

**Domestic Relations Committee**  
Judicial Conference of Indiana

**Minutes**  
January 24, 2014

The Domestic Relations Committee met at the Indiana Judicial Center on Friday, January 24, 2014 from 10:30 a.m. – 3:00 p.m.

1. Members present. Thomas H. Busch, Benjamin A. Diener, K. Mark Loyd, Sheryl L. Lynch, Brian F. McLane, Jennifer Newton, R. Scott Sirk, and Lynn Murray, Chair, were present.
2. Staff present. Jeffrey Bercovitz provided the committee with staff assistance.
3. Guest present. David Betson, Ph.D.; Cynthia Longest, Deputy Director, Linda Nearing, Asst. Deputy Director, and Grant Peters, Policy Analyst, DCS Child Support Bureau; and Karla Mantia and Amy Burgher, Prosecuting Attorney's Council were also present.
4. Minutes. The minutes from the meeting on October 18, 2013 were approved.
5. New members. New committee member, Benjamin Diener, introduced himself to the committee.
6. Economic review. Dr. Betson gave an economic review of Indiana's child support guidelines. He reviewed the Income Shares approach which Indiana and other states take, the fact that Indiana is the only state with commentary to the guidelines, and reviewed related topics.
7. Child support guidelines review. Committee members discussed conducting a survey of deviations from Indiana's child support guidelines, the Affordable Care Act medical issues and conducting a public hearing in May.
8. Confidentiality in paternity cases. Jeffrey Bercovitz reported Senate Bill 19, which removes confidentiality paternity records, passed the Senate 42-1. He distributed a copy of the bill to members of the committee. Committee members discussed the legislation.
9. Next meeting. Committee members agreed to hold their next meeting on Friday, February 21, 2014 from 10:30 a.m. – 4:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Law

**Domestic Relations Committee**  
Judicial Conference of Indiana

**Minutes**  
February 21, 2014

The Domestic Relations Committee met at the Indiana Judicial Center on Friday, February 21, 2014 from 10:30 a.m. – 3:15 p.m.

1. Members present. Thomas H. Busch, Richard G. D'Amour, Benjamin A. Diener, Andre B. Gammage, Frances G. Hill, K. Mark Loyd, Sheryl L. Lynch, Brian F. McLane, Rita A. Parsons-Rice, Elizabeth Tavitias and Lynn Murray, Chair, were present.
2. Staff present. Jeffrey Bercovitz provided the committee with staff assistance.
3. Guest present. David Betson, Ph.D.; Linda Nearing, Asst. Deputy Director, and Grant Peters, Policy Analyst, DCS Child Support Bureau; and Karla Mantia and Zack Peters, Prosecuting Attorney's Council; and Stuart Showalter, were also present.
4. Minutes. The minutes from the meeting on January 24, 2014 were approved.
5. Introductions. Committee members and guests introduced themselves to the committee.
6. Economic review.
  - a. Dr. Betson reviewed the parenting time credit portion of Indiana's child support guidelines. Members of the committee agreed by consensus to address in commentary the issue of determination of the parenting time when different children do not have the same amount of parenting time with the noncustodial parent. They also agreed to explore Young v. Young, 891 N.E.2d 1045 (Ind. 2008), which was remanded for a trial court determination of whether a parenting time credit was appropriate for father's evening visits with his children.
  - b. Committee members reviewed the revised PowerPoint on the economic basis of Indiana's child support guidelines. They agreed to post it to a website developed by the Judicial Center for the public.
  - c. Dr. Betson reviewed the results of surveys conducted during the last review of Indiana's child support guidelines. He stated this was not the only way to satisfy the federal requirement of determining deviations from the child support guideline amounts. Judge Murray moved to use the public hearing, public comment and the committee's review to determine deviations from the child support guideline amounts. Commissioner Lynch seconded the motion. The motion was passed.
7. Public hearing.
  - a. Jeffrey Bercovitz announced an MOU was drafted between the DCS Child Support Bureau and the Indiana Judicial Center. It is now in the signature process.
  - b. Jeffrey Bercovitz reported a public hearing would be conducted on May 16, 2014 on Indiana's child support guidelines and the Supreme Court courtroom was reserved for

this purpose. The committee agreed to hold this hearing from 10:00 a.m. – 12:00 noon that morning, broadcast it live and archive it.

