

The seal of the Indiana Supreme Court is a circular emblem. It features an eagle with wings spread, perched on a shield. The shield is divided into four quadrants. Above the eagle, the Latin phrase "Jus Leges" is written. The outer ring of the seal contains the text "SUPREME COURT STATE OF INDIANA" and the date "MDCCCXVI" at the bottom. A star is positioned at the top center of the seal.

# DOMESTIC RELATIONS ALTERNATIVE DISPUTE RESOLUTION FUND PLAN INFORMATION KIT

Indiana Supreme Court  
**Office of Court Services**  
**251 North Illinois St., Suite 800**  
**Indianapolis, IN 46204**  
**317.233.0784**

**Contact Information:**

Joseph Fischer, Staff Attorney  
Indiana Supreme Court  
Office of Judicial Administration| IOCS  
Children and Families Division  
251 N. Illinois Street, Suite 800  
Indianapolis, IN 46204  
Joseph.Fischer@Courts.in.gov

**Website:**

<https://www.in.gov/judiciary/adr>

## Table of Contents

<b>ALTERNATIVE DISPUTE RESOLUTION FUND PLAN PROGRAM BASICS .....</b>	<b>3</b>
<b>BENEFITS OF DOMESTIC RELATIONS ADR FUND PLAN .....</b>	<b>4</b>
<b>CONSIDERATIONS BEFORE STARTING AN ADR FUND PLAN.....</b>	<b>5</b>
<b>ADR STATUTES AND RULES .....</b>	<b>6</b>
IC 33-23-6-1 Alternative dispute resolution fee .....	6
IC 33-23-6-2 Alternative dispute resolution fund; copayment for services; prohibition on mediation.....	6
IC 33-23-6-3 Plan; judicial approval .....	7
IC 33-23-6-4 Annual report .....	7
IC 33-23-3-3 Service of senior judge.....	7
Administrative Rule 5(B)(9) Senior Judge Serving as Mediator.....	8
<b>STANDARDS AND GUIDELINES TO ESTABLISH AND MAINTAIN DOMESTIC RELATIONS ADR FUND PLANS.....</b>	<b>9</b>
Standards.....	9
Guidelines .....	10
<b>DOMESTIC RELATIONS ALTERNATIVE DISPUTE RESOLUTION FUND PLAN OF THE CIRCUIT AND SUPERIOR COURTS OF ##### COUNTY .....</b>	<b>11</b>
Program Overview .....	11
Eligibility Criteria .....	12
Referral and Acceptance Process.....	13
Plan Education .....	14
Plan Administration .....	14
Plan Evaluation .....	15
Projected Budget.....	16
Estimated expenses: .....	16

## Alternative Dispute Resolution Fund Plan Program Basics

In 2003, the Indiana General Assembly passed House Enrolled Act 1034, authorizing the establishment of Alternate Dispute Resolution (ADR) programs in domestic relations cases across all 92 counties of Indiana. The act came into effect on July 1, 2003. This program was recently amended, permitting broader usage of the program.

Under Indiana Code § 33-23-6, the Alternative Dispute Resolution Program in Domestic Relations cases allows counties to levy a \$20.00 fee on parties filing for legal separation, paternity, or dissolution cases. This fee is then allocated to a dedicated fund, intended to support mediation, reconciliation, nonbinding arbitration, parental counseling. The plans can now include Guardian ad Litem (GAL) Services. The funds must primarily benefit litigants with limited financial means. Administrative fees may be paid out of this fund, but those costs should not take priority over the provision of services. Individuals facing current charges or convictions under IC 35-42 may only participate in these services if the court determines that their involvement does not pose an unreasonable risk of harm to any party involved.

