
HOUSE BILL No. 1034

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-4.

Synopsis: ADR pilot project. Permits a county to operate an alternative dispute resolution program for domestic relations cases if the county: (1) uses a plan submitted to the judicial conference; and (2) obtains approval by a majority of the judges in the county exercising jurisdiction over domestic relations and paternity cases. Permits a senior judge to serve as a domestic relations mediator. (The introduced version of this bill was approved by the commission on courts.)

Effective: July 1, 2003.

Pond, Kuzman, Welch, Ayres

January 7, 2003, read first time and referred to Committee on Judiciary.

C
o
p
y



First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

C
o
p
y

HOUSE BILL No. 1034



A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 33-4-8-3 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2003]: Sec. 3. A senior judge:
3 (1) exercises the jurisdiction granted to the court served by the
4 senior judge;
5 (2) **may serve as a domestic relations mediator, subject to the**
6 **code of judicial conduct;**
7 (3) serves at the pleasure of the supreme court; and
8 ~~(3)~~ (4) serves in accordance with rules adopted by the supreme
9 court under IC 33-2-1-8.
10 SECTION 2. IC 33-4-13 IS ADDED TO THE INDIANA CODE AS
11 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
12 1, 2003]:
13 **Chapter 13. Alternative Dispute Resolution in Domestic**
14 **Relations Cases**
15 **Sec. 1. (a) Notwithstanding IC 33-19-5-4, if a county meets the**
16 **requirements of this chapter, the clerk of the court shall collect**
17 **from the party filing a petition for legal separation, paternity, or**



1 dissolution of marriage action under IC 31 a civil costs fee of one
2 hundred twenty-four dollars (\$124).

3 (b) Not later than thirty (30) days after the clerk collects a fee
4 under subsection (a), the clerk shall forward to the county auditor
5 the difference between the fees collected under subsection (a) and
6 the fees that would have been collected under IC 33-19-5-4. The
7 county auditor shall deposit the fees forwarded by the clerk under
8 this section into the alternative dispute resolution fund.

9 Sec. 2. (a) There is established an alternative dispute resolution
10 fund for the circuit court and an alternative dispute resolution
11 fund for the superior court. The exclusive source of money for each
12 fund is the fees collected under section 1 of this chapter for the
13 circuit or superior court, respectively.

14 (b) The funds shall be used to foster domestic relations
15 alternative dispute resolution, including mediation, reconciliation,
16 nonbinding arbitration, and parental counseling. Litigants referred
17 by the court to services covered by the fund shall make a
18 copayment for the services in an amount determined by the court.
19 The fund shall be administered by the circuit or superior court that
20 exercises jurisdiction over domestic relations and paternity cases
21 in the county. Money in each fund at the end of a fiscal year does
22 not revert to the county general fund but remains in the fund for
23 the uses specified in this section.

24 Sec. 3. A county desiring to participate in the program under
25 this chapter must:

- 26 (1) develop a plan to carry out the purposes of section 2 of this
27 chapter that have been approved by a majority of the judges
28 in the county exercising jurisdiction over domestic relations
29 and paternity cases; and
30 (2) submit the plan to the judicial conference of Indiana.

31 The plan must include information concerning how the county
32 proposes to carry out the purposes of the domestic relations
33 alternative dispute resolution fund as set out in section 2 of this
34 chapter. The plan may include the use of senior judges as
35 mediators in domestic relations cases as assigned by the supreme
36 court. The judicial conference of Indiana may request additional
37 information from the county as necessary.

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

C
O
P
Y

