qualified mediator, the Alaska Judicial Council publishes a free guide to selecting a qualified mediator:

A Consumer Guide to Selecting a Mediator

(<http://www.ajc.state.ak.us/publications/docs/guides/MediatorGuide.pdf>)

For more information, go to:
<http://www.courts.alaska.gov/mediation/index.htm>

or visit the Court System's Family Law Self-Help Center's website at:
<http://courts.alaska.gov/shc/family/selfhelp.htm>

If you have additional questions, please call the Dispute Resolution Coordinator at (907) 264-8236 or email DisputeResolutionCoordinator@akcourts.gov.