To participate in this ADR program, counties must develop a plan that aligns with the statutory requirements and receives approval from the majority of judges overseeing domestic relations and paternity cases within the jurisdiction. The Indiana Office of Judicial Administration, following ADR Rule 1.11, is responsible for granting plan approval. Additionally, counties are required to submit an annual report outlining the ADR program's activities (refer to the annual report form on this site). Currently, more than half of Indiana's counties have approved ADR Fund Plans.

Some of the previously approved services include mediation services for litigants, designated free mediation days, provision of training for attorneys and others in exchange for managing a specific number of mediation cases within a set period, parental counseling, and other ADR services. Counties have demonstrated great creativity in utilizing ADR funds to provide a wide range of ADR services, such as facilitation, conflict resolution classes, anger management classes, parenting coordination, and intensive in-home case management. These services fall within the broader categories of parental counseling and reconciliation, as outlined in the ADR statute. As of July 1, 2023, the OJA will also consider GAL services as eligible under appropriately amended plans.

Plans must include a description of how information about the plan, including the assessment of the \$20.00 fee, will be disseminated to various sectors of the county, including attorneys, court personnel, government officials, social service agencies, providers, and the public. The plans should also be coordinated with other relevant entities or programs in the community, such as the family court project, legal services, GAL/CASA, and the pro bono district.

## Benefits of Domestic Relations ADR Fund Plan

- Minimize the adversarial processes
- Promote agreed resolutions
- Avoid post-dissolution processes
- Maximize timely case management
- Conserve family relations and resources
- Encourage healthy co-parenting relationships
- Identify and assist contentious families with counseling to prevent post-dissolution filings
- Evaluate the effect of early intervention, specifically on post-dissolution filings
- Provide means to resolve smaller disputes through “Free Mediation Days”
- Provide an opportunity for litigants involved in divorce and paternity litigation to mediate their dispute when their economic circumstances would otherwise limit their access to mediation
- Mediation resolves issues much more quickly and efficiently and saves a tremendous amount of court time
- Parenting education classes help parents learn to de-escalate conflict and arrive at acceptable resolutions on their own
- Counseling programs introduce parents to concepts of child-focused co-parenting and conflict resolution
- Provides litigants with a model as to how to resolve their disputes on their own
- Parenting classes and counseling help parents to reduce conflict between them and to maintain a more positive parenting relationship for the sake of the children
- GALs provide the court with an unbiased and third-party summary of children’s current condition
- A GAL’s best interest recommendation can avoid a significant amount of litigation time as well as providing ongoing input if similar issues are relitigated many times over through modification requests
- Local mediators and service providers develop a closer relationship with the court

## Considerations Before Starting an ADR Fund Plan

- How much money will you have to work with? Check the number of annual domestic relations, domestic relations with children, domestic relations without children, legal separation and *private* (non-IV-D) paternity filings in your county — subtract from that number the cases for which a waiver of filing fee is approved — then multiply that number by \$20.00 — that’s roughly the amount of money you’ll have to work with.
- Are there trained and certified domestic relations mediators, GALs, co-parenting services, or other similar providers in your county? One may be enough to get started.
- Are these providers willing to work at a reduced hourly rate in these cases? The sliding fee scale used for ADR fund plan services is designed to provide minimal financial burden to families with little to no means to pay. Providers who will work at a reduced fee will allow the plan to provide more services to more families.
- What is the best way to build a sustainable program? Each county has unique needs and varying levels of ADR infrastructure already in their court process. Some counties decide early on to use some of their ADR Fund monies to pay for training of mediators, who in exchange provided the Court with *pro bono* mediation services.
- Remember that the statute also allows for the use of Senior Judges.
- What is the ADR climate in your county? Is mediation widely used now in domestic relations cases, or will this be a new concept which may be met with resistance?
- Cultivate the local Bar right from the front: Meet with the Family Law and ADR sections of your local Bar--it gives them the opportunity to buy in from the beginning--they will appreciate being asked for their input, and you will gain useful information.
- If your county Bar doesn’t have formal sections, consider who practices in these areas and with whom you should talk.
- Cultivate social service providers: Social service practitioners are big fans of ADR as an alternative to litigation--they can help you with community support and can provide another potential pool of mediators (as domestic relations mediators do not have to be attorneys). These mediators are especially helpful in child-related cases.
- Speak to other members of the bench who have active ADR Plans. Each county is encouraged to draft a plan that best meets their needs. Different members of the bench might have different insights to provide.