8. Child support conference. Karla Mantia, Indiana Prosecuting Attorneys Council, distributed registration materials and a list of topics for Indiana's Child Support State Conference on June 4-6, 2014 in Florence, Indiana. She asked committee members to let her know if they wished to speak on UIFSA or other child support related topics. Committee members agreed to distribute information from her office to all courts about this conference.
9. Confidentiality in paternity cases. Jeffrey Bercovitz reported Senate Bill 19 had passed the Senate and the House, which removes confidentiality paternity records. He also distributed selected portions of HB 1110, concerning changes in Title IV-D support statutes.
10. Next meeting. Committee members agreed to hold their next meeting on Friday, March 21, 2014 from 10:30 a.m. – 4:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Law

**Domestic Relations Committee**  
Judicial Conference of Indiana

**Minutes**  
March 21, 2014

The Domestic Relations Committee met at the Indiana Judicial Center on Friday, March 21, 2014 from 10:30 a.m. – 3:15 p.m.

1. Members present. Thomas H. Busch, Richard G. D'Amour, Benjamin A. Diener, Andre B. Gammage, Frances G. Hill, Sheryl L. Lynch, Jennifer E. Newton, Rita A. Parsons-Rice, R. Scott Sirk and Lynn Murray, Chair, were present.
2. Staff present. Jeffrey Bercovitz provided the committee with staff assistance.
3. Guest present. David Betson, Ph.D.; Cynthia Longest, Deputy Director, Linda Nearing, Asst. Deputy Director, Donna Frank and Grant Peters, DCS Child Support Bureau; and Karla Mantia and Zack Peters, Prosecuting Attorney's Council; and Stuart Showalter, Therin Showalter were also present.
4. Minutes. The minutes from the meeting on February 21, 2014 were approved.
5. Introductions. Guests introduced themselves to the committee.
6. Economic review. Dr. Betson reviewed the Affordable Care Act and portions of Indiana's child support guidelines which might be affected. Committee members discussed areas under CSG Rule 7 which may need revision.
7. Public hearing.
  - a. Jeffrey Bercovitz reported monies for the MOU with DCS were available to pay expenses for the child support guideline review.
  - b. Jeffrey Bercovitz distributed a draft notice public hearing and comment for Indiana's Child Support Guidelines, which would be conducted on Friday, May 16, 2014. It will be shown live on the Internet from the Supreme Court courtroom from 10:00 a.m. – 12:00 noon that morning.
8. Confidentiality in paternity cases. Jeffrey Bercovitz reported Senate Bill 19 had passed the Senate and the House, which removes confidentiality paternity records. Committee members discussed whether this legislation applied to cases filed after July 1, 2014 or all cases. They agreed a uniform policy is needed on this question, that the ISBA family law section should be involved in development of this policy, and that Administrative Rule 9 may have to be amended to accommodate the new law. They also noted the policy should address redacting information in a paternity file which was confidential before the new law, for example, social security numbers.

9. Next meeting. Committee members agreed to hold their next meeting on Friday, May 16 2014 from 10:00 a.m. – 12:00 noon at the Supreme Court Courtroom, and then at the Indiana Judicial Center from 1:00 – 3:00 p.m..

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Law

**Domestic Relations Committee**  
Judicial Conference of Indiana

**Minutes**  
May 16, 2014

The Domestic Relations Committee met at the Supreme Court Chambers to conduct a public hearing from 10:00 a.m. – 11:30 a.m. and the Indiana Judicial Center on Friday, May 16, 2014 from 12:30 p.m. – 3:00 p.m.

