

**Rule 7.6. Mandatory mediation of child custody and visitation issues.**

(a) *Mandatory.* Parties involved in an action that includes disputed child custody or visitation issues must participate in mediation in good faith before the final hearing or trial of the matter except as provided in subsection (h) of this rule.

(b) *Referring the parties.* The court may at any time, on its own initiative, refer the parties to mediation. If the court has not initiated the mediation process before the case management conference, it will initiate or waive the mediation process at the case management conference.

(c) *Motion for temporary custody or visitation.* If a motion for temporary custody or visitation is filed at the same time as the initial pleading, the filing party must also file a Request and Order for Mediation.

(d) *Party requested mediation.* After an answer or other initial response is filed, either party may file a motion requesting mediation. The parties may stipulate to mediation. The parties may stipulate to a specific court-approved mediator. If an interpreter is needed, the party needing the interpreter will indicate the need in the motion or stipulation.

(e) *Private mediator.* The parties may agree to a private mediator as long as the mediator agrees to comply with subsection (k) of this rule.

(1) The parties will contract directly with the private mediator and be responsible for payment of fees as negotiated by the parties and the mediator.

(2) The private mediator, within 7 days of accepting the matter for mediation, will file with the court a notice that includes the name of the mediator and the date set for the first mediation conference.

(f) *Mediation.* The mediator will complete the mediation within 30 days after the parties file a certificate of completion from the approved co-parenting class.

(g) *Confidential.* Mediation will be held in private, and all communications, verbal or written, shall be confidential and shall not be disclosed, even upon waiver of the privilege by either or both parties, except where the mediator is required to report any information that falls within the scope of mandatory abuse reporting requirements or to communicate any threat of violence.

(h) *Waiver.* A party who believes there is good cause for not mediating may seek a waiver of the mediation requirement. The party seeking a waiver must file a motion with the court at the time that party files his first pleading. Mediation may not be appropriate where:

(1) There are substantiated allegations of child abuse or neglect, or domestic violence;

(2) The case involves multiple social agencies or mental health professional contacts for a parent or child;

(3) The case is at the post-judgment stage and has involved bitter conflict and frequent court appearances;

(4) A parent has serious psychological or emotional problems or has displayed severely anti-social modes of behavior;

(5) The mediator determines mediation is futile or impractical; or

(6) Other good cause.

(i) *Support person.* A party may have a third person present for support before and after meetings with the mediator. Generally, third persons are not allowed in the mediation sessions, but the mediator, in his sole discretion, may allow support persons into the mediation.

(j) *Counsel.* Counsel for the parties will be provided an opportunity to confer with the mediator prior to the mediation conference, but will be excluded from the mediation sessions.

(k) *Mediation report.* Court-approved and private mediators must, not less than 14 and not more than 21 days after the completion or termination of the mediation, file in the district court and with the mediation coordinator, and serve the parties with a written report that includes:

(1) The parties attended or failed to attend;

(2) The parties participated or failed to participate in good faith;

(3) If the mediation was successful in resolving all of the custody or visitation issues, the mediator will submit a specific parenting plan with all of the terms of the agreement;

(4) If the mediation was successful in resolving some of the custody or visitation issues, the mediator will submit to the court:

(A) A partial parenting agreement outlining the terms of all resolved issues signed by the parties;

(B) A statement of all unresolved issues; and

(C) The partial parenting agreement that may include options A and B, which describes each parent's desired outcome, to be determined by the court.

(5) If no agreement was reached, a statement that no agreement was reached.

(l) *Adoption of agreement.* The parties will have 14 days from the date the mediation report is served to object to a mediated agreement. If there is no timely objection, the court will order adoption of the mediated agreement.

(m) *Failure to appear.* If one or both parties fail to appear at a mediation conference, the mediator will immediately file with the court and the mediation coordinator a declaration stating:

- (1) Which party failed to appear;
- (2) Specific information on what notice of the mediation conference was given to the no-show party; and
- (3) Whether the no-show party contacted the mediator before or after the missed mediation conference.

(n) *Mediating again.* The parties may agree, one party may request, or the court may on its own initiative order the parties to mediate again.

(o) *No evaluation.* Mediators will not conduct an evaluation of either or both parties as part of or after the mediation. Mediators will not provide written or verbal recommendations as part of the mediation process.

(p) *Fees for service.* Fees may be assessed to parties referred to mediation under [NRS 3.500\(2\)\(e\)](#) and in accordance with the fee schedule approved by the court. Unless otherwise directed, each party is required to pay one-half the fee of the court-approved mediator. Payment will be made to the judicial clerk in the county where the action is being heard. The payments shall be made within 14 days from the date the parties are ordered to mediate, using established judicial clerk procedures.

(q) *Mediator qualifications.* Court-approved mediators must have the following minimum qualifications:

(1) A law degree or master's degree in psychology, social work, marriage and family therapy, counseling, or related behavioral science;

(2) Forty hours of mediation training, four hours of child development training as it relates to timeshares, and four hours of domestic violence training; the training must be sponsored by the Association of Family and Conciliation Courts, approved by the Academy of Family Mediators, or as otherwise approved by the court;

(3) Ten completed mediations;

(4) Six hours of family law, counseling, or mediation continuing education each calendar year. The areas of training may include, but are not limited to, mediation models, theory, and techniques; the nature of conflict and its resolution; family law; the legal process and case law relevant to the performance of mediation; substance abuse; recent research applicable to the profession; family life cycles of divorce, family reorganization, and remarriage; child development; crisis intervention; interviewing skills; domestic violence, including child abuse, spousal abuse, and child neglect, and the possibility of danger in the mediation session; parent education; sensitivity to individual, gender, racial, and cultural diversity and socioeconomic status; family systems theory; the development of parenting plans, parental alienation syndrome, and the role of parenting plans in the family's transition; and

(5) Adherence to the Model Standards of Conduct for Mediators as jointly developed by the American Arbitration Association, American Bar Association, and the Association for Conflict Resolution.

[Added; effective January 1, 2020.]