## ADR STATUTES AND RULES

### IC 33-23-6-1

#### Alternative dispute resolution fee

(a) In addition to the fees required under IC 33-37-4-4, if a county meets the requirements of this chapter, the clerk of the court shall collect from the party filing a petition for legal separation, paternity, or dissolution of marriage under IC 31 an alternative dispute resolution fee of twenty dollars (\$20).

(b) Not later than thirty (30) days after the clerk collects a fee under subsection (a), the clerk shall forward to the county auditor the alternative dispute resolution fee. The county auditor shall deposit the fee forwarded by the clerk under this section into the ADR fund.

### IC 33-23-6-2

#### Alternative dispute resolution fund; copayment for services; prohibition on mediation

- (a) In each county participating in the program under this chapter, there is established an alternative dispute resolution fund for each of the following:
- (1) The circuit court.
  - (2) The superior court.
  - (3) The probate court established by IC 33-31-1.
- (b) Notwithstanding subsection (a), if more than one (1) court exercises jurisdiction over domestic relations and paternity cases in a county, one (1) alternative dispute resolution fund may be established to be used by all the courts to implement this chapter if:
- (1) the:
    - (A) county auditor; and
    - (B) judge of each court that exercises jurisdiction over domestic relations and Paternity cases in the county; agree to establish one (1) fund; and
  - (2) the agreement to establish the fund is included in the plan adopted by the county under section 3 of this chapter.
- (c) The sources of money for each fund established under subsection (a) or (b) are:
- (1) the alternative dispute resolution fee collected under section 1 of this chapter for the circuit court, superior court, or probate court, respectively; and
  - (2) copayments collected under subsection (d) if:
    - (A) a county chooses to deposit the copayments into the fund; and
    - (B) the county specifies in the plan adopted by the county under section 3 of this chapter that the copayments will be deposited in the fund.
- (C)(d) The funds shall be used to foster domestic relations alternative dispute resolution, including:
- (1) mediation;
  - (2) reconciliation;
  - (3) nonbinding arbitration;
  - (4) parental counseling; and
  - (5) GAL services.

Litigants referred by the court to services covered by the fund shall make a copayment for the services in an amount determined by the court based on the litigants' ability to pay. The fund shall be administered by the circuit, superior, or probate court that exercises jurisdiction over domestic relations and paternity cases in the county. A fund used by multiple courts under subsection (b) shall be administered jointly by all the courts using the fund. Money in each fund at the end of a fiscal year does not revert to the county general fund but remains in the fund for the uses specified in this section.

(e) Each circuit, superior, or probate court that administers an alternative dispute resolution fund shall ensure that money in the fund is disbursed in a manner that primarily benefits those litigants who have the least ability to pay, in accordance with the plan adopted by the county under section 3 of this chapter.

(f) If a party is currently charged with or has been convicted of a crime under IC 35-42, the court must make a determination that participation in services provided by this fund does not pose an unreasonable risk of harm to any party.

#### IC 33-23-6-3

##### Plan; judicial approval

- (a) A county desiring to participate in the program under this chapter must:
  - (1) develop a plan to carry out the purposes of section 2 of this chapter that is approved by a majority of the judges in the county exercising jurisdiction over domestic relations and paternity cases; and
  - (2) submit the plan to the Judicial Conference of Indiana.
- (b) The plan under subsection (a) must include:
  - (1) information concerning how the county proposes to carry out the purposes of the domestic relations alternative dispute resolution fund as set out in section 2 of this chapter; and
  - (2) a method of ensuring that the money in the ADR fund is disbursed in a manner that primarily benefits those litigants who have the least ability to pay.

