

**CONSENT TO MEDIATION AND CONFIDENTIALITY AGREEMENT**

Mediation is a voluntary process where parties come together with a mediator in an attempt to settle a dispute. A trained mediator assists the parties during mediation. Free and open communication is necessary for a mediation to openly address everyone's concerns. Because free flow of communication is so critical, discussions in a mediation session are privileged and/or confidential pursuant to O.R.C. 3109.052, 2710.01 and local Juvenile Rule 11. The mediator and all participants are not allowed to disclose to anyone else a communication made in a mediation. Also, information from a mediation session cannot be used in the court case related to the mediation unless otherwise discoverable.

**HOWEVER, there are certain circumstances where these protections do not apply and mediation communications may or must be disclosed. Some of the circumstances where mediation communications are not privileged or confidential are:**

- New information and/or statements concerning neglect or abuse of a child that are not contained in the complaint, motion or petition being mediated.
- New information and/or statements of elderly abuse or neglect.
- Information and/or statements having nothing to do with the mediation.
- Information and/or statements that a felony has been or is being committed or threats of harm to self or other people.
- A court may order disclosure of a mediation statement when the disclosure is necessary to prevent a serious injustice, but only after a hearing.
- A signed mediation agreement.

Your participation in mediation is voluntary, and you may decline to participate in mediation. You also have the option of having a support person during the mediation process.

**By signing below, I agree that I have read and understand the above and that the mediator has verbally explained this document to me. I further agree to participate in the mediation and keep confidential all communications from the mediation unless I am permitted or required by law to disclose specific information.**

\_\_\_\_\_  
Name (Please Print)

\_\_\_\_\_  
Signature of Party

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Mediator

\_\_\_\_\_  
Date