

Court ADR Programs for Domestic Relations Cases 2007 Annual Report

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Domestic Relations Committee
Judicial Conference of Indiana

Hon. William C. Fee, *Chair*
Steuben Superior Court
Angola

Mag. Craig J. Bobay
Allen Circuit Court
Fort Wayne

Hon. David Chapleau
St. Joseph Superior Court
South Bend

Hon. Frances G. Hill
Monroe Circuit Court #4
Bloomington

Hon. Mary Margaret Lloyd
Vanderburgh Superior Court
Evansville

Hon. Karen M. Love
Hendricks Superior Court #3
Danville

Hon. Roderick McGillivray
Bartholomew Superior Court #2
Columbus

Mag. Nanette Raduenz
Lake Superior Court, Room 3
Gary

Hon. Frederick A. Schurger
Adams Circuit Court
Decatur

Hon. David A. Shaheed
Marion Superior Court
Indianapolis

Hon. Debra J. Shook
Marion Superior Court
Indianapolis

Hon. Nicholas South
Scott Superior Court
Scottsville

Hon. Dean A. Young
Blackford Circuit Court
Hartford City

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Alternative Dispute Resolution Fund for Domestic Relations Cases

History of Development

In 1997, the Commission on Courts authorized a pilot project in Allen Circuit Court to provide alternative dispute resolution in domestic relations cases. The pilot project was authorized by law to collect a \$20.00 fee at the filing of a dissolution case, to be used for mediation services ordered by the court. The project was originally authorized from January 1, 1998 through July 1, 2000. The Judicial Conference of Indiana was charged with monitoring the pilot program through an annual evaluation report. This duty was assigned to the Domestic Relations Committee.

These reports charted the progress of Allen County's program, noting differing strategies used to help families. The theory underlying the project was that mediation provided to spouses at the beginning of a dissolution case would prevent lengthy adversarial court hearings over custody and parenting time. This proved to be the case. The project was successful in significantly reducing hearings at both the dissolution and post-dissolution phases. The length of time reserved for divorces in Allen Circuit Court dropped dramatically following implementation of the program.

In 2000, the pilot program was reauthorized from July 1, 2000 through July 1, 2002. The statute authorizing the pilot program expired in 2002, ending authorization for Allen County's project. However, efforts were already underway to authorize the use of this program and funding mechanism by courts statewide. In 2003, the Indiana General Assembly passed House Enrolled Act 1034 in 2003, authorizing for the first time the creation of alternate dispute resolution programs in domestic relations cases in each of Indiana's 92 counties. The act was effective on July 1, 2003.

Seven (7) counties submitted plans to operate a program by January 2004, in Allen, Henry, Marion, Monroe, Porter, Putnam, and Starke counties. By the end of 2007, twenty-five (25) counties had approved ADR programs.

Present ADR Program

The Indiana General Assembly passed House Enrolled Act 1034 in 2003, authorizing for the first time the creation of alternate dispute resolution programs in domestic relations cases in each of Indiana's 92 counties. The act was effective on July 1, 2003. The Alternative Dispute Resolution Program in Domestic Relations cases under Indiana Code § 33-23-6 permits a county to collect a \$20.00 fee from a party filing for a legal separation, paternity or dissolution case. This fee is placed in a separate fund and may be used for mediation, reconciliation, nonbinding arbitration and parental counseling in the county in which it is collected. Money in the fund must primarily benefit litigants who have the least ability to pay. Litigants with current charges or a former conviction of certain crimes relating to domestic violence are excluded from participating.

Counties wishing to participate in an ADR program must develop an ADR plan that is consistent with the statute and that is approved by a majority of the counties' judges with jurisdiction over domestic relations and paternity cases. The Executive Director of the Indiana

Supreme Court, Division of State Court Administration must approve the plan, in accordance with ADR Rule 1.11. The counties are required to file an annual report summarizing the ADR program each year.

