

On April 22, 2026, the Nebraska Supreme Court approved the following rule amendments to the Rules of the District Court of the Fourth Judicial District:

#### **District 4**

#### **Rules of the District Court of the Fourth Judicial District**

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#### **Rule 4-3. Domestic Relations Cases**

~~A. Contested Custody. Whenever a party in a domestic relations case determines that custody of a minor child will be genuinely contested, the court shall be informed thereof in order that appointment of a guardian *ad litem* for the minor child may be promptly considered.~~

~~A.B.~~ Child Support Referee Exceptions.

1. Contempt matters that involve immediate jail sentences shall be taken without delay to the duty judge of the District Court from a hearing before a Child Support Referee. The duty judge shall enter an order affirming or denying the findings and recommendations of the Referee.

2. All other Exceptions to the findings and recommendations of the Child Support Referee shall be filed with the District Judge assigned to the case pursuant to Rule 4-12A. The Exception must be filed within fourteen days of the filing of the Referee's Report. A copy of the Exceptions shall be served upon the opposing party and counsel. The assigned District Judge shall conduct a review on the Referee's Report and the transcript of the hearing. The review shall be de novo on the record before the Child Support Referee, unless the District Court in its discretion allows the presentation of new evidence. The District Judge has the discretion to ratify or modify the Referee's Report and enter judgment, or the District Judge may sustain the Exception and enter judgment. The rights to move for rehearing and to appeal are reserved to all parties.

The party filing the exceptions shall promptly deliver a copy of the exceptions to the courtroom to which the matter has been assigned.

~~B.C.~~ Assignment of Cases: Post-Decree Proceedings. All post-decree proceedings presented for filing within twelve (12) months after the entry of the initial dispositive decree in a domestic relations case shall be assigned to the judge to whom the case was originally assigned at the time of the filing of the action. Post-decree proceedings

presented for filing after the passage of twelve (12) months from the entry of the original dispositive decree shall be assigned to a judge by random selection through use of such computerized or manual means as may be designated by the presiding judge. No post-decree proceeding shall be reassigned until the 30-day time for appeal has passed.

~~C.D.~~ Confidential Information. No document filed in the public record of a case shall have complete vehicle identification numbers, account numbers, Social Security numbers, dates of birth, or other personal identification information. Real estate shall be described by legal description in addition to street address.

~~E. Mediation.~~

~~1. A domestic relations matter involving children includes filings for dissolution of marriage and determination of paternity cases which involve issues of custody, parenting time, visitation, or other access with a child. Within ten (10) days of filing a complaint in a domestic relations matter involving children, the filing party shall be required to register with the Conciliation and Mediation Services Office and schedule that party's attendance at the parent education program "What About The Children." Within ten (10) days of service of process on the respondent, the respondent shall likewise be required to register with the Conciliation and Mediation Services Office and schedule that party's attendance at the parent education program "What About The Children." Prior to the entry of any order awarding temporary relief, the moving party shall certify that that party has registered with the Conciliation and Mediation Services Office.~~

~~The parties to motions to compel existing orders which involve parenting issues; applications to modify decrees of dissolution which involve parenting issues; and applications to modify decrees of paternity which involve parenting issues shall be subject to the requirements of this rule and shall be required to attend the parent education program "Reach Beyond Conflict," unless all issues are resolved by agreement and entry of a stipulated order. Participation in either course may be delayed or waived by the court for good cause shown. Failure or refusal by any party to participate in such a course as ordered by the court shall not delay the entry of a final judgment or an order modifying a final judgment in such action by more than six (6) months and shall in no case be punished by incarceration.~~

~~Each party shall be responsible for the costs of attending either parenting education course. The court may waive or specifically allocate costs between the parties for their required participation in the course. At the request of any party, or based upon screening or recommendation of an attorney or mediator, the parties shall be allowed to attend~~

~~separate courses or to attend the same course at different times, particularly if child abuse or neglect, domestic intimate partner abuse, or unresolved parental conflict is or has in the past been present in the relationship, or if one party has threatened the other party.~~

2. For purposes of Fourth Judicial District Rule 4-3E, "facilitator" shall mean persons qualified as "approved specialized mediators" pursuant to Neb. Rev. Stat. § 43-2938(3) (Reissue 2016) and "specialized alternative dispute resolution" as defined by Neb. Rev. Stat. § 43-2922(23) (Reissue 2016) shall also be referred to as "facilitation."

