



*A strength-guided, goal-oriented approach to the positive growth and development of people and services.*

## **Mediation Referral Form – Service Agreement**

Mediation is directed at resolving issues regarding the on-going care and management of children following parental separation or divorce such that a parenting plan is developed or specific issues are resolved. It is the parenting plan that sets out the residential arrangements as well as roles, responsibilities and approaches for the care of the children. In mediation, parents retain control of the outcome.

The role of the mediator is to facilitate discussion, help generate options and educate on matters of concern to the well-being of the children in the context of the parental separation/divorce. The mediator will endeavour to keep behaviour safe and civil to allow appropriate negotiation between the parents.

Parents may be seen together or separately depending on the level of conflict and matters of concern. If seen together, the mediator can separate the participants when necessary and move between separate rooms if required. Typically the process is less costly and proceeds quicker when parents are seen together. Unless there is a particular reason not to be seen together, it is better to be seen together.

A developmental perspective is taken in structuring parenting plans so parents are better prepared to handle natural changes that occur with time.

People may self-refer for this service or a lawyer may refer you on your behalf. If you call for yourself please do NOT launch into your version of the problem. To the degree you lay out your side of the issues in advance of the other person, you will be considered to have biased my perspective and service may end before it even begins. In calling on your behalf, identify you are seeking mediation and then please let me lead the conversation so I obtain only the information I require to begin this process evenly as possible. Please be advised, I will not answer hypothetical questions as those are typically based on the caller's situation and discussing those hypothetical situations will be considered a matter leading to bias. Please also note, if you are considering my mediation service, you are well advised to inform the other party and have that party read this web page. The other party will have to read and complete this form too.

### Mediation Process (in general terms):

1. Where available, documents may be reviewed in advance of meeting.
2. Prior to the first meeting, the mediator will meet with each parent separately in person or by phone, to screen for domestic violence and power imbalances.
3. The first mediation meeting is scheduled for 3 hours duration. The purpose of the first meeting is to get acquainted and for the mediator to learn about you, your family history, the children and current issues. During this meeting the parents may provide signed consent permitting exchange of information with other service providers.
4. The children may be seen during the course of a mediation. Meetings with the children are usually scheduled for 1 hour but will vary depending on the children's age, comfort and discussion.
5. Meetings with parents will continue as necessary towards the goal of achieving a mutual agreement.

6. In the event an agreement is reached and a plan is achieved, this will be written up by the mediator as a Memorandum of Understanding. The parents can chose to follow the plan as is, or have it formalized as a legal document through their lawyers. Parents are advised to obtain independent legal advice.
7. In the event a plan is not achieved, a brief report will be provided stating an agreement has not been achieved in this process.
8. Only a Memorandum of Understanding or brief report stating an agreement has not been reached (or combination thereof) can be used for court purposes.
9. Parents should be aware that the opinion of a mediator may be influential in a court proceeding. When a mediator provides a report and can be called to Court, the process is referred to as open mediation. This is distinguished from closed mediation where any activity, outcomes or views of the mediator are sealed and not allowed for use in a court process. Only closed mediation is provided. Apart from reports noted above, Gary Direnfeld and/or his records cannot be used for court or arbitration purposes between the parties.
10. Information will be shared only upon written consent except where there is risk of harm to self or another person, or as required by law as it pertains to child protection matters. There is no recoding or posting of content or comments in any form or media by clients or their proxy although Gary Direnfeld may record any/all conversations at his discretion solely for accountability purposes in the event an issue with service arises. The service record is the property of Gary Direnfeld. Information obtained about persons served shall be used for service purposes, payment collection and/or, satisfaction surveys. Non-identifying information may be used for statistical, research or teaching purposes.
11. Mediation generally requires 3 to 20 hours for completion depending on number of issues and parental flexibility. The parents must determine prior to mediation how costs will be divided between them. This is not a matter for the mediator to determine.

**Fees:**

As a social worker, I am respectful of people's different income levels. As such, the fee is set on a fee-for-service basis using a sliding scale that ranges from \$150 - \$400 per hour. The actual fee then is determined by your joint income, or may be determined by your assets. You will be charged from the beginning of the scheduled appointment time, even if you are late. Appointments cancelled with less than 48 hours (two business days) will be billed for one hour. Further, time will be taken at the beginning of the first meeting for me to present my qualifications, experience and approach to counselling so that service is provided on an informed basis. This is deemed part of the time provided and billed for.

