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Rule *1940.6. *Termination of Mediation*

- (a) Mediation, if undertaken after the initial orientation session, shall be terminated upon the earliest of the following:
 - (1) the complete agreement of the parties;
 - (2) a partial agreement of the parties and determination by the mediator that further mediation will not resolve the remaining issues;
 - (3) a determination by the mediator that the parties are unable to reach an agreement through mediation or that the proceeding is inappropriate for mediation; or
 - (4) a refusal of one of the parties to continue with the mediation.
- (b) If the parties reach a complete or partial agreement, the mediator shall promptly prepare and transmit to the parties and their attorneys, if any, a non-binding Memorandum of Understanding setting forth the terms of the parties' agreement. In no event shall any agreement, whether reflected in the Memorandum of Understanding or otherwise, be binding on the parties unless and until it is subsequently incorporated into writing signed by the parties.
- (c) The mediator may mediate subsequent disputes between the parties, but shall not act as attorney, counselor or psychotherapist for any party either during or after the mediation of a custody action, or in any matter which was subject of mediation.
- (d) The Mediator is prohibited from asking the parties to sign any drafted Memorandum of Understanding or agreement. **[No mediator-drafted Memorandum of Understanding or agreement shall be submitted to the Court in any proceeding.]**