



## **Families Matter Triage Program – Mediator’s Guide**

### **Overview**

The Families Matter Triage Program (FMTP) aims to ensure that parties representing themselves in initial divorce or separation cases with (DC cases) or without children (DN cases) can access case filing support, low-cost dispute resolution processes, and personalized referrals to community resources. During triage, parties who are not in full agreement will be sent to mediation, unless mediation is deemed inappropriate in the triage process.

### **Your Case Schedule**

Per your contract, you are expected to complete a minimum of four mediation cases per calendar year for the FMTP. Please let the FMTP Legal Navigator know if you would like to mediate more than four cases per year, as that may be possible. When an FMTP case is triaged to mediation, the FMTP Legal Navigator will assign a mediator from the FMTP mediator roster in alphabetical order unless an attorney is specifically needed due to a disagreement on a complex financial matter (e.g. medical expenses, dividing expenses, and child support). See Appendix 15 for more information about the assigning process. Given this process and the variability in number of pro se cases served, you may or may not receive a case each month, contingent on the above procedures for assigning cases. If there is a month in which you are not able to accept a mediation case, inform the FMTP Legal Navigator with two months’ notice (e.g., if you are unavailable to mediate in March, you must inform the Navigator in January).

### **The Initial Process**

If the case is referred to the FMTP ADR program for mediation, the FMTP Legal Navigator will determine the parties’ qualifications for FMTP ADR services, prepare paperwork, email paperwork to the parties and mediator, enter into Odyssey the Order Appointing Mediator, and add the mediator to the case within five business days of the referral. The mediator must follow up with parties within three business days of the referral.

Litigants will receive this paperwork from the Legal Navigator  
(found in the Appendices):

- [LETTER TO PARTIES](#)
- [MEDIATION ORDER](#)
- [APPLICATION](#)
- [PAYMENT SCHEDULE](#)
- [PAYMENT WORKSHEET](#)

You (the mediators) will receive this paperwork from the Legal Navigator (found in the Appendices):

- [LETTER TO MEDIATOR](#)
- [APPLICATION FOR MEDIATION](#)
- [MEDIATION ORDER](#)
- [PAYMENT SCHEDULE](#)
- [PAYMENT WORKSHEET](#)
- [MEDIATOR'S ADR PLAN SUBMISSION WITH INVOICE](#) \*\* This document, which contains confidential information, is what you will be submitting to the Legal Navigator email (Courtney Etheridge: kEtheridge@floydcounty.in.gov) and will NOT be filed in the Odyssey case record. You will also prepare and file a Mediator's Report, which notifies the Court of the outcome and is the publicly available record filed in the case.

### **Your Role as a Mediator**

Once you receive a case, you **yourself** MUST:

- ☐ Conduct conflict checks for both parties in the case.
- ☐ Gather background information on the parties/case (e.g., POs, other cases).
  - Review case information in Odyssey (if you don't have access, you can use mycase.in.gov) to see which documents have been filed. You can reach out to the Floyd County Clerk's Office by phone or email to send you a copy of the Petition for Dissolution of Marriage if you are unable to access the document on Odyssey.
  - If either or both parties have other public cases, you can look at the case summaries using mycase.in.gov to see what they are regarding. You should check for other family law cases and criminal cases involving violence or substance abuse.
  - If a case is confidential, e.g., juvenile CHINS cases, you won't have access. You will need to ask the parties or the Legal Navigator.
  - To see whether either party has been named as a respondent in a PO case, search on the Indiana PO and No Contact Order Registry (<https://mycourts.in.gov/porp>). You will not be able to see who the protected person is in the registry, but you will get a case number (though you will not be able to access the case yourself).
- ☐ Contact parties within 3 days of referral to schedule mediation and the individual screening session (at least 2 weeks prior to scheduled mediation date).
- ☐ Conduct individual screening for intimate partner violence using the [MASIC-S](#) at least two weeks prior to the scheduled mediation date. Mediators must ensure that parties not accidentally join and overhear the other party's screening interview. Guidance on how to do so effectively is in the [Comprehensive Guide for using MASIC-S](#).
  - Please maintain your MASIC-S results confidentially in your case file. In some cases, you may be asked to share the results of this screening with the University of Illinois Chicago for an ongoing research study. You will only be asked to share results for parties who consent to be part of the research.
- ☐ Track the time required to complete screening for each party (to be reported on the Mediator's ADR Plan Submission with Invoice and your required annual pro bono hours).

- ❑ Plan for the mediation using information from the case and the [MASIC-S](#). Guidance on how to effectively mediate when there is IPV in the case can be found in [Manual for Mediating Family Law Cases with High or Concerning Levels of Intimate Partner Violence or Abuse \(IPV\)](#).
- ❑ Conduct mediation in the appropriate format for the case.
- ❑ Provide updates to the Legal Navigator via email ([kEtheridge@floydcounty.in.gov](mailto:kEtheridge@floydcounty.in.gov)) on the status of your case (e.g., when it has been scheduled and how many hours of mediation time)
- ❑ Within 10 days of mediation, file the appropriate mediation documents. See [Instructions for Preparing and Filing/Serving Floyd County Mediation Documents](#) for more details.
  - For mediations that do not reach agreement, you will prepare and file a [Mediator's Report](#) showing No Agreement (or Mediation Terminated or Mediation Declined if one of these is more appropriate). The Legal Navigator will provide further assistance if needed.
  - For mediations that reach full agreement, you will prepare and file: the Mediator's Report, Agreed Mediated Order (i.e., the Mediation Agreement, Summary Decree of Dissolution of Marriage, Waiver of Final Hearing
  - **For cases with children.** Child Support Obligation Worksheet and the parties' Parenting Education Completion Certificates if the certificates were not previously filed with the Court.
- ❑ Submit the [MEDIATOR'S ADR PLAN SUBMISSION WITH INVOICE](#) to the FMTP Legal Navigator (Courtney Etheridge; [cetheridge@floydcounty.in.gov](mailto:cetheridge@floydcounty.in.gov)) by email within 60 days from the time of the filing of the Verified Petition.

## **Your Payment**

Upon completion of mediation, you will submit an invoice to the FMTP Legal Navigator only for the billable hours spent conducting pre-mediation screening and mediation. The FMTP Legal Navigator will send the appropriate claim form for payment to the County Auditor, according to their schedule for payment of claims. Mediators are responsible for collecting party copays directly from each party in advance.

## **Frequently Asked Questions**

### **Where can I receive more training resources?**

The FMTP website houses our CLE training, the most recent version of this guidance, forms referenced in this guidance. If you have additional questions, please discuss with Legal Navigator.

### **What is the difference between “regular” ADR mediations and FMTP ADR mediations?**

FMTP has contracted mediations that are assigned alphabetically while the “regular” ADR mediations would be assigned by the judge and confirmed with the mediators in advance and mediators do not have a set obligation of cases or contract. The rules, payment, and timeframes are the same for the mediation itself though. Both ADR mediations include the MASIC-S with the pre-mediation screenings.

**Do all mediations require MASIC-S screenings?**

Yes. Every FMTP case assigned the Tailored Pathway and there forth ordered to mediation should complete MASIC screening for both parties.

**If a party has an attorney does the attorney need to be present?**

The attorney does not need to be present. Once you are told they have retained an attorney or an attorney has entered an appearance, you should have an attorney waiver if the attorney does not want to attend mediation. Here are examples: for [all Mediation session](#) and [Intake Session](#). They can waive the MASIC, attending mediation negotiation sessions, etc. The judge will also want to see the waiver.

**Do mediators have to file their report on the 60<sup>th</sup> day? They are used to filing it after.**

It should be on or directly after the 60-day “cooling off” period.

**Do screenings become a part of the Court’s records? Or are they confidential?**

Mediator conducted screenings will be kept confidential. They are NOT a part of the Court’s records.

**How do the confidentiality rules apply to support persons? For example, subpoena/witness testimony?**

ADR Rule 2.11(A) talks about confidentiality. It is the same rule that applies to everybody and stated that mediation is a confidential process and confidentiality cannot be waived. However, there are a couple of exceptions such as mandatory reporting.

**Are these assessments being conducted by the mediator during separate sessions that happen prior to the actual mediation date?**

Correct. It has to be done in advance to know how to accommodate the results in the mediation process.

**What if the other litigant feels you’ve taken the supposed survivor’s side, and therefore they doubt that you as the mediator are neutral?**

If someone believes you are not neutral, you are able to decline the case and ask the FMTP Legal Navigator Law to reassign it. Unfortunately, under the ADR Rules, Judge Granger will not know why the case was declined.

**If DV POs have already been filed, is the screening still done?**

Yes.

**Will there also be post-dissolution referrals as well?**

Right now, we are just offering for on initial filings. Eventually, we will expand to modifications.

**Do we bill for our time for the pre-mediation screenings as well as the actual mediation session?**

Pre-mediation screenings (initial meeting and MASIC-S) will count as billable hours and are to be tracked on the [MEDIATOR’S ADR PLAN SUBMISSION WITH INVOICE](#).

**Is CPS willing to let you know if a case has been investigated or not? My prior interactions with CPS are such that they won't take my calls or respond to any requests.**

You must get the parties to sign a release or work with parties and CPS over the phone. They're entitled to know what's happening; they should be able to get information about whether the investigation was deemed substantiated or not.

**Do support people need NDAs?**

Yes, it is encouraged to remind the support persons and the parties that support persons should not be hostile parties. Professor Applegate also recommended that all parties be encouraged to have a support person present, if that would be helpful to them.

**Are we allowed to use the online MASIC to practice?**

Absolutely! Practice with a colleague or friend.

**Are we supposed to prepare the Income Withholding Orders (IWO's) and Forms ACR in cases in which there is child support?**

No. IWO's will be referenced in the Agreed Mediated Order, which will specify who is preparing those documents. The Court will refer the parties to the Title IV-D office.

**What happens if a party wants to take the mediation settlement documents to an attorney for review before signing?**

Under the ADR Rules, mediation parties are entitled to have attorneys present and/or review the mediation settlement documents before signing. You should make arrangements for a brief period of review for the mediation party who wants to have this review.

**Can I record mediation sessions for your own record-keeping?**

No, because it is a confidential process. This includes any recordings including transcribing.

**Would researching the case be outside my role as a mediator?**

No, light research is essential to get a sense of who the parties are. When receiving the mediation assignment email, case documents will be attached for easy access/review.

**Will mediation be mostly remote?**

Most parties prefer remote mediation. If a party has a problem with remote mediation, please direct them to work with the Family Law Navigator who can assist them with a spot to access remote mediation in the court. If your preference is in person and parties are comfortable with it as well, that is acceptable.