Billing will be on basis of actual time spent on any activity related to the mediation service, charged at the rate as per above, plus HST. You will be billed for any activity directed to your case.

Fee Schedule (based on joint income):

Income	Fee/hour
0 - \$75,000	\$150.00
\$75,000 - \$100,000	\$175.00
\$100,000 - \$125,000	\$200.00
\$125,000 - \$150,000	\$225.00
\$150,000 - \$175,000	\$250.00
\$175,000 - \$200,000	\$275.00
\$200,000 - \$250,000	\$300.00
\$250,000 - \$350,000	\$350.00
\$350,000 +	\$400.00

**Third Party Payments (EAP and other Benefit Providers):**

Please be advised that I do not accept payment by third party payers (benefit or EAP providers) whatsoever. People are directly responsible for payment of services as per the information above at the time of service. A receipt will be provided with which persons can seek reimbursement from their EAP or benefit provider. I take no responsibility for your reimbursement. Reimbursement remains a matter between you and your benefit or EAP provider.

If you do seek reimbursement through your benefit or EAP provider and I am called to verify the charge, I will do so with your implied consent. My disclosure will be limited to advising of my credentials as well as verifying the billing information, service provided and persons served. Please note, mediation is a clinical-legal service and may not be covered. No information regarding the nature or content of information discussed will be provided without signed consent, for which you will be charged as per the time required.

**Hours of Availability:**

Daytime appointments are available Monday through Friday (except Friday afternoon). Evening appointments are available Monday through Thursday. I typically set my appointment times for 9:30 am, 1:30 pm and 7:00 pm. I do not offer weekend appointments. Summer hours may be restricted - please ask.

## Referral Information

Parent Information	Mother	Father
Name		
Address		
City		
Province		
Postal Code		
Telephone		
Email		

Lawyer Information	Lawyer for Mother	Lawyer for Father
Name		
Address		
City		
Province		
Postal Code		
Telephone		
Fax		
Email		

Child's Name	Date of Birth	Current Age

*Please circle yes or no*

Do you have a Parenting Plan?	Yes	No
Is there a Separation Agreement?	Yes	No
Is there a Court Order in effect?	Yes	No
Has another assessment ever been conducted?	Yes	No
Have criminal charges been laid against either parent?	Yes	No
Has either parent been convicted of a criminal offence?	Yes	No

If there has been a charge or conviction of a criminal offence, please describe:

**Reason for Mediation:**

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**Current parenting time schedule:**

Key: Use "M" for Mother and "F" for Father

Week 1	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Morning							
Afternoon							
Evening							
Night							

Week 2	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Morning							
Afternoon							
Evening							
Night							

Description:

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Location of pick-ups: \_\_\_\_\_

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Location of drop-offs: \_\_\_\_\_

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Transportation arrangements for the children between the parents are as follows:

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Description of current distribution of parental decision making responsibilities:

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Description of current holiday agreements:

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Description of current school arrangements:

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Description of any restraining orders, bail or parole conditions currently in effect:

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Brief description of current issues:

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Mother's annual gross income	
Father's annual gross income	
Combined income	
Hourly fee as per the fee schedule above	
HST (13%)	
Total hourly fee with HST	

\_\_\_\_\_  
Name of person completing this form

\_\_\_\_\_  
Date

**Please append a copy existing agreements, Court Orders, assessments, bail notices or conviction notices to this form.**

## Mediation Service Agreement - Certification

I (name of parent) \_\_\_\_\_, of (name of city and Province) \_\_\_\_\_, \_\_\_\_\_, certify that I agree to the terms and/or processes therein. I understand: that Mediation may not result in an agreement; that mediation is “closed” and that Gary Direnfeld cannot be called to Court/Arbitration or asked to provide a report for Court/Arbitration purposes; that information will be shared only upon written consent except where there is risk of harm to self or another person, or as required by law as it pertains to child protection matters; that there is no recording or posting of content or comments in any form or media by me or my proxy; that Gary Direnfeld may record any/all conversations at his discretion solely for accountability purposes in the event an issue with service arises; that the service record is the property of Gary Direnfeld; that information obtained about persons served shall be used for service purposes, payment collection and/or, satisfaction surveys; that non-identifying information may be used for statistical, research or teaching purposes; that I am entering into this process voluntarily.

\_\_\_\_\_  
Print Name of Parent

\_\_\_\_\_  
Signature of Parent

\_\_\_\_\_  
Date this form was executed