~~Except as otherwise required by Neb. Rev. Stat. § 43-2937(4) (Reissue 2016), when the parties or their counsel are unable to negotiate a parenting plan agreement which satisfies the requirements of the Parenting Plan Checklist, then the parties are required to meet and confer with either the Director of the District Court Conciliation and Mediation Services or another assigned mediator to complete a Parenting Plan, including all issues of child custody, parenting time, visitation, grandparent visitation, other access, and any other issues relating to the children that may be susceptible to mediation or the specialized alternative dispute resolution process.~~

~~Parties or counsel are required to notify the Director of the District Court Conciliation and Mediation Services of any request for delay in assignment of a mediator or facilitator if the parties or counsel are attempting to negotiate a Parenting Plan agreement, which agreement shall be required to comply with the Parenting Plan Checklist. A mediator will be assigned within ten (10) business days unless the conciliation court is notified that a plan will be forthcoming from the parties or the attorneys.~~

~~An individual party, a guardian ad litem, or a social service agency may request mediation, specialized alternative dispute resolution, or other alternative dispute resolution process for a matter involving an issue of custody, parenting time, visitation, other access, or a related matter at any time prior to the filing or after the filing of an action with this court. Upon receipt of such request, each mediator, court conciliation program, or approved mediation center shall provide to each party information about mediation and the specialized alternative dispute resolution process.~~

~~At any time in the proceedings, the court may refer a case to mediation or the specialized alternative dispute resolution process in order to attempt resolution of any relevant matter. The court may state a date for the case to return to court, and the court shall not grant an extension of such date except for good cause shown.~~

~~3. Prior to commencing an initial mediation session, the mediator shall provide an initial, individual screening session with each party to assess the presence of child abuse or neglect, unresolved parental conflict, domestic intimate partner abuse, other forms of intimidation or coercion, or a party's inability to negotiate freely and make informed decisions. If any of these conditions exists, the mediator shall direct the parties to return to the Conciliation and Mediation Services Office for assignment of a specialized alternative dispute resolution process that addresses safety measures for the parties.~~

~~When there are allegations of domestic intimate partner abuse or unresolved parental conflict between the parties in any proceeding, or when screening by a mediator, mediation center, or the Conciliation and Mediation Services Office identifies the presence of child abuse or neglect; unresolved parental conflict; domestic intimate partner abuse; other forms of intimidation or coercion; or a party's inability to negotiate freely and make informed decisions, then mediation shall not be required; however, the parents shall be required to meet with a facilitator in the court's specialized alternative dispute resolution process.~~

~~The specialized alternative dispute resolution process shall begin with each parent meeting individually with a qualified facilitator to provide an opportunity for the facilitator to educate each party about the process; obtain informed consent from each party in order to proceed; establish safety protocols; allow support persons to attend sessions; and consider opt-out for cause. The primary consideration in each specialized alternative dispute resolution session shall be the safety of each party and each child. The facilitator of the process has a duty to determine whether to proceed in individual sessions or caucus sessions in order to address safety and freedom to negotiate. Joint sessions shall not be used unless, after a safety assessment by the facilitator, all parties agree to a joint session to be conducted at the courthouse, with appropriate safety measures in place.~~

~~4. Termination. To be compliant with Rule 4-3E, a party may not terminate mediation until after an individual initial screening session and one mediation or specialized alternate dispute resolution session are held. However, if after the individual initial screening sessions of each party is complete, the mediator may make the determination that further mediation or facilitation would fail to serve the best interests of the child.~~

~~5. No trial date or other dispositive hearing will be scheduled until (1) attendance at the required parent education seminar has been completed and mediation or other specialized alternative dispute resolution process has been attempted to resolve issues of custody, parenting time, visitation, or other access, and (2) the parties have filed a Proposed~~

~~Scheduling Order pursuant to Fourth Judicial District Rule 4-10, provided, however, that failure or refusal to participate by a party shall not delay entry of a final judgment by more than six (6) months.~~