**What if I am not able to reach one party?**

Mediation is ordered by the Judge. If you have not gotten a response within three attempts in 1-2 weeks, Contact the Legal Navigator (Courtney Etheridge) to attempt to reach the party and remind them that mediation is ordered and to respond to the Mediator assigned to the case at their earliest convenience. If there is still no communication, Mediator can decline/terminate the mediation.

**Where do I go if I have questions about mediation?**

Reach out to Professor Amy Applegate ([aga@iu.edu](mailto:aga@iu.edu)). If several mediators have a similar question, she may have a group meeting to discuss.

**What if interpretation services are needed?**

If parties are ordered to mediation and interpretation services are needed, the mediator can set up the interpreter or have the court facilitate it. If the court facilitates the interpreter, it will be paid out of the interpreter fund. If the mediator arranges the interpreter, they would include the costs on their mediation invoice and it would be paid from the ADR fund. On the Mediator's ADR Plan Submission, the mediator will include the fee amount incurred for interpretation on Length of Method of Resolution / Fee Requested under the 'Other' option.

**Do I have to attend the CLE/CME Training each year to be a mediator?**

Mediators are required to attend one training up front to participate in FMTP. While there will be updated trainings offered for credit, it is up to the mediator to decide if they wish to participate each year.

## **Appendix Table of Contents**

1. [ADR Parties' Letter](#)
2. [ADR Mediation Order](#)
3. [ADR Application for Mediation](#)
4. [ADR Mediator's Letter](#)
5. [ADR Mediator's Plan Submission with Invoice](#)
6. [ADR Mediation Payment Schedule](#)
7. [ADR Mediation Payment Worksheet](#)
8. [Instructions for Preparing and Filing/Serving Floyd County Mediation Documents](#)
9. [Agreed Mediated Order Template](#)
10. [How to Calculate Child Support Using the Online Calculator](#)
11. [Arrearage Guidance](#)
12. [Summary Decree Template](#)
13. [Verified Waiver of Final Hearing Template](#)
14. [Form Mediator's Report](#)
15. [Process of Assigning Cases to Mediators](#)

## 1. ADR Parties' Letter

### ALTERNATIVE DISPUTE RESOLUTION FLOYD COUNTY CIRCUIT/SUPERIOR COURTS

**Floyd County Government**  
**311 Hauss Square, Rm 110**

**Courtney Etheridge**  
*Families Matter Legal Navigator*

**New Albany, Indiana 47150**

**(812) 948-5410**

Date: \_\_\_\_\_

Case Name: \_\_\_\_\_

Case No.: \_\_\_\_\_

Dear Petitioner & Respondent:

Please find enclosed your copy of the **Application for Mediation Services** and the **Order of Referral to Mediation Services** in the above noted case. Your mediator, INSERT NAME, will contact you soon to schedule your mediation sessions.

Please review the enclosed **ADR Mediation Payment Schedule** to determine what portion you will need to pay the Mediator, if any. It is determined on your individual income.

Prior to the parties attending mediation, each party shall have completed the following:

1. Scheduled one of the Parenting Classes as required by local rules, to be **completed** before finalization of divorce. (**Please either file the Certificate of Completion with Courtney Etheridge or give it to your mediator for inclusion with the mediation documents**).
2. Completed the verified financial disclosure form (provided by the mediator) and have attached copies of the last filed tax return by each party and copies of your last three paychecks or income payments received from any agency; and
3. Reviewed the Parenting Time Guidelines that were received from the Clerk. Please verify this is done before your mediation is started.

Upon completion of mediation and payment of fees, the mediator will prepare and file the Mediator's Report, along with the Agreed Mediated Order, Verified Waiver of Final Hearing, Summary Dissolution Decree, and any other necessary documents. The mediator does NOT prepare IWO's or Forms ACR. The mediator also does NOT prepare any documents to enforce or



implement the Decree such as QDRO's or Quit Claim Deeds; the party/ies must hire an attorney to handle these documents.

If the mediation does not result in agreement, the mediator shall file the Mediator's Report and advise the parties that they must (1) obtain attorneys to complete the dissolution **or** (2) contact the Court for a final hearing date. If you have any questions or problems regarding this notification, please feel free to call my office at (812) 948-5410.

Sincerely yours,

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Courtney Etheridge  
*Families      Matter      Legal      Navigator*

cc: Petitioner  
Respondent  
ADR Report File

## 2. ADR Mediation Order

### IN THE FLOYD CIRCUIT/ SUPERIOR COURTS STATE OF INDIANA

IN THE MATTER OF THE USE OF ADR  
FUND FEES FOR MEDIATION SERVICES

\_\_\_\_\_, Petitioner

and

CASE NO. 22D03 -

\_\_\_\_\_, Respondent

#### ORDER OF REFERRAL TO MEDIATION SERVICES

The Court has determined that mediation services are appropriate in this matter pursuant to the ADR Program of the Floyd Circuit and Superior Courts on \_\_\_\_\_.

1. **MEDIATION:** the parties are ordered to attend and fully participate in mediation the ADR Program of the Floyd Circuit and Superior Courts. At mediation, a trained Family Law Mediator (“Mediator”) will meet with the parties to resolve the pending issues by agreement. The Mediator will advise the participants of the mediation process according to the Indiana ADR Rules.
2. \_\_\_\_\_ is appointed Mediator pursuant to the provisions of the Floyd Circuit and Superior Courts ADR Program. The Mediator shall make the initial contact with the parties or their counsel to schedule the mediation process. The parties shall be responsible for their portion of the Mediator’s fee. Each shall submit the following lump sum to the mediator as and for his or her co-payment: Wife / Mother \$\_\_\_\_\_; Husband / Father \$\_\_\_\_\_.  
  
The parties shall pay Mediator his or her co-payment before, or no later than, the first mediation date scheduled. A party who fails to appear for the mediation or otherwise fails to

participate in the mediation in good faith may be assessed all or a greater portion of the costs of the mediation, at the court discretion. Good faith participation in the mediation includes attending the mediation with an open mind, listening to and carefully considering what the Mediator and the other party has to say, and honestly working to achieve an agreement that will settle the pending issues.

3. **MEDIATION INFORMATION:** The Court shall forward a copy of this order to the Mediator, together with relevant ADR forms. The parties may provide the Mediator with a written statement of the issues and their representative position on those issues. The mediator should receive said statement at least five (5) days prior to mediation. The statement of the case should include the following:

- a. Both parties names, the case number, and the names and dates of birth of the child or children of the parties (as well as any other child or children a party may have);
- b. A list of all pending court cases involving the party or the parties' child or children;
- c. A statement of the issues such as custody, visitation / parenting time, child support, education costs, maintenance, etc.;
- d. A statement of what the party hopes to achieve if the case is settled at mediation, or if the case is ruled upon by the Judge / Magistrate at trial;
- e. If applicable, the party's current paystubs, W-2's, copies of their income tax returns for the past three (3) years, documentation of college expenses, information and / or documentation of any health insurance coverage available through their employer (including the cost of coverage for the employee and coverage for the child or children) or available from another source, daycare expenses and any other important financial information; and

f. Any other information they believe will be helpful for the Mediator.

- 4. MEDIATION REPORTS:** At the completion of the mediation, the mediator shall submit to Courtney Etheridge, Legal Navigation and ADR Coordinator, a completed Mediation Outcome Form. If the parties do not reach an agreement, the Mediator will report that lack of any agreement to the court as required by the ADR Rules. If an agreement is reached during mediation, it should be reduced to writing and signed by the parties prior to leaving the Mediator's office. That agreement shall be submitted by the Mediator to the Court for review and approval by the Court.
- 5. MEDIATOR'S FEE:** Once mediation is completed, the Mediator shall forward a Mediation Claim Form to Courtney Etheridge, legal Navigator and ADR Coordinator for payment of fees. Upon review and approval, an Order directing payment shall be entered.

SO ORDERED this

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**Judge**  
**Floyd County Circuit/ Superior Courts**

Copies to: Mediator  
Petitioner  
Respondent  
ADR Report File



## **NOTICE**

**Once ordered by the court, your attendance at mediation is mandatory and that:**

- 1) You must take part in up to three (3) hours of mediation. You also understand that you may be responsible for paying part of the mediation expenses based upon the gross income of both parties.**
- 2) You further understand that it will be your responsibility to:**
  - A) If children under the age of 18 are involved, attend a Parenting Class as required by local rules; file with the Court Office; and
  - B) Complete the verified financial disclosure form (will be provided by the Mediator) and have attached copies of the last filed tax return by each party and copies of their last three paychecks or income payments received from any agency; and
  - C) If children under the age of 18 are involved, have reviewed the Parenting Time Guidelines that were received from the Navigator.
- 3) You also understand the mediator is not representing either party as their attorney, but only impartially assisting the parties for the purpose of reaching an agreement.**

Application prepared by: Courtney Etheridge

Date:

#### 4. ADR Mediator's Letter

**ALTERNATIVE DISPUTE RESOLUTION**  
**FLOYD COUNTY CIRCUIT/SUPERIOR COURTS**

**Floyd County Government**  
**311 Hauss Square, Rm 110**

**Courtney Etheridge**  
*Families Matter Legal Navigator*

**New Albany, Indiana 47150**

**(812) 948-5257**

Date: \_\_\_\_\_ Case Name: \_\_\_\_\_  
Case No.: \_\_\_\_\_

Dear Mediator:

Please find enclosed your copy of the **Application for Mediation Services** and the **Order of Referral to Mediation Services** in the above noted case. You will contact the petitioner to schedule this mediation session.

Also enclosed is a copy of the Mediator's ADR Plan Submission with Invoice which you are to submit to the Legal Navigator at the completion of the mediation. The Mediator shall submit an invoice with this form to the Legal Navigator requesting compensation for service of mediation, if appropriate, for approval by the presiding judicial officer who shall then direct the County Auditor to make payment of the claim.

You must also file a **Mediator's Report** upon completion of the mediation under Mediation Rule 2.7(E) of the rules for Alternative Dispute Resolution.

Please review the enclosed **ADR Mediation Payment Schedule** to determine what portion will be paid to you by the Petitioner and Respondent, if any. It shall be determined on the individual gross income of the parties.

Prior to the parties attending mediation, each party shall have completed the following:

1. If children under the age of 18 are involved, scheduled one of the Parenting Classes as required by local rules, to be **completed before finalization of divorce**. (Please do not finalize paperwork till this is completed by both parties).

2. Completed the verified financial disclosure form (which you should provide to them) and have attached copies of the last filed tax return by each party and copies of their last three paychecks or income payments received from any agency; and
3. If children under the age of 18 are involved, reviewed the Parenting Time Guidelines that were received from the Clerk. Please verify this has been done before their mediation is started.