1. Members present. Thomas Busch, Richard D'Amour, Benjamin Diener, Andre Gammage, Frances Hill, K. Mark Loyd, Sheryl Lynch, Brian McLane, Jennifer Newton, Rita Parsons-Rice, Elizabeth Tavitas and Lynn Murray, Chair, were present.
2. Staff present. Jeffrey Bercovitz provided the committee with staff assistance.
3. Guests present. David Betson, Ph.D.; Cynthia Longest, Deputy Director, Linda Nearing, Asst. Deputy Director, Donna Frank and Grant Peters, DCS Child Support Bureau; were also present.
4. Minutes. The minutes from the meeting on March 16, 2014 were approved.
5. Introductions. Guests introduced themselves to the committee.
6. Public Hearing. Committee members discussed the presentations by members of the public at the public hearing from 10:00 a.m. – 11:30 a.m. in the Supreme Court Chambers. It was shown live on the Internet and will be archived at the website for support guideline comments for replay.
7. Revised presentations.
  - a. Members of the committee agreed Dr. Betson should provide information to them to assist in a determination of how low income persons should pay for children in college based on the public comments.
  - b. Committee members reviewed Dr. Betson's presentations on the economic basis of Indiana's child support guidelines (What's Under the Hood), Parenting Time Credit, Review Survey, and Affordable Care Act and Guideline 7. Committee members agreed to place them on a website for public access as revised.
8. Topics for revision. Members of the committee discussed various topics for revision by the committee and agreed to work on portions of the child support guidelines. Judge Busch and Judge Lloyd agreed to discuss revisions, and Dr. Betson agreed to present information at the next meeting of the committee.
9. Paternity records, SEA 19. Judge Murray reported on phone call on April 25 discussing the implementation of SEA 19, which opens paternity records, with two other judges and Neil Hayes, Chair, Family Law Section, ISBA. Jeffrey Bercovitz reported on the work of

the Division of State Court Administration on the implementation of the new law opening paternity records on July 1, 2014.

10. Next meeting. Committee members agreed to hold their next meeting on Friday, July 18, 2014 from 10:30 a.m. – 4:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Law

**Domestic Relations Committee**  
Judicial Conference of Indiana

**Minutes**  
July 18, 2014

The Domestic Relations Committee met at the Indiana Judicial Center on Friday, July 18, 2014 from 10:30 a.m. – 3:00 p.m.

1. Members present. Thomas H. Busch, Benjamin A. Diener, Andre B. Gammage, K. Mark Loyd, Sheryl L. Lynch, Brian F. McLane, Rita Parsons-Rice, R. Scott Sirk, Richard R. Stalbrink, Elizabeth F. Tavitias and Lynn Murray, Chair, were present.
2. Staff present. Jeffrey Bercovitz provided the committee with staff assistance.
3. Guests present. David Betson, Ph.D.; Mike Commons and Leslie Dunn, Division of State Court Administration; Donna Frank, Staff Attorney, DCS Child Support Bureau; Karla Mantia and William Welch, Indiana Prosecuting Attorneys Council; and Stuart Showalter were also present.
4. Minutes. The minutes from the meeting on May 16, 2014 were approved.
5. Child Support Guidelines.
  - a. Judge Busch presented draft language for revisions of Guideline 6 and Guideline 8 concerning education expenses and extraordinary expenses respectively. The committee revised the language and approved it by consensus.
  - b. Judge Loyd presented various areas of the Guidelines for revision concerning the age of emancipation. The committee agreed by consensus on revisions in Guideline 2. Judge Loyd agreed to return with additional revisions at the next meeting.
6. Presentation by Dr. Betson.
  - a. Committee members reviewed and approved revised presentations on the Parenting Time Credit and the Affordable Care Act and Guideline 7.
  - b. Members of the committee agreed by consensus to fix the basic child support obligation table at the \$7,000 income level.
7. GAL for DR and Custody cases. Leslie Dunn and Mike Commons, Division of State Court Administration reported they will ask the Indiana General Assembly for funding for Guardian Ad Litem in Domestic Relations and custody cases. Ms. Dunn explained the monies would be distributed to counties based on various conditions. The consensus of the committee was to support state funding for Guardian Ad Litem in Domestic Relations and in custody cases.
8. Paternity records rule and memo. Jeffrey Bercovitz distributed the Administrative Rule 9 revision concerning opening of paternity records, a form prepared by the Division of State Court Administration, and a draft memorandum from the Prosecuting Attorney's

Council. Concern was expressed the memorandum might be interpreted as opening paternity proceedings, which the committee did not believe was part of SEA 19.

