



IRFLP 601 Alternative Dispute Resolution Screening

Idaho Rules of Family Law Procedure Rule 601. Alternative Dispute Resolution Screening.

(a) **Authority of the Court.** In any family law actions involving a child, the presiding judge may order the parties to participate in Alternative Dispute Resolution (ADR) screening for the purpose of assessing whether parents are appropriate or prepared to engage in mediation. The secondary purpose is to provide additional recommendations to the parents and to the court which may enhance the appropriateness of mediation, or to provide alternatives for resolving issues which will broaden parenting options.

(b) **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.

(c) **Standards for ADR Screening Reports.**

(1) **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 an Idaho criminal history check on each parent and the needs of the child based on reports by the parties and observations of the ADR screener. The recommendations provided to the court and parents are designed to protect the child from the potential negative impact of parental conflict and the adversarial process. ADR reports will not make recommendations for custody and visitation and should be used as a case management tool.

(2) **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:

(A) compliance of both parties with the ADR process;

(B) issues of domestic violence, including the party's ability to maintain impulse control and anger management;



(C) the use of, or allegations surrounding the use of, drugs and alcohol;

(D) the ability of each parent to articulate his own needs and concerns and consider the needs of the child; and

(E) the parties' mental health and emotional stability.

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

(Adopted March 29, 2021, effective July 1, 2021.)

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