Upon completion of mediation and payment of fees, the mediator will prepare and file the Mediator's Report, along with the Agreed Mediated Order, Verified Waiver of Final Hearing, Summary Dissolution Decree, and any other necessary documents. The mediator does NOT prepare IWO's or Forms ACR. The mediator also does NOT prepare any documents to enforce or implement the Decree such as QDRO's or Quit Claim Deeds; the party/ies must hire an attorney to handle these documents.

If the mediation does not result in agreement, the mediator shall file the Mediator Report and advise the parties that they must (1) obtain attorneys to complete the dissolution **or** (2) contact the Court for a final hearing date. If you have any questions or problems regarding this notification, please feel free to call my office at (812) 948-5410.

Sincerely yours,

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Courtney Etheridge  
*Families    Matter    Legal    Navigator*

cc: ADR Report File



## 5. ADR Mediator's Plan Submission with Invoice

IN THE FLOYD CIRCUIT/ SUPERIOR COURTS  
STATE OF INDIANA

ALTERNATIVE DISPUTE RESOLUTION  
FUND PLAN

### MEDIATOR'S ADR PLAN SUBMISSION WITH INVOICE

For the purpose of presenting data for the Annual Report on Evaluation of Alternative Dispute Resolution, this Mediator's Report must be submitted upon the passage of sixty (60) days from the time of the filing of the Verified Petition along with the mediation agreement or with the indication that mediation was not successful. **Please attach Invoice**

\_\_\_\_\_, Petitioner

and

CASE NUMBER:

\_\_\_\_\_, Respondent

A. Category of Case

Dissolution	[ ]
Legal Separation	[ ]
Paternity	[ ]
Other _____	[ ]

B. Eligibility Criteria

Legal Services Representation	[ ]
Pro Bono Representation	[ ]
Federal Poverty Level Qualifier	[ ]
Other _____	[ ]

C. Service

Mediation	[ ]
Reconciliation	[ ]
Facilitation	[ ]
Parental Counseling	[ ]
GAL	[ ]
Nonbinding Arbitration	[ ]
Other _____	[ ]

D. Names and Ages of Children

Name _____	Age _____
Name _____	Age _____
Name _____	Age _____
Name _____	Age _____
Name _____	Age _____
Name _____	Age _____

A. Length of Method of Resolution / Fee Requested

	Method <u>Used</u>	Required <u>Time</u>	Fee <u>Request</u>	Paid by <u>Parties</u>
Mediation	[ ]	_____	\$ _____	\$ _____
MASIC-S	[ ]	_____	\$ _____	\$ _____
Reconciliation	[ ]	_____	\$ _____	\$ _____
Facilitation	[ ]	_____	\$ _____	\$ _____
Parental Counseling	[ ]	_____	\$ _____	\$ _____
Nonbinding Arbitration	[ ]	_____	\$ _____	\$ _____
Guardian Ad Litem	[ ]	_____	\$ _____	\$ _____
Other _____	[ ]	_____	\$ _____	\$ _____

B. Length of Non-Billable Time

	Method <u>Used</u>	Required <u>Time</u>	Pro Bono <u>Hours</u>
Scheduling	[ ]	_____	_____
Preparing/Filing Documents	[ ]	_____	_____
Other _____	[ ]	_____	_____

C. Measurement of Success by Method of Resolution

	Report <u>Submitted</u>	Partially <u>Settled</u>	Not <u>Settled</u>	<u>Resolved</u>
Mediation	[ ]	[ ]	[ ]	[ ]
Reconciliation	[ ]	[ ]	[ ]	[ ]
Facilitation	[ ]	[ ]	[ ]	[ ]
Parental Counseling	[ ]	[ ]	[ ]	[ ]
Arbitration	[ ]	[ ]	[ ]	[ ]
GAL Outcome	[ ]	[ ]	[ ]	[ ]
Other _____	[ ]	[ ]	[ ]	[ ]

## 6. ADR Mediation Payment Schedule

### IN THE FLOYD CIRCUIT/SUPERIOR COURTS STATE OF INDIANA

#### MEDIATION PAYMENT SCHEDULE

The payment of mediation fees in your case is determined by the Income Guidelines of Indiana Legal Services (which are 125% of the Federal Poverty Guidelines). These are modified yearly. They are based upon the combined gross income of the parties and the number of people in the family.

Mediation fees shall be paid on a sliding scale and will be determined by the Court. If you or your spouse make in excess of the Indiana Legal Services Guidelines plus \$45,000 annually, you will be responsible for 100% of the mediation costs, up to a maximum of \$300 with an hourly rate of \$100 per hour. In unusual cases, the mediator will advise you that your case may not be able to be processed in this program without additional input from the Court.

If you or your spouse make a combined gross income under the Indiana Legal Services Guidelines, you will not be required to pay for mediation services.

Case Name \_\_\_\_\_ Case No. \_\_\_\_\_

In your case, the combined income of you and your spouse is \$ \_\_\_\_\_. You will be required to pay:

- ☐ Nothing
- ☐ Can't be determined at this time; amounts to be determined by the Mediator.
- ☐ Fee of \$ \_\_\_\_\_ per hr., with Petitioner paying \$ \_\_\_\_\_ and Respondent paying \$ \_\_\_\_\_.

Copies to: Mediator  
Petitioner  
Respondent  
Report File

# ADR MEDIATION PAYMENT WORKSHEET

Based on 2024 Poverty  
Guidelines

1.	# Of Children (Circle one)		0	1	2	3	4	5	6	7
2.	Petitioner Annual Income									
3.	Basic allowable gross income		\$25,550	\$32,275	\$39,000	\$45,725	\$52,450	\$59,175	\$65,900	\$72,625
4.	Difference (line 2 less line 3)		<span style="color: red;">-\$25,550</span>	<span style="color: red;">-\$32,275</span>	<span style="color: red;">-\$39,000</span>	<span style="color: red;">-\$45,725</span>	<span style="color: red;">-\$52,450</span>	<span style="color: red;">-\$59,175</span>	<span style="color: red;">-\$65,900</span>	<span style="color: red;">-\$72,625</span>
5.	45,000 above basic allowable gross		\$70,550	\$77,275	\$84,000	\$90,725	\$97,450	\$104,175	\$110,000	\$117,625
6.	# Of Children (Circle one)		0	1	2	3	4	5	6	7
7.	Respondent Annual Income									
8.	Basic allowable gross income		\$25,550	\$32,275	\$39,000	\$45,725	\$52,450	\$59,175	\$65,900	\$72,625
9.	Difference (line 7 less line 8)		<span style="color: red;">-\$25,550</span>	<span style="color: red;">-\$32,275</span>	<span style="color: red;">-\$39,000</span>	<span style="color: red;">-\$45,725</span>	<span style="color: red;">-\$52,450</span>	<span style="color: red;">-\$59,175</span>	<span style="color: red;">-\$65,900</span>	<span style="color: red;">-\$72,625</span>
10.	45,000 above basic allowable gross		\$70,550	\$77,275	\$84,000	\$90,725	\$97,450	\$104,175	\$110,000	\$117,625

Petitioner's Income		
Respondent's Income		
<b>Total Income</b>		<b>\$0</b>

		Co-pay for services based on his/her income per hour							
			0-100% (BAG)	100-5000	5001-15000	15001-25000	25001-35000	35001-45000	Total
Petitioner	Max Owed Mediator	per hour	\$0	\$5	\$25	\$50	\$75	\$100	
Respondent	Max Owed Mediator	per hour	\$0	\$5	\$25	\$50	\$75	\$100	
<b>Total owed Mediator per hour</b>				ADR fund Max \$0					

## 8. Instructions for Preparing and Filing/Serving Floyd County Mediation Documents

### Part I: What May Be Prepared and Filed/Served by the Mediator

Rule 2.7(F) of the Indiana Rules of Alternative Dispute Resolution (ADR Rules) clarifies what mediation documents may be prepared by a mediator, particularly in case with unrepresented parties. The Rule provides:

#### **(F) Mediator's Preparation and Filing of Documents in Domestic Relations Cases.**

At the request and with the permission of all parties in a domestic relations case, a Mediator may prepare or assist in the preparation of documents as set forth in this paragraph (F).

The Mediator shall inform an unrepresented party that he or she may have an attorney of his or her choosing (1) be present at the mediation and/or (2) review any documents prepared during the mediation. The Mediator shall also review each document drafted during mediation with any unrepresented parties. During the review the Mediator shall explain to unrepresented parties that they should not view or rely on language in documents prepared by the Mediator as legal advice. When the document(s) are finalized to the parties' and any counsel's satisfaction, and at the request and with the permission of all parties and any counsel, the Mediator may also tender to the court the documents listed below when the mediator's report is filed.

In FMPT, the Mediator may prepare or assist in the preparation of the following documents specified in ADR Rule 2.7(F):

- (1) A **written mediated agreement** (referred to as the Agreed Mediated Order) with "so ordered" language for the judge presiding over the parties' case.
- (2) A **summary decree of dissolution**, with the caption in the case, so long as the decree is in the form of a document that has been adopted or accepted by the court in which the document is to be filed and the summary decree reflects the terms of the mediated agreement;
- (3) A **verified waiver of final hearing**, with the caption in the case, so long as the waiver is in the form of a document that has been adopted or accepted by the court in which the document is to be filed;
- (4) A **child support calculation**, including a child support worksheet and any other required worksheets pursuant to the Indiana Child Support Guidelines or Parenting Time Guidelines, so long as the parties are in agreement on all the entries included in the calculations;

Note that mediators are authorized to prepare two other documents specified in ADR Rule 2.7 (F), but the mediators in FMTP will not be preparing those documents in this program.

Form and template documents, approved by Judge Granger, are provided in the Appendices to this Manual. Below is a list of each form and template mediation document provided with its Appendix number and important instructions to follow when preparing the documents.

- A. Template Agreed Mediated Order (file as a proposed Order)
- B. Child Support Calculation (file as an attachment to the Agreed Mediated Order)
- C. Arrearage Calculation (generally not filed; refer to arrearage in the Agreed Mediated Order)
- D. Form Summary Decree (file as a proposed Order)
- E. Form Verified Waiver of Final Hearing (file as a Complaint/Equivalent Pleading)
- F. Form Mediator's Report (file as a Complaint/Equivalent Pleading)

## **Part II: Specific Instructions for the Mediators**

### **A. Written Mediated Agreement, referred to as the Template Agreed Mediated Order**

The Agreed Mediated Order is set up to have most of the issues that might come up when mediating a family law case. There are provisions for most of the issues that typically arise in an initial dissolution, but the template may be modified for a modification or even another type of family law case (e.g., paternity).