The plan may include the use of senior judges as mediators in domestic relations cases as assigned by the supreme court. The judicial conference of Indiana may request additional information from the county, as necessary.

#### IC 33-23-6-4

##### Annual report

Sec. 4. A county that participates in the program under this chapter shall submit a report to the judicial conference of Indiana not later than December 31 of each year summarizing the results of the program.

#### IC 33-23-3-3

##### Service of senior judge

- (a) A senior judge:
  - (A) exercises the jurisdiction granted to the court served by the senior judge;
  - (B) may serve as a domestic relations mediator, subject to the code of judicial conduct



- (C) serves at the pleasure of the supreme court; and
- (D) serves in accordance with rules adopted by IC 33-24-3-7.

A senior judge serving as a domestic relations mediator is not entitled to reimbursement or a per diem under section 5 of this chapter. A senior judge serving as a domestic relations mediator may receive compensation from the alternative dispute resolution fund under IC 33-23-6 in accordance with the county domestic relations alternative dispute resolution plan.

#### Administrative Rule 5(B)(9)

##### Senior Judge Serving as Mediator

A senior judge who is also a registered mediator and serves as a mediator in court-ordered mediation pursuant to IC 33-23-3-3, or on a pro bono basis, may receive senior judge service credit for said mediation service provided that the senior judge is not compensated at a rate greater than the per diem rate for senior judges.

## Standards and Guidelines to Establish and Maintain Domestic Relations ADR Fund Plans

The approval of the establishment and maintenance of a Fund Plan by the Executive Director of the Indiana Supreme Court Office of Judicial Administration will be based upon compliance with these standards and guidelines.

- “Standards” are general provisions that must be in any Plan; e.g., all plans must provide for the disbursement of ADR Fund money in a way that primarily benefits those who can least afford to pay.
- “Guidelines” are merely suggested means to satisfy the standard requirements; e.g., the ADR Fund money will be used to pay for parental counseling for all parties whose combined income is below \_\_\_% of the federal poverty level.

### Standards

ADR Fund Plans must be based on the following standards:

- (A) The funds must be used to foster domestic relations alternative dispute resolution including mediation, reconciliation, nonbinding arbitration, parental counseling, and GAL services. The Plan must specify whether referral and/or acceptance will be mandatory, at the parties’ discretion, or a combination of both.
- (B) The ADR rules apply if mediation is utilized.
- (C) The Plan must be approved by a majority of the judges in the county exercising jurisdiction over domestic relations and paternity cases.
- (D) The Plan must primarily benefit those litigants who have the least ability to pay.
- (E) The Plan must state whether a county will require a co-payment for services in an amount determined by the court and must be based upon the litigant’s ability to pay.
- (F) The financial viability of the fund must be maintained when allocating costs against the fund. The Plan may charge reasonable administrative costs against the fund. Priority must be given to costs for plan services over administrative costs. The fund should never have a negative balance.
- (G) A party currently charged with or convicted of a crime under IC 35-42 may only participate in the Plan if the presiding Judicial Officer determines that the criminal history or current charges do not pose an unreasonable risk of harm to other parties.
- (H) An annual report containing the data requested must be submitted to the Judicial Conference of Indiana by January 15 of each year. The Plan must identify the process by which the data will be gathered in order to fully complete the Annual Report. If additional time is reasonably required to complete the report, a request for an extension must be received by January 15. Failure to submit the report will suspend operation of the Plan until further notice from the Office of Court Services.

