

**In the Lucas County Court of Common Pleas, Probate Division,  
Lucas County, Ohio**

**Rule 16 Mediation** *(effective January 1, 2020)*

**(1) Uniform Mediation Act and Definitions**

The R.C. 2710 “Uniform Mediation Act” (UMA), including all definitions found in R.C. 2710.01, are incorporated by reference and adopted by this court through this local rule.

**(2) Cases Eligible for Mediation**

(a) General. The Lucas County Probate Court may refer any civil action or proceeding that is within the jurisdiction of the Court for dispute resolution, which shall include mediation. A case may be submitted to mediation as provided in this rule. The court may issue an order on its own motion, upon the motion of counsel, upon the request of a party, or upon referral by the mediator.

(b) Exceptions. Mediation is prohibited in the following:

- (i) As an alternative to the prosecution or adjudication of domestic violence;
- (ii) In determining whether to grant, modify, or terminate a protection order;
- (iii) In determining the terms and conditions of a protection order;
- (iv) In determining the penalty for violation of a protection order.

(c) The selection of the mediator, fees for the mediator, and source of payment for mediator fees shall be within the sole discretion of the Probate Court Judge. Payment for any additional expenses associated with the resolution of disputes must have prior approval of the Probate Court.

**(3) Confidentiality**

Except as provided in sections 121.22 and 149.43 of the Revised Code, mediation communications are confidential to the extent agreed by the parties or provided by other sections of the Revised Code or rules adopted under any section of the Revised Code. Parties desiring confidentiality of mediation communications shall advise the mediator as soon as practical and all mediation participants shall execute any confidentiality agreement prior to the start of mediation.

By participating in mediation, a nonparty participant, as defined by R.C. 2710.01(D), submits to the Court’s jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the rights and duties under this rule as are attributed to parties, except that no evidence privilege shall be expanded.

## **Referral to Resources**

The court shall maintain resources for mediation parties, including victims and suspected victims of domestic violence, encouraging appropriate referrals to legal counsel and other support services such as Children Services, domestic violence prevention, counseling, substance abuse, and mental health services.