- Review the template Agreed Mediated Order before you start using it to become familiar with how it is set up.
- Tailor the caption, signature lines, and certificate of service.
- Fill in any necessary blanks in the document for the case you are mediating.
- Make global changes for the parties and/or the children in the various paragraphs. For the parties, MOTHER/FATHER/NAME is provided. Most cases will have a Mother and a Father, but some cases will not. Use a party's name when the terms Mother or Father is not applicable, or if there are two same-sex parents.

Remove highlighting when finalizing the document; highlighting is provided to help ensure you remember to make global changes.

[Note: When making global changes, if the term is all capitalized and you do not want all capitalized, follow these instructions:

For a MAC: Go to "Edit"--> "Find" --> "Find and Replace Advanced" --> type in what you want to find --> type in what you want to replace --> check the "Match Case" box.

For a PC: Go to the "Home" tab --> click "replace" --> type in what you want to find --> type in what you want to replace --> click the "More" button in the bottom left corner of the pop-up box --> check the "Match Case" box.]

- Remove any unneeded paragraphs, being sure to renumber the paragraphs.
- Providing **parenting goals** is optional. That said, it may help the parents keep their focus on what's best for their children.
- The language for **custody, parenting time, and related arrangements** should be self-explanatory. Choose the correct option(s), or type in what the parties agree to.
- Addressing **child support**:

The parties must attach a child support calculation or incorporate a prior calculation. See the instructions below on child support calculation preparation.

The assumption/general requirement is that child support will be paid by an Income Withholding Order (IWO). The parties need to justify NOT having an IWO. There is template language for this option.

The parties need to provide health insurance for their children, unless there is no insurance available that is accessible and at a reasonable cost (see Child Support Guideline 7 on accessibility and reasonable cost). There are a number of options in the template for how the parent(s) will provide health insurance.

Arrearages should be calculated. Often, the Title IV-D prosecutor can provide that information, or you can use the [Arrearage Form](#).

- Addressing **property division**, it is not sufficient to say that all property has been divided. You need to spell out how the property was divided. This is in case there is a dispute down the road, and property division needs to be enforced.
- Addressing **tax exemptions**, there are a number of options provided. Choose the correct option(s) and be sure to include the paragraph about the requirement for a parent who is paying child support and claiming the children.
- The parties are not limited to the issues in the template Agreed Mediated Order. You may include other language as they agree.

- Always include the last paragraph of the template (numbered paragraph X), which has important language for you as the mediator to have in the agreed order.
- *Efile the Agreed Mediated Order as a Proposed Order Filed.*

## **B. Child Support Calculation**

If child support is being addressed, use the Practitioner's Version of the child support calculator located at: <http://mycourts.in.gov/csc/Practitioners/>

- Follow the instructions for how to prepare the child support calculation in the Rubric for Completing CSOWs (simplified instructions) or the Handout on Completing CSOWs (more detailed instructions), both of which are provided.
- The parties are required to calculate child support with accurate and current information. Once child support is calculated, if they agree to a deviation, that must be explained in the Agreed Mediated Order.
- *Efile the child support calculation as an attachment to the Agreed Mediated Order.*

## **C. Arrearage Calculation**

It is easier to get the assistance of the Title IV-D Prosecutor in determining a party's arrearage. If that is not possible, see the Indiana Arrearage Calculation Worksheet.

- Note that this is not a document that you would file with the Court. It is just a document to help with the arrearage calculation. Given that the child support obligation at most would go back to the date of filing, it should be fairly straightforward to calculate the arrearage by determining how much is owed and how much (if any) was actually paid.

## **D. Form Summary Decree**

The form Summary Decree provided has been approved by Judge Granger.

- Use this form, adapting it as needed.
- Review the form Summary Decree before you start using it to become familiar with how it is set up.
- Tailor the caption, signature lines, and certificate of service.
- Leave in the header: "Floyd County Superior Court Approved Form"
- Fill in any necessary blanks in the document for the case you are mediating.
- Delete any information that is not relevant.



- Remove highlighting when finalizing the document; highlighting is provided to help remind you of language that will need to be tailored as appropriate in the case.
- *Efile the Summary Decree as a Proposed Order Filed.*

### **E. Form Verified Waiver of Final Hearing**

The form Verified Waiver of Final Hearing has been approved by Judge Granger.

- Use this form, tailoring the caption, signature lines, and certificate of service.
- Leave in the header: “Floyd County Superior Court Approved Form”
- *Efile the Verified Waiver of Final Hearing as a Complaint/Equivalent Pleading.*

### **Instructions for Preparing and Filing/Serving Floyd County Mediator Reports**

This part of the Instructions addresses the Mediator’s Report that you will be filing at the conclusion of each mediation case you handle. A template, with explanation, is provided.

### **Template Mediator’s Report**

Use this template, tailoring the caption, signature line, and certificate of service.

The template has options for you to choose from. Per Rules 2.7(D)(3) and 2.7(E)(1) of Indiana’s ADR Rules, you are limited to what you may report. These rules provide:

#### **2.7(D) Termination of Mediation.**

- (1) The mediator shall terminate or decline mediation whenever the mediator believes:
  - (a) that of the meditation process would harm or prejudice one or more of the parties or the children;
  - (b) the ability or willingness of any party to participate meaningfully in mediation is so lacking that a reasonable agreement is unlikely;
  - (c) due to conflict of interest or bias on the part of the mediator;
  - (d) or mediation is inappropriate for other reasons

\* \* \* \*

(3) *The mediator shall not state the reason for terminating or declining mediation except to report to the court, without further comment, that the mediator is terminating or declining mediation.*

**2.7(E) Report of Mediation: Status.**

(1) Within ten (10) days after the mediation, the mediator shall submit to the court, without comment or recommendation, a report of mediation status. *The report shall indicate that an agreement was or was not reached in whole or in part or that the mediation was extended by the parties. If the parties do not reach any agreement as to any matter as a result of the mediation, the mediator shall report the lack of any agreement to the court without comment or recommendation. With the consent of the parties, the mediator's report may also identify any pending motions or outstanding legal issues, discovery process, or other action by any party which, if resolved or completed, would facilitate the possibility of a settlement.*

Accordingly, select the appropriate item(s) included in the Report:

\_\_\_\_\_ Full Agreement

\_\_\_\_\_ Partial Agreement

\_\_\_\_\_ No Agreement

\_\_\_\_\_ Mediation Pending

\_\_\_\_\_ Next session scheduled for DATE at TIME a.m./p.m.

\_\_\_\_\_ Mediation Terminated

\_\_\_\_\_ Mediation Declined

\_\_\_\_\_ Other: Parties wish to advise the Court of the following

*Efile the Mediator's Report as a Complaint/Equivalent Pleading.*

## 9. Mediation Agreement Template

**Rename, save as new document, remove instructional information and change language to reflect each individual case. Check paragraph numbering after making changes.**

**[Remove this header when preparing the document.]**

STATE OF INDIANA	)	IN THE FLOYD SUPERIOR COURT 3
	)	SS:
FLOYD COUNTY	)	CASE NO. 22D03- [REDACTED]
	)	
IN RE: THE MARRIAGE OF:	)	
	)	
[REDACTED],	)	
Petitioner,	)	
	)	
and	)	
	)	
[REDACTED],	)	
Respondent.	)	

### AGREED MEDIATED ORDER

The parties, **PETITIONER'S NAME** ("Mother/Father" or use first name) and **RESPONDENT'S NAME** ("Mother/Father" or use first name) (collectively, "the parents" or "the parties"), the parents of the minor **CHILD/THE CHILDREN**, **CHILD 1 NAME** (DOB **CHILD 1 DOB**) ("**CHILD 1 NAME**") and **CHILD 2 NAME** (DOB **CHILD 2 DOB**) ("**CHILD 2 NAME**") (collectively, "the children") have attended mediation and reached this Mediation Agreement ("Agreed Mediated Order"). **[If there is GAL, add GAL as party after "(collectively, the children")."]**

The parents hereby stipulate and agree as follows:

#### I. PARENTING GOALS

**[INSERT PARTIES' AGREED GOALS FOR PARENTING THEIR CHILDREN, AS APPLICABLE]**

#### II. CUSTODY AND PARENTING TIME ARRANGEMENTS

##### A. CUSTODY

**[INSERT PARTIES' AGREED LANGUAGE DESCRIBING ARRANGEMENTS OR USE ONE OF THE FOLLOWING OPTIONS WITH ANY NECESSARY]**

The parents are in agreement as to **CHILD 1 NAME/THE CHILDREN**'s best interests and agree that:

**MOTHER/FATHER/NAME** shall have primary physical and sole legal custody of **CHILD 1 NAME/THE CHILDREN**.

-or-

**MOTHER/FATHER/NAME** shall have primary physical custody and the parents shall share joint legal custody of **CHILD 1 NAME/THE CHILDREN**.

-or-

The parents shall share joint physical and legal custody of **CHILD 1 NAME/THE CHILDREN**.

[Insert other language as appropriate including any of the following provisions as appropriate and requested by the parents]

**Emergency Medical Decisions.** **[When one parent has legal custody, generally the other parent is given authority to make emergency medical decisions:]**

In case of medical emergency, **MOTHER/FATHER/NAME** is authorized to make any necessary medical decisions for **CHILD 1 NAME/THE CHILDREN** in the event that other parent is not present and cannot be reached. A copy of this order shall be sufficient evidence of **MOTHER/FATHER's** authority to make emergency medical decisions.

**[When the parents share legal custody:]** In case of medical emergency, either parent is authorized to make any necessary medical decisions for **CHILD 1 NAME/THE CHILDREN** in the event that other parent is not present and cannot be reached. A copy of this order shall be sufficient evidence of either parent's authority to make emergency medical decisions.

**[If specifying 3<sup>rd</sup> party with decision-making authority in case of medical emergency, create appropriate language.]**

**Medical Privilege.** The doctor/patient privilege that might otherwise preclude either parent from obtaining complete disclosure of all aspects of the mental and physical condition and care of **CHILD 1 NAME/THE CHILDREN** is hereby judicially waived, and any doctor, dentist, optometrist, nurse, clinician, or any other person, agency or institution providing medical or dental care to **CHILD 1 NAME/THE CHILDREN** shall provide to each parent, upon demand, all information relating to **CHILD 1 NAME/THE CHILDREN's** mental and physical condition and care. A copy of this order shall be sufficient evidence of the judicial waiver of said doctor/patient privilege.

