

**ORDER OF REFERRAL AND MEDIATOR APPOINTMENT FORM -  
CUSTODY, VISITATION AND SUPPORT CASES**

**Using This Form**

1. Copies
  - a. Original - to court
  - b. First copy - to mediator
  - c. Second copy - to petitioner
  - d. Third copy - to respondent.
2. Attachment - Petition or other pleading in the underlying case.
3. Preparation Details -This form is to be used to refer parties to mediation pursuant to Virginia Code § 20-124.4. After the mediation is concluded the mediator returns his or her copy, or a photocopy, to the court.

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**Data Elements**

1. Case number.
2. Name and type of court.
3. Name and telephone number of mediator to whom case is referred.
4. Date on which or time within which mediation evaluation session is to be held.
5. Identify the issues to be mediated.
6. Next court hearing date in the underlying matter.
7. Date of referral order.
8. Signature of referring judge.
9. If mediation agreement reached, check to indicate whether agreement is attached or is to be forwarded.
10. Check to indicate if no mediated agreement has been reached.
11. Check if no evaluation session or mediation occurred.
12. Date completed by mediator.
13. Signature of mediator.

**ORDER OF REFERRAL AND MEDIATOR APPOINTMENT  
FORM — CUSTODY, VISITATION AND SUPPORT CASES**

Commonwealth of Virginia VA. CODE § 20-124.4

Case No(s): 1

2  
CITY/COUNTY

☐ Circuit Court

☐ Juvenile & Domestic Relations District Court

The Court has determined that the matter on the attached petition(s) or other pleading, which currently is before the Court, is appropriate for referral to a dispute resolution proceeding pursuant to Virginia Code § 20-124.4. It is hereby ORDERED that:

1. Pursuant to the provisions of Virginia Code § 20-124.4, the matter is referred to a dispute resolution evaluation session, for which there shall be no cost to the parties. The evaluation session is to be conducted by

3  
NAME AND TELEPHONE NUMBER OF CERTIFIED MEDIATOR

who is hereby appointed as the Certified Mediator.

2. ☐ The evaluation shall be conducted at a time and location convenient to the parties, to be set by the mediator no later than 4 thirty (30) days from the entry of this order **OR** ☐ the evaluation session will be held on

DATE

3. The issues to be mediated include ☐ custody 5 ☐ visitation ☐ support.

4. A description of procedures for referral to a dispute resolution proceeding is on the reverse and incorporated into this Order by reference.

5. Irrespective of this referral, this case has been set for return to court, in accordance with the Court's normal docketing procedures, on 6 at 6 m.

DATE

TIME

The Court must be informed in writing if the dispute is resolved prior to the return date or if a continuance is requested to pursue further a dispute resolution proceeding. Otherwise, the parties shall appear in court at that time.

7  
DATE

8  
JUDGE

**TO BE COMPLETED BY CERTIFIED MEDIATOR**

☐ Agreement reached in mediation

9 ☐ copy attached

☐ copy to be forwarded by parties or counsel.

10 ☐ Agreement not reached in mediation

11 ☐ No evaluation session or mediation occurred.

12  
DATE

13  
CERTIFIED MEDIATOR

*This form must be attached to district court form DC-40, LIST OF ALLOWANCES, by the clerk of court prior to forwarding to the Office of the Executive Secretary of the Supreme Court of Virginia for payment.*

## **PROCEDURES FOR REFERRAL TO A DISPUTE RESOLUTION PROCEEDING**

1. If any party objects to this Order of Referral, a written statement signed by such party must be filed with this Court within fourteen (14) days after the entry of this order. The statement must indicate that the dispute resolution process has been explained to the party and that he or she objects to the court's Order of Referral.
2. If no objection is filed to the order within fourteen (14) days, the parties will participate in an evaluation session, which will be conducted by the certified mediator. If a date and time for the evaluation session is not already provided, the mediator will contact the parties to schedule this evaluation session within thirty (30) days of entry of the order. If the mediator does not have phone numbers with which to contact the parties, it is the parties' responsibility to contact the mediator to schedule the evaluation session.
3. Referral to the dispute resolution evaluation session has no impact on the docketing procedures followed by this court and this case either has been or will be set for trial in accordance with normal docketing procedures.
4. Attorneys for any party may be present at the dispute resolution evaluation session.
5. After the evaluation session, further participation in a dispute resolution proceeding shall be by consent of all parties. The decision to proceed shall be made at the close of the evaluation session or no more than ten (10) days after the evaluation session.
6. Parties have the option of selecting a mediator from the Directory of Certified Mediators, which is available in the clerk's office of every court as well as on the Supreme Court home page ([www.courts.state.va.us](http://www.courts.state.va.us)), and paying a fee for mediation services, or continuing with the mediator appointed by the court to conduct the dispute resolution evaluation session.
7. If the parties continue with the certified mediator appointed by the court to conduct the evaluation session, the mediation will be conducted at no cost to the parties. The mediator will be compensated \$100 per court appointment to handle the case(s) that are listed on the Order of Referral. The court appointment may include more than one petition/court case involving the same family and more than one session.
8. Regardless of the method of resolution selected by the parties, the case will proceed along the same time line as if the referral to the dispute resolution proceeding had never occurred. Every effort should be made for the mediation to be completed before the set trial date. In unusual circumstances, if the mediation cannot be completed before the trial date, the parties may be required to request that the Court grant a continuance to allow them to complete the mediation process.
9. Upon conclusion of the mediation, the mediator must complete and submit to the court the Mediator Report located on the bottom of the Order of Referral and the DC-40 invoice form. The court will not process payment until all forms are submitted.
10. Mediators must provide parties with Client Evaluations at the conclusion of each court-referred mediation. These Client Evaluations may be submitted by either the mediator or parties directly to the Office of the Executive Secretary of the Supreme Court of Virginia.