

How to Request a Court Mediation Referral

Note: Use this form to request a referral from the court for mediation.

These instructions and form may not be right for your case. They can't take the place of advice from a lawyer. Talk to a lawyer if you have **any** questions.

Who Can Use These Forms?

You can use these forms if you would like the court to refer you for mediation services through the Montana Family Transition Project.

Where Should I File My Motion?

You file your Motion in the clerk's office for the Court where the lawsuit was filed.

How Do I Use These Forms?

1. Fill in the Forms

- On the Request for Order for Mediation form, fill in all the blanks. You can look at earlier filings in the case to get the case number and party information. Sign and date the form.
- On the Order form, fill in just the caption, the Court and case information. The judge will complete the rest when signing the Order.

2. Make Copies

- Make at least two copies of your Motion (the Order for Mediation form). You will need additional copies - one copy of each document for each participant in the case.
- Make one copy of the proposed Order.

3. File the Forms at the Courthouse

- Go to the office of the clerk of district court where the lawsuit was filed.
- Hand your original Motion to the clerk.

- Ask the clerk to date-stamp your copies of the Motion, to show the date the Motion was filed. The date-stamped copy of each is for you to keep. Mail another copy of the Motion to each other person in the case. Be sure to take your copies of the Motion with you to any hearing.
- Give the proposed Order to the clerk. Ask the clerk to lodge the Order in the file. “Lodging” means that the clerk will not officially file the document in your court file, but will just keep the Order inside the court file so the judge can look at it in the future. If the clerk will not lodge the Order, you will need to keep the Order in case there is a hearing. You will need to take the Order with you to the hearing so you can ask to give it to the judge then.

4. Mail or hand deliver your Motion

- On the same day you file with the Clerk of Court, mail or hand deliver a copy of your Motion to each other person in the case. It’s best to mail the documents on the same date as you put in the “certificate of service” section at the end of the Motion. Mail the documents to the name and address for each party as shown on the court papers filed by each party. The name and address for each party in the lawsuit is usually in the top left-hand corner of the first page of the court paper filed by that party. If the other party has a lawyer, this will be the lawyer’s address.
- It is a good idea to have proof that you mailed your Motion to each party or their attorneys. You can get proof by using the United States Postal Service’s “Certificate of Mailing.” The post office charges more for the Certificate of Mailing than a regular letter. The post office receipt that you get from the post office is your proof that you mailed your Motion to the correct address on a certain date. Be sure to keep the post office receipt and take it with you to your hearing.

Name

Mailing Address

City, State Zip Code

Phone Number

E-mail Address (optional)

Petitioner Respondent
appearing without a lawyer

MONTANA _____ JUDICIAL DISTRICT COURT
_____ COUNTY

<input type="checkbox"/> In re the Parenting of: _____, <i>OR</i> <input type="checkbox"/> In re the Marriage of: _____, and _____ <input type="checkbox"/> Petitioner, _____, <input type="checkbox"/> Co Petitioner <input type="checkbox"/> Respondent.	Case No: _____ REQUEST FOR ORDER FOR MEDIATION
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I, _____, am the Petitioner Respondent and respectfully ask the court to enter an order requiring the parties to apply for mediation services through the Montana Family Transition Project.

1. I believe we might resolve the following issues through mediation with the Montana Family Transition Project:

Distribution of Assets and Liabilities

Parenting Plan

Other: _____

2. If the parties qualify, the Montana Family Transition Project will provide free mediation and consultation services to the parties with the goal of helping them resolve the issues listed above.

3. The Montana Family Transition Project can be reached at (406) 594-8535 or mediate@mtlsa.org. Parties can also apply online at bit.ly/mtfreedivorce.

Date of Signature

Petitioner Respondent Signature
Appearing without a lawyer

Print Name

Certificate of Service

On the ____ day of _____, 20____, I swear under oath that I served a copy of this motion by mailing a true and correct copy with postage prepaid and addressed to:

Name

Street

City *State* *Zip Code*

MONTANA _____ JUDICIAL DISTRICT COURT
_____ COUNTY

<input type="checkbox"/> In re the Parenting of: _____, <i>OR</i> <input type="checkbox"/> In re the Marriage of: _____, and _____, <input type="checkbox"/> Co Petitioner <input type="checkbox"/> Respondent.	Case No: _____ [PROPOSED] ORDER FOR MEDIATION
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Pursuant to Petitioner's Respondent's Request for Order for Mediation,

IT IS HEREBY ORDERED:

- 1. The parties shall apply for the Montana Family Transition Project within 10 days of receiving this order. Parties are encouraged to apply online at bit.ly/mtfreedivorce. Parties may also contact the program by calling (406) 594-8535 or emailing mediate@mtlsa.org.**

2. If the parties qualify, the Montana Family Transition Project will provide mediation and consultation services to the parties with the goal of helping them resolve the legal matters at issue in this case.
3. The parties shall participate in mediation within ninety (90) days of this order.
4. All oral and written communications made during mediation proceedings shall be confidential. A party, or any other individual engaged in mediation proceedings, shall not be examined in any civil or criminal action as to the communications made in the mediation proceedings. Such communications shall not be used in any civil or criminal action without the consent of the parties to the mediation according to law.
5. Failure of counsel or parties to adhere to this Order may result in the loss of trial date, sanctions, or notification to clients as to the reasons for further delay.

DISTRICT COURT JUDGE/STANDING MASTER