

LOCAL RULES

DOMESTIC MEDIATION

- A. A Domestic Relations Mediation Program is hereby established in accordance with §40-12-1, et seq., NMSA 1978.
- B. A Domestic Relations Mediation Fund is hereby established in accordance with §40-12-4, et seq., NMSA 1978.
 - 1. The Clerk shall collect a surcharge of \$30.00 on all new Domestic Relations cases for the fund, which shall be accounted for separately, for the purposes stated herein.
 - 2. For all actions whose original pleadings were filed prior to January 1, 1989, the Clerk shall collect a surcharge of \$30.00 for "reopening" a previously closed Domestic Relations case for the fund which shall be accounted for separately for the purposes stated herein.*
 - 3. For all actions whose original pleadings are filed after January 1, 1989 the Clerk shall not collect a fee for reopening a previously closed Domestic Relations case.*

The money accumulated in the fund shall be deposited in an interest-bearing account.

- C. The Domestic Relations Mediation may be initiated in each case in which Child Custody is an issue. At such time either party shall file a Certificate of Child Custody Issues.
- D. The Court may not hear a case involving child custody unless the matter has been submitted to mediation.
- E. Upon filing of a Certificate of Child Custody Issues, or upon direction of the court, the Clerk will enter a Notice of Mediation to the parties to view certain videotapes at a listed location. This viewing must be completed within ten days of the Notice. The Notice will also set forth the further mediation procedures for the parties, including the assigned mediator, provided the parties have not previously settled the issue after viewing the video tape.
- F. Mediation shall be completed within forty-five (45) days of the first meeting with the mediator. The mediator shall inform the Court, on a court-approved form, of the outcome of mediation. A person shall not be called as a witness in a case in which that person acted as mediator.

- G. In accordance with §40-12-1, costs of the Domestic Relations Mediation Program shall be paid by the parties to the action, on a sliding fee scale approved by the Supreme Court. All fees shall be paid to the District Court to be credited to the Domestic Relations Mediation Fund. The Clerk shall forward a Notice of Assessment of Costs to the parties upon payment of the mediator from the fund. Mediation assessments are to be paid to the Clerk by attorney firm check, cash, money order, or certified check. No personal checks are to be accepted.
- H. Failure to abide by an order of the court which implements the rules and regulations of the Domestic Relations Mediation Program may be deemed to be contempt of court and punished accordingly.
- I. The court may enter any order for effective implementation of this program.

* LCR 15 (A) (2-3) superseded by NMSC Rule 1-099, as amended, effective April 1, 1989.