

Owen County Family Court Mediation Project¹

Basic Information about Owen County:

2006 Population (according to the US Census): 22,741

County Seat: Spencer

Judicial Officers: 2

Project Implementation: January 2002

Owen County Project Judge: The Honorable Frank Nardi

Owen County Family Court Personnel:

Janet Rumble, a lawyer and registered mediator, is the part-time Administrator (approx. 5-10 hours per week). She is responsible for administrative duties related to the implementation of the Family Court Project. Ms. Rumble conducts intake interviews, assesses co-payments, conducts case research, monitors case progress, and schedules mediations. The Family and Children Mediation Clinic at the Indiana University School of Law -Bloomington (“IU Mediation Clinic”) provides mediation services at no charge. If the IU Mediation Clinic is unable to accept a mediation referral due to a conflict, then Ms. Rumble serves as the mediator.

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The Following Three Sources Have Provided Funding for Owen County:

➤ **Family Court Project Funding**

Year	Amount
2002	\$10,000
2003	\$1,000
2004	\$3,000
2005	NA
2006	\$5000 (\$3000 distributed during 3/06 and \$2000 distributed during 6/06)
2007	

➤ **Owen County Division of Child Services Funding 2005-2006**

- A total of \$10,000 per calendar year has been through monthly installments for mediation in CHINS and high-risk custody disputes.
- This funding was no longer available starting January 1, 2007.

¹ Last updated by Janet Rumble 10.16.07

- **Owen County Community Foundation in 2003**
 - One time grant of \$940

Family Court Programming:

- **Divorce, Paternity, and CHINS Mediation for Low Income and *Pro Se* Parties**
 - **The Program's History:** The Owen County Family Court Project began as a joint family court project with Putnam County in 2002. Owen County initially adopted Putnam County's Alternative Dispute Resolution program, referred to as "facilitation." Facilitation is a less formal method of Alternative Dispute Resolution used to resolve cases outside of the courtroom in divorce, paternity, guardianship, and CHINS cases. The Administrator conducted intakes on cases referred from the Court for facilitation, and arranged for private mediators to serve as facilitators at an hourly rate.

Beginning in 2005, the Owen County Family Court Project began an arrangement with the Family and Children Mediation Clinic at the Indiana University School of Law -Bloomington (under the direction of Law Professor Amy G. Applegate) to provide mediation services to low income families in divorce, paternity, and CHINS cases. Law students conduct most of the mediations; however, prior to conducting mediations, the law students must become certified Domestic Relations mediators through an intensive state-sponsored course taught by Professor Applegate at the law school. Professor Applegate provides necessary supervision to the students throughout the mediation process, and Professor Applegate is directly involved in the more complicated mediations. Private mediators and the Mediation Project Administrator have also been utilized when there is a conflict or law students are unavailable.

In developing this program, the Judge, law school and the Administrator have developed written protocols and forms to insure that the process comports with the needs and ethical considerations of *pro se* parties. In October 2005, the program officially transitioned from a "facilitation" to a "mediation" model in order to fully utilize the benefits and protections of Indiana's Alternative Dispute Resolution Rules.

- **The Program's Procedures:** The Judge issues an order for mediation to parties who are *pro se* and/or low income. The Administrator conducts an intake interview and a financial assessment with the referred parties to provide introductory information about the mediation process and to determine their sliding-scale co-payment. The sliding-scale co-payment ranges from \$10-\$110. The Administrator also schedules the date for the mediation and conducts the necessary case research (including any related cases the family might have pending).

At the intake interviews that occur at the Courthouse, a representative from the Family and Children Mediation Clinic (IU Mediation Clinic) also conduct an intake to ascertain the parties' issues, and provide information to the parties (e.g., the Indiana Parenting Time Guidelines). The mediations are typically conducted at the Family and Children Mediation Clinic in Bloomington, but are on occasion conducted at the Owen County Courthouse. If agreements are reached, the mediators finalize the agreement and print it out immediately so that the parties have the opportunity to review and sign the agreement. Once the agreement is signed, the mediator tenders the agreement and a Mediator's Report to the Court.

In June 2006, Owen County began to collect a \$20 ADR fee in new divorce and paternity filings in conjunction with their ADR plan approved by the Division of State Court Administration. This filing fee is separate from the co-payment amount that is based upon the

specific ability of the parties to pay for services and assessed by the Administrator at the parties' intake interviews.

Families Served in Owen County:

- Owen County accepted its first case in the fall of 2002.
- As of October 15, 2007, the Owen County Mediation Project has offered facilitation/mediation services to families involved in a total of 183 cases. Nine mediation cases are currently pending.
- Additional cases have been referred to the Mediation Project, but have either settled prior to mediation or been removed from the project.