

Domestic Relations Committee
Judicial Conference of Indiana

Minutes

January 22, 2016

The Domestic Relations Committee met at the Indiana Judicial Center on Friday, January 22, 2016 from 10:30 a.m. – 2:00 p.m.

1. Members present. Richard G. D'Amour, Timothy B. Day, Christopher Haile, A. Christopher Lee, K. Mark Loyd, Jennifer E. Newton, Rita A. Parsons-Rice, Gregory A. Smith, Samuel A. Swaim and Lynn Murray, Chair.
2. Staff present. Jeffrey Bercovitz and Jill Russell, Project Manager, Div. of State Ct. Administration provided the committee with staff assistance.
3. Minutes. The minutes from the meeting on October 16, 2015 were approved.
4. New members. Judge Murray introduced Judge Samuel A. Swaim as a new member of the committee.
5. Child support guidelines revisions.
 - a. Judge Murray reported the favorable comments from conferees about the Domestic Relations Workshop held November 20 on the revised child support guidelines. She thanked all who contributed. Judge Smith thanked the Judicial Center for distribution of the color version of the Supreme Court order amending the guidelines showing the additions and deletions. He has made the order available to his local bar association.
 - b. Judge Murray agreed to participate in an ISBA educational program on the revised child support guidelines.
 - c. Judge Murray reported the favorable mention of the good work of the committee on the child support guidelines by Chief Justice Rush in her recent State of the Judiciary speech.
6. Revised child support calculators.
 - a. Jill Russell gave a “hands on” presentation on the revised child support guidelines calculators at the Division of State Court Administration’s offices. Members of the committee agreed by consensus the calendar for birth dates on the initial screen should be removed. She also noted the revised downloadable calculator will automatically update itself when it has an Internet connection.
 - b. Committee members discussed the shading on the Post Secondary Education Worksheet and agreed by consensus to make no changes.
 - c. Members of the committee discussed a request to change the headings to be more neutral in the child support obligation worksheet to accommodate same sex couples. No comments were made about this during the comment period. Jill Russell reported how a few other states addressed this issue. Committee members agreed to consider this change and related conforming changes during the next review of the guidelines.
7. Future committee projects. Committee members discussed the following future committee projects:
 - a. Creation of a parenting time “application” which would be on line and print out a calendar for use by parties in an individual case and could be used as part of an agreed

entry. It would: (1) include use of Indiana's parenting time guidelines as a default, (2) permit entry of dates from the local school calendar; (3) calculate a halfway point for the exchange of a child; and (4) indicate medicines to be taken by a child during weekend parenting time. Staff agreed to explore funding for this project with the DCS Child Support Bureau and Court Technology for the next meeting.

- b. Revision of the Domestic Relations Benchbook. The committee agreed to look at the Benchbook for the next meeting to decide which chapters should be kept, which should be revised, and decide if there is a chapter they would wish to revise.
- c. Preparation of a check list for health insurance, including determination of applicability of the Affordable Care Act and assistance with a determination of the federal tax exemption.

Members of the committee agreed to consider which of these projects to begin at their next meeting.

8. Other.

- a. Committee members discussed the need for the self represented litigants committee to update the domestic relations forms.
- b. Jeffrey Bercovitz reported the Spanish version of the Parenting Time Guidelines should be on the website soon and once on the website they will be printed in booklet form.

9. Next meeting date. Committee members agreed to meet cancel the February 12 meeting and meet again on Friday, March 18, 2016 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 18, 2016

The Domestic Relations Committee met at the Indiana Judicial Center on Friday, March 18, 2016 from 10:30 a.m. – 2:00 p.m.