~~Notwithstanding the language in this rule, issues of domestic violence, domestic intimate partner abuse, or child abuse or neglect may, upon consideration by the trial court, disqualify the parties from parent education, mediation, or the specialized alternative dispute resolution processes.~~

~~6. The Mediation Committee will prepare a letter, for distribution by the District Court Administrator, advising the filing parties and their attorneys that attendance at the Conciliation and Mediation Services seminar "What About the Children?" or "Reach Beyond Conflict" is mandatory and must be completed within the time frame specified in this rule. The letter should also advise the parties and counsel (1) that Parenting Plans and issues of child custody, parenting time, visitation, or other access with a child will be referred for mediation or specialized alternative dispute resolution; (2) that no trial or other dispositive hearing will be scheduled until attendance at the required parent-education seminar has been completed and mediation or specialized alternative dispute resolution to resolve issues of custody, parenting time, visitation, or other access has been attempted; (3) that failure or refusal to participate by a party shall not delay entry of a final judgment by more than six (6) months; and (4) that issues of domestic violence, domestic intimate partner abuse, or child abuse or neglect may, upon consideration by the trial court, disqualify the parties from parent education, mediation, or the specialized alternative dispute resolution processes. The Clerk of the District Court is directed to include this letter with the filing and service packets distributed by the Clerk.~~

~~7. The Office of Conciliation and Mediation Services shall maintain a list of mediators and facilitators approved by the District Judges and the Mediation Committee of the District Court. These mediators and facilitators must meet State of Nebraska (or equivalent) standards for training in order to qualify. The following requirements apply to all participating mediators and facilitators: Court approved mediators and facilitators will determine their own fees and will provide a copy of their fee schedule to the Conciliation and Mediation Services Director. In order to be on the list of court approved mediators and facilitators, a mediator or facilitator must agree to use a sliding fee scale of \$25 to \$150 per person per hour, determined on the basis of what each party is able to pay. Court approved mediators and facilitators must also agree to take pro bono cases on an "as needed" basis. The Conciliation and Mediation Services Director will determine the need for such pro bono services, so that the burden of these cases is equitably distributed among the participating mediators and facilitators.~~

~~8. Mediators and facilitators involved in proceedings shall participate in training to enable them to recognize child abuse or neglect, domestic intimate partner abuse, and unresolved parental conflict and its potential impact upon children and families.~~

~~9. Prior to participation in the program, qualified mediators and facilitators will be required to attend an orientation session, which will be conducted by the Director of Conciliation and Mediation Services, to review the mediation and specialized alternative dispute resolution process procedures, as well as the Parenting Plan Checklist. Each participating mediator and facilitator shall agree to the court requirements for participation, including a requirement to observe all statutory requirements for mediators in the mediation process and for facilitators in the specialized alternative dispute resolution process as established under the Nebraska Parenting Act. Each mediator and facilitator will be asked to sign a statement indicating acknowledgment and acceptance of the requirements.~~

~~10. When a judge refers a case for mediation or specialized alternative dispute resolution, the judge will indicate the issues to be mediated or facilitated, as well as any choice of a mediator or facilitator if the judge has a preference. The judge may also indicate whether there is a particular mediator or facilitator whom the judge does not wish to use. The attorneys for the parties may also mutually agree upon the choice of a mediator or facilitator and may indicate whether they wish the parties to mediate any issues other than custody, parenting time, visitation, or other access with a child. If financial issues are to be mediated, the case will be assigned to an attorney mediator. The attorneys or self-represented litigants shall notify the Conciliation and Mediation Service Office when mediation has been ordered by the Court and shall provide the Conciliation and Mediations Services Office with all necessary client information.~~

~~11. Unless the parties or attorneys have requested a specific mediator or facilitator, the Conciliation and Mediation Services Office will assign, from the rotating list, the next mediator or facilitator appropriate to the parties and their needs, and the Conciliation and Mediation Services Director will contact the mediator or facilitator to confirm the mediator's or facilitator's acceptance of the case. The Conciliation and Mediation Services staff will send paperwork to the mediator or facilitator, who must advise the Conciliation and Mediation Services staff, within ten (10) days of receipt of the paperwork, of the date for the parties' first appointment. The Conciliation and Mediation Services staff will screen each case for domestic violence, child abuse or neglect, unresolved parental conflict, domestic intimate partner abuse, other forms of intimidation or coercion, or a party's inability to negotiate freely and make informed decisions. If any one or more of these elements are found to exist, then mediation shall not be required;~~

however, the parents shall be required to meet with a facilitator in the court's specialized alternative dispute resolution process.

