

**78B-6-207 Minimum procedures for mediation.**

- (1) A judge or court commissioner may refer to mediation any case for which the Judicial Council and Supreme Court have established a program or procedures. A party may file with the court an objection to the referral which may be granted for good cause.
- (2)
  - (a) Unless all parties and the neutral or neutrals agree only parties, their representatives, and the neutral may attend the mediation sessions.
  - (b) If the mediation session is pursuant to a referral under Subsection 78A-6-108(9), the ADR provider or ADR organization shall notify all parties to the proceeding and any person designated by a party. The ADR provider may notify any person whose rights may be affected by the mediated agreement or who may be able to contribute to the agreement. A party may request notice be provided to a person who is not a party.
- (3)
  - (a) Except as provided in Subsection (3)(b), any settlement agreement between the parties as a result of mediation may be executed in writing, filed with the clerk of the court, and enforceable as a judgment of the court. If the parties stipulate to dismiss the action, any agreement to dismiss shall not be filed with the court.
  - (b) With regard to mediation affecting any petition filed under Section 78A-6-304 or 78A-6-505:
    - (i) all settlement agreements and stipulations of the parties shall be filed with the court;
    - (ii) all timelines, requirements, and procedures described in Title 78A, Chapter 6, Part 3, Abuse, Neglect, and Dependency Proceedings, and Part 5, Termination of Parental Rights Act, and in Title 62A, Chapter 4a, Child and Family Services, shall be complied with; and
    - (iii) the parties to the mediation may not agree to a result that could not have been ordered by the court in accordance with the procedures and requirements of Title 78A, Chapter 6, Part 3, Abuse, Neglect, and Dependency Proceedings and Part 5, Termination of Parental Rights Act, and Title 62A, Chapter 4a, Child and Family Services.

Renumbered and Amended by Chapter 3, 2008 General Session