

DOMESTIC RELATIONS
ALTERNATIVE DISPUTE RESOLUTION FUND PLAN
THE DELAWARE COUNTY CIRCUIT COURT

Effective January 1, 2009

The Board of Judges of the Delaware Circuit Court, all of whom exercise jurisdiction over domestic relations and paternity cases, submit the following Alternative Dispute Resolution Domestic Relations Fund Plan to the Indiana Judicial Conference of Indiana, pursuant to Indiana Code section 33-23-6-1.

Standards

The Alternative Dispute Resolution Fund Plan is based on the following standards:

1. The Delaware Circuit Court will use the funds to foster domestic relations alternative dispute resolution, including mediation. Judges may order parties into the program, or parties may request placement in the program. The ADR Rules apply to the mediation of domestic relations and paternity cases.
2. The Delaware Circuit Court will use the funds to provide opportunities for parents involved in divorce and paternity litigation to mediate their child-related disagreements, when their economic circumstances would otherwise limit their access to certified domestic relations mediators.
3. All five Delaware Circuit Court judges exercise jurisdiction over domestic relations and paternity cases, and all five approve this Plan.
4. The Plan will primarily benefit those litigants who have the least ability to pay.
5. The Plan will require litigants participating in the Program to make a co-payment for services in an amount determined by the Court, based on each litigant's ability to pay. The Court shall determine co-payment amounts based on the Sliding Fee Scale attached and incorporated by reference.
6. Any party who has been convicted of a crime under I.C. 35-42 or a substantially similar crime in another jurisdiction may not participate in the Plan. Any party who has a pending charge for a crime under I.C. 35-42 or a substantially similar crime in another jurisdiction may not participate in the Plan.

7. The judges will submit an Annual Report to the Judicial Conference of Indiana by December 31 of each year. The judges understand the failure to submit the report will suspend operation of the Plan until further notice from the Division of State Court Administration.

Guidelines

1. The Plan's goal is to foster domestic relations alternative dispute resolution in Delaware County, by allowing access to mediation services. The Plan will ensure the money in the fund is disbursed in a manner primarily benefitting those litigants who have the least ability to pay. The effective date of the \$20.00 fee collected for the Plan is January 1, 2009.
2. **Eligibility Criteria:** the Courts shall use the funds to benefit domestic relations and paternity cases in Delaware County which have one or more of the following factors:
 - a. Cases involving minor children.
 - b. Cases where the Court has waived the filing fee due to indigence.
 - c. Cases where the parties have filed multiple post-decree motions related to issues involving the minor children.
 - d. Cases where one or more of the parties are representing themselves.
 - e. Cases where one or more of the parties have had little or no regular child care responsibilities for the child.
 - f. Cases where the parties own no personal property with any significant value and have no substantial equity in real property.
 - g. Cases where one of the parties is participating in the Title IV-D Program.
 - h. Cases where a custodial parent is facing incarceration due to a criminal matter; however, these cases shall not include cases excluded under Standard #6 above.
3. **Referral Process:** A judge may refer a case to the Plan. A litigant may request a referral and may elect to participate in the Plan. An attorney involved in the litigation may request a referral.
4. **Plan Education:** The Delaware Circuit Court has posted a public notice to attorneys in Delaware County in all five circuit court offices and outside the Delaware County Clerk's filing office concerning the \$20.00 fee. The Court also provided a press release to the local newspaper, *The StarPress*, concerning the fee.
5. **Plan Coordination:** The Plan will be coordinated with all other service oriented programs, including District 6 Access to Justice, the Office of Public Defender, the Delaware County CASA Program, and the Title IV-D Prosecuting Attorney.

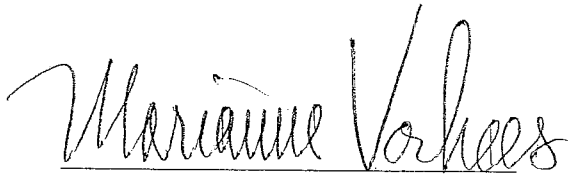
6. **Plan Administration:** the Delaware County Court Administrator will act as Plan Administrator. The Plan Administrator will refer cases to attorneys who are certified as mediators and who indicate their willingness to accept cases at a reduced rate. The Plan Administrator will refer cases on an alternating basis.

The Plan Administrator will screen the cases referred and complete an intake form before referring the case to a mediator. The Plan Administrator will not receive additional compensation for services to the Plan.

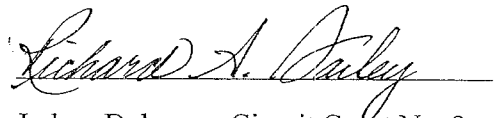
The Delaware County Clerk will collect the ADR fees and will administer the fees on a daily basis.

7. **Plan Evaluation:** the Plan Administrator will ask each attorney who conducts a mediation and each party who participates in a mediation to complete a survey, which the judges will develop and approve. The Plan Administrator will collect the data, evaluate the data, and will determine success and failure of mediations and what factors contributed to the success or failure. The judges will evaluate the data at each quarterly judges' meeting and will modify the Plan as necessary.

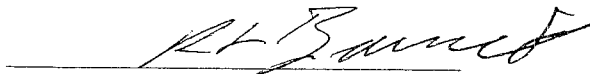
8. **Projected Budget:** The Delaware Circuit Court judges estimate the Clerk will collect \$6,000.00 per year from the \$20.00 fee for deposit into the Alternative Dispute Resolution Fund. The estimated Alternative Dispute Resolution Fund Budget is attached.



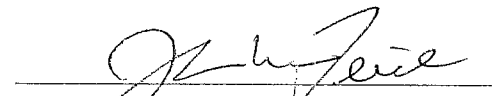
Judge, Delaware Circuit Court No. 1



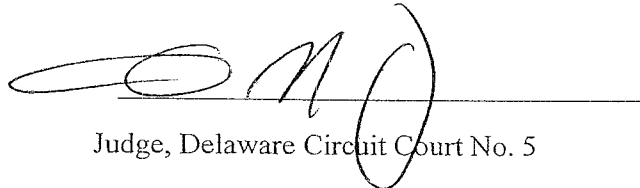
Judge, Delaware Circuit Court No. 2



Judge, Delaware Circuit Court No. 3



Judge, Delaware Circuit Court No. 4



Judge, Delaware Circuit Court No. 5