

HOUSE BILL No. 1263

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-23-6-2.

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

January 6, 2005, read first time and referred to Committee on Judiciary.

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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.

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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;**



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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