

WHITLEY COUNTY ALTERNATIVE DISPUTE RESOLUTION PROGRAM

1. PROGRAM OVERVIEW

The purpose of the plan is to provide alternative dispute resolution (“ADR”) services to litigants in dissolution and paternity cases. The goal of the program is to provide ADR services that minimize conflict and promote prompt resolution of disputes. The program is specifically designed to provide ADR services to litigants that could not otherwise afford the services. As such, the judge directing the litigants into an ADR service will utilize the sliding scale attached at “Attachment A” to determine what contribution will be required of the parties.

The alternative dispute forms may include: mediation, facilitation, and parenting coordination. If mediation is ordered, the ADR Rules will apply. The Courts will seek approval of any new ADR programs from the Division of State Court Administration prior to ADR funds being expended on any “new” or unapproved ADR program.

2. ELIGIBILITY CRITERIA & REFERRAL PROCESS

Litigants in dissolution and paternity matters will be required to participate in the program if ordered by the Court. The Courts will encourage the Bar to assist in identifying cases that would benefit from ADR services but the Court will ultimately determine which matters will be submitted to ADR, the type of ADR, and the costs associated with the ADR referral in accordance with the sliding scale set forth in “Attachment A”. While the program is designed primarily for indigent or low-income litigants to give them an avenue to resolve their issues quickly and with little expense, all litigants in the referenced types of cases may be referred to an ADR service. Litigants will be required to make a co-payment or full payment for services based upon the sliding scale found at “Attachment A”. Those individuals earning greater than \$35,000 shall not be considered eligible for services. However, nothing in the program prohibits the Courts from varying from strict application of the sliding scale as justice may require.

A party currently charged with or convicted of a crime under I.C. 35-42-et seq. or a substantially similar crime in another jurisdiction may not participate in the program.

3. PROGRAM COORDINATION & PROGRAM ADMINISTRATION

The Whitley Superior Court Judge will coordinate the program. The Court will seek agreements with qualified ADR service providers under terms and conditions mutually acceptable. Reimbursement shall not exceed \$100 per hour for up to 5 hours per case for mediation or \$100 per hour for up to 5 hours per case for parenting coordination. Any additional time will need to be approved by the Court. The Courts will refer matters to mediation with notice to the mediator and with time reserved for the matter at the discretion of the Court. Whitley Circuit and Superior Court will each maintain a calendar for mediation and will coordinate with the mediator.

4. ANNUAL REPORT

The Court shall submit a report to the Judicial Conference of Indiana no later than December 31 of each year, summarizing the results of the above program.

“ATTACHMENT A”

CO-PAY PROVISION AND LIMIT OF INCOME FOR PARTICIPANTS

<u>TOTAL INCOME</u>	<u>CO-PAY PER HOUR</u>
\$0 - \$15,000	\$5.00
\$15,001 - \$20,000	\$10.00
\$20,001 - \$25,000	\$15.00
\$25,001 - \$30,000	\$20.00
\$30,001 - \$35,000	\$25.00

STATE OF INDIANA

IN THE WHITLEY CIRCUIT
AND SUPERIOR COURTS

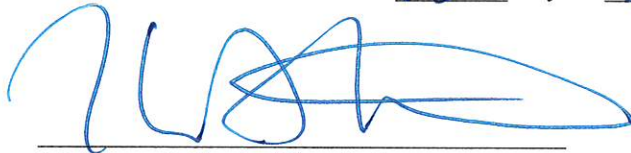
WHITLEY COUNTY, SS:

**GENERAL ORDER RE: WHITLEY COUNTY ALTERNATIVE DISPUTE
RESOLUTION FUND PROGRAM**

Pursuant to I.C. 33-23-6 et seq. providing for the funding of an approved Alternative Dispute Resolution Program, the Whitley Circuit and Superior Courts now Order:

1. In addition to the fees required under I.C. 33-37-4-4, the Clerk of the Court shall collect from the party filing a Petition for Legal Separation, Paternity, or Dissolution of Marriage under I.C. 31 an Alternative Dispute Resolution Fee in the amount of Twenty Dollars (\$20.00).
2. Not later than thirty (30) days after the Clerk collects a fee under paragraph (1), the Clerk shall forward to the County Auditor the Alternative Dispute Resolution Fee. The County Auditor shall deposit the fee forwarded by the Clerk under this section into the Alternative Dispute Resolution Fund.

SO ORDERED this 28th day of May, 2020.



Matthew J. Rentschler, Judge
Whitley Circuit Court



Douglas M. Fahl, Judge
Whitley Superior Court

