

23-3503. Duties of mediator. (a) A mediator appointed under K.S.A. 2016 Supp. 23-3502, and amendments thereto, shall:

- (1) Inform the parties of the costs of mediation;
 - (2) advise the parties that the mediator does not represent either or both of the parties;
 - (3) define and describe the process of mediation to the parties;
 - (4) disclose the nature and extent of any relationships with the parties and any personal, financial or other interests which could result in bias or a conflict of interest;
 - (5) advise each of the parties to obtain independent legal advice;
 - (6) allow only the parties to attend the mediation sessions;
 - (7) disclose to the parties' attorneys any factual documentation revealed during the mediation if at the end of the mediation process the disclosure is agreed to by the parties;
 - (8) ensure that the parties consider fully the best interests of the children and that the parties understand the consequences of any decision they reach concerning the children; and
 - (9) inform the parties of the extent to which information obtained from and about the participants through the mediation process is not privileged and may be subject to disclosure.
- (b) The mediator may meet with the children of any party and, with the consent of the parties, may meet with other persons.
- (c) The mediator shall make a written summary of any understanding reached by the parties. A copy of the summary shall be provided to the parties and their attorneys, if any. The mediator shall advise each party in writing to obtain legal assistance in drafting any agreement or for reviewing any agreement drafted by the other party. Any understanding reached by the parties as a result of mediation shall not be binding upon the parties nor admissible in court until it is reduced to writing, signed by the parties and their attorneys, if any, and approved by the court. If the parties are not represented by attorneys, the mediator shall provide to the court or hearing officer the written summary of any understanding signed by the parties, which, if approved by the court or hearing officer, shall be incorporated in the order of the court or hearing officer.
- (d) The mediator may act as a mediator in subsequent disputes between the parties. However, the mediator shall decline to act as attorney, counselor or psychotherapist for either party during or after the mediation or divorce proceedings unless the subsequent representation, counseling or treatment is clearly distinct from the mediation issues.

History: L. 1985, ch. 147, § 3; L. 1986, ch. 138, § 4; July 1.