



New Jersey Judiciary
Domestic Violence Economic Mediation Program
Non-Protected Party Frequently Asked Questions (FAQs)

Q: What is economic mediation?

A: Economic mediation is a means of resolving financial issues with the help of a trained, impartial third party. It is designed to facilitate settlements in an informal, non-adversarial environment. Mediators do not represent either party and do not offer legal advice. Parties are encouraged to retain an attorney for the mediation process, but if they do not have an attorney, they may have someone of their choosing accompany them in mediation. Since a final restraining order exists between you and the other party, you will not be in the same physical (or virtual) room during mediation. The mediator will communicate back and forth with both parties separately and will identify issues, gather needed information, and assist you to reach an agreement. The court maintains a list of approved mediators with specialized domestic violence training.

Q: Is economic mediation possible when there is a Final Restraining Order between the parties?

A: Generally, the law prohibits any kind of mediation when there is an active Final Restraining Order between the parties. However, the Judiciary created the Domestic Violence Economic Mediation program to permit mediation **only** if the protected party (the person with the restraining order) requests it and consents to amending the Final Restraining Order. At any time and for any reason the protected party may terminate the mediation process.

Q: If the protected party agrees to participate in economic mediation, what happens next?

A: The protected party must complete and file a certification which is their formal request to the court that the case be referred to economic mediation. It is also a request for the court to amend the Final Restraining Order to permit economic mediation. Filing the certification does not guarantee that the court will refer your case to the program.

After reviewing the certification and confirming that the protected party consents to economic mediation, the court will ask you if you want to participate in economic mediation. If you agree, the court will refer the case to economic mediation and will amend the Final Restraining Order to permit participation in the program.

If you disagree, you will be asked to provide an explanation. The court may still decide to refer your case to economic mediation.

If the court refers your case to economic mediation, you and the other party will work with staff to agree on the selection of a mediator. If you are unable to agree, the court will assign one for you.

Q: What happens if the case is not referred to economic mediation?

A: If the case is not referred to economic mediation, the case will proceed through the regular court process, and the court will set a date for the next court event.

Q: What does it mean to amend the Final Restraining Order to allow economic mediation?

A: Even though there will be no contact with the other party during the mediation process, your restraining order must include language that both parties are permitted to participate in the Domestic Violence Economic Mediation program. All other provisions of the Final Restraining

Order will remain in place. If you contact the protected party it will be a violation of the Final Restraining Order.

Q: If the protected party does not want to participate in economic mediation but I do, can the court refer the case to economic mediation?

A: No. Under the terms of the Domestic Violence Economic Mediation program, the non-protected party cannot request economic mediation. The protected party is the only party that can make the request.

Q: If the unresolved financial issues proceed to economic mediation how and where does the mediation occur?

A: Economic mediation takes place in a secure room at the courthouse where security is onsite or in a virtual environment using videoconferencing. Economic mediation may not be conducted at the mediator's office or any other location.

The mediator assigned to your case will use a process called, "shuttle diplomacy" to facilitate the mediation. This means that you and the other party will be in separate rooms the entire time, and the mediator will communicate with you separately. This eliminates direct communication between you and the other party from occurring. Similarly, if the mediation is conducted virtually, you and the other party will be in separate virtual meeting rooms and will not have any contact.

Only mediators who completed domestic violence mediation training are eligible to mediate cases where there is a restraining order between the parties. If you have any questions or concerns about the process, please immediately let your attorney and the mediator know.

Q: What if court refers the case to economic mediation, but the protected party changes their mind and does not want to attend?

A: According to the provisions of the Domestic Violence Economic Mediation program, at any time in the process, the protected party can decide not to participate in mediation.

Q: Who pays for the economic mediator?

A: The first two hours of mediation are free. These two hours include the time it takes for the mediator to prepare for the first session and for the session itself. Travel time is not included in the first two hours and mediators are not allowed to charge for their travel.

During the mediation, the mediator will let you know when the two free hours have been reached. Either party can then choose to end the mediation. If the mediation goes beyond the free two hours, the court will later decide the amount each party will be responsible for to cover the mediator's fee.

Q: Can the mediator address other issues like custody and parenting time?

A: No, this is prohibited by law and violates provisions of the Domestic Violence Economic Mediation program.