**Educational and Daycare Privilege.** Any confidentiality or privilege that might otherwise preclude either parent from obtaining complete disclosure of all aspects of the education of **CHILD 1 NAME/THE CHILDREN** is hereby judicially waived, and any daycare, superintendent, principal, teacher, or other staff personnel of any educational institution providing daycare or education to **CHILD 1 NAME/THE CHILDREN** shall provide to each parent, upon demand, all information relating to the daycare or education of **CHILD 1 NAME/THE CHILDREN**. A copy of this order shall be sufficient evidence of the judicial waiver of any such confidentiality or privilege. **[Note: remove daycare if not applicable.]**

**Exchange of Contact Information.** The parents will keep each other and the Court informed at all times in writing or by electronic mail message of their home addresses, telephone numbers, and electronic mail addresses.

**Relocation.** Both parents understand and acknowledge that Indiana law requires notice to the other parent prior to a move of residence unless 1) the move decreases the distance between the parents or 2) the move does not increase the distance between the parents by twenty (20) miles or more and the children can maintain their current schools. In the event one of the parents plans to relocate, that parent shall notify the other parent (or that parent's attorney) by first class U.S. mail, postage prepaid, and by email of the information required in Indiana Code Section 31-17-2.2-3.

**Passports.** **[Insert the appropriate paragraph if the parents want to include this.]**

WAIVER. The parents shall sign all required documents in order for either one to apply for a passport for the children. They waive the requirements of Indiana Code section 31-17-2-24, so that neither needs to file a notice with Court or the other parent.

NO WAIVER. The parents do not agree to apply for passports for the children and recognize that future passport applications will require notice to the Court and the other parent.

#### **B. PARENTING TIME**

**[If a parent is getting less than guidelines parenting time, EXPLAIN the deviation.]**

**[Use parties' agreed language, be sure to set out specific PT for the non-custodial parent, holiday and special day parenting time for both parents, and extended parenting time (if any) for both parents.]**

1. **Regular Parenting Time.** The parents agree that **MOTHER/FATHER/NAME** shall have parenting time with **CHILD 1 NAME/THE CHILDREN** according to the Indiana Parenting Time Guidelines.

-or-

[Insert other language as appropriate.]

2. **Holiday and Special Day Parenting Time.**

3. **Extended Parenting Time.**

4. **Exchanges.** Both parents understand that keeping parenting time exchanges free from conflict is essential for their children's mental health and emotional development.

- o Parenting time exchanges shall be as described in the Guidelines; OR
- o Parenting time exchanges shall be done at:

o Other:

5. The parents also agree [INSERT ANY APPLICABLE ISSUES RELATING TO PARENTING TIME], e.g., exchanges, communications, activities, clothing, opportunity for additional parenting time, make up time, restrictions, or any other issues.

#### **III. CHILD SUPPORT AND RELATED ARRANGEMENTS**

**[Include if Title IV-D prosecutor is involved or if parents receive TANF benefits.]**

Agreements as to child support and related arrangements are subject to there being no objection from the Title IV-D Prosecutor.

##### **A. CHILD SUPPORT [VERSION FOR CHILD SUPPORT WITH IWO]**

**[With income withholding order language.]**

**[If arrearage, be sure to reference in this paragraph and in the paragraph below about the arrearage.]**

Effective **DATE**, **MOTHER/FATHER/NAME** will pay child support in the amount of \$ **CHILD SUPPORT AMOUNT** per week, as shown by the attached child support worksheet [if applicable, with \$ \_\_\_ in current child support and \$ \_\_\_ in arrearage payments, per paragraph III D below.] [If the amount of child support is a deviation from what is shown on the child support worksheet, add language about why this deviation is appropriate and should be ordered by the Court.] **MOTHER/FATHER/NAME's** [bi-]weekly amount of \$ **CHILD SUPPORT AMOUNT** in child support will be paid by income withholding order to **MOTHER/FATHER's** employer, [name of employer, address of employer, employer identification (FEIN), and when party is paid, e.g., weekly, bi-weekly, etc.], which the parties request that the Court refer to the Floyd County Title IV-D Prosecutor's Office for preparation and enter within two weeks of the filing of this Agreed Mediated Order. **MOTHER/FATHER/NAME** understands that **MOTHER/FATHER/NAME** is responsible for making the child support payments to the Floyd

County Clerk's Office or to INSCCU, P.O. Box 7130, Indianapolis, Indiana 42607-7130, until child support is paid through income withholding order, or if the child support payments are not made by the employer. If necessary, **MOTHER/FATHER/NAME** will seek an order from this Court to obtain income withholding from **MOTHER/FATHER/NAME's** employer.

-or-

**A. CHILD SUPPORT [VERSION FOR CHILD SUPPORT WITHOUT IWO]**

**[Without income withholding order language.]**

**[If arrearage, be sure to reference in this paragraph and in the paragraph below about the arrearage.]**

Effective **DATE**, **MOTHER/FATHER/NAME** will pay child support in the amount of \$ **CHILD SUPPORT AMOUNT** per week, as shown by the attached child support worksheet [if applicable, with \$ \_\_\_ in current child support and \$ \_\_\_ in arrearage payments, per paragraph III D below]. [If the amount of child support is a deviation from what is shown on the child support worksheet, add language about why this deviation is appropriate and should be ordered by the Court.] The parents agree that there should not be an income withholding order activated at this time because [insert reason: e.g., **MOTHER/FATHER/NAME** is not employed/self-employed/irregular employment/extraordinary medical expenses, etc.]

**MOTHER/FATHER/NAME** will send **MOTHER/FATHER/NAME's** [bi-]weekly child support payments in the amount of \$ **CHILD SUPPORT AMOUNT** to INSCCU, P.O. Box 7130, Indianapolis, Indiana 42607-7130. [Or: **MOTHER/FATHER/NAME** will through make [bi-]weekly child support payments in the amount of \$ **CHILD SUPPORT AMOUNT** through the Floyd County Clerk's office.]

The parents further agree that an income withholding order will be implemented if:

(1) **MOTHER/FATHER/NAME's** child support and arrearage payments become delinquent; or

(2) **MOTHER/FATHER/NAME** requests implementation of the income withholding order; or

(3) **MOTHER/FATHER/NAME** obtains employment / becomes employed by a third party employer [if applicable].

**MOTHER/FATHER/NAME** shall provide current information to the court concerning the following:

(a) The name, address, and telephone number of **MOTHER/FATHER/NAME's** place of employment.

(b) Any health coverage available to **MOTHER/FATHER/NAME** as a benefit of employment or maintained by **MOTHER/FATHER/NAME**, including information on the:

(i) name of the carrier;

(ii) health insurance policy, certificate, or contract number; and

(iii) if applicable, names and birth dates of the persons for whose benefit

**MOTHER/FATHER/NAME** maintains health coverage under the health insurance policy, certificate, or contract.

**B. HEALTH INSURANCE FOR CHILD 1 NAME/THE CHILDREN**

**[Some form of health insurance is required unless not accessible and affordable.]**

The parents have agreed that **MOTHER/FATHER/NAME** shall maintain health insurance as available through employment or otherwise for **CHILD 1 NAME/THE CHILDREN**.

-or-

The parents understand that they are required to obtain health insurance for **CHILD 1 NAME/THE CHILDREN** if accessible and at a reasonable cost. Health insurance may be public or employer-provided. At this time, neither parent has private health insurance for **CHILD 1 NAME/THE CHILDREN**. Until one of the parents can obtain accessible and affordable health insurance through employment or otherwise for **CHILD 1 NAME/THE CHILDREN**, **MOTHER/FATHER/NAME/BOTH PARENTS** shall be responsible for keeping **CHILD 1 NAME/THE CHILDREN** on Hoosier Healthwise or Medicaid as long as they are eligible. [If necessary, **MOTHER/FATHER/NAME** will apply for Hoosier Healthwise or Medicaid for **CHILD 1 NAME/THE CHILDREN** on **DATE**, *i.e.*, within **NUMBER** days of this Agreed Mediated Order.] If Hoosier Healthwise or Medicaid become unavailable for **CHILD 1 NAME/THE CHILDREN**, **MOTHER/FATHER/NAME/BOTH PARENTS** shall be responsible for finding health insurance for **CHILD 1 NAME/THE CHILDREN** unless the lowest out of pocket cost of insuring **CHILD 1 NAME/THE CHILDREN** is more than 5% of the parents' combined gross incomes.

The parents will exchange health insurance benefit plan details that are available to each of them at least once per year, including upon any change in employment.

**C. CHILD 1 NAME/THE CHILDREN'S HEALTH CARE EXPENSES NOT COVERED BY HEALTH INSURANCE**

[Be sure to explain any deviation.]

[INSERT PARTIES' AGREED LANGUAGE OR LANGUAGE BELOW WITH ANY NECESSARY REVISIONS, INCLUDING EXPLANATION OF ANY DEVIATION]

Per the attached child support worksheet, **MOTHER/FATHER/NAME** will be responsible for **PERCENT** % and **MOTHER/FATHER/NAME** will be responsible for **PERCENT** % of health care expenses not covered by health insurance, including but not limited to any medical, counseling or mental health, optical, dental, prescription, and/or orthodontic expenses for **CHILD 1 NAME/THE CHILDREN**. [If applicable, insert how parents will arrange for payment or reimbursement of health care expenses.]

**D. CHILD SUPPORT ARREARAGE**

[IF APPLICABLE:] The Title IV-D office has provided documentation [or:] The parents agree and the Court hereby orders that **MOTHER/FATHER/NAME's** arrearage as of **DATE**, is \$ **ARREARAGE AMOUNT**. **MOTHER/FATHER/NAME** agrees to pay \$ **WEEKLY ARREARAGE AMOUNT** per week to reduce their arrearage, in addition to the \$ **CHILD SUPPORT AMOUNT** in current child support.

**E. EXTRACURRICULAR EXPENSES**

[Insert any language about extracurricular expenses.]

**F. OTHER EXPENSES**

[Insert any language about any other special/other expenses the parents have brought up during mediation (ex. airline tickets if one parent lives out of state, etc.).]

**IV. DIVISION OF DEBTS AND ASSETS**

**A. MARITAL DEBTS**

The parents already have divided their debts.

-or-

The parents agree to follow the division of debts in the Provisional Order.

-or-



MOTHER/FATHER/NAME shall be solely responsible for, and shall hold MOTHER/FATHER/NAME harmless from, and shall indemnify him from any liability for, the following debts:

<u>Name of Creditor</u>	<u>Amount of Debt</u>

[Duplicate this section if both parties have debts from which they will hold the other party harmless.]

