

## CHAPTER 18.6-01-03 MEDIATION

### Section

- 18.6-01-03-01 Eligibility for Mediation
- 18.6-01-03-02 Mediation Process
- 18.6-01-03-03 Mediation Confidentiality

#### **18.6-01-03-01. Eligibility for mediation.**

Any party who is eligible for assistance pursuant to North Dakota Century Code chapters 6-09.10 and 38-11.1 is eligible to request mediation.

**History:** Effective October 1, 2016.

**General Authority:** NDCC 6-09.10-04, 6-09.10-09, 28-32-02.1, 38-11.1-09.2

**Law Implemented:** NDCC 6-09.10-02.1, 6-09.10-03, 6-09.10-04, 38-11.1-09.2

#### **18.6-01-03-02. Mediation process.**

1. A party may initiate mediation by submitting a request to the administrator.
2. The administrator shall notify the responding party of the request and attempt to obtain the responding party's signed consent for mediation to commence.
3. If a responding party refuses to consent, the administrator may not commence mediation and shall then provide notice to the initiating party.
4. If a responding party consents to mediation, each party shall provide the administrator a list of potential parties and nonparty participants.
5. After receiving consent from the responding party, the administrator may assign a mediator to conduct mediation. If a party requests assistance in preparing for mediation, the administrator may provide financial advisory and counseling services as reasonable and necessary to prepare parties for mediation.
6. The administrator shall send a notice to all parties and nonparty participants, including the date, time, and place for mediation.

**History:** Effective October 1, 2016.

**General Authority:** NDCC 6-09.10-09, 28-32-02.1

**Law Implemented:** NDCC 6-09.10-02.1, 6-09.10-03, 6-09.10-04

#### **18.6-01-03-03. Mediation confidentiality.**

All parties and nonparty participants shall agree to keep confidential the substance of all mediation discussion. The administrator, parties, or nonparty participants may disclose confidential information only as permitted by North Dakota Century Code section 6-09.10-10.

**History:** Effective October 1, 2016.

**General Authority:** NDCC 6-09.10-09, 28-32-02.1

**Law Implemented:** NDCC 6-09.10-02.1, 6-09.10-03, 6-09.10-04, 6-09.10-10