

STATE OF SOUTH DAKOTA
COUNTY OF _____

IN CIRCUIT COURT
_____ JUDICIAL CIRCUIT

<p>_____ Plaintiff</p> <p>vs</p> <p>_____ Defendant</p>	<p>FILE NO: _____</p> <p style="text-align: center;">ORDER FOR MEDIATION</p>
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On _____, 20____, the Plaintiff / Defendant (*circle one*) filed a Motion for Hearing to order mediation in the above-entitled matter. A hearing was held on this matter on _____, 20____. The Court having reviewed the Motion for Hearing, having considered all evidence, and the Court being duly advised and for good cause appearing,

IT IS HEREBY ORDERED that:

1. The parties shall mutually select a mediator within two weeks of the date of this order. The expenses of the mediator shall be allocated with Plaintiff paying _____% and Defendant paying _____. Said Expense may be subject to reallocation later upon further order of the Court. If the parties cannot agree upon a mediator, they shall immediately inform the court and the court shall select one for them.
2. The parties shall promptly mediate the matter in good faith within sixty (60) days of a mediator being chosen, unless the extension is mutually agreed upon in writing. Good faith includes the obligation to provide full, fair, and honest discovery of income, assets, debts, etc. prior to the mediation; failure to provide such a discovery may be considered a contempt of this order and a basis for the court to extend the mediation deadline date if requested by a party.

3. A party's failure or refusal to participate in mediation, failure to provide fair and full discovery in advance of mediation, or failure to negotiate in good faith, may be considered by the Court in any request or resistance to an award of attorney fees.
4. If mediation is unsuccessful and custody or visitation of minor children is at issue:
 - A. The parties shall agree upon a custody evaluator within one week of the unsuccessful mediation as provided below. If the parties cannot agree upon an evaluator, they shall immediately inform the court and the court shall select one for them.
 - B. The parties shall submit an Order for Custody Evaluation to the court within five days of the evaluator being chosen.
 - C. Each party shall personally make contact with the custody evaluator within one week of the evaluator being chosen. Each party shall promptly comply with and pay the evaluator in accordance with the evaluator's requirements with each party being responsible for one-half of the fee, subject to later reallocation if justified.

Dated this _____ day of _____, 20_____.

BY THE COURT:

ATTEST:
CLERK OF COURT

Circuit Court Judge

BY _____
Clerk/Deputy Clerk
(SEAL)