



RULE 38 TRAINING GUIDE

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RULE 38 ORIGIN

- THE TENNESSEE LEGISLATURE ENACTED TITLE 36, CHAPTER 6, PART 4 OF THE TENNESSEE CODE ANNOTATED TO PROMOTE CONTINUING PARENTING ARRANGEMENTS FOR FAMILIES INVOLVED IN DIVORCE, LEGAL SEPARATION, ANNULMENT, OR SEPARATE MAINTENANCE PROCEEDINGS, AND FOR FAMILIES THAT ARE INVOLVED IN ANY OTHER CUSTODY MATTERS. SUCH ARRANGEMENTS REINFORCE THE FUNDAMENTAL IMPORTANCE OF THE PARENT-CHILD RELATIONSHIP TO THE WELFARE OF THE CHILD.
- IN ORDER TO HELP PARENTS RECEIVE THE NECESSARY EDUCATION AND ALTERNATIVE DISPUTE RESOLUTION SERVICES, THE TENNESSEE LEGISLATURE ESTABLISHED THE DIVORCING **PARENT EDUCATION AND MEDIATION FUND** (T.C.A. § 6-6-413). THE ADMINISTRATIVE OFFICE OF THE COURTS IS CHARGED WITH THE DISTRIBUTION OF THE MONEYS IN THE FUND TO OR FOR THE BENEFIT OF EACH JUDICIAL DISTRICT TO PROVIDE EDUCATION AND MEDIATION FOR INDIGENT PARENTS AND THE ADMINISTRATION OF THOSE SERVICES.
- THE PRESENT RULE SETS FORTH THE QUALIFICATIONS AND PROCESSES FOR THE APPOINTMENT, COMPENSATION, AND PAYMENT OF THE REASONABLE EXPENSES OF ALTERNATIVE DISPUTE RESOLUTION NEUTRALS AND EDUCATION PROVIDERS SERVING INDIGENT PARENTS INVOLVED IN ABSOLUTE DIVORCE, LEGAL SEPARATION, ANNULMENT, OR SEPARATE MAINTENANCE PROCEEDINGS, AND ANY OTHER CUSTODY MATTERS.
- \$7.00 OF EVERY MARRIAGE LICENSE FEE IS PAID TO AOC FOR...THE DIVORCING PARENT EDUCATION AND MEDIATION FUND, WHICH FUNDING INCLUDES THE COSTS OF COURT-ORDERED MEDIATION, PARENTING EDUCATION PROGRAMS AND ANY RELATED SERVICES TO RESOLVE FAMILY CONFLICT IN DIVORCE AND POST-DIVORCE MATTERS;

TENNESSEE SUPREME COURT RULE 38

[CLICK HERE TO READ RULE 38](#)

APPROVED CASE TYPES & SERVICE TYPES

- **SERVICE TYPES:**
 - MEDIATION
 - PARENT EDUCATION CLASSES
- **CASE PARTY TYPES:**
 - DIVORCING PARENTS
 - UNMARRIED PARENTS
 - PARENT/NON-PARENT
 - MUST BE DEEMED INDIGENT

HOW DO YOU QUALIFY FOR RULE 38 FUNDS?

- ALTHOUGH RULE 38 FUNDS ARE DERIVED FROM THE PEMF GRANT, THESE FUNDS DO NOT REQUIRE A PROVIDER CONTRACT BETWEEN THE PROVIDER AND AOC.
- THE COURTS DETERMINE WHO WILL PROVIDE RULE 38 SERVICES.
- MEDIATION SERVICES
 - A COURT WILL REFER A CASE TO A LISTED MEDIATOR
- PARENTING EDUCATION CLASSES
 - EACH COURT APPROVES THESE PROVIDERS

MEDIATION REFERRALS

Judicial Officers are required to make referrals to listed mediators pursuant to Rule 31.

If you are not listed and mediate a court referred mediation you will not qualify for Rule 38 funds.

A referral order or “order of reference” is required to claim Rule 38 funds.

PARENTING EDUCATION CLASSES

- THE COURT DETERMINES THE PROVIDERS TO BE UTILIZED.
- THE AOC DOES NOT ASSIST THE COURT WITH THESE DECISIONS.
- THE COURT MAY DEVELOP A SET OF CRITERIA, MINIMUM REQUIREMENTS, ETC. USED TO DETERMINE APPROVED PROVIDERS.
- THE COURT REFERS THE PARTIES TO THE PROVIDER VIA COURT ORDER.
- STEP 1 TO BECOMING A PROVIDER IS TO CONTACT THE COURT YOU WANT TO SERVE. THE COURT WILL EMPLOY AN ADMINISTRATOR OR A POSITION MUCH LIKE AN ADMINISTRATOR. ASK TO SPEAK WITH THE ADMINISTRATOR-TYPE EMPLOYEE. THE ADMINISTRATOR RUNS THE BUSINESS OF THE COURT AND CAN POINT YOU IN THE RIGHT DIRECTION TO BECOME THE APPROVAL PROCESS.

RULE 38 FEE AMOUNTS

RULE 31 MEDIATIONS

- UP TO \$25 PER PARTY, FOR EACH HOUR SPENT IN MEDIATION
- UP TO \$20 PER PARTY, FOR EACH HOUR SPENT IN OUT OF MEDIATION ACTIVITIES
- REASONABLE COSTS AND EXPENSES
 - TRAVEL
 - PRINTING
 - SPACE RENTAL

PARENTING ED CLASSES

- UP TO \$25 PER PARENT
 - FEE COVERS TIME AND MATERIALS SPENT PROVIDING THIS SERVICE

SUBMITTING A RULE 38 CLAIM TO THE AOC

1. ALL CLAIMS ARE SUBMITTED TO THE AOC
GRANTS@TNCOURTS.GOV

2. MEDIATION CLAIMS CONSISTS OF :

- REFERRAL ORDER AKA ORDER FOR REDUCED FEE MEDIATION (FORM ORDER PROVIDED BY AOC)
 - ORDER MUST BE SIGNED BY REFERRING JUDGE
- RULE 38 MEDIATOR INVOICE FORM (FORM PROVIDED BY AOC)
 - INVOICE MUST BE FULLY COMPLETED; SIGNED BY MEDIATOR AND REFERRING JUDGE

3. PARENT EDUCATION CLAIMS CONSIST OF:

REFERRAL ORDER AKA ORDER FOR REDUCED FEE EDUCATION (FORM ORDER PROVIDED BY AOC)

RULE 38 PARENT EDUCATION INVOICE FORM (FORM PROVIDED BY AOC)

AOC LINK FOR RULE 38 FORMS

[HTTPS://WWW.TNCOURTS.GOV/PROGRAMS/MEDIATION/RESOURCES-MEDIATORS/FORMS-INVOICES](https://www.tncourts.gov/programs/mediation/resources-mediators/forms-invoices)

ANY QUESTIONS?

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EMAIL IS THE QUICKEST WAY TO MAKE CONTACT AND RECEIVE A RESPONSE!