The Division of State Court Administration has approved plans in the following areas: mediation services for litigants; free mediation days; payment for training of attorneys and others in exchange for handling a number of mediation cases in a set period of time; parental counseling; and other ADR services. Courts in various counties are creative in the use of the ADR funds to provide a wide range of alternative dispute resolution services under the statute including facilitation, conflict resolution classes, anger management classes, parenting coordination and intensive in-home case management, all of which fall under the general categories of parental counseling and reconciliation listed in the ADR statute.

Plans must include a description of how information about the plan, including the assessment of a \$20.00 fee, will be distributed to the various sectors of the county, including but not limited to attorneys, other court/government personnel, social service agencies and providers, and the general public. Plans must also be coordinated with other relevant entities or programs in the community, such as the family court project, legal services, GAL/CASA, and the *pro bono* district.

Website for ADR Programs

The ADR Program website contains the following information to assist courts seeking to develop their own ADR plan:

- Standards and Guidelines for the Establishment of ADR Fund Plans
- ADR Plan Starter Kit
- Annual Report Form
- Frequently Asked Questions about the Allen County ADR Project

Other information is also available at this website. See:
<http://www.in.gov/judiciary/adr/index.html>

Annual Reports

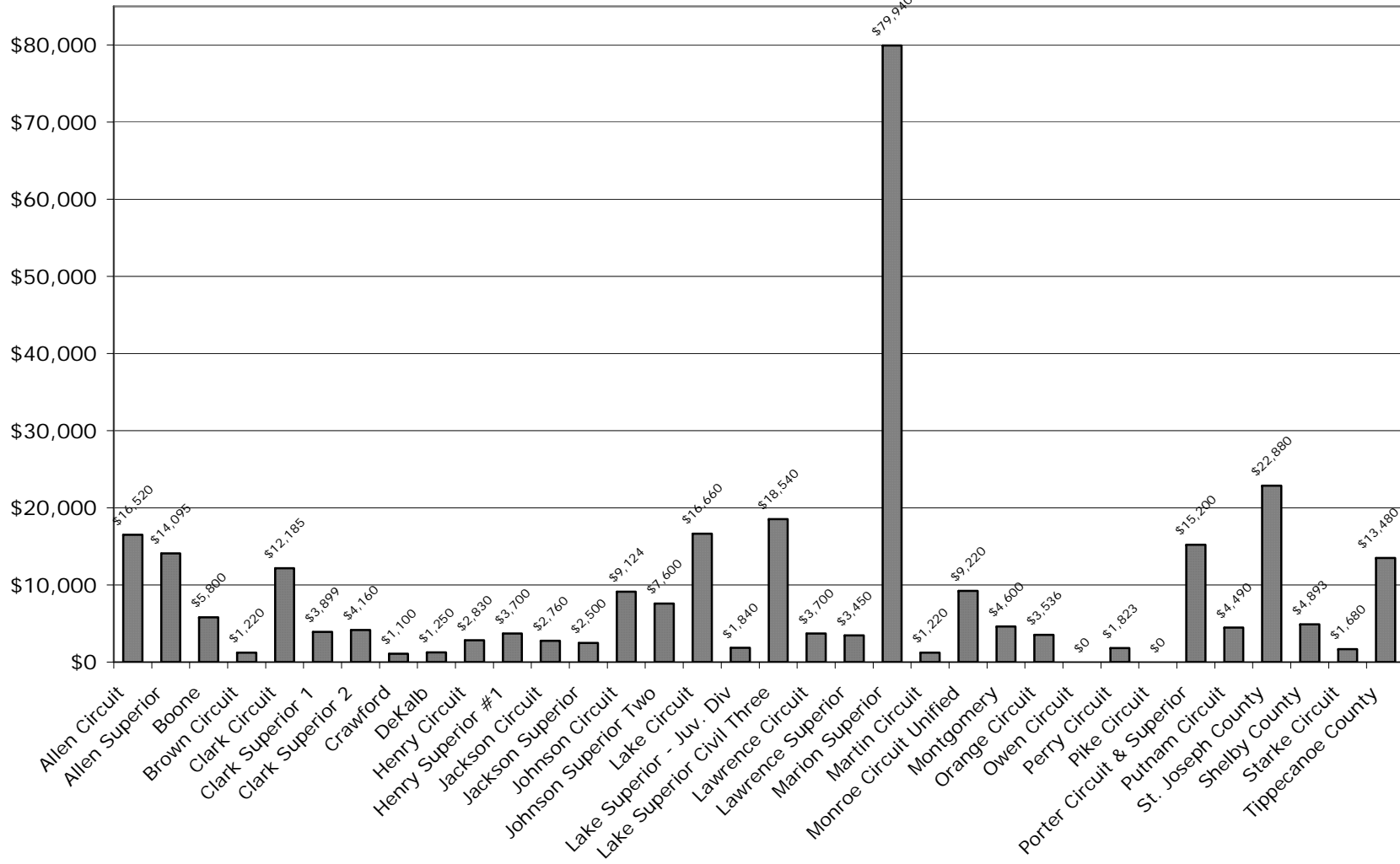
Each year every county participating in the program must report the results of the program to the Judicial Conference of Indiana. This following information is compiled from those reports:

