



Welcome to the 27<sup>th</sup> Annual AB  
1058 Child Support Training  
Conference

# Child Support Mediation: Process and Possibilities

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**Friday, September 1, 2023**



# “Mediation” defined...

CA Evidence Code §1115(a):

“Mediation” means a process in which a **neutral person** or persons **facilitate communication** between the disputants to **assist them** in reaching a **mutually acceptable agreement**.

# When can parents mediate?

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As long as neither party currently receives CalWORKS:

- Establish initial order
- Modify current order
- Waive arrears
- Create sum certain reimbursement order



# General overview of the process:

AGREEMENT TO MEDIATE

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graph TD; A[AGREEMENT TO MEDIATE] --> B[LOCATION]; B --> C[GROUND RULES: HM MMM...YES OR NO?]; C --> D[ISSUES TO MEDIATE];
```

LOCATION

GROUND RULES: HM MMM...YES OR NO?

ISSUES TO MEDIATE

## Hypothetical #1:

Mildred and Daniel were never married but have a child together. Daniel shows up at a walk-in session with papers he has received from some dude who came up to him after work one day last week. After Daniel has spent a healthy amount of time expressing his dislike for the papers, he acquiesces to your repeated requests to be allowed to look at the papers.

You find what you had been expecting to see: Parentage Petition with all the trimmings, including an I&E and RFO for Custody/Visitation and Child Support with an attached calculation (which you ran last week for Mildred). The calculation has Daniel paying \$837/month based on 0% timeshare with 8-month-old Cinderella. His income is from his job working for his painting contractor Uncle (\$2,500/mo.) and Mildred has \$0 income and is living with her folks. He insists that she is back to work at the night club where they first met and makes a lot of money all in cash. He says that they have been talking, and he thinks they are close to agreement on “everything.”

You recognize Mildred in the waiting area, and you have some free time on your hands. (“Lunch is for Wimps.”) The hearing on the RFO is 2 months out, and mediation will be set from that point.

What can/would you do?





## Conducting the mediation:

- Basic overview of the law
- Review of supporting documents: Paystubs, tax returns, mortgage statements, profit and loss statements
- Time share calculation
- Running different scenarios in the calculator

## Hypothetical #2:

You have an appointment with Martha and David for finalizing their Divorce (19-year marriage) as they have reported to you that they have an agreement on all issues. You have booked them for a 2-hour block of your day. You get through Custody and Visitation terms for their 3 children (ages 17, 15, and 8). They have agreed to week on/week off, an alternate year Holiday schedule, and Split Summers in 2-week blocks. You turn your attention to child support and David quickly says, “No child support since we’ve got fifty-fifty.”

