

Brochures for Family Matters Mediation System of District Courts

Dear Fellow Folks,

With an aim for you to understand and better draw on the family matters mediation system of District Courts, the explanations are provided below for your reference:

1. What is family matters mediation?

When something happens in a family which needs to be solved through a litigation process, a well-trained expert could mediate by helping family members face the issue with calm, negotiate out a reasonable solution in peace, or clarify the roots of the issue to reach a comprehensive cure for the conflict—whether the issue is between parents or parent and child—before the court begins to institute a trial. The content of the mediation may include who should be the main guardian of children, the arrangement of children visiting, the responsibility sharing of children support, and the allocation methods of property rights among relatives.

2. Who are in charge of family matters mediation?

The consulting psychologists; senior social workers; individuals with educational background and work experience in the law, education, or assistance; or individuals with family matters mediation profession commissioned by the court will serve as a mediator to take charge of family matters mediation.

3. Is family matters mediation compulsory?

According to the law, the litigation matters not in respect of the order of the commencement of protection, the order of the commencement of guardianship or assistantship, the revocation of the order of the commencement of guardianship or assistantship, the judicial declaration of death, and the revocation of the judicial declaration of death may all be brought to the court for mediation.

4. How does the court notify the concerned parties of the date of family matters mediation?

Except for the matters subject to compulsory mediation, after admitting a case, the court would send a notification of date and an instruction of mediation to the concerned parties or may contact the concerned parties over telephone. However, the request to ask the concerned parties to pay or remit any amount of money is absolutely not made via telephone and is not sent the notification through a voicemail message.

5. Will a mediator force one party to accept the requests raised by the other?

A mediator holds a neutral third-party stance. He/She will help both parties raise mutually acceptable solutions on their own will, and will not force a party to accept the requests raised by the other.

6. Where the mediation fails, will the statements both parties have made in the presence of a mediator be taken as the basis of the subsequent court decision?

According to the law, the statements or concessions made by either party during mediation shall not be deemed as the basis

of a decision, and the mediator shall keep in confidence all information learned in respect of other persons' professional or business secrets or other matters involving personal privacy in the course of handling mediation cases.

7. Where a party is not willing to accept mediation, will it lead to a negative impact to the subsequent court decision?

Family matters mediation is a system provided by the court to offer the concerned parties opportunities to solve their disputes in a peaceful and economical manner. Where either party is not willing to accept mediation, a judge will institute disposition proceeding. There will be no any negative impact.

8. What are benefits of family matters mediation?

I. Both parties do not have to contend in the court; instead, they could figure out mutually acceptable solutions in harmony, thus in avoidance of hurting each other again during litigation process due to opposite stance.

II. It' s money saving—where a mediation succeeds, two-thirds of the paid court costs can be refunded through application.

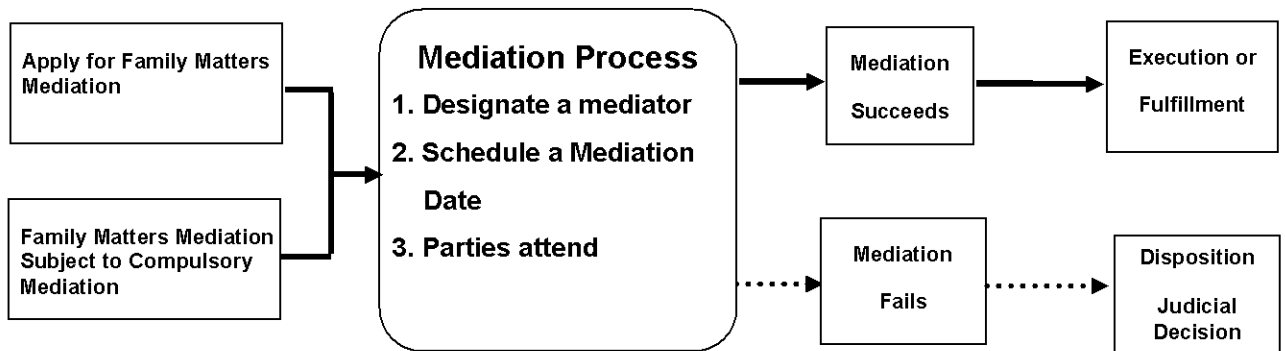
III. During mediation, the judge and the mediator will respect your will, patiently listen to your opinions, and assist in figuring out mutually acceptable solutions, which, however, you could refuse to accept if you are not satisfied with.

IV. Once the mediation succeeds, both parties are more willing to fulfill mediation terms, so the harmony in between remains intact. Where a party fails to comply with the terms in the mediation transcript the other party may present the mediation transcript to file with the court for compulsory execution.

9. Note:

Family matters mediation is established to offer the public a convenience to solve disputes, but the public is obliged to attend the mediation. Where a party does not appear and does not have proper grounds for failing to appear, the court may by a ruling impose a fine not exceeding NTD 30,000 on such party.)

10. Family Matters Mediation Process:



~~~~Different choices lead to different consequences. Please better draw on the family matters mediation system. ~~~~

✧ This translation is only for reference. Where there is any confusion, the Chinese version prevails.