HOUSE ENROLLED ACT No. 1263

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

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

SECTION 1. IC 33-23-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) **In each county participating in the program under this chapter,** there is established an alternative dispute resolution fund for **each of** the **following:**

(1) The circuit court. ~~and an alternative dispute resolution fund for the~~

(2) The superior court.

(3) The probate court established by IC 33-31-1.

(b) Notwithstanding subsection (a), if more than one (1) court exercises jurisdiction over domestic relations and paternity cases in a county, one (1) alternative dispute resolution fund may be established to be used by all the courts to implement this chapter if:

(1) the:

(A) county auditor; and

(B) judge of each court that exercises jurisdiction over domestic relations and paternity cases in the county;

agree to establish one (1) fund; and

(2) the agreement to establish the fund is included in the plan adopted by the county under section 3 of this chapter.

(c) The ~~exclusive source~~ **sources** of money for each fund ~~is~~ **established under subsection (a) or (b) are:**

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(1) the alternative dispute resolution fee collected under section 1 of this chapter for the circuit ~~or~~ **court,** superior court, **or probate court,** respectively; **and**
(2) copayments collected under subsection (d) if:
    (A) a county chooses to deposit the copayments into the fund; and
    (B) the county specifies in the plan adopted by the county under section 3 of this chapter that the copayments will be deposited in the fund.

~~(b)~~ **(d)** The funds shall be used to foster domestic relations alternative dispute resolution, including:
    (1) mediation;
    (2) reconciliation;
    (3) nonbinding arbitration; and
    (4) parental counseling.

Litigants referred by the court to services covered by the fund shall make a copayment for the services in an amount determined by the court based on the litigants' ability to pay. The fund shall be administered by the circuit, ~~or~~ superior, **or probate** court that exercises jurisdiction over domestic relations and paternity cases in the county. **A fund used by multiple courts under subsection (b) shall be administered jointly by all the courts using the fund.** Money in each fund at the end of a fiscal year does not revert to the county general fund but remains in the fund for the uses specified in this section.

~~(c)~~ ~~The~~ **(e) Each** circuit, ~~or~~ superior, **or probate** court that administers ~~the~~ **an** alternative dispute resolution fund shall ensure that money in the fund is disbursed in a manner that primarily benefits those litigants who have the least ability to pay, in accordance with the plan adopted by the county under section 3 of this chapter.

~~(d)~~ **(f)** A court may not order parties into mediation or refer parties to mediation if a party is currently charged with or has been convicted of a crime:
    (1) under IC 35-42; or
    (2) in another jurisdiction that is substantially similar to the elements of a crime described in IC 35-42.

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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

Approved: _____

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Governor of the State of Indiana

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