9. Next meeting.

a. Committee members agreed to continue revisions based on emancipation at age 19, parenting time credit revisions, and recent appellate cases raising issues critical of the child support guidelines.

b. Committee members agreed to hold their next meeting on Friday, August 15, 2014 from 10:30 a.m. – 4:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Law

**Domestic Relations Committee**  
Judicial Conference of Indiana

**Minutes**  
August 15, 2014

The Domestic Relations Committee met at the Indiana Judicial Center on Friday, August 15, 2014 from 10:30 a.m. – 3:00 p.m.

1. Members present. Thomas H. Busch, Richard G. D'Amour, Benjamin A. Diener, K. Mark Loyd, Jennifer E. Newton, Rita Parsons-Rice, and Lynn Murray, Chair, were present.
2. Staff present. Jeffrey Bercovitz provided the committee with staff assistance.
3. Guests present. David Betson, Ph.D.; Donna Frank, Staff Attorney, Linda Nearing, and Cynthia Longest, Deputy Director, DCS Child Support Bureau; Karla Mantia and William Welch, Indiana Prosecuting Attorneys Council were also present.
4. Minutes. The minutes from the meeting on July 18, 2014 were approved.
5. Child Support Guidelines.
  - a. Judge Loyd presented various areas of the Guidelines for revision concerning the age of emancipation. The committee agreed by consensus on revisions to the Preface, Guideline 4, and Guideline 8.
  - b. Judge D'Amour presented revisions of the parenting time credit based on the revised Parenting Time Guideline holiday schedule. The committee agreed by consensus on revisions to Guideline 6.
6. Presentation by Dr. Betson.
  - a. Dr. Betson presented the revised basic child support obligation table at the \$7,000 income level. Judge Busch moved the table be approved by the committee. Judge D'Amour seconded the motion. The motion was passed.
  - b. Committee members discussed calculation of college expenses at the lower income levels. They agreed to have Dr. Betson examine how much parents contribute and children contribute to college, FAFSA requirements, and other areas.
7. Other.
  - a. Committee members briefly discussed **Johnson v. Johnson**, 999 N.E.2d 56 (Ind. 2013) which addressed Social Security Retirement benefits and a comment which pointed out their different treatment than Social Security Disability Benefits.
  - b. Members of the committee discussed implementation issues with the new law which opens paternity cases.
  - c. Judge Murray, Chair, thanked Judge Busch and Judge Hill for their service to the committee. Their terms on the committee end this year.

- d. Committee members agreed to reassign recent cases critical of child support guidelines for review.
8. Next meeting.
- a. Committee members agreed to discuss revisions to the section on social security benefits and the Affordable Care Act at the next meeting.
  - b. Committee members agreed to hold their next meeting on Friday, October 17, 2014 from 10:30 a.m. – 4:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Law

**Domestic Relations Committee**  
Judicial Conference of Indiana

**Minutes**  
October 17, 2014

The Domestic Relations Committee met at the Indiana Judicial Center on Friday, October 17, 2014 from 10:30 a.m. – 3:00 p.m.