**B. MARITAL ASSETS**

**1. MARITAL RESIDENCE**

The parents agree to follow the terms of the Provisional Order concerning the marital residence.

-or-

MOTHER/FATHER/NAME shall be awarded and will have sole possession of the marital residence, located at ADDRESS. [Include information about whether the residence is a rental, how mortgage/taxes/insurance will be paid, whether there will be refinancing, whether one party will continue on the mortgage, how to handle prior debts, etc.]

-or-

The parents will sell the marital residence, located at ADDRESS. [Insert details including how the parents will split the net proceeds (if any) or any debt on the sale, who will remain in the home through the sale, how mortgage, taxes and insurance will be paid on an ongoing basis through the sale, any appraisal issues, any selection of realtor issues, what to do if they can't sell the home at the desired price, how to handle any prior debt, how to handle costs of getting the home ready for sale, etc.]

-or-

PARENT NAME is awarded use and possession of the home, and shall take over mortgage payments, taxes, insurance and maintenance. If the home is refinanced to take OTHER PARENT NAME off of all liability for the home loan and property taxes within one year, PARENT NAME shall quit claim to OTHER PARENT NAME. Otherwise, at the end of one year, the parents shall retain a realtor and the home shall be sold for the best price obtainable within 18 months thereafter. Any profits or liability remaining after the sale shall be divided equally [or other arrangement].

**2. VEHICLES**

The parents agree to follow the division of vehicles in the Provisional Order.

-or-

MOTHER/FATHER/NAME shall be awarded and will have sole possession of the following vehicle(s), and MOTHER/FATHER/NAME shall execute all documents necessary to transfer title of these vehicle(s) by or before DATE (typically within thirty (30) days):

*(Vehicle #1, Make, Model, and Year)*

*(Vehicle #2, Make, Model, And Year)*

[Duplicate this section if both parties will each be keeping different vehicles.]



### 3. RETIREMENT ACCOUNTS

[If there is a defined benefit plan and you are not familiar with this, seek help.]

The parents have the following retirement accounts which shall be divided as follows:

\_\_\_\_\_ IRA, with an account balance of \$ \_\_\_\_\_ as of \_\_\_\_\_. \$ \_\_\_\_\_ [or \_\_\_\_\_ %] is awarded to \_\_\_\_\_ and \$ \_\_\_\_\_ [or \_\_\_\_\_ %] is awarded to \_\_\_\_\_.

-or-

\_\_\_\_\_ 401(k), with an account balance of \$ \_\_\_\_\_ as of \_\_\_\_\_. \$ \_\_\_\_\_ [or \_\_\_\_\_ %] is awarded to \_\_\_\_\_ and \$ \_\_\_\_\_ [or \_\_\_\_\_ %] is awarded to \_\_\_\_\_.

-or-

\_\_\_\_\_ Savings Plan, with an account balance of \$ \_\_\_\_\_ as of \_\_\_\_\_. \_\_\_\_\_ [or \_\_\_\_\_ %] is awarded to \_\_\_\_\_ and \$ \_\_\_\_\_ [or \_\_\_\_\_ %] is awarded to \_\_\_\_\_.

The retirement accounts shall be divided by IRA Transfer Order or Qualified Domestic Relations Order ("QDRO"), prepared by **ATTORNEY NAME** as the case may be, so that each parent bears the same benefit or risk of market gain or loss on that portion of the total he/she receives from **DATE (usually date of signing, or date of decree, could be date of separation or date of filing)** to the date of actual transfer.

The parents shall share equally the cost of any administrative fees to supplement the division of the accounts. OR The parents agree that the Court shall retain jurisdiction of this matter in order to effectuate the division of the retirement benefits.

### 4. REMAINING MARITAL ASSETS

[Insert parties' agreed language or one of the following with any necessary revisions and clarifications]

The parents already have divided all items of property.  
[Usually not appropriate.]

-or-

The parents agree to follow the division of property in the Provisional Order.

-or-

**MOTHER/FATHER/NAME** shall be awarded and will have sole possession of the following items of property: \_\_\_\_\_

[Duplicate **this** section if both parties have property of which they want to retain possession.]

### 5. DIVISION OF PROPERTY

The parents have disclosed all relevant documents and exchanged all information on the existence and value of all property, including pensions, real estate, and other assets and debts. The parents agree that this division of property **IS/IS NOT** an approximate equal division of the assets and debts. The parents agree that if this division is not a nearly equal division, that the

deviation from the presumptive equal division should be accepted by the Court because it is the parents' agreement and neither party has been forced or threatened to accept this agreement.

## **V. TAX ISSUES**

With respect to claiming tax credits, exemptions, and deductions for **CHILD 1 NAME/THE CHILDREN**, and after considering (1) the value of the exemption at the marginal tax rate of each parent; (2) the income of each parent; (3) the age of **CHILD 1 NAME/THE CHILDREN** and how long the exemption will be available; and (4) the percentage of the cost of supporting **CHILD 1 NAME/THE CHILDREN** borne by each parent; [if applicable] (5) the financial aid benefit for post-secondary education for **CHILD 1 NAME/THE CHILDREN**; (6) the financial burden assumed by each parent under the property settlement in the case; and (7) any other relevant factor.

**MOTHER/FATHER/NAME** shall be entitled to claim **CHILD 1 NAME/THE CHILDREN** for federal, state, and local income tax purposes on an annual basis; **MOTHER/FATHER/NAME** shall sign all necessary documents, including IRS Form 8332, that will entitle **MOTHER/FATHER/NAME** to do so.

-or-

**Mother [OR NAME]** and **Father [OR NAME]** shall each be entitled to claim **CHILD 1 NAME/THE CHILDREN** for federal, state, and local income tax purposes in alternating years. **Mother [OR NAME]** shall be entitled to claim **CHILD 1 NAME/THE CHILDREN** for the calendar year ending December 31, **YEAR**, and every **EVEN/ODD** year thereafter. **Father [OR NAME]** shall be entitled to claim **CHILD 1 NAME/THE CHILDREN** for the calendar year ending December 31, **YEAR**, and every **EVEN/ODD** year thereafter. The parents shall sign all necessary paperwork, including IRS Form 8332, to allow enforcement of this agreement and order.

-or-

**Mother [OR NAME]** shall be entitled to claim **CHILD NAME(S)** each year for federal, state, and local income tax purposes. **Father [OR NAME]** shall be entitled to claim **CHILD NAME(S)** each year for federal, state, and local income tax purposes. The parents shall sign all necessary paperwork, including IRS Form 8332, to allow enforcement of this agreement and order.

Each parent understands that they should consult with an accountant, a tax professional, or a tax preparer to confirm whether that parent is entitled to claim particular tax credits, exemptions, and/or deductions in a given year, including the Earned Income Tax Credit (EITC) and the Dependent Care Credit. Each parent also understands that the parent who is claiming the EITC should review the IRS website about the requirements to be able to claim the EITC and IRS 886-H-EIC to confirm the documentation needed to support a claim of the EITC.

[Include this section if the parent claiming the children is the parent paying child support.] The parents understand that under Indiana law, **MOTHER/FATHER/NAME**, as the parent who pays child support, may only claim **CHILD 1 NAME/THE CHILDREN** as **A DEPENDENT/DEPENDENTS** for federal and state tax purposes if **MOTHER/FATHER/NAME** has paid at least ninety-five percent (95%) of their child support obligation for the calendar year for which he/she is ordered to claim **CHILD 1 NAME/THE CHILDREN** as **A DEPENDENT/DEPENDENTS** by January 31 of the following year.

## **VI. INDIANA PARENTING TIME GUIDELINES**

The parents acknowledge that they have a paper copy of or access online to the Indiana Parenting Time Guidelines adopted by the Indiana Supreme Court with amendments through

January 1, 2022 (“Guidelines”). The Guidelines are incorporated by reference herein except [insert any deviations from IN PTG].

## **VII. PARENT EDUCATION CLASS**

[In original dissolution case, maybe for paternity cases]

The Certificate(s) for Mother’s/Father’s/Name’s parent education class is attached to this Agreed Mediated Order. OR The parents’ certificates for their parent education classes are attached to this Agreed Mediated Order. OR The parents’ certificates for their parent education classes were previously filed.

## **VIII. PRIOR ORDERS/COMPLETE AGREEMENT**

Probably unnecessary in initial cases: [Use this language if incorporating prior orders. It is helpful to list which orders.] All [provisions of] existing orders not inconsistent with this Agreed Mediated Order shall remain in full force and effect.

[Use this language if this is a total agreement.] This Agreed Mediated Order is a complete resolution of all existing claims between the parents.

## **IX. RETURN TO MEDIATION**

[Include only if parties want this language.]

Except in cases involving an emergency situation, the parents agree that before any subsequent motion or petition filed with the Court will proceed to hearing, they will try to resolve any future disputes through discussion or a return to mediation.

## **X. MEDIATION**

The parties were assisted in reaching this Agreed Mediated Order by mediators. The parties acknowledge that the mediators (a) are not providing legal advice, (b) do not represent either party, (c) cannot assure how a court would apply the law or rule in this matter if the parties’ dispute were to go before the court, and (d) recommend that the parties seek or consult with their own legal counsel if they desire or believe that they need legal advice. Further, the parties understand that they should not view or rely on language prepared by the mediators as legal advice. The parties also acknowledge that the mediators informed them that they each could have their own attorney (1) present at the mediation and/or (2) review any documents prepared during mediation. PETITIONER NAME was UNREPRESENTED/REPRESENTED by PETITIONER ATTORNEY NAME. RESPONDENT NAME was UNREPRESENTED/REPRESENTED by RESPONDENT ATTORNEY NAME. GAL NAME, was also present during the mediation. The parties understand that any Agreed Mediated Order signed by them constitutes evidence that may be introduced in litigation. The parties further acknowledge that they agreed to the terms of this Agreed Mediated Order freely and without coercion.

All of which is agreed to MONTH DATE, YEAR.

---

PETITIONER NAME

---

RESPONDENT NAME

[INSERT SIGNATURE LINE FOR GAL OR THIRD PARTY IF NEEDED; GAL AGREES ONLY TO PARENTING PROVISIONS.]

APPROVED AS TO FORM [IF ATTORNEYS]

---

PETITIONER'S ATTORNEY'S NAME, #

Attorney for PETITIONER'S NAME

---

RESPONDENT'S ATTORNEY'S NAME, #

Attorney for RESPONDENT'S NAME

Examined, approved, and SO ORDERED on

---

Date

---

Hon. Maria D. Granger  
Judge, Floyd Superior Court 3

Distribution:

Petitioner (or Petitioner's Attorney, Esq. if there is one)

Respondent (or Respondent's Attorney, Esq. if there is one)

[Others as appropriate, e.g., Title IV-D Prosecutor, GAL, etc.]

