

AGREEMENT TO DISPUTE RESOLUTION AND CONFIDENTIALITY

GCRS Matter Number: _____

Responsibilities of the Parties

The undersigned parties agree to the neutral evaluation /mediation/facilitation process (circle one) (hereinafter referred to as the “process”). The parties agree to participate in the process with the goal of reaching a mutually acceptable agreement. The parties understand that any party to the process may withdraw at any time by notifying the third party neutral and all other parties.

Responsibilities of the Third Party Neutral

The role of the third party neutral(s) is to act impartially to assist parties in reaching a mutually acceptable agreement. The third party neutral(s) has no authority to decide the matter and will not provide legal counsel or act as an advocate for any party to the dispute.

A third party neutral is responsible for determining if he or she has any conflicts of interest with persons involved in the process. If any conflicts of interest are identified, it is up to the parties to determine if they want to continue with the process. A third party neutral is required to tell the parties his or her qualifications if asked.

The third party neutral will not make a report, assessment, evaluation, recommendation, finding, or other communication regarding the process to a court, department, agency, or officer of this state or its political subdivisions that may make a ruling on the dispute that is the subject of the process. A third party neutral may disclose any of the following:

- (1) Whether the process occurred or has terminated, whether a settlement was reached, and attendance;
- (2) A communication permitted by the parties;
- (3) A communication evidencing abuse, neglect, abandonment, or exploitation of an individual to a public agency responsible for protecting individuals against abuse, neglect, abandonment, or exploitation.

A party may request that a support person accompany him or her to the process, but a party is not required to bring someone with them. The support person will be identified as a non-party participant (NPP). All NPPs will be asked to sign the Agreement to Dispute Resolution and be subject to the confidentiality requirements described above.

If a settlement is reached, the agreement shall be reduced to writing and if necessary, approved by appropriate authorities for all parties. No party shall be bound by anything said or done at the process unless and until a written Settlement Agreement is reached and is executed by all parties.

Confidentiality

The parties agree that the dispute resolution session(s)

___ will not be confidential

___ will be confidential according to the following terms:

To maintain the integrity of the process, it is important that the dispute resolution sessions be confidential. Communications made during neutral evaluation, mediation or facilitation are confidential, and no one including the third party neutral, parties, counsel, nonparty participants, or Supreme Court staff, shall disclose any of these communications unless all parties and the third party neutral consent to disclosure.

The third party or staff of the Supreme Court will not make a report, assessment, evaluation, recommendation, finding, or other communication regarding the dispute resolution process to a court, department, agency, or officer of this state or its political subdivisions that may make a ruling on the dispute that is the subject of the dispute resolution process. A third party neutral may disclose any of the following:

- (1) Whether the dispute resolution occurred or has terminated, whether a settlement was reached, and attendance;
- (2) A communication as permitted by the parties;
- (3) A communication evidencing abuse, neglect, abandonment, or exploitation of an individual to a public agency responsible for protecting individuals against abuse, neglect, abandonment, or exploitation.

By signing this agreement the parties agree that all communications are confidential with the following exceptions or otherwise permitted by law:

- (1) Third party neutral may share communications with Supreme Court staff,
- (2) Parties may share all communications with their attorneys,
- (3) The third party neutral may inform the Supreme Court or report to the proper authorities certain information, including the following:
 - (a) Allegations of abuse or neglect of a child;
 - (b) Certain threats of harm to other people or oneself;
 - (c) Statements made during the dispute resolution process to plan or hide an ongoing crime;
 - (d) Statements made during the dispute resolution process that reveal a felony.

By signature below, we acknowledge that we have read, understand and agree to this Agreement to Dispute Resolution and Confidentiality.

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Third Party Neutral Name	Signature	Date
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Content Expert Name	Signature	Date
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