## Guidelines

An ADR Fund Plan should contain the following information tailored to implement the particular purpose of the program:

- (A) **Program Overview.** A description of the Plan's particular purpose or goal and the types of cases accepted by the Plan. This should include reference to the forms of alternative dispute resolution adopted by the Plan as well as indicating the date the Plan is to be effective and when the county will begin collecting the \$20.00 fee.
- (B) **Eligibility Criteria.** A description of the criteria used in determining if a party may participate in the Plan. This should include the financial qualifications of the parties including a co-payment requirement and how the co-payment will be determined. Identify if co-payments will be deposited into the fund, or if the ADR service provider will instead collect them. A reference to parties who may not participate in the Plan by statute should also be included.
- (C) **Referral and Acceptance Process.** A description of how a case is referred to and accepted by the Plan. A referral may occur through the use of an application, by request of counsel or a party pro se, by the court on its own motion, or by any other method designed to apply the eligibility criteria. The acceptance of a case into the plan should also be described.
- (D) **Plan Education.** A description of how information about the Plan, including the assessment of a \$20.00 fee, will be distributed to the various sectors of the county, including but not limited to attorneys, other court/government personnel, social service agencies and providers, and the public.
- (E) **Plan Coordination.** A description of how the Plan and the funds generated will coordinate with any or all of the programs that may exist in the county: other ADR/mediation/facilitation programs or practices, family court project, court interpretive services, CIP funded projects, GAL/CASA programs and pro se/pro bono programs.
- (F) **Plan Administration.** A description of how the Plan will be administered after a case is accepted by the Plan including who is eligible to mediate, the use of senior judges as mediators, the process of selecting and notifying a mediator, the hourly fee paid under the Plan, any limitations of time or expense per mediation, and the method of evaluating the results realized. The Plan should designate the person(s) responsible for management of the fund.
- (G) **Plan Evaluation.** A description of how success of the Plan will be measured, by means of case/calendar analysis, integration with other programs, sufficiency and dedication of resources, satisfaction of participants, etc.
- (H) **Projected Budget.** An estimate regarding the revenues to be generated from filing fees based upon prior cases filed and a reference to any other sources of funding such as grants from local organizations. The budget should distinguish between a circuit court fund and a superior court fund if both courts are involved and should estimate the amount of money the county expects to spend on identifiable aspects of the Plan.

## Domestic Relations Alternative Dispute Resolution Fund Plan of the Circuit and Superior Courts of ##### County

The undersigned, who are all of the Judges and Magistrate Judges of the Circuit, and Superior Courts who exercise jurisdiction over domestic relations and paternity cases in ### County, Indiana, approve, adopt, and hereby submit the following Alternative Dispute Resolution Domestic Relations Fund Plan (hereinafter refer to as the “Plan”) to the Judicial Conference of the State of Indiana, pursuant to IC 33-23-6-1, to seek approval from the Executive Director of the Indiana Supreme Court Office of Court Services.

### Program Overview

The purpose of the County Alternate Dispute Resolution Program (hereinafter “ADR Program”) is to allow qualified low income and unrepresented litigants the opportunity to participate in alternative dispute resolution for matters involving dissolution of marriage, legal separation, and paternity cases. The ADR Program will utilize qualified mediators, GALs, and other appropriately trained providers to assist litigants in reaching agreements to prevent long, costly, and contentious judicial proceedings. An additional goal of the ADR Program is to provide the type of services so that litigants learn to effectively co-parent, develop conflict management skills, and be able to successfully resolve subsequent family issues without court intervention.

The different programs of alternative dispute resolution may include, but not be limited to, mediation, facilitation, appointment of GALs, parent coordinators, and co-parenting conflict management counseling/education. The parties will be assisted by family professionals at various times to determine the appropriate support referral. To ensure that money in the fund is disbursed in a manner that primarily benefits those parties who have the least ability to pay, we will specifically:

1. Provide opportunities for parties involved in divorce and paternity litigation to mediate their child-related disagreements.
2. Provide program subsidies to low-income parties involved in high conflict litigation. These parties may complete intensive Court-ordered programs designed to teach more effective conflict management, communication, and problem-solving skills
3. Limit funds spent on GAL services to no more than fifty percent (50%) of the budget available in the fund at the beginning of the calendar year or incorporate some other cap on the amount of ADR funds that can be used for this purpose so there are still funds available for other ADR fund services.
4. Provide support to encourage the members of the Domestic Relations Bar and members of the counseling profession to collaborate and explore creative ways of fostering peaceful and healthy resolution of domestic relations and paternity disputes in a manner that does not involve litigation.
5. Collect data and conduct an evaluation of the success of this Plan.