1. ADR Fees Generated by Courts
2. Total Number and Types of Cases Accepted
3. Total Number and Types of Cases Accepted - Percentages
4. Cases Accepted By Poverty Level
5. Method of Resolution of ADR Plan Cases
6. Number of Children Served
7. Case Outcomes – Mediation
8. Case Outcomes – Reconciliation

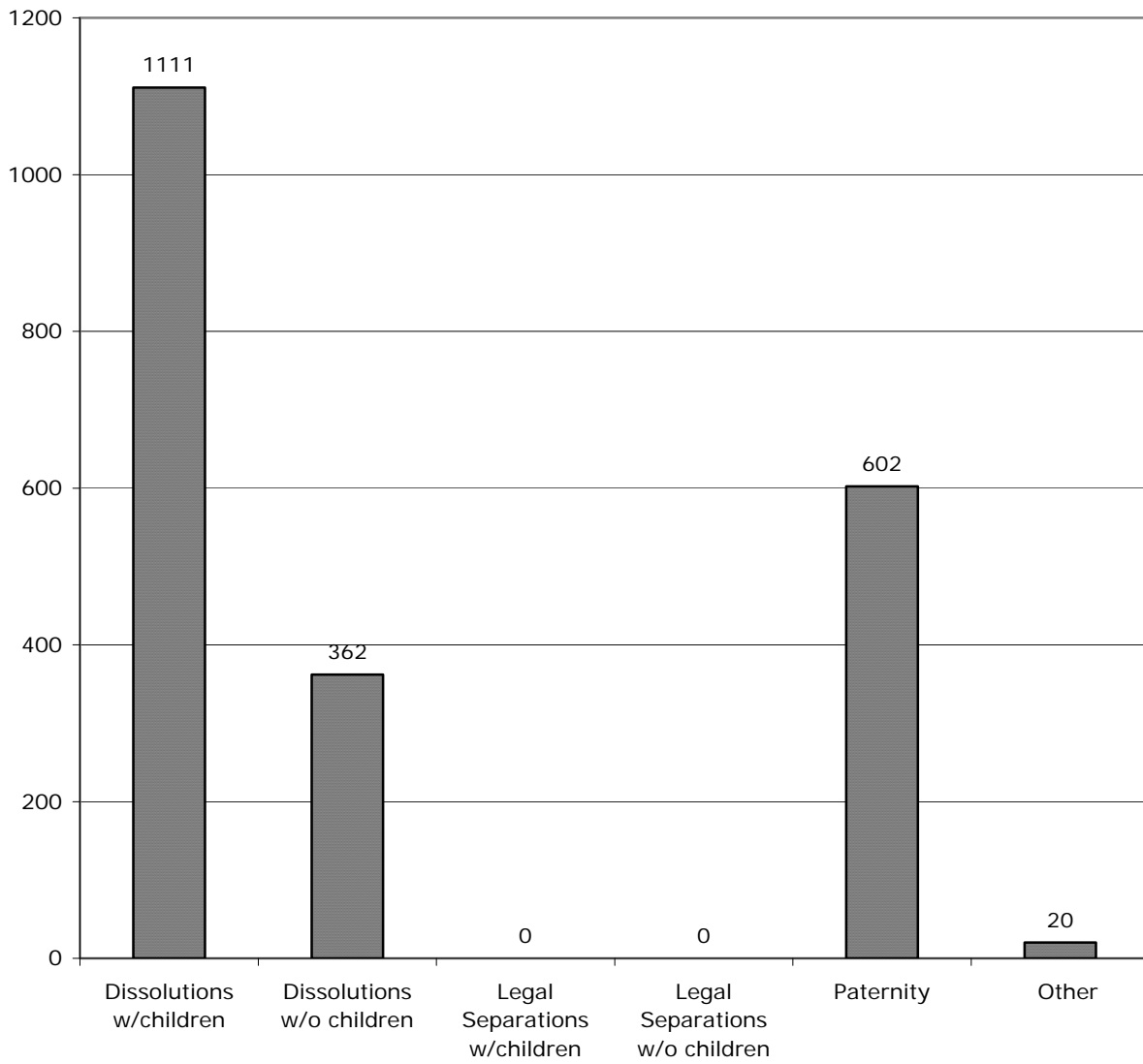
9. Case Outcomes – Facilitation

For more information about these programs, contact Jeffrey Bercovitz, Indiana Judicial Center, (317) 232-1313, jbercovi@courts.state.in.us or Loretta A. Oleksy, Division of State Court Administration, (317) 233-0784, loleksy@courts.state.in.us.

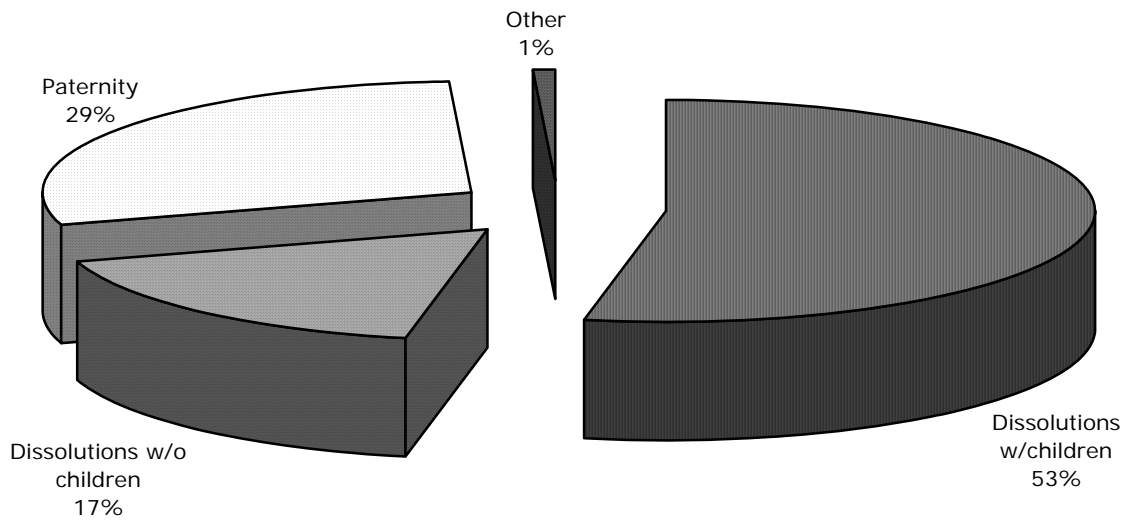
ADR Fees Generated By Courts December 2006 through November 2007