~~12.a. If the parties reach an agreement through mediation or the specialized alternative dispute resolution process, the agreement shall be reduced to writing. The mediator or the facilitator shall provide copies of the agreement to the parties and their attorneys, together with a notice informing the parties and their attorneys of their right to express their objections to the written agreement. The notice shall inform the parties and their attorneys that they have twenty one (21) days from the date of the notice to notify the mediator or facilitator and the Conciliation and Mediation Services Office of any written objections to the terms of the agreement. The written objections shall be specific and shall not violate the statutory protections of confidentiality or privilege of the parties by being filed with the Clerk of the District Court. All matters not specifically objected to shall be deemed final. If no objections are received within twenty one (21) days, then the agreement shall automatically be forwarded to the Conciliation and Mediation Services Office for final processing, pursuant to subsection (c) below.~~

~~If the parties and counsel negotiate a Parenting Plan agreement, which agreement shall fully comply with the Parenting Plan Checklist, they shall forward the agreement to the Conciliation and Mediation Services Office immediately after signing, pursuant to subsection (c) below.~~

~~b. Upon the filing by either party or attorney of objections to the agreement, the mediator or facilitator shall forthwith schedule a re-mediation or re-facilitation session on the disputed issues identified in the written objection. The mediator or facilitator may charge additional fees for the re-mediation or re-facilitation session and related expenses. Following re-mediation or re-facilitation efforts, the mediator or facilitator shall forward to the Conciliation and Mediation Services Office the re-mediated or re-facilitated agreement, which shall be clearly denominated the "re-mediated agreement" or the "re-facilitated agreement," and which shall recite those issues, if any, which remain contested.~~

~~e. All agreements shall be forwarded to the Conciliation and Mediation Services Office, where the Conciliation and Mediation Services staff shall review said agreements for compliance with the Parenting Plan Checklist. The Conciliation and Mediation Services staff shall then forward a copy of the final agreement, along with the appropriate closure form to the Clerk of the District Court for filing.~~

~~d. At trial, parties shall not present evidence intended to object to a provision in an approved parenting plan or to show a material change in circumstances subsequent to the filing of a final agreement unless a written motion asking leave of the court to present such evidence at trial, accompanied by a notice of hearing, has been filed with the court and has been heard and granted prior to the trial.~~

~~13. The Conciliation and Mediation Services staff will follow up on the deadlines set by the court, including any extensions of time that have been granted.~~

~~14. Complaints to Modify (Parenting Plan), Applications for Order to Show Cause (Parenting Plan). Before filing a Complaint to Modify (Parenting Plan) or an Application for Order to Show Cause (Parenting Plan), parties must re-mediate by selecting a mutually agreed upon mediator or facilitator, or contact the District Court Conciliation and Mediation Services for assistance with the selection of a mediator.~~

~~Any party filing a Complaint to Modify (Parenting Plan) or an Application for Order to Show Cause (Parenting Plan) must state in the pleading the date remediation was held and the outcome of remediation.~~

~~After a party has filed a Complaint to Modify (Parenting Plan) or an Application for Order to Show Cause (Parenting Plan), the attorneys and/or self-represented litigants shall contact the District Court Conciliation and Mediation Services to verify their compliance with Rule 4-3 and to register for a second-level parenting seminar if no agreement was reached in remediation.~~

~~15. The Mediation Committee will be a standing committee of the District Court and will be composed of four (4) Judges, the Conciliation and Mediation Services Director, at least one outside mediator/advisor, and such other persons as the Committee deems necessary. The Chair Judge of Conciliation and Mediation Services will chair this Committee and may be consulted individually, as may be needed by the Conciliation and Mediation Services Director, for answers on day-to-day operations of the mediation program.~~