## 10. How to Calculate Child Support Using the Online Calculator

© Amy G. Applegate, Indiana University Maurer School of Law 2024

### How to Calculate Child Support Using the On-Line Calculator at <http://mycourts.in.gov/csc/Practitioners/>

The child support calculator is user-friendly and contains most of the information necessary to complete the form. However, some of the entries into the calculator need to be calculated separately and then entered into the calculation.

Be sure you are familiar with the newest version of the Indiana Child Support Rules and Guidelines (as of 1/1/2024).

Before starting the calculation:

1. Confirm that the Title IV-D (child support) prosecutor is not involved in the case. If there is an open IV-D case, and depending on the county and extent of the IV-D prosecutor's involvement, the parties may not be able to make changes to current child support or arrearages, or may only be able to do so, with the prosecutor's consent.
2. Second, if child support may be mediated, ADR Rule 2.7(F) provides that, "The Mediator may prepare or assist in the preparation of only the following documents . . .
  - (5) A child support calculation, including a child support worksheet and any other required worksheets pursuant to the Indiana Child Support Guidelines or Parenting Time Guidelines, **so long as the parties are in agreement on all the entries included in the calculations. . .**"

Once you are on the page for the on-line practitioner calculator, confirm that you are a practitioner.

#### **Step One (Add Child Information):**

Enter child's names and DOB (and indicate whether the child is currently in school beyond high school). Keep adding in each child until all are included. [If any of the children are in college, then follow the instructions for entering the annual expenses, sources of income or assistance, and other information requested in that series of questions.] Once you have all the children's information entered, go to the next page, Income, Expenses, & Adjustments.

#### **Step Two (Weekly Gross Income of Both Parents) (Line 1 on the CSOW):**

Once you are in "Income, Expenses, & Adjustments," enter the weekly gross income for each parent (Father and Mother). This must be calculated off-line if the information you have is not weekly:

- annual income divided by 52;
- monthly income multiplied by 12 and then divided by 52;

- bi-monthly income multiplied by 24 and then divided by 52;
- bi-weekly income divided by 2

*There is extensive guidance in the Guidelines and Commentary for what should and what should not be included in the parents' income. See Guideline 3.A.1. The rule of thumb is to include EVERYTHING paid to the parent except:*

- benefits from means tested public assistance programs such as Temporary Aid to Needy Families (TANF), Supplemental Security Income, and Food Stamps; and
- survivor benefits received by or for other children residing in either parent's home.

There are also special provisions for Self Employment, Business Expenses, In Kind Payments and Related Issues (Guideline 3.A.2) and Unemployed, Underemployed and Potential Income (Guideline 3.A.3). Depending on the circumstances, it may be appropriate to impute federal minimum wage, \$290 per week, or \$0 per week.

### **Step Three (Adjustments to Weekly Gross Income):**

1. ***Adjustment for Subsequent-born or Legally Adopted Children (Line 1A on the CSOW):*** For a parent who has a legal duty or court order to support child(ren) born or legally adopted subsequent to (AFTER) the birthdate(s) of the child(ren) who are the subject of the child support order, so long as that parent is actually meeting or paying that obligation. If applicable, enter the number of subsequent children for each parent – this adjustment is calculated as a multiplier of the parent's weekly gross income, which is deducted from the parent's weekly gross income. Guideline 3.C.1.

Go to the next Adjustment.

2. ***Adjustment for Prior-Born Children (Lines 1B and 1C on the CSOW):*** For a parent who has child(ren) born BEFORE the child(ren) listed on the worksheet. Guideline 3.C.2 and 3.C.3 and Commentary to Guideline 3.C

There are several options here:

(a) ***Prior-Born with Court Order:*** If the parent pays court-ordered child support for child(ren) not living in the parent's home, enter the weekly amount of the court-ordered child support for the prior born child(ren).

(b) ***Prior-Born without Court Order:*** If the parent pays child support for child(ren) not living in the parent's home (support is not court ordered) and can document the payments, enter the weekly amount of the child support paid for the prior born child(ren).

(c) ***Prior-Born Child(ren) In the Home.*** A parent is permitted to deduct his/her portion of the support obligation for prior born children living in his/her home. This is referred to as “***Legal Duty.***”

If the parent has a CSOW for a prior-born born child, use the CSOW for that child. According to *Maple v. Maple*, 71 N.E.3d 75 (Ind. Ct. App. 2017), the credit given for a prior-born child [for a parent who is the custodial parent of the prior born child] should be based on the support obligation from the CSOW for that prior born child. The amount shown on line 6 of the CSOW for the parent is the correct amount for the parent’s credit.

Usually, however, there is no CSOW to rely on. Therefore, the calculation will depend on whether or not the other parent’s annual income is known.

(i) If the parent is the custodial parent of child(ren) in his/her home and the income of the other parent(s) is known: If the actual incomes of both parents of the prior born child(ren) are known, then add both incomes to determine the basic child support obligation for the prior born child(ren) the Indiana Child Support Guideline Schedules for Weekly Support Payments. Multiply the percentage share of the basic child support obligation attributable to the parent seeking the prior born credit; that amount should be considered the legal duty of support for the prior born child(ren) and the amount placed in Line 1.C., Child Support Obligation Worksheet.

(ii) If the parent is the custodial parent of child(ren) in his/her home and the income of the other parent(s) is unknown: If actual income information for a parent of the prior-born child(ren) is unknown, then utilize the known income of the parent (and attributing zero (\$0.00) income to the other parent) to determine the basic child support obligation for the prior born child(ren) the Indiana Child Support Guideline Schedules for Weekly Support Payments; that amount should be considered the legal duty of support for the prior born child(ren) and the amount placed in Line 1.C., Child Support Obligation Worksheet.

If the parent seeking the prior born credit has prior born children with different non-custodial parents whose incomes are unknown, the basic child support obligation shall be calculated as if the prior born children have the same noncustodial parent and the adjustment for those prior born children shall be attributed as a single legal duty, rather than the total of two or more separate and distinct legal duties.

The “legal duty” amount will be deducted from his or her weekly gross income.

Go to the next Adjustment.

**3. Adjustment for Alimony or Maintenance (Line 1D on the CSOW):** For a parent who pays maintenance or alimony ordered in a decree from a foreign jurisdiction. If applicable, enter the weekly dollar amount of maintenance or alimony paid by either parent will be deducted from his or her weekly gross income. Guideline 3.D.

Go to the next Adjustment.

[Note: At this point, if you were calculating by hand, you would calculate the combined weekly adjusted gross income, and from there, the basic child support obligation. However, you will not need to do this as the calculator does all the calculating.]

#### **Step Four (Adjustments to Support Obligation) (Sections 4 and 7 on the CSOW):**

1. ***Work-Related Child Care Expense:*** For a parent who incurs costs for childcare during times when that parent is working or actively seeking employment. If applicable, enter the weekly dollar amount of child care paid by each parent. This must be calculated off-line by adding all child care expenses for the parent over the entire year, and then dividing the total amount by 52 weeks. The amount(s) paid by the parent(s) will appear on Lines 4A and in Section 7 of the CSOW. Guideline 3.E.1.

Go to the next Adjustment.

2. ***Cost of Health Insurance for Children:*** If either or both parents are paying for health insurance for the child(ren), enter the weekly dollar amount for the child(ren)'s share of the health insurance premium paid by each parent. This must be calculated off-line by calculating health care expenses for the child(ren) into a weekly amount. If the amount of the child(ren)'s health insurance costs cannot be separated out, then the cost of the insurance should be pro-rated. Guideline 3.E.2 and Commentary. The amount(s) paid by the parent(s) will appear on Lines 4B and in Section 7 of the CSOW. (Guideline 7 explains parents' obligations to provide or arrange health insurance for their child(ren)).

Go to the next Adjustment.

3. ***Adjustment for Parenting Time Credit:*** Enter each parent's total number of annual overnights with the children. This must be calculated off-line; it will depend on the specific parenting time arrangements. If a parent has Guidelines parenting time, then s/he gets 96-100 overnights; other arrangements will result in different numbers of overnights. See attached Select the range of overnights for each parent from the drop-down list. The amount(s) of parenting time credit will appear in Section 7 of the CSOW. Under the Guidelines, a custodial parent may be ordered to pay child support to the non-custodial parent (if the custodial parent has a much higher income than the non-custodial parent, and the non-custodial parent has a high number of annual overnights). If the parents have the same number of overnights (shared physical custody), then you will be prompted to identify which parent will be paying controlled expenses (controlled expenses are defined Guideline 6). See Guidelines 6 and 7.

***See "Number of Overnights for Purposes of Child Support Calculations" below for calculating the number of overnights for the parents.***

Guideline 7 explains how to handle extraordinary medical expenses.

Guideline 8 explains how to handle extraordinary educational and other expenses.

Once you have completed all the entries, fill in the Case Information. Put in "Mediator" as the Preparer.



## Summary

Once you have filled in all the information, go to the Summary. The forms are there available in PDF format to be reviewed, saved, or printed.

Create the **All Forms Package**, then open, name and save in the mediation file.

Be sure to review the forms carefully in case there are any errors. If there are errors, you may return to (a) Child Information or (b) Income, Expenses, & Adjustments.