While the primary service provided to Plan participants will be mediation, for those litigants with a history of frequently returning to Court, they may be ordered to participate in programs for high conflict management counseling/education, family therapy, and/or parenting classes. The court may also order trained and experienced GALs to visit with the children involved in the case and make recommendations to the court based on each child’s best interest.

The Plan is to become effective with cases filed upon approval. The County Clerk of the Court will commence collecting the additional \$20.00 alternative dispute resolution fee, pursuant to IC 33-23-6-1, once the Plan is filed and approved by the Supreme Court of Indiana or their appointed agent.

Forms, documents, and reports to be utilized by the Courts with respect to the ADR Program will be developed by the undersigned Judges and Magistrate Judges and will be adopted prior to the implementation of the Plan and referrals to various programs.

### Eligibility Criteria

The Plan is designed to financially assist indigent and low-income parties by providing other resources to enable them to resolve family conflicts more quickly and efficiently. Only those parties involved in a pending legal separation, dissolution, or paternity cases are eligible to participate voluntarily or may be required to participate if referred by the Court. Referrals cannot be made from outside sources such as attorneys or litigants.

The funds shall be used to benefit domestic relations and paternity cases in County exhibiting one or more of the following characteristics:

1. Cases involving minor children.
2. Cases where the parties have filed multiple post-decree motions/correspondence related to issues involving minor children.
3. Cases where one or more of the parties are proceeding unrepresented.
4. Cases where one or more of the parties has had little or no regular care responsibilities for a child.
5. Cases in which the best interest of the children is not being adequately protected by parties to the case.

A judicial officer seeking to make a referral to services under this plan will inquire if either party has current charges or has ever been convicted of a crime under IC § 35-42. If either party has such a criminal history the judicial officer overseeing the case will determine and make a record that participation in the plan does or does not pose an unreasonable risk of harm to either party or the service providers.

Parties participating in the Plan will make a one-time co-payment for Plan services based on his/her income. Criteria for subsidies will be based on a sliding fee scale as set forth below. Parties whose income is more than the maximum discounted level of \$34,999.00 are expected to pay the mediator's regular rate and no money will be distributed from the ADR Fund. Those parties also have the option of hiring private service providers at their discretion. When both parties each have income less than \$34,999.00, the maximum amount that the mediator will be paid from the ADR Fund is \$100/hour up to three (3) hours after including the co-pay per party. If the co-pays exceed the amount owed to the mediator based upon the mediation time, the mediator may keep such additional fees. If one party has income above the maximum discounted level and the other has income within the range of discounted level, the party earning income within the discounted range is only responsible for the co-pay and the party earning more than the discounted level is responsible for paying the mediator's regular rate for up to three (3) hours (minus the other party's co-pay amount) and no money will be disbursed from the ADR Fund. Priority for use of ADR Plan subsidies and contracted service providers will be given to those with the most financial need.

Table 1. ADR Co-pay by Income

<b>Annual Party Income</b>	<b>Total ADR Co-Pay Per Party</b>
\$0 - \$19,999	\$25.00
\$20,000 - \$24,999	\$50.00
\$25,000 - \$29,999	\$75.00
\$30,000 - \$34,999	\$100.00

At the time that the parties are advised that they will be referred into the ADR Program, they will be provided with the sliding fee scale so that they may present to the service provider/mediator/GAL with appropriate funds prior to the commencement of services. It shall be the service provider's responsibility to obtain income information from the parties in a form to be prepared by the Courts. The parties will be required to verify under oath that the income information they are providing is true and accurate. The ADR service provider will be responsible for providing the income verification information to the Plan Administrator at the time that a claim for payment is made.