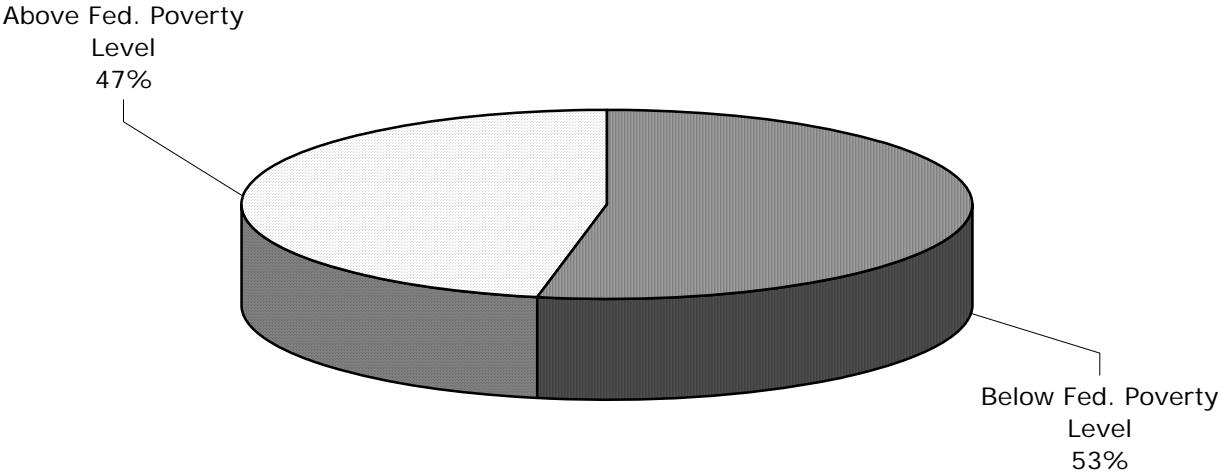
**Total Number and Types of Cases Accepted
December 2006 through November 2007**



