

RULE 1.6. Mediation by Agreement, Local Rule, or Court Order

All interested parties in a matter may use mediation to resolve issues pending before the Court, and, upon either partial or complete resolution, may petition the Court to approve the agreement of all interested parties as an order or decree of the Court.

- (a) The interested parties may engage the services of a mediator, either prior to or after any interested party has filed a pleading before the Court, including an Account filed by a fiduciary for audit.
- (b) In such request for mediation, all interested parties shall identify:
 - (1) The proposed mediator and the proposed source of payment of fees and costs of the mediator;
 - (2) Names and contact information of all interested parties and any counsel who shall participate in the mediation;
 - (3) Names and information regarding any interested parties having diminished capacity or a legal disability whose interests must be adequately protected; and
 - (4) The scheduled date for the initial mediation conference.
- (c) All interested parties shall execute an agreement for confidential mediation, which is not inconsistent with this local rule, and which shall remain confidential.
- (d) Mediation shall not delay the required filing of any pleading or ordered return dates, or the scheduling of Court hearings, unless specifically requested by joinder of the interested parties and so ordered by the Court.
- (e) The Court will respect the confidentiality of the mediation process and the mediator's obligation of confidentiality.
- (f) Upon completion of mediation, all interested parties shall sign a memorandum of principal terms, which either shall acknowledge that no resolution was reached, or shall embody the resolutions attained. This memorandum of principal terms shall clearly state partial resolutions or complete resolution attained. The memorandum of principal terms shall include a list of unresolved issues to be determined by the Court. Where appropriate, the principal terms could provide for future review in light of changed circumstances or a change in the operative facts. The memorandum of principal terms agreed upon, or the statement of no resolution, shall be filed with the Court.
- (g) In no event shall the terms agreed upon depart from or violate any provisions of applicable law, specifically including the Older Adults Protective Services Act, the

Act of Dec. 18, 1996, P.L.1125, No.169 (35 P. S. § § 10225.101 — 10225.5102), as may be amended.

- (h) The interested parties may request that the Court approve the final mediated agreement, which embodies the principal terms agreed upon in the memorandum referenced above. The Court may grant approval in an order or decree. Alternatively, the Court may recommend any changes that the Court deems appropriate for approval. The parties to the mediation may accept the Court's recommendations, in which event the terms agreed upon, as modified, shall be approved, or the parties may decline to accept the Court's recommendations, in which event the matter is deemed not to have resulted in an agreement.