1. Members present. Andre B. Gammage, Christopher Haile, A. Christopher Lee, Brian F. McLane, Rita A. Parsons-Rice, Gregory A. Smith, Samuel A. Swaim and Lynn Murray, Chair.
2. Staff present. Jeffrey Bercovitz provided the committee with staff assistance.
3. Guests present. Linda Nearing and Patrick Robertson, DCS, Child Support Bureau; Mary DePrez, Counsel and Jill Russell, Project Manager, Court Technology; and Michael Commons, Family Court Project were also present
4. Minutes. The minutes from the meeting on January 22, 2016 were approved.
5. Parenting time calculator.
 - a. Linda Nearing, Assistant Deputy Director, Child Support Bureau discussed development of the Bureau's Parenting Time Calculator, demonstrated the Oregon parenting time calculator and other calculators, and discussed other ideas about parenting time calculators with committee members. Patrick Robertson discussed a draft Excel based calculator prepared, but never implemented, by the Child Support Bureau.
 - b. Committee members agreed by consensus to ask Court Technology for an estimate of the cost for the development of a parenting time calculator. They also agreed the calculator should be for use on a voluntary basis and be able, at a minimum, to calculate parenting time under Indiana's parenting time guidelines. It should be able to change weekends, holidays and vacations by agreement of the parties.
6. Domestic Relations Benchbook.
 - a. Members of the committee discussed revisions to the Domestic Relations Benchbook. They agreed to remove chapters no longer needed and volunteered to revise particular chapters. They agreed to include selected sample forms from cases with identifying information removed.
 - b. They agreed to begin review of revised chapters at their next meeting.
7. County ADR fund plans.
 - a. Mike Commons, Division of State Court Administration, distributed materials to the committee about the \$20.00 fee ADR fund plans. He reported updates were needed to the Standards and Guidelines for Establishment of ADR Fund Plans in the following areas: (1) Some counties are not tracking demographic data about who is going through the local program; (2) Counties should be required in the plan for the ADR fund to indicate whether the copayments will be paid directly to the mediator or placed in the ADR fund, which are both permitted by statute; and (3) more information must be given in the annual report about ADR fund balances at the end of the year.

Committee members discussed revisions to the Standards and Guidelines with Mike Commons.

- b. Judge Lee moved to revise the ADR fund standards and guidelines to prohibit negative fund balances. Commissioner Parsons-Rice seconded the motion. The motion was passed. Mike Commons agreed to present proposed revisions to the standards and guidelines at the next meeting of the committee.
8. Other.
- a. Summaries of SB 91, 250, and HB 1064 were distributed to the committee.
 - b. A premium tax credit checklist from Judge Tavitas was distributed to committee members. They agreed to discuss it when Judge Tavitas could attend the meeting.
9. Next meeting date. Committee members agreed to meet again on Friday, May 20, 2016 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
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Minutes
May 20, 2016

The Domestic Relations Committee met at the Indiana Judicial Center on Friday, May 20, 2016 from 10:30 a.m. – 3:00 p.m.

1. Members present. Richard G. D'Amour, Timothy B. Day, Benjamin A. Diener, Christopher Haile, K. Mark Loyd, Jenifer E. Newton, Rita A. Parsons-Rice, Gregory A. Smith, and Lynn Murray, Chair.
2. Staff present. Jeffrey Bercovitz provided the committee with staff assistance.
3. Guests present. Jill Russell, Project Manager, Court Technology and Michael Commons, Family Court Project were also present
4. Minutes. The minutes from the meeting on March 18, 2016 were approved.
5. Domestic Relations Benchbook.
 - a. Committee members discussed Chapter 3 – Dissolution Filing. Mag. Haile agreed to make revisions based on the committee discussion.
 - b. Members of the committee reviewed Chapter 11 – Child Support. The committee agreed to continue the review at the next meeting, and Commissioner Parsons-Rice agreed to make revisions to the chapter based on the discussion at the meeting.
 - c. Committee members agreed to dates in which they would prepare revisions to various chapters.
6. Parenting time calculator.
 - a. Jill Russell discussed a cost estimate of \$20,000 - \$25,000 for development of a parenting time calculator by Court Technology. Members of the committee discussed the need to develop a mock up of screen shots to show the capabilities of the calculator for the next meeting.
 - b. Judge Diener moved to seek money to prepare an Indiana Parenting Time Calculator for use by litigants, attorneys and judges. Commissioner Parsons-Rice seconded the motion. The motion was passed.
7. County ADR fund plans. Mike Commons distributed revised County ADR Fund Plan Standards from the last meeting. Committee members reviewed the revisions from the previous meeting and made additional changes. They agreed the ADR committee should review it as they did when the rule was first promulgated. Jeff Bercovitz agreed to run this by the chair of the Juvenile Justice Improvement Committee to see if they wished to review it.
8. Next meeting date. Committee members agreed to (1) meet again on Friday, July 15, 2016, (2) begin meetings at 10:00 a.m., and meet at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Domestic Relations Committee
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Minutes
July 15, 2016

The Domestic Relations Committee met at the Indiana Judicial Center on Friday, July 15, 2016 from 10:00 a.m. – 3:00 p.m.