**Total Percentage and Types of Cases Accepted
December 2006 through November 2007**

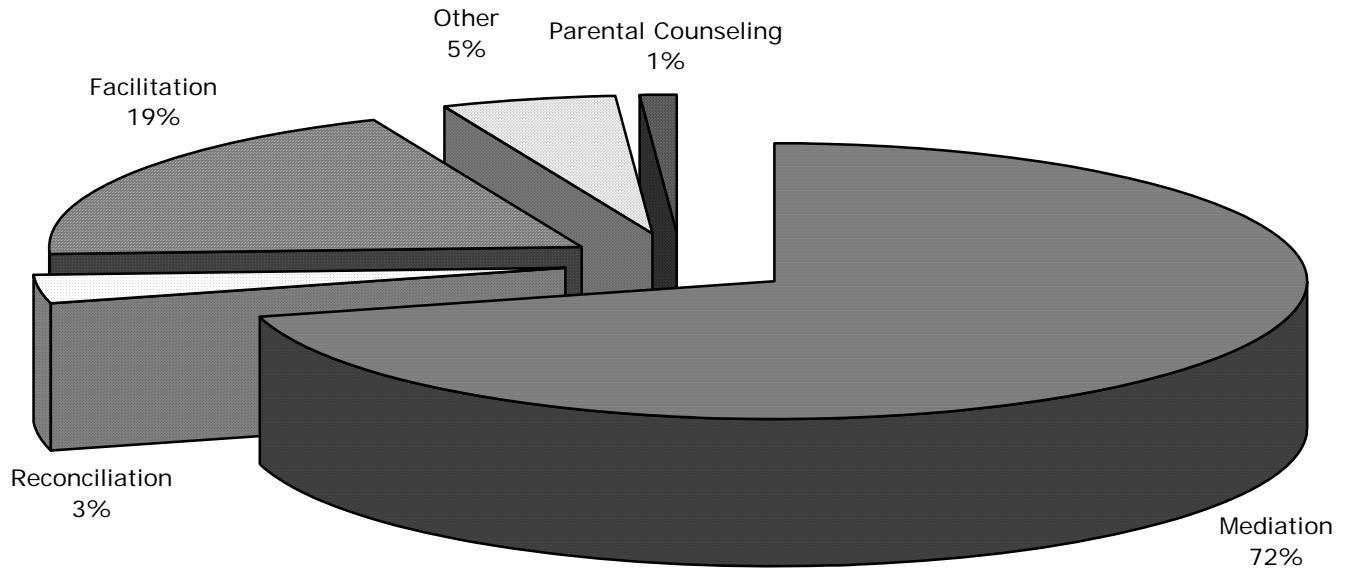


**Cases Accepted Based On Poverty Level*
December 