

STATE OF SOUTH CAROLINA )  
 ) AGREEMENT TO MEDIATE  
COUNTY OF CHARLESTON )

THIS AGREEMENT TO MEDIATE is entered into on this day of \_\_\_\_\_, 20\_\_ by \_\_\_\_\_ and \_\_\_\_\_.

WHEREAS the parties are a) separated or b) contemplating separation in the immediate future c) divorced or d) \_\_\_\_\_; and

WHEREAS, controversy exists between the parties which they wish to resolve, and the issues to be mediated are as follows:

WHEREAS, the parties recognize that the mediator does not represent either party in any capacity and will not advise either party with regard to legal issues, tax matters, or provide psychological counseling in any form. Each party recognizes his or her full right to retain legal counsel during the course of the mediation process and to seek the assistance of accountants, counselors, and mental health professionals if deemed necessary.

W I T N E S S E T H :

(1) The parties agree to abide by the rules set forth in the attached Rules for Mediation.

(2) The parties agree to mediate in good faith, with full disclosure of all information necessary to reach a complete agreement.

(3) The parties agree to compensate the mediator(s) at a rate of \$175 per hour.

(4) Each session shall be held as scheduled. Each party agrees to be present on time with completed assignment tasks, if any. Except for bonafide emergencies, failure to give 24 hours' notice of cancellation shall not absolve the parties of obligation to pay for the missed session.

(5) The mediator has the duty to warn intended targets of threats made against them when the threat has been made in the presence of the mediator.

(6) All verbal or written communications in mediation or conciliation proceedings shall be confidential and inadmissible as evidence in any subsequent legal proceedings. Nothing in this section shall restrict the mediator from complying with any law requiring the reporting of child abuse or the duty to warn intended targets of threat as delineated above. The fact that a mediation session took place, the time and place of that session, and the identities of the participants shall not be deemed confidential. The fact that an agreement was, or was not, reached and the contents of any stipulation and order resulting from a mediation session shall not be deemed confidential. Mediated agreements

which subsequently become part of a court order or divorce decree are public record.

(7) The parties recognize that they are responsible for the results of the mediation process and agree that they will fully participate in the mediation process with the intention of reaching a final written agreement pertaining to the issues to be mediated.

(8) The parties recognize that the mediation process does not represent any effort to impinge upon either party's right to litigate the matter(s) set forth above in a court of law, and this agreement is entered into freely and voluntarily.

IN WITNESS WHEREOF, this Agreement is entered by the parties the date hereinbefore referenced.

WITNESS:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_