#### Referral and Acceptance Process

Litigants who can be involved in programs using the ADR Funds can only be referred from the following sources: presiding judicial officer. A referral form and order for services will be submitted by the presiding judicial officer to the Plan Administrator for further action.

The Courts will encourage mediation for matters set for hearing needing one-half day or longer. All other matters may be referred to mediation at the Court's discretion or upon the motion of the parties. The A.D.R. Rules shall apply if mediation is utilized. Absent exigent circumstances and prior Court approval, mediation sessions funded by the Plan shall generally be limited to not more than three (3) hours in length, and mediators shall be paid at the rate of \$100.00 per hour for time spent mediating and preparing a signed agreement to submit to the presiding judicial officer for approval.

The Court will refer GALs in cases where there is significant conflict among the parties and the court needs an independent third-party investigation into the best interest of the child. Upon determining a GAL is necessary in a case the court will issue an order of appointment for a GAL, describing the scope and purpose of the appointment. Appointments of GALs under this plan will be terminated upon the court receiving the necessary information unless the Court finds good reason to maintain their appointment beyond receipt of their recommendations.

Upon receipt of a referral the plan administrator will run all available criminal background checks to ensure the court is aware of relevant criminal history. If a parent is found to be ineligible due to criminal history and the court's determination that there is undue risk of harm, the Plan Administrator will notify the referring Court, attorneys, and/or pro se parties in writing. If eligible, the Plan Administrator will proceed with the referral.

## Plan Education

The ADR Plan will be disseminated to various sectors of the community (including attorneys, court and government personnel, social service agencies/providers and the public) by:

- Meetings with the local bench and bar.
- Meetings with the local CASA organization and other GAL providers.
- Issuing press releases concerning the Plan.
- Educating court staff about the Plan.
- Informing audiences of the Plan through public speaking opportunities such as community presentations, County Council meetings, and/or divorce education and parenting skills workshops.

## Plan Administration

All referrals and accompanying orders indicating the type of ADR service will be forwarded to the Plan Administrator by the Courts. The referrals are at the discretion of the will primarily be focused on allowing low-income and unrepresented litigants who qualify for the program under the program guidelines.

The Judge will sign a court order for the parties to participate in the ADR Plan. In addition, the Judge will complete the “Judges ADR Referral Worksheet” form indicating relevant information about the parties. Then the completed “Judges ADR Referral Worksheet” and the court order, and any other relevant case information will be sent to the Plan Administrator. The Plan Administrator will conduct a search to make sure neither of the parties has been convicted of a crime and disqualified from participating in the ADR Plan. If the plan administrator uncovers criminal history that parties failed to disclose, the referral for services will be suspended until such time as the court can make a determination as to the harm participation in the services might cause each party.

If the parties are disqualified from participating in the ADR Plan, the Plan Administrator will immediately send written notice to the referring Judge. If the parties are qualified, the Plan Administrator will send all information received to one of the participating registered mediators, with all mediators being appointed on a rotating basis. Once the registered provider receives the relevant information from the Plan Administrator, the mediator shall send a “Mediation Confirmation Letter” and a “Participation Agreement” to each party within seven (7) days.

Participating mediators are those who have agreed to provide services for qualifying parties at a rate of \$100 per hour per mediation (*not* per party per mediation) with the amount to be remitted from the Fund not to exceed \$250 (considering a 3-hour mediation for \$300 minus a minimum of \$25 one-time co-pay per party). In the rare circumstance when the one-time co-pays by both parties exceed the amount owed to the mediator at the rate of \$100.00/per hour per mediation, the mediator shall be allowed to retain those excess fees. The Indiana ADR Rules will apply if mediation is utilized. The family law attorneys in the County bar and senior judges will be encouraged to participate in the mediation training provided by the State to assist in this aspect of the Plan.

