

What to Bring to Mediation

Parties should bring the following information to mediation so that support can be properly calculated and an appropriate agreement can be written:

- Proof of gross income from all sources, including any unemployment benefits or worker's compensation. Bring at least three most recent pay stubs or Leave and Earnings Statements, most current W2 or 1099 tax form, or most recent tax return. Gross income does NOT include wages from a job obtained to pay child support arrearages, welfare payments or benefits, child support received, and certain types of social security payments such as SSI;
- Social Security Number for each child and parent;
- Driver's license number for each parent;
- Address and telephone number of each parent's employer;
- Child(ren)'s health and dental insurance cards, if available;
- Cost of health insurance for the child(ren) being discussed in mediation. Employed parties should check with their employer to see if health insurance is available and what the cost would be for the employee only, the employee plus each child, and the family;
- Cost of work-related child-care expenses;
- A copy of a support order from a court or DCSE showing the amount of child support ordered and currently being paid for any other child(ren) from a different relationship;
- Amount of spousal support being paid or received for any relationship;
- If self-employed, details of any qualified business expenses, such as self-employment tax; and
- A copy of any custody or visitation orders for the child(ren) being discussed in mediation.

Resources

DCSE: <https://www.dss.virginia.gov/family/dcse/>

Virginia's Judicial System: www.vacourts.gov

Mediation Section of Virginia's Judicial System: www.vacourts.gov/courtadmin/aoc/djs/programs/drs/mediation/home.html

Virginia State Bar - Virginia Lawyer Referral Service: www.vlrs.net

Family Law Section of Virginia State Bar: <https://www.vsb.org> Virginia Code Sections 20-108.2 and 20-60.3

"Spare the Child" video: <https://www.youtube.com/watch?v=w5wASVXhEkc>



**Virginia State Bar Family Law
Section and Dispute Resolution
Services Department of the Office
of the Executive Secretary of the
Supreme Court of Virginia**

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*Mediating
Child Support:*

*Things to
Know Before
You Go*



What is Mediation?

Mediation is a form of dispute resolution in which a trained, third-party neutral helps parties discuss their dispute in a safe, confidential setting. Mediators do not advocate for either party, make decisions, or force parties to agree to a particular solution.

Mediation sessions are focused on the participants and their family. The mediator helps the parties listen to one another, identify key issues, and explore solutions that are in the best interests of the child(ren). Any mutually-agreed-upon solutions are documented in an agreement and, once approved by the judge, become part of the court order. For the most part, mediation is also confidential. Only certain statements, such as allegations of child abuse, are not confidential and must be reported to the proper authorities.

A court may refer a case to an **orientation session**, where a mediator explains the process in detail. If both the mediator and the parties decide that mediation is appropriate, the process continues. Mediation is completely voluntary, meaning parties can stop at any time. From start to finish, mediation may take several hours or more, so it's important to set aside enough time so as not to feel rushed.

Most courts have programs that provide FREE mediation to the parties. In those courts, cases are referred to a mediator who is paid by the state



Why mediate child support?

The goals of mediating child support are:

- 1) To help parties have a productive conversation about the future needs of their family; and
- 2) To help parties develop an enforceable child support order as one way to help meet those needs.

Monthly basic child support is the amount Virginia law states it costs to raise and support a child based on the parents' combined monthly income. Without mediation, the court or the Division of Child Support Enforcement (DCSE) uses state-mandated guidelines to decide how much the parties will receive or pay in child support. However, in mediation, those guidelines are only a starting point and the parties can negotiate changes based on their specific needs and circumstances. Deviations must be explained in the written agreement and some courts put limits on how much parties can stray from the state guidelines.



During Mediation

The mediator will start with an introduction and will review an *Agreement or Consent to Mediate* form that all participants sign. The mediator will also ask for the information needed to calculate the statutory child support amount before the parties begin negotiations. While a certain amount of flexibility exists in mediated agreements, certain topics must be covered or at least discussed. For example, the mediator will need to know whether or not there is a court order for custody or visitation; as well as the current parenting schedule. The time the child(ren) spends with each parent has a direct impact on the final child support calculation.



After Mediation

In court-referred mediation, parties' decisions will be documented in an agreement and submitted to the court. Upon court approval, the agreement becomes part of the order for child support.