You turn to Martha who says, “I guess so.” They have brought their I & E’s which reflect that David earns \$142,000 as a sergeant with the Sheriff’s Dept. Martha earns minimum wage working part-time at her friend’s used bookstore (where there are no used Nolo press or other Do-it-yourself divorce books for sale).

You have an hour and a half left of your scheduled time. Good luck!





IMPASSE



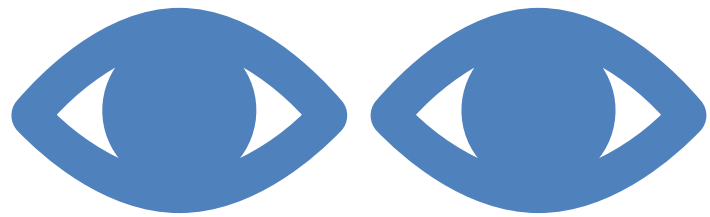
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What now????

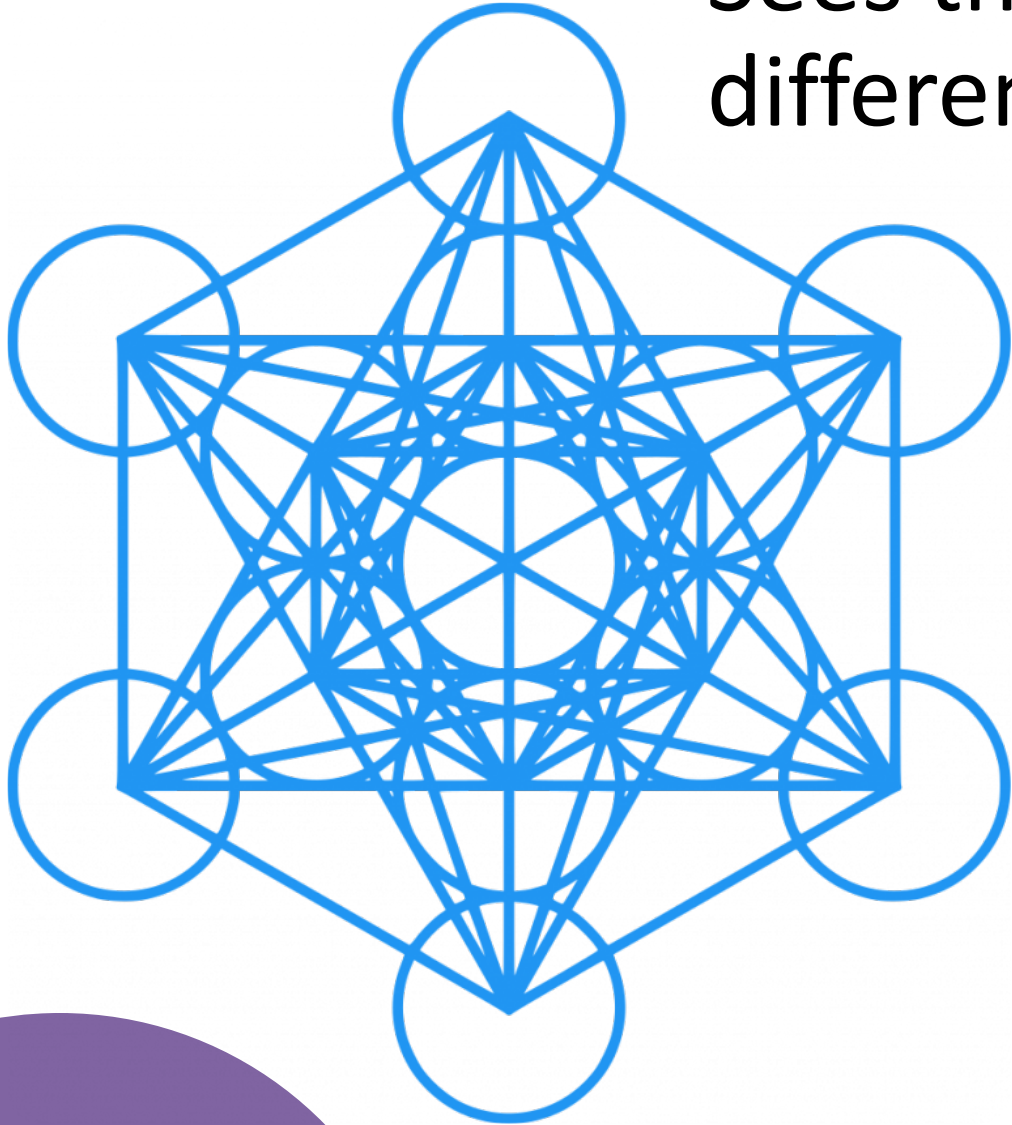




## The mediator digs in...

- Thinks outside the box
- Restates the situation
- Focuses on interests, not positions
- Watches body language and listens...carefully
- “If I were your attorney” ...

# Sees things from different perspectives...



- “Going to court means unpredictable outcomes”
- Breathes through the silence. Waits and then asks Qs.
- Allows time to think and come back. “Go talk to an attorney” or your significant other...
- Uses break-out rooms on Zoom

Goal =



# The goal is NOT agreement at all costs...

Agreements  
are to be  
knowingly,

voluntarily  
and

intelligently  
made.

And there are  
compromises  
to be made  
as well.

## Hypothetical #3:

You are at the DCSS calendar to work your magic on the Child Support Calendar. The Commissioner refers a few of the matters to you. You start with DCSS v. Frank Father (Other Parent: Mary Mother). The DCSS attorney had given you an updated calculation as you were leaving the Courtroom with the parties. Mary owes Frank \$156/mo. After your introductory comments you begin the discussion and learn:

- 2 kids (8 and 6) with Mary; Frank has 20% timeshare.
- Zero income for Frank.
- \$3K/mo. Self-employment income for Mary from her work at a salon.
- Frank has quit his job (\$72K/yr.) as his needs are taken care of by new spouse who is well off.
- Frank says he knows that Mary makes more than \$3K as he saw cash everywhere back when they were together. Besides, he thinks he is going to request custody as the kids love the pool and the game room and the horses at her new home and after all, the kids are insured under his new spouse's insurance plan. "Hey, don't I get a credit for that?"

You only have about 20 minutes before you need to move on to the people who keep glaring at you through the window to the room set up for you.

What do you need to address first? How would you approach your task?





## So why does an FLF mediate??

**Parents can buy-in to the end result**

**Parents learn and use tools to settle future conflicts**

**Parents act as role models to their children showing how adults can solve problems**

**Agreements save the court time**

**Building  
trust...  
helping  
families**





We're a family  
even if we live  
in 2 homes.

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*"We find comfort among those who agree with us...  
And growth among those who don't." (Frank A. Clark)*

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