### *Number of Overnights for Purposes of Child Support Calculations*

When working from an arrangement based on the Indiana Parenting Time Guidelines: Standard Parenting Time (SPT) for 5 year old and older	98 (this includes holidays and extended parenting time)
SPT plus midweek overnight (school year)	$98 + 38 = 136$ (this includes holidays and extended parenting time)
SPT plus one extra weekend per month (school year)	$98 + 18 = 116$ (this includes holidays and extended parenting time)
SPT plus one extra day per weekend (school year)	$98 + 19 = 117$ (this includes holidays and extended parenting time)
SPT for 3-4 year old (assuming 4 weeks of holiday breaks and 10 weeks of summer)	$98 - 21 = 77$ (this includes holidays and extended parenting time but there are three less weeks of holiday and extended parenting time)

### *When not working from an arrangement based on the Guidelines*

One parent with primary physical custody, the other with every other weekend	52 (this is with no holiday or extended parenting time)
Equal parenting time (need to designate parent with controlled expenses)	181-183 (this can be a week-to-week arrangement or some other 50/50 split of time)
Week split 4-3 year-round	209-156
Week split 5-2 year-round	261-104
Other arrangements	Count the days or weeks for each parent, including holidays and extended parenting time as specified

## State Form 51799 (6-04) / CSB 0008

Name of obligor					Name of custodial parent				
Obligor Social Security number *			Cause number			ISETS number			
Original order		Date (month, day, year)		Amount \$		Per		Arrearage ordered (if any)	
1st Modification or arrearage order		Date (month, day, year)		Amount \$		Per		Arrearage ordered (if any)	
2nd Modification or arrearage order		Date (month, day, year)		Amount \$		Per		Arrearage ordered (if any)	
YEAR	PERIOD OF COMPUTATION	# OF PMTS DUE (# OF WEEKS)	AMOUNT OF ORDER		TOTAL OWED		TOTAL PAID		DIFFERENCE (ARREARAGE)
	TO	X	\$	=	\$ 0	-\$		-\$	0
	TO	X	\$	=	\$ 0	-\$		-\$	0
	TO	X	\$	=	\$ 0	-\$		-\$	0
	TO	X	\$	=	\$ 0	-\$		-\$	0
	TO	X	\$	=	\$ 0	-\$		-\$	0
	TO	X	\$	=	\$ 0	-\$		-\$	0
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	TO	X	\$	=	\$ 0	-\$		-\$	0
	TO	X	\$	=	\$ 0	-\$		-\$	0
	TO	X	\$	=	\$ 0	-\$		-\$	0
					TOTAL ARREARAGE OWED			0	

\* This state agency is requesting the disclosure of your Social Security number in accordance with IC 4-1-8-1. Disclosure is voluntary and you will not be penalized for refusal.

Comments:


## 12. Summary Decree

*Floyd County Circuit Court Approved Form*

STATE OF INDIANA	)	IN THE FLOYD SUPERIOR COURT 3
	)	SS:
FLOYD COUNTY	)	CASE NO. 22D03- [REDACTED]
	)	
IN RE: THE MARRIAGE OF:	)	
	)	
[REDACTED],	)	
Petitioner,	)	
	)	
and	)	
	)	
[REDACTED],	)	
Respondent.	)	

### SUMMARY DECREE OF DISSOLUTION OF MARRIAGE

The Court has reviewed the Verified Petition for Dissolution of Marriage, and is advised that the parties wish to waive a final hearing in this matter based on their settlement of all outstanding issues through mediation; including agreed division of all marital assets and debts, and agreement on custody, parenting time, child support, provision of health insurance, payment of uninsured health care expenses, and claiming of tax exemptions for the child(ren) of the marriage. **[Delete all issues relating to children if no children.]**

Accordingly, based on the parties' Agreed Mediated Order (attached hereto and incorporated herein), the parties' Verified Waiver of Final Hearing (also attached hereto and incorporated herein) and the parties' verified representations set forth below, the Court now finds as follows:

1. The parties were married on [REDACTED], and finally separated on [REDACTED].
2. At least one of the parties has been a continuous resident of Floyd County for the last three months, and the State of Indiana for the last six months prior to the filing of the Verified Petition for Dissolution of Marriage.
3. No party is pregnant, and no additional children of the marriage are expected.  
**[If no children of the marriage: No party is pregnant, and no children of the marriage of are expected.]**
4. There were [REDACTED] children born of this marriage.
5. This marriage has suffered an irretrievable breakdown and should be dissolved.
6. With respect to name change:  
☐ Petitioner would like the following former name restored and is not a lifetime sex or violent offender or Petitioner has complied with I.C. 31-15-2-19; Petitioner shall hereinafter be known as: [REDACTED]

- ☐ Respondent would like the following former name restored and is not a lifetime sex or violent offender or Respondent has complied with I.C. 31-15-2-19; Respondent shall hereinafter be known as: \_\_\_\_\_
- ☐ Neither Petitioner nor Respondent requests a name change.
7. More than sixty (60) days have elapsed since the filing of Petitioner's Verified Petition for Dissolution of Marriage.
8. [If there were children of the marriage:] Both parties have completed [Name of parent education course]. [If parents did different parenting education courses, specify who completed what. If their certificates have not been filed with the Court, attach to Agreed Mediated Order and add that the certificates of completion are attached to the parties' Agreed Mediated Order.]
9. Both parties request that the Court review and approve their Agreed Mediated Order, and accept their Verified Waiver of Final Hearing, and issue this Summary Decree of Dissolution of Marriage.
10. The following is complete and updated information about the parties and their children:

**Parties' Names, Mailing Addresses, E-mail Addresses, and Telephone Numbers:**

\_\_\_\_\_

\_\_\_\_\_

**Child(ren)'s Name(s)**

**Date of Birth**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

We affirm under the penalties of perjury that the foregoing representations are true.

\_\_\_\_\_  
Petitioner's Name

\_\_\_\_\_  
Respondent's Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

[IF ATTORNEYS PARTICIPATING]

APPROVED AS TO FORM:

\_\_\_\_\_

---

PETITIONER'S ATTORNEY'S NAME, #  
Attorney for PETITIONER'S NAME

---

RESPONDENT'S ATTORNEY'S NAME, #  
Attorney for RESPONDENT'S NAME

**[IF NO NAME CHANGE:]**

**IT IS THEREFORE ORDERED** by the Court that the parties' marriage is dissolved.

**[IF THERE IS A NAME CHANGE:]**

**IT IS THEREFORE ORDERED** by the Court that:

1. The parties' marriage is hereby dissolved.
2. [redacted]'s name is hereby returned to [redacted]. **[use full names]**

---

Date

---

Hon. Maria D. Granger  
Judge, Floyd Superior Court 3

Distribution:

Petitioner (or Petitioner's Attorney, Esq. if there is one)

Respondent (or Respondent's Attorney, Esq. if there is one)

[Others as appropriate, e.g., Title IV-D Prosecutor, GAL, etc.]

### 13. Verified Waiver of Final Hearing

*Floyd County Circuit Court Approved Form*

STATE OF INDIANA	)	IN THE FLOYD SUPERIOR COURT 3
	)	SS:
FLOYD COUNTY	)	CASE NO. 22D03- [REDACTED]
	)	
IN RE: THE MARRIAGE OF:	)	
	)	
[REDACTED],	)	
Petitioner,	)	
	)	
and	)	
	)	
[REDACTED],	)	
Respondent.	)	

#### VERIFIED WAIVER OF FINAL HEARING

The parties wish to waive a final hearing in this matter based on their settlement of all outstanding issues through mediation. Specifically, the parties have resolved all issues in connection with their dissolution, as reflected in the parties' Agreed Mediated Order (attached hereto and incorporated herein) and the parties' Summary Decree of Dissolution of Marriage (also attached hereto and incorporated herein).

Accordingly, the parties voluntarily waive the opportunity to hold a final hearing as there are no contested issues in their dissolution. The parties request that the Court enter the attached Summary Decree of Dissolution of Marriage.

We affirm under the penalties of perjury that the foregoing representations are true.

---

Petitioner's Name

---

Respondent's Name

---

Date

---

Date

[IF ATTORNEYS PARTICIPATING]

APPROVED AS TO FORM:

---

PETITIONER'S ATTORNEY'S NAME, #  
Attorney for PETITIONER'S NAME

---

RESPONDENT'S ATTORNEY'S NAME, #  
Attorney for RESPONDENT'S NAME

APPROVED AS TO FORM [IF ATTORNEYS]

Distribution:

Petitioner (or Attorney, Esq. if there is one)

Respondent (or Attorney, Esq. if there is one)

[Others as appropriate, e.g., Title IV-D Prosecutor, GAL, etc.]



#### 14. Mediator's Report

STATE OF INDIANA	)	IN THE FLOYD SUPERIOR COURT 3
	)	SS:
FLOYD COUNTY	)	CASE NO. 22D03-
	)	
IN RE: THE MARRIAGE OF:	)	
	)	
_____	)	
Petitioner,	)	
	)	
and	)	
	)	
_____	)	
Respondent.	)	

#### MEDIATOR'S REPORT

CHECK ALL THAT APPLY:

\_\_\_\_\_ Full Agreement

\_\_\_\_\_ Partial Agreement

\_\_\_\_\_ No Agreement

\_\_\_\_\_ Mediation pending:

\_\_\_\_\_ Next session scheduled for \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

\_\_\_\_\_ Mediation Terminated

\_\_\_\_\_ Mediation Declined

\_\_\_\_\_ Other: Parties wish to advise the Court of the following:

\_\_\_\_\_  
Date

\_\_\_\_\_, Mediator  
Include your contact information, etc. here

Certificate of Service

**To finalize:** Include appropriate documents, if any, beyond the Mediator's Report, and tailor the service list by using the appropriate form of service for each person being served. Check grammar (e.g., commas, semi-colons, use of "and"). Make sure date of service is correct for each form of service.

The foregoing Mediator's Report, Agreed Mediated Order, Summary Decree of Dissolution of Marriage, and Verified Waiver of Final Hearing [was] [were] served [by hand-delivery to \_\_\_\_\_ and \_\_\_\_\_;] [by first class U.S. mail, postage prepaid, to \_\_\_\_\_, [insert address], and \_\_\_\_\_, [insert address];] [via e-mail and/or through e-filing] to \_\_\_\_\_, Esq., \_\_\_\_\_, Esq., [if Title IV-D prosecutor is in the case, add: and, \_\_\_\_\_ Floyd County Title IV-D Prosecutor,] on \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_, Mediator

### Assigning a Mediator

All FMTP mediators have deep expertise. In certain select circumstances, the parties/case may benefit from the mediator being an attorney. Use the guidelines below to determine when an attorney mediator might be most appropriate for this case.

1. Assign the case to the next mediator on the list unless the criteria below are met:
2. If they **are not in agreement** on topics related to medical expenses, dividing expenses, and child support an attorney should be assigned.

**NO on Questions 2, 3, and 6 = Attorney**

See questions from the ADR form below for your convenience:

1. Plan for parenting time (e.g., when the children will spend time with each parent, stay at each parent's home, holidays)	<input type="radio"/> Yes <input type="radio"/> No	
2. Plan for child support (e.g., who will pay the other and how much)?	<input type="radio"/> Yes <input type="radio"/> No	
3. Plan for other child-related expenses (e.g., health insurance, doctor's visits, cost of school, clothes)?	<input type="radio"/> Yes <input type="radio"/> No	
4. Plan for making decisions related to the children (e.g., religious, medical, educational)?	<input type="radio"/> Yes <input type="radio"/> No	
5. Plan for how and when the two of you will communicate with each other, regarding the children?	<input type="radio"/> Yes <input type="radio"/> No	
6. Plan for how to divide your property, assets, and debts?	<input type="radio"/> Yes <input type="radio"/> No	
7. Other topics not mentioned:	<input type="radio"/> Yes <input type="radio"/> No	