~~16. The Mediation Committee of the District Court may make such other operating rules as may be needed to facilitate the beginning and continuation of this mediation program.~~

D.F. Temporary Support and Allowances. Except where a party appears as a self-represented litigant and live testimony is required, or unless otherwise ordered, evidence

shall be submitted by affidavits. Affidavits shall set forth information required by Nebraska Child Support Guidelines and Neb. Rev. Stat. § 43-2930 (Reissue 2016). The District Court Administrator shall provide ~~the Affidavit forms~~ form affidavits in the Court Administrator's Office and at the District Court's website, www.dc4dc.com. Affidavits submitted in digital format shall be limited to an aggregate total of ten (10) pages or less. Affidavits that exceed an aggregate total of ten (10) pages shall be submitted in hard copy. The moving party shall provide the Court and opposing counsel or the non-moving party, if not represented, the supporting affidavits at least forty-eight (48) hours prior to the hearing, together with a notice of the hearing. The non-moving party shall submit to the Court and the moving party or counsel for the moving party, if the moving party is represented, any responsive affidavit(s) within twenty-four (24) hours prior to the hearing. The deadlines within this section exclude Saturdays, Sundays, and nonjudicial days as defined by Neb. Rev. Stat. § 25-2221 (Cum. Supp. 2024). Other than *ex parte* relief allowed by statute, the court, in its discretion, may decline to consider any affidavit unless it has been exchanged in compliance with these guidelines.

E. Prior Rule 4-3(E), concerning Conciliation and Mediation, has been transferred to its own rule, Rule 4-3.1. Please see Rule 4-3.1 for rules and procedures related to Conciliation and Mediation/Facilitation.

### **Rule 4-3.1. Conciliation Court for Domestic Relations Cases**

**A. Definitions.** The following Definitions are used in this rule.

1. A "domestic-relations matter involving children" includes filings for dissolution of marriage, legal separation, and determination-of-paternity cases which involve issues of custody, parenting time, visitation, or other access with a child.

2. "Conciliation" as used in this Rule means "Conciliation Court" or "The Conciliation and Mediation Services Office."

3. "Facilitator" as used in this rule means persons qualified as "approved specialized mediators" pursuant to Neb. Rev. Stat. § 43-2938(3) (Cum. Supp. 2024).

4. "Facilitation" means "specialized alternative dispute resolution" (SADR) process as defined by Neb. Rev. Stat. § 43-2922(23) (Cum. Supp. 2024).

5. "Parenting Plan Checklist" means a checklist maintained by Conciliation per local rule, listing the requirements for a Parenting Plan, which shall include all issues of child custody, parenting time, visitation, other access, and any other issues relating to the

children that may be susceptible to mediation or the specialized alternative dispute resolution process.

6. The “Mediation Committee” means a standing committee of the District Court and will be composed of four (4) Judges, the Conciliation and Mediation Services Director, at least one outside mediator/advisor, and such other persons as the Committee deems necessary. The Chair Judge of Conciliation and Mediation Services will chair this Committee and may be consulted individually, as may be needed by the Conciliation and Mediation Services Director, for answers on day-to-day operations of the mediation program.

**B. Register With Conciliation.** Within ten (10) days of filing an initial complaint in a domestic-relations matter involving children, the filing party shall be required to register with or contact Conciliation. Register with Conciliation by going to <https://www.dc4dc.com/conciliation-a-mediation> to register for a basic level parenting class, or, if taking a different approved basic level parent education class, contact Conciliation at 402-444-7169 to provide current address, telephone number, and e-mail. Any questions can be directed to Conciliation at this phone number.

Within ten (10) days of service of process, the party served shall likewise be required to register with or contact Conciliation as described above. Prior to the entry of any order awarding temporary relief, the moving party shall certify that the party has registered with or contacted Conciliation.

**C. Parent Education Classes.** Parents who are parties to domestic-relations matters involving children are required to attend an approved parent education classes as set forth in the Conciliation Court Practices, Policies and Procedures (“Conciliation Policies”). The Conciliation Policies are available online at <https://www.dc4dc.com/conciliation-a-mediation> or by calling 402-444-7169. Completion of the class is required within 30 days of registering with or contacting Conciliation unless an extension is granted. However, be aware that any court deadline in your specific case may require sooner completion.

