



March 25, 2005

**ENGROSSED  
HOUSE BILL No. 1263**

DIGEST OF HB 1263 (Updated March 23, 2005 6:24 pm - DI 106)

**Citations Affected:** IC 33-23.

**Synopsis:** Domestic relations alternative dispute resolution. Specifies that the St. Joseph County probate court may participate in a domestic relations alternative dispute resolution (ADR) program. Allows two or more courts in a county to use a single ADR fund. Allows a county to deposit copayments made by litigants in ADR programs into the county's ADR fund.

**Effective:** July 1, 2005.

**Pond, Dvorak, Ayres, Cheney**

(SENATE SPONSORS — LONG, WYSS, ZAKAS, BRODEN)

January 6, 2005, read first time and referred to Committee on Judiciary.  
January 24, 2005, reported — Do Pass.  
January 27, 2005, read second time, ordered engrossed. Engrossed.  
January 31, 2005, read third time, passed. Yeas 94, nays 0.

SENATE ACTION

February 14, 2005, read first time and referred to Committee on Judiciary.  
March 24, 2005, reported favorably — Do Pass.

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March 25, 2005

First Regular Session 114th General Assembly (2005)

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1263

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

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

- 1 SECTION 1. IC 33-23-6-2 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) **In each county**  
3 **participating in the program under this chapter**, there is established  
4 an alternative dispute resolution fund for **each of the following**:
- 5 (1) ~~The circuit court. and an alternative dispute resolution fund~~  
6 ~~for the~~
  - 7 (2) **The superior court.**
  - 8 (3) **The probate court established by IC 33-31-1.**
- 9 (b) **Notwithstanding subsection (a), if more than one (1) court**  
10 **exercises jurisdiction over domestic relations and paternity cases**  
11 **in a county, one (1) alternative dispute resolution fund may be**  
12 **established to be used by all the courts to implement this chapter**  
13 **if:**
- 14 (1) **the:**
    - 15 (A) **county auditor; and**
    - 16 (B) **judge of each court that exercises jurisdiction over**  
17 **domestic relations and paternity cases in the county;**

EH 1263—LS 6483/DI 69+



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1           **agree to establish one (1) fund; and**  
 2           **(2) the agreement to establish the fund is included in the plan**  
 3           **adopted by the county under section 3 of this chapter.**  
 4           (c) The ~~exclusive source~~ **sources** of money for each fund is  
 5           **established under subsection (a) or (b) are:**  
 6           (1) the alternative dispute resolution fee collected under section  
 7           1 of this chapter for the circuit ~~or~~ **court**, superior court, **or**  
 8           **probate court**, respectively; **and**  
 9           **(2) copayments collected under subsection (d) if:**  
 10           **(A) a county chooses to deposit the copayments into the**  
 11           **fund; and**  
 12           **(B) the county specifies in the plan adopted by the county**  
 13           **under section 3 of this chapter that the copayments will be**  
 14           **deposited in the fund.**  
 15           ~~(b)~~ **(d)** The funds shall be used to foster domestic relations  
 16           alternative dispute resolution, including:  
 17           (1) mediation;  
 18           (2) reconciliation;  
 19           (3) nonbinding arbitration; and  
 20           (4) parental counseling.  
 21           Litigants referred by the court to services covered by the fund shall  
 22           make a copayment for the services in an amount determined by the  
 23           court based on the litigants' ability to pay. The fund shall be  
 24           administered by the circuit, ~~or~~ superior, **or probate** court that exercises  
 25           jurisdiction over domestic relations and paternity cases in the county.  
 26           **A fund used by multiple courts under subsection (b) shall be**  
 27           **administered jointly by all the courts using the fund.** Money in each  
 28           fund at the end of a fiscal year does not revert to the county general  
 29           fund but remains in the fund for the uses specified in this section.  
 30           ~~(c)~~ **(e)** **Each** circuit, ~~or~~ superior, **or probate** court that  
 31           administers ~~the an~~ alternative dispute resolution fund shall ensure that  
 32           money in the fund is disbursed in a manner that primarily benefits  
 33           those litigants who have the least ability to pay, in accordance with the  
 34           plan adopted by the county under section 3 of this chapter.  
 35           ~~(d)~~ **(f)** A court may not order parties into mediation or refer parties  
 36           to mediation if a party is currently charged with or has been convicted  
 37           of a crime:  
 38           (1) under IC 35-42; or  
 39           (2) in another jurisdiction that is substantially similar to the  
 40           elements of a crime described in IC 35-42.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1263, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

FOLEY, Chair

Committee Vote: yeas 10, nays 0.

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COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill No. 1263, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1263 as printed January 25, 2005.)

BRAY, Chairperson

Committee Vote: Yeas 10, Nays 0.

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