

CONFIDENTIALITY AGREEMENT

I agree to keep all information from this mediation confidential within the limits of the law.

I will not inform **anyone not present at the mediation** of anything that was said, discussed or presented at the mediation unless required or permitted by law or the agreement resulting from this mediation allows it.

I have read the Texas Civil Practice & Remedies Code §154.073, set out at the bottom of this page and the mediator or my attorney has explained it to me. I understand and agree that the following circumstances will **not** be considered confidential:

- 1.) **any new allegations of child abuse or neglect which are not in the action before the Court;**
- 2.) **any statements concerning threatened harm to anyone;** and/or
- 3.) **any allegations of abuse, neglect or exploitation of a disabled adult or elderly person.**

TX CIVIL PRACTICE & REMEDIES CODE §154.073. Confidentiality of Communications in Dispute Resolution Procedures

(a) Except as provided by Subsections (c) and (d), a communication relating to the subject matter of any civil or criminal dispute made by a participant in an alternative dispute resolution procedure, whether before or after the institution of formal judicial proceedings, is confidential, is not subject to disclosure, and may not be used as evidence against the participant in any judicial or administrative proceeding.

(b) Any record made at an alternative dispute resolution procedure is confidential, and the participants or the third party facilitating the procedure may not be required to testify in any proceedings relating to or arising out of the matter in dispute or be subject to process requiring disclosure of confidential information or data relating to or arising out of the matter in dispute.

(c) An oral communication or written material used in or made a part of an alternative dispute resolution procedure is admissible or discoverable if it is admissible or discoverable independent of the procedure.

(d) If this section conflicts with other legal requirements for disclosure of communications or materials, the issue of confidentiality may be presented to the court having jurisdiction of the proceedings to determine, in camera, whether the facts, circumstances, and context of the communications or materials sought to be disclosed warrant a protective order of the court or whether the communications or materials are subject to disclosure.

SIGNED on _____.

Signature

Printed Name