**D. Parenting Plan Checklist.** Conciliation shall maintain a Parenting Plan Checklist, which shall include issues of child custody, parenting time, visitation, other access, and any other issues relating to the children that may be susceptible to mediation or the specialized alternative dispute resolution process.

**E. Approval of Parenting Plans.** All Parenting Plan agreements shall be forwarded to Conciliation where Conciliation staff shall review said Parenting Plan agreements for

compliance with Conciliation’s Parenting Plan Checklist. Conciliation staff shall then forward a copy of the approved Parenting Plan agreement, along with the appropriate closure form to the Clerk of the District Court for filing.

**F. Required Mediation/Facilitation.** Except as otherwise required by Neb. Rev. Stat. § 43-2937(4) (Cum. Supp. 2024), when the parties or their counsel are unable to negotiate a parenting plan agreement which satisfies the requirements of the 4-3.1 Parenting Plan Checklist, then the parties are required to meet and confer with either the Director of Conciliation or another assigned mediator to mediate/facilitate a Parenting Plan that addresses the Parenting Plan Checklist. Conciliation Court will prepare a manual of Conciliation Policies for distribution on its website, <https://www.dc4dc.com/conciliation-a-mediation>, with the purpose of advising the filing parties, their attorneys, and mediators and facilitators, of the Fourth Judicial District’s local procedures for required mediation and conciliation. All contents of the Conciliation Policies manual must be in accordance with applicable court rules and state law. If the Conciliation Policies manual conflicts with court rules or state law, the court rule or state law shall prevail. Among other topics, the Conciliation Policies shall provide detail on the local processes for:

1. Assignment of a mediator;
2. Parent education, mediation, and specialized alternative dispute resolution facilitation; and
3. Requesting mediation/facilitation or requesting a judge to waive mediation/facilitation.

At any time in the proceedings, an interested individual may request mediation/facilitation, or a judge may order or waive mediation/facilitation. The term “interested individual” in Rule 4-3.1(F)(4) means those listed in § 43-2936--parties, guardians ad litem, and social service agencies--as well as those “serving in parenting roles” under § 43-2923(3) whose continued participation in the children’s lives is a necessary consideration under the best interests factors of the Parenting Act. More detail on this process is set forth in the Conciliation Policies.

**G. Requirements Before Scheduling Trial.** No trial date or other dispositive hearing will be scheduled until (1) attendance at the appropriate, required, and approved parent education class has been completed and mediation or other SADR facilitation process has been attempted to resolve issues of custody, parenting time, visitation, or other access,

unless these requirements have been waived, and (2) the parties have filed a Proposed Scheduling Order pursuant to Fourth Judicial District Local Court Rule 4-10, provided, however, that failure or refusal to participate by a party shall not delay entry of a final judgment by more than six (6) months.

**H. Re-mediation Requirements for Modifications.** Before filing a Complaint to Modify (Parenting Plan); an Application for Order to Show Cause (Parenting Plan); or a Motion to Enforce Parenting Time, Visitation, or Other Access Orders, the filing party shall:

1. Register with Conciliation. Register with Conciliation by going to <https://www.dc4dc.com/conciliation-a-mediation/parenting-program-sign-up> to register for a 2nd Level Parent Education Class or, if taking a different approved 2nd Level Parent Education Class, contact Conciliation at 402-444-7169 to provide current address, telephone number, and e-mail. Any questions can be directed to Conciliation at this phone number. Additional details on this process and its requirements are contained in the Conciliation Policies is available online at <https://www.dc4dc.com/conciliation-a-mediation>.

2. Complete an approved and required 2nd Level Parent Education Class.

3. Participate in re-mediation as described in the Conciliation Policies available online at <https://www.dc4dc.com/conciliation-a-mediation>, unless excused under Part I of this Rule, below.

