



**New Jersey Judiciary**  
**Domestic Violence Economic Mediation Program**  
**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: If I want the court to refer my case to economic mediation, is there something I need to do since I have a Final Restraining Order against the other party?**

A: Yes. Before the court can refer your divorce case to economic mediation, you must: (1) read this document in its entirety; (2) meet with a domestic violence advocate or trained court staff; and (3) complete and sign a written request to amend your restraining order and allow your case to be referred to economic mediation. To make this formal request you must file a document titled, "Certification of Plaintiff in Support of Request to Amend Final Restraining Order to Permit Economic Mediation." By signing this document, you certify that you understand the economic mediation process and you agree to amend your Final Restraining Order so you and the other party can participate in economic mediation.

**Q: Why do I need to file a certification with the court to request economic mediation?**

A: Generally, the law prohibits 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: What does it mean to amend the Final Restraining Order to permit 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 effect. If the other party contacts you, it will be a violation of the Final Restraining Order.

**Q: What happens after I complete the certification?**

A: You, the other party, and your attorney's, if applicable, will appear before a judge who will review your certification and ask you questions. The judge will decide if your case should be referred to mediation and if your restraining order should be amended to permit mediation. The judge will also ask the other party if they want the case to be referred to economic mediation. If they do not agree, the judge can still refer the case to mediation. If the judge refers the case to mediation and amends your restraining order, you and the other party will be asked to agree on a mediator. Staff will assist you with this process so there is no contact between you and the other party. If you are unable to agree, the judge will assign a mediator.

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

A: If the judge does not refer your case 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 if, after reading this document and speaking to someone about economic mediation, I decide I do not want to go to economic mediation?**

A: Your participation in mediation is completely voluntary. The court can only refer your case to economic mediation if you, the protected party, files the "Certification of Plaintiff in Support of Request to Amend Final Restraining Order to Permit Economic Mediation." If you do not want your case referred to economic mediation, then you should not complete the certification, and your case will be scheduled for the next regular court event.

According to the provisions of the Domestic Violence Economic Mediation program, the non-protected party cannot request economic mediation. If you do not want your case to go to economic mediation, your decision **will not** be held against you in any way.

**Q: If the case is referred to economic mediation what safeguards are in place to protect me from the other party during the mediation?**

A. Economic mediation will only take 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 each of 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 with 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 your safety, please immediately let your attorney and the mediator know.

**Q: What can I do if I feel like the other party is intimidating or coercing me during the mediation process?**

A. If you have an attorney, you should immediately tell them and the economic mediator. You may end mediation at any time and for any reason. The mediator will inform the judge that mediation was not successful. This will not be held against you in any way.

**Q: What if the court refers the case to economic mediation, and I change my mind and do not want to attend?**

A: It is completely acceptable to change your mind. This program was created to give victims of domestic violence the same opportunity to resolve their case as litigants who do not have a restraining order. If you do not feel comfortable about moving forward with economic mediation, let your attorney know or if you do not have an attorney, contact the court.

**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.