I.R.C.P. 16.m. lternative Dispute Resolution Screening

Idaho Rules of Civil Proceure Rule 16(m). Alternative Dispute Resolution Screening

1. Authority of the court. In all domestic relations cases involving children, the presiding judge may order the parties to participate in ADR screening for the purpose of assessing whether parents are appropriate or prepared to engage in mediation. The secondary purpose is to provideadditional recommendations to parents and the court which may enhance the appropriateness of mediation, or to provide alternatives for resolving issues which will broaden parenting options.

2. Qualifications of ADR Screeners. ADR Screeners are appointed by the judge. To be eligible for appointment as an ADR Screener, the applicant must be currently licensed by the state of Idaho as a psychologist, licensed master social worker, or licensed professional counselor practitioner.

3. Standards for ADR Screening Referral Reports.

(a) Content. An ADR report is generated from a structured and standard interview that is conducted with each biological parent. The content of the interview with both parents is provided to the court in the form of a written report. No ADR report will be filed if one or both parties fail to appear at the interview. Attached to the report is a NCIC criminal history check on each parent and the needs of the child(ren) based on reports by the parties and observations of the ADR Screener. The recommendations provided to the court and parents are designed to protect child(ren) from the potentially negative impact of parental conflict and the adversarial process. ADR Screening and Referral Reports will not make recommendations for custody and visitation. The ADR report should be used as a case management tool.

(b) Factors. Factors considered in determining the appropriateness of mediation or other recommendations for alternatives to resolving issues include, but are not limited to, the following:

1. Compliance of both parties with the ADR process.

2. Issues of domestic violence, including partyís ability to maintain impulse control and/or anger management.

3. Use of, or allegations surrounding the use of, drugs and alcohol.

4. Ability of each parent to articulate his or her own needs and concerns and consider the needs of their child(ren).

5. Parties' mental health and emotional stability.

4. Disclosure of Report. The ADR screening report is exempt from disclosure pursuant to I.C.A.R. 32(d)(14)(B).

(Amended April 22, 2004, effective July 1, 2004; amended March 24, 2005, effective July 1, 2005.)

Source URL: http://www.isc.idaho.gov/ircp16m