



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

ALTERNATIVE DISPUTE RESOLUTION INFORMATION NOTICE

Mediation, arbitration, collaborative family law, and the use of a privately compensated temporary judge are methods of Alternative Dispute Resolution which are available to you at any stage of the proceedings in an action for the dissolution or annulment of your marriage or domestic partnership, or in an action for legal separation. The costs associated with any of these Alternative Dispute Resolution methods must be determined directly between you and the professionals you choose to use.

Mediation is a voluntary settlement process in which the parties meet with an impartial mediator. The mediator assists the parties to clarify issues, facilitate communication and consider options for settlement in their attempt to reach a mutually acceptable agreement. This process is different from the court-controlled litigation process because, in mediation, the parties make the decisions instead of a judge. In mediation, the parties control the division of their assets, the provisions for child and spousal support, and the sharing of their children. Discussions take place in the privacy of the mediator's office and no court appearances are necessary. When mediation is completed and an agreement reached, the agreement is put into writing, signed by the parties, filed with the court, and a judgment entered.

Arbitration is a voluntary process in which the parties select an independent, qualified, third party to hear and consider the facts and evidence in their case and make decisions on their contested issues. These decisions may be final and binding or they may be nonbinding, as determined by the agreement of the parties. Parties can submit all or some of the contested issues in their case for decision by their arbitrator. If binding, the arbitrator's decisions are included in the judgment entered by the court.

Collaborative Family Law is a voluntary process in which both parties commit themselves to resolving their issues through a cooperative approach rather than adversarial litigation. This process relies on the commitment of the parties to exercise honesty, cooperation, and integrity in working toward the future well-being of each of the parties, and, if there are children, the family. A team of experts assists the parties in solving problems, developing options, and creating a positive context for settlement. Each party works with a collaborative family law attorney and a communication coach. The parties jointly hire a financial expert and, where appropriate, a child specialist to give the children a voice in the process. All information and documentation is voluntarily shared. The essence of the process is a series of face-to-face meetings between the parties and the relevant members of the professional team. When the process is completed, a written settlement agreement is prepared, signed, and filed, and a judgment is entered by the court.

Using a **Privately Compensated Temporary Judge (PCTJ)** is a voluntary process in which, with the court's authorization, the parties may agree to use a qualified individual (often a retired judge or an experienced family law attorney) to resolve some or all of the substantive or procedural issues in their case. The decisions made by the PCTJ in your case will have the same force and effect as decisions made by a trial court judge. Parties wishing to use a PCTJ must advise the court as soon as possible by submitting a written stipulation signed by both parties and their attorneys (if they are represented).

These Alternative Dispute Resolution methods may or may not be appropriate for every case or individual. You should seek the advice of counsel regarding the best way to resolve your issues. If you decide to use one of these Alternative Dispute Resolution methods, it is suggested that you use the services of qualified professionals. If you need emergency restraining orders, Alternative Dispute Resolution may not be appropriate at this time.

You are encouraged to serve a copy of this fact sheet on the other party when you serve your family law action.