

“WHAT CAN I BILL FOR UNDER THE AMENDED PAYMENT STATUTE?”

The following applies to court-referred custody, visitation and/or support mediations.

PRELIMINARY INFORMATION:

Custody/visitation issues comprise one “appointment.” Spousal and child support issues comprise another “appointment.” The payment language in the statute (VA Code Section [20-124.4*](#)) states the payment shall be “per appointment *mediated*” (emphasis added).

- **The mediator may not bill for an appointment that is referred but not mediated.**
- **The mediator may bill whether the appointment mediated reaches agreement or not.**

QUESTION 1:

If a mediator receives a referral with custody/visitation and child support, but isn’t able to mediate the support issue because custody/visitation is not resolved, may the mediator bill for custody/visitation and support, or just custody/visitation?

ANSWER: Just custody/visitation.

If both custody/visitation and child support issues are referred to mediation (2 appointments), and one is not mediated, then the mediator may bill **only for the one appointment that was mediated.**

Merely mentioning support while mediating the custody/visitation appointment does NOT mean the support appointment was mediated. The mediator must conduct a mediation process on the support issue in order to bill for the support appointment.

QUESTION 2:

A mediator receives a referral with custody/visitation and child support. The parties mediate custody/visitation, but want to see the child support guidelines amount before they finalize their custody and visitation arrangements. The mediator conducts a child support mediation based on the tentative custody/visitation arrangements. In the end, the parties do NOT reach agreement on custody/visitation. May the mediator bill for both appointments?

ANSWER: Yes.

In the Question 1 scenario, the mediator **could not** mediate support because information about the child’s residence and time with each parent was not available. Without this information, the mediator does not know which guideline worksheet to use and therefore cannot calculate support.

However, in Question 2, the parties came to a tentative agreement, but needed to know the child support amount before they could reach a final decision. The mediator had the tentative custody and visitation information with which to conduct the child support mediation, and did so. Because the mediator mediated both appointments, the mediator may bill for both appointments.

The language increasing the payment per appointment to \$120 is in the budget bill, **not in the payment statute.*