

Online Agreement Sample

The parties and the Mediator/Arbitrator/Parenting Coordinator/Screenener intend to mediate/arbitrate/screen from different locations by teleconference, “Zoom” or other agreed upon technology and agree to the following terms relating to ‘online’ mediation/arbitration/parenting coordination/screening.

The parties confirm that they are each capable of doing mediation/arbitration/parenting coordination/screening online, that they are able to use the technology effectively and that the use of an online platform for this mediation/arbitration/parenting coordination/screening will not constitute a power imbalance that they cannot manage.

Agreement

- a) The parties and Mediator/Arbitrator/Parenting Coordinator/Screenener will sign this Agreement in counterparts (separately) electronically and return to the mediator via email prior to the commencement of the mediation/arbitration/parenting coordination/screening.

Technology

- b) The parties agree to use [online platform] for screening.
- c) The parties will confirm at the start of each meeting that they are each participating from their own separate, private and secure computers, using secure and private internet connections (no use of public Wi-Fi), private and secure email accounts and private and secure telephones. They confirm that they each have suitable devices with microphones and cameras.

Confidentiality and Privacy

- d) The Mediator/Arbitrator/Parenting Coordinator/Screenener and the parties represent that no person, other than the parties to this Agreement and an intern, will observe, overhear, be within seeing or hearing distance, participate in or have any access of any kind to any part of this mediation/arbitration/parenting coordination/screening process without the written consent of the Mediator/Arbitrator/Parenting Coordinator/Screenener and the parties. Any third party participating in this process will be required to sign the Confidentiality provisions of this Agreement. All participants will be asked to confirm this verbally before starting.
- e) In particular, each party agrees none of their children will be present or within seeing or hearing distance, or have access of any kind to any part of the mediation/arbitration/parenting coordination/screening process unless that child will

be participating in some way in the mediation/arbitration/parenting coordination/screening, and this has been expressly agreed upon by the parties and the Mediator/Arbitrator/Parenting Coordinator/Screenener in advance in writing.

- f) As set out in this Agreement, the entire mediation/arbitration/parenting coordination/screening process and each session is confidential and cannot be used in a subsequent court proceeding.
- g) Absolute Prohibition on Recording. You, nor anyone on your behalf, may NOT audio or video record any mediation/arbitration/parenting coordination/screening session or portion thereof. In the event that you learn of an audio or video recording of any session, you will take immediate/arbitrator/screen measures to destroy the recording and will not share the recording with any third parties. No photos nor screen shots may be taken at any time without the consent of all participants.
- h) The parties and Mediator/Arbitrator/Parenting Coordinator/Screenener agree to share any written documents arising from this process by email using password protection whenever feasible. They will use any document sharing platforms with mutual consent.
- i) All other standard confidentiality terms remain in effect, including the prohibition on sharing any information about this mediation/arbitration/parenting coordination/screening process with children, on social media or in any way.

Mediation/Arbitration/Parenting Coordination Process

- j) The parties shall provide the Mediator/Arbitrator/Parenting Coordinator/Screenener with satisfactory documentation confirming their identity, in the form required by the Mediator/Arbitrator/Parenting Coordinator/Screenener and the Mediator/Arbitrator/Parenting Coordinator/Screenener may take photographic documentation.
- k) All participants agree to take all reasonable measures to ensure that you are not interrupted during your entire online mediation/arbitration/parenting coordination/screening sessions. This can include arranging for appropriate childcare, notifying family and friends of your unavailability for social media, texting etc. All phones should be kept on silent.
- l) Waiting Room. All participants will enter the meeting each time you log on in a “virtual waiting room” until all parties have arrived. Once all parties are logged on and in the waiting room, you will be admitted into a virtual room where the Mediator/Arbitrator/Parenting Coordinator/Screenener will check in with each of you privately. The session will then proceed either with you in these separate “rooms” or together, as the mediator/arbitrator/parenting coordinator deems best.

m) Respectful Online Communication. Due to the nature of the online forum, it is especially important to allow each participant to finish their comment or statement before responding. In addition, the online format can amplify and exaggerate sound so maintaining a regular speaking voice is important. Finally, please remember that the camera does not always transmit hand gestures or non-verbal cues, so it is important to verbalize all communication during an online session.

We acknowledge that we have read this contract. We would like to proceed with mediation/arbitration/parenting coordination/screening in accordance with the terms set out above.

Date

Signature

Date

Signature

Date

Mediator/Arbitrator/PC