**I. Modification Pleading Requirements.** Any party filing a Complaint to Modify (Parenting Plan), an Application for Order to Show Cause (Parenting Plan), or a Motion to Enforce Parenting Time, Visitation, or Other Access Orders must state in the pleading the date the approved 2nd Level Parent Education Class was completed and the date re-mediation was held and the outcome of remediation, or that such requirements have been waived by Conciliation due to complete agreement of the parties on all issues. If the filing party claims his or her attempt to re-mediate was thwarted by the other party, the filing party shall state with specificity in the pleading the filing party's good faith efforts to re-mediate and the other party's responses thereto.

**J. Conciliation List of Mediators/Facilitators.** Conciliation shall maintain a list of mediators and facilitators approved by the District Judges and the Mediation Committee of the District Court.

**K. Mediator/Facilitator Fees.** Court-approved mediators and facilitators will determine their own fees and will provide a copy of their fee schedule to the Conciliation and Mediation Services Director. In order to be on the 4-3.1 Panel list of court-approved mediators and facilitators, a mediator or facilitator must agree to use a sliding-fee scale based on a party's financial need. The current sliding-fee scale range shall be approved by the Conciliation Committee and stated in the Conciliation Policies available online at <https://www.dc4dc.com/conciliation-a-mediation>. Court-approved mediators and facilitators must also agree to take pro bono cases on an "as needed" basis. Conciliation will determine the need for such pro bono services, so that the burden of these cases is equitably distributed among the participating mediators and facilitators.

**L. Judicial Orders to Mediate.**

1. Order contents. When a judge refers a case for mediation or specialized alternative dispute resolution, the judge will indicate the issues to be mediated or facilitated, as well as any choice of a mediator or facilitator if the judge has a preference. The judge may also indicate whether there is a particular mediator or facilitator whom the judge does not wish to use. If financial issues are to be mediated, the case will be assigned to an attorney mediator.

2. If the judge does not assign a specific mediator or facilitator, and the parties do not mutually agree upon a mediator, Conciliation will assign a mediator according to the process described in the Conciliation Policies.

3. The attorneys or self-represented litigants shall notify Conciliation when mediation has been ordered by the Court and shall provide Conciliation with all necessary party information within five (5) business days.

**M. Written Agreements and Objections.**

1. Written Agreement. If the parties reach an agreement through mediation or the SADR specialized alternative dispute-resolution facilitation process, the agreement shall be reduced to writing. The mediator or the facilitator shall provide copies of the agreement to the parties and their attorneys.

2. Notice of time for Objections. The mediator or facilitator shall provide the parties, with a copy of the written agreement, a notice informing the parties and their attorneys of their right to express their objections to the written agreement. The notice shall inform the parties and their attorneys that they have twenty-one (21) days from the date of the

notice to notify the mediator or facilitator-of any written objections to the terms of the agreement.

3. Limitations on Trial Objections. At trial, parties shall not present evidence intended to object to a provision in an approved parenting plan or to show a material change in circumstances subsequent to the filing of a final agreement unless a written motion asking leave of the court to present such evidence at trial, accompanied by a notice of hearing, has been filed with the court and has been heard and granted prior to the trial.

**N. Mediation Letter.** The Mediation Committee will prepare a letter, for distribution by the District Court Administrator, advising the filing parties and their attorneys that attendance at an approved basic level parent education class is mandatory and required for domestic-relations matters involving children under the age of majority and must be completed within the time frame specified in this rule. The letter should also advise the parties and counsel (1) that Parenting Plans and issues of child custody, parenting time, visitation, or other access with a child will be referred for mediation or specialized alternative dispute resolution; (2) that no trial or other dispositive hearing will be scheduled until attendance at the required parent-education seminar has been completed and mediation or specialized alternative dispute resolution to resolve issues of custody, parenting time, visitation, or other access has been attempted; (3) that failure or refusal to participate by a party shall not delay entry of a final judgment by more than six (6) months; and (4) that issues of domestic-violence, domestic intimate-partner abuse, or child abuse or neglect may, upon consideration by the trial court, disqualify the parties from parent education, mediation, or the specialized alternative dispute resolution processes. The Clerk of the District Court is directed to include this letter with the filing and service packets distributed by the Clerk.

**O. Conciliation Staff Follow Deadlines.** The Conciliation staff will follow up on the deadlines set by the court, including any extensions of time that have been granted.

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