2006 through November 2007**

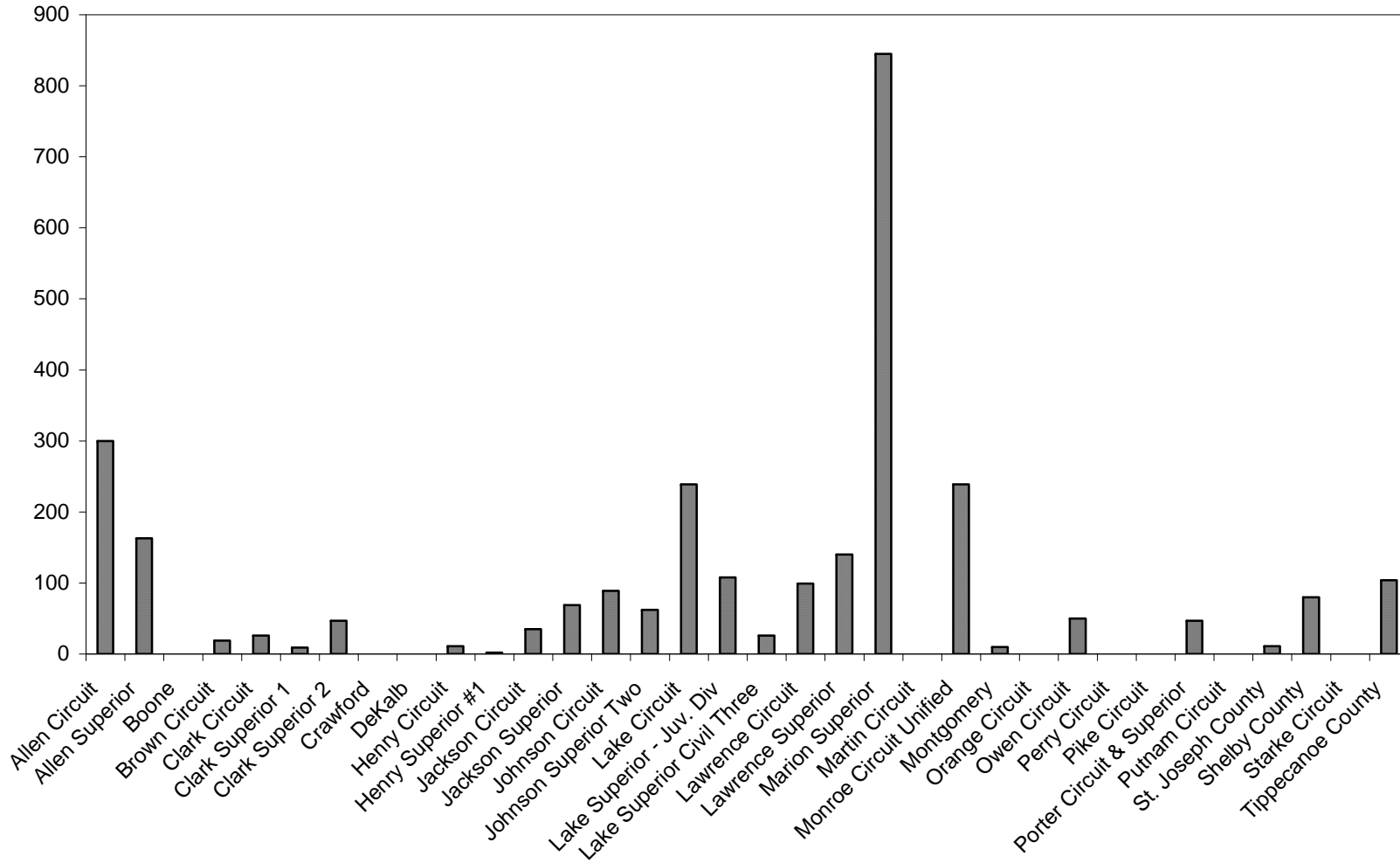


* Based on only those cases for which poverty level data was reported (1299 of 2095 total cases accepted.)