The Judges will try to obtain reduced cost GALs for GAL services being funded through the ADR Plan to the extent possible or set a cap on the amount a GAL can charge for a case in order to preserve available funds for as many families and services as possible.

Parties ordered into co-parenting conflict resolution counseling/education services may be eligible to receive subsidies on a case-by-case basis determined between the service providers and the Plan Administrator. A cap of up to \$500 will be available for the most financially needy. However, prior to utilizing ADR Plan Funds, monies will first be expended from either a Family Court Project Grant or other grant money available from other service providers.

The co-pay or full-pay fees will be collected by the ADR service provider (Note: Neither the Court nor the Plan Administrator will collect any fees directly under any circumstances). A claim fully detailing all service time provided to the parties and fully detailing payments made by the parties along with the income verification form completed by the parties, will then be submitted to the Plan Administrator for submission to the County Auditor. The Auditor will remit from the Fund any remaining balance owed for services to the provider. The ADR service provider, whether it is the mediator or counselor at a health care facility, is responsible for collecting the required sliding scale fee from the participants on the day that services are provided. Preferably, the fees will be collected before services are provided. In no event will the ADR Fund pay the mediator/service provider money which should have been collected as co-pays under the sliding fee scale. If the mediator/service provider fails to submit the parties' completed income verification form, the Plan Administrator and County Auditor may assume that each party made a \$100.00 co-pay fee.

Once mediation or co-parenting conflict resolution counseling/education has been completed, an Outcomes form (plus the claims form) will be forwarded by the service provider to the Plan Administrator, who will keep a copy and file the original with the Court.

The undersigned Judges retain the authority to amend the Plan Administration to meet the goals of the Plan and/or the needs of the target population, or as fairness and justice otherwise require, and will submit any proposed amendments to the OJA for approval prior to implementation.

The funds collected by all the courts shall be placed in a single consolidated ADR fund held by the County Auditor and will be managed and administered on a day-by-day basis by the County Auditor and the Plan Administrator. Funds shall be distributed only by an order that is executed by the presiding judicial officer that made the referral. It is the sense of the judiciary of County that the funds should be distributed according to the needs of the Court and that no specific percentage allocation to each Court will be made. As described above, representatives of all the separate courts retain authority over the distribution and use of the funds. Representatives from each of the courts and the Plan Administrator shall meet periodically to discuss the administration and use of the consolidated ADR fund.

## Plan Evaluation

The County Alternative Dispute Resolution Program will maintain statistics including, but not limited to the following information:

- Number of Referrals (accepted/declined services) broken down by Court.
- Demographics of Families.
- Origin of Referrals and Reason for Referrals (i.e., unrepresented, high conflict...).
- Representation of Parties.
- Success Rates of Programming broken down by Service Provider.
- Length and Average Costs of Programming per Family



An annual report will be submitted to the Judicial Conference of Indiana no later than January 15 of each year, summarizing the results of the program.

#### Projected Budget

The County Circuit, Superior and Juvenile Courts estimate combined total annual income from filing fees assessed by these Courts in County is estimated at \$7,000.00 (based on approximately \$20.00 x 350 DR and JP paid filings in 2014 and estimated for 2015). It is believed that there are approximately 500 DR and JP filings annually where no filing fee is paid due to indigency and those are the families who will most likely require ADR services.

#### Estimated expenses:

\$ 7,000	Contracted mediation and high conflict management services
\$ 5,000	Contracted GAL services
\$12,000	TOTAL

#### **FOR THE CIRCUIT COURT:**

---

Chief Judge  
Circuit Court and Superior Court 3

#### **FOR THE SUPERIOR COURT:**

---

Judge  
Superior Court 1

---

Judge  
Superior Court 2