1. Members present. Richard G. D'Amour, Benjamin A. Diener, Andre B. Gammage, Christopher B. Haile, K. Mark Loyd, Brian F. McLane, Jennifer E. Newton, Rita A. Parsons-Rice, Elizabeth F. Tavitas and Lynn Murray, Chair, were present.
2. Staff present. Jeffrey Bercovitz provided the committee with staff assistance.
3. Guests present. David Betson, Ph.D.; Donna Frank, Staff Attorney, Linda Nearing, and Cynthia Longest, Deputy Director, DCS Child Support Bureau; Chris Moeller, Intern, Indiana Prosecuting Attorneys Council were also present.
4. New member. Judge Murray introduced Magistrate Haile as a new member of the committee. She reported Judge Lee is a new member but was unable to attend the meeting.
5. Minutes. The minutes from the meeting on August 15, 2014 were approved.
6. Child Support Guidelines.
  - a. Commissioner Parsons-Rice presented recommendations for revisions to social security benefits and the child support guidelines. Committee members agreed by consensus to revise the commentary of Guideline 3.G. to match the guideline, and revised Guideline 3. G. 5. a. to clarify the existing language.
  - b. Cynthia Longest, Linda Nearing, and Donna Frank, Indiana Child Support Bureau, gave a presentation about possible revisions to the child support guidelines based on the Affordable Care Act. Committee members discussed current issues when ordering parents to obtain medical insurance for children.
  - c. Judge Diener and Magistrate McLane reviewed potential changes to the child support guidelines based on the Affordable Care Act with members of the committee and agreed to come to the November meeting with language for this purpose. Cynthia Longest agreed to submit proposed language to the committee at the request of Judge Diener and Magistrate McLane.
7. Presentation by Dr. Betson.
  - a. Dr. Betson presented information on the FAFSA, which is required by colleges to determine eligibility for college aid. Members of the committee discussed factors they consider when apportioning college expenses among low to moderate income parents. Commissioner Newton agreed to prepare revisions to Guideline 8 on Post-Secondary Education.

8. Next meeting. Committee members discussed the areas to discuss at the November meeting. They agreed to hold their next meeting on Thursday, November 20 from 10:30 – 4:00 and Friday, November 21, 2014 from 9:00 a.m. – 1:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Law

**Domestic Relations Committee**  
Judicial Conference of Indiana

**Minutes**  
November 20-21, 2014

The Domestic Relations Committee met at the Indiana Judicial Center on Thursday, November 20, 2014 from 10:30 a.m. – 5:00 p.m. and Friday, October 17, 2014 from 9:00 a.m. – 12:00 Noon.

1. Members present. Richard G. D'Amour, Benjamin A. Diener, Andre B. Gammage, Christopher B. Haile, A. Christopher Lee (Nov. 20), K. Mark Loyd (Nov. 20), Sheryl L. Lynch (Nov. 20), Brian F. McLane, Jennifer E. Newton, Rita A. Parsons-Rice, and Lynn Murray, Chair, were present.
2. Staff present. Jeffrey Bercovitz provided the committee with staff assistance.
3. Guests present. David Betson, Ph.D.; Donna Frank, Staff Attorney, Linda Nearing, and Cynthia Longest, Deputy Director, Child Support Bureau, DCS; Bill Welch, Indiana Prosecuting Attorneys Council were also present.
4. New member. Judge Murray introduced Judge Lee as a new member of the committee
5. Minutes. The minutes from the meeting on October 17, 2014 were approved.
6. Child Support Guidelines.
  - a. Judge Diener and Magistrate McLane presented recommendations for revisions of the child support guidelines based on the Affordable Care Act (ACA). Committee members agreed to keep references to parents, but agreed to revise the guidelines to make sure certain provisions were applicable to third party custodians if necessary.
  - b. Dr. Betson reviewed the ACA's exemption test with members of the committee. He also discussed federal cases concerning tax credits for health insurance.
  - c. Magistrate Gammage discussed information on high income support obligors. He recommended no change in the present guideline. Committee members agreed by consensus to make no changes to the present guidelines.
  - d. Magistrate Newton distributed draft language for use with lower-income individuals who are ordered to pay child support. Committee members agreed the FAFSA should be completed to determine the lower income level of when parents should be ordered to pay support. Committee members agreed by consensus to revise portions of Guideline 8 and remove Section One of the Post-Secondary Education Worksheet. Judge D'Amour agreed to work with Dr. Betson to review whether Section Two of the worksheet should be used to determine child support when one child is away from home and in college and under age 19 and other children remain in the home or whether this determination could be made by the use of instructions in the guidelines.
  - e. A letter from Susan Radford dated 6/13/14 was distributed to the committee.

7. Next meeting. Committee members discussed the areas to discuss at the November meeting. They agreed to hold their next meeting on Friday, January 23, 2015 from 10:30 a.m. – 4:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Law