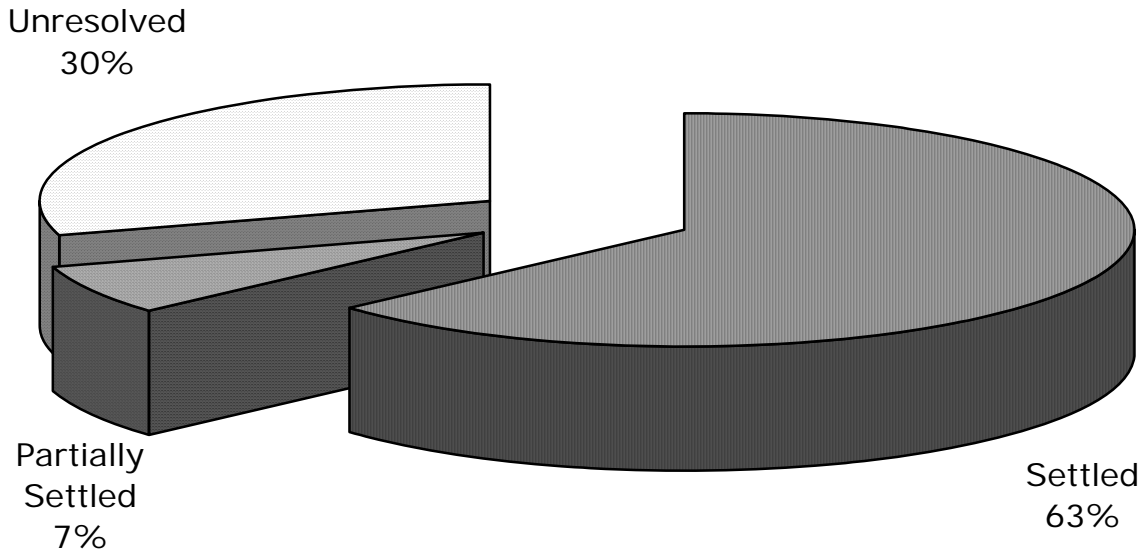
**Method of Resolution of ADR Plan Cases
December 2006 through November 2007**



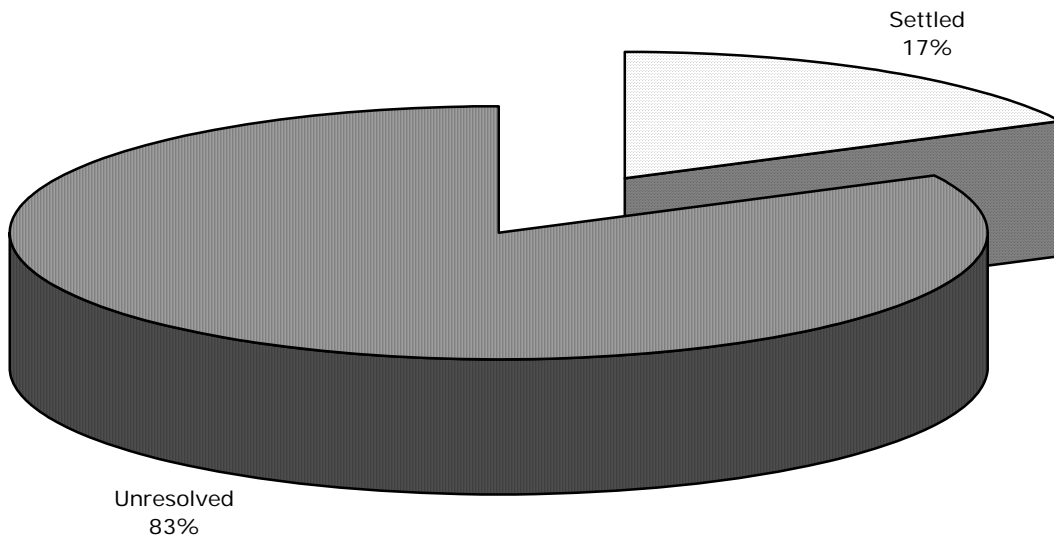
**Number of Children Served by County
December 2006 through November 2007**



ADR Plan Case Outcomes: Mediation
December 2006 through November 2007



**ADR Plan Case Outcomes: Reconciliation
December 2006 through November 2007**



**ADR Plan Case Outcomes: Facilitation
December 2006 through November 2007**

