

WRITTEN COMMENTS TO THE PROPOSED RULES FOR THE
IMPLEMENTATION OF FLORIDA STATUTES 44.301 - .306

FILED
J. WHITE

NOV 24 1987

Family Court Services is the court based family mediation program for the Thirteenth Judicial Circuit. We have recently reviewed your Proposed Rules For the Implementation of Florida Statutes 44.301 - .306. It is an excellent, detailed recommendation. There are a few areas of concern that the Thirteenth Circuit would like to bring to your attention on December 3, 1987.

1.710 (a) mandates that the mediator's report be filed with the court within five days of completion of the mediation. Our experience has been that attorneys normally do not attend the mediation hearings, therefore, the process of obtaining the attorneys signatures could take longer than the allotted five days.

1.720 (d) implies that the attorney will be allowed constant communication with his client during the mediation process. Because this may be disruptive to the mediation process, this office allows for client-counsel communication during breaks and before and after the mediation hearing.

1.730 (b) we would request clarification of the procedure for obtaining the attorneys signature if the attorneys are not present for the mediation hearing. Also, 1.710 (a) mandates the mediator's report being submitted within five days of completion. We are confused if this five days is after the ten day period that counsel has to respond.

1.730 (c) we are not sure if this means an agreement will automatically be made into a court order (without the judges signature) ten days from the date the judge receives it unless the judge files a written objection.

1.760 (b) the proposed qualifications are not commensurate with allotted salaries for court based family mediators. This would especially create problems for hiring in the future. We feel the following changes would eliminate this problem.

(1) have a Masters Degree in social, mental health or psychological sciences; or have a Bachelors Degree in social, mental health, or psychological sciences and five years practice experience in one of the professional fields mentioned above;
or

be a physician certified to practice adult or child psychiatry;
or be an attorney; and

(2) have completed a minimum of 40 hours in a mediation training course certified by the Supreme Court; or have received a Masters Degree in family mediation from an accredited college or university; and

(3) have been certified by the Chief Judge of the Circuit pursuant to Section 44.302(3)