

Cross-border family mediation - Slovenia



Mediation in Slovenia is regulated by the [Mediation in Civil and Commercial Matters Act](#) (*Zakon o mediaciji v civilnih in gospodarskih zadevah - ZMCGZ*; *Uradni list RS* (Official Gazette of the RS); UL RS No 56/08) which is, pursuant to its Article 2(1), used for mediation in family matters concerning claims which parties can freely agree upon and settle. In addition, the [Act on Alternative Dispute Resolution in Judicial Matters](#) (*Zakon o alternativnem reševanju sodnih sporov - ZARSS*; UL RS Nos 97/09 and 40/12 - ZUJF) applies to family relationships, and pursuant to that Act the court must allow mediation between parties to a legal dispute.

Article 22(1) of the ZARSS provides that mediation in disputes concerning the relationship between parents and children is free of charge because fees for the mediator and his/her travelling costs are covered in full by the court - not by the parties. This also applies to cases when in the mediation, together with the dispute concerning the relationship between parents and children, the property relationship between spouses is being resolved.

Pursuant to Article 2 of the [Rules on mediators in the programmes of the court](#) (*Pravilnik o mediatorjih v programih sodišč*; UL RS Nos 22/10 and 35/13), the court managing the list of mediators under the ZARSS decides, in line with the needs of the programme, the maximum number of mediators which can be entered on the list for a particular area. For mediation in family matters, the court must, with regard to the number of mediators on the list, pay regard to the fact that mediation in disputes concerning relationships between parents and children can be conducted by two mediators, one of whom has passed the bar examination while the other demonstrates expert knowledge and experience in the field of psychology or another similar field.

Our laws do not contain other regulations concerning mediation in family matters. The new Family Code should set out mediation in family matters in greater detail.

The list of mediators for areas and individual courts is accessible on the web site of individual courts, as well as on the web site of the Ministry of Justice, which keeps the central record of mediators participating in court programmes under the ZARSS.

Related web links:

[General information on mediation](#) (we do not have a separate link for family mediation)

[Central record of mediators](#)

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Last update: 23/03/2018