1. Members present. Timothy B. Day, Benjamin A. Diener, Andre B. Gammage, Christopher B. Haile, K. Mark Loyd, Brian F. McLane, Jenifer E. Newton, Rita A. Parsons-Rice, and Lynn Murray, Chair.
2. Staff present. Jeffrey Bercovitz and Jill Russell, Project Manager, Court Technology, and Angela James provided the committee with staff assistance. Ron Gilbert, Intern, Judicial Center also attended the meeting.
3. Guests present. Linda Nearing, Child Support Bureau, and Stuart Showalter were also present.
4. Minutes. The minutes from the meeting on May 20, 2016 were approved.
5. Domestic Relations Benchbook.
 - a. Committee members completed discussion of Chapter 3 – Dissolution Filing.
 - b. Members of the committee continued review of Chapter 11 – Child Support. They agreed to continue review and Commissioner Parsons-Rice agreed to provide additional information at the next meeting.
 - c. Marriage, Legal Separation and Provisional Order chapter draft materials were distributed to committee members for review before the next meeting.
6. Parenting time calendar.
 - a. Jill Russell discussed an overview of requirements for a parenting time calendar program. The committee agreed by consensus use of the calendar could occur by any court or person would be voluntary. They also agreed the calendar program would be able to download (1) the local school calendar and (2) parenting time guidelines into a calendar format. In addition, the program should be available for use on a mobile device. Jill Russell will come up with a mobile device estimate next week.
 - b. Committee members discussed the need for the Child Support Calculator to calculate child support when an incapacitated child is older than 19 years of age. They agreed the calculator should be changed to permit this calculation.
 - c. Linda Nearing, reported if the Child Support Bureau may have monies to fund the development of a parenting time calendar, but to do so, an MOU needs to be in place by September 30. In addition, the existing MOU with the IJC could be extended to pay for revisions in the Child Support Calculator if an extension is executed by July 31, 2016.

7. Other. Committee members agreed the next child support guideline revision should consider language about payment of child support to third parties.
8. Next meeting date. Committee members agreed to meet again on Friday, August 19, 2016, from 10:00 a.m. – 4:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

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Minutes

August 19, 2016

The Domestic Relations Committee met at the Indiana Judicial Center on Friday, August 19, 2016 from 10:00 a.m. – 3:00 p.m.

1. Members present. Richard G. D’Amour, Timothy B. Day, Benjamin A. Diener, Christopher B. Haile, A. Christopher Lee, K. Mark Loyd, Brian F. McLane, Rita A. Parsons-Rice, Gregory A. Smith, Samuel A. Swaim, Elizabeth F. Tavitas, and Lynn Murray, Chair.
2. Staff present. Jeffrey Bercovitz and Jill Russell, Project Manager, Court Technology provided the committee with staff assistance.
3. Guest present. Linda Nearing, Child Support Bureau was also present.
4. Minutes. The minutes from the meeting on July 15, 2016 were approved.
5. Domestic Relations Benchbook.
 - a. Committee members completed discussion of Chapter 11 – Child Support.
 - b. Members of the committee completed discussion of Chapter 2 – Legal Separation and Chapter 1 – Marriage. They agreed to include only one marriage ceremony form.
 - c. Committee members agreed to discuss Division of the Marital Estate – Chapter 8 at the next meeting of the committee. They agreed all other assigned chapters should be ready for the next meeting.
6. Draft noncustodial parent registry. Committee members discussed a draft noncustodial parent registry statute and rule change concerning notice to parties by electronic means per the request of the Juvenile Justice Improvement Committee. They continued the discussion until the next meeting of the committee to review it thoroughly the draft and to have a representative from the JJIC to explain the issues involved to them.
7. Parenting time calendar. Jill Russell discussed questions from the developer about a revised overview of requirements for a parenting time calendar program. The committee agreed by consensus the calendar must comply with Indiana’s parenting time guidelines, school calendars could be downloadable at the discretion of the parent, it should have a print option, and to the extent possible, look like the child support calculator.
8. Other.
 - a. This is the last meeting of Judge Lynn Murray, chair. Committee members congratulated Judge Murray on her service to judicial officers and the committee.
 - b. Committee members discussed a question about closure of non Title IV-D cases where the child is over 19 years old and current support is still accruing. Linda Nearing explained this can occur with agreement of the Clerk and local court. Any arrearages would still remain.

9. Next meeting date. Committee members agreed to meet again on Friday, October 21, 2016, from 10:00 a.m. – 4:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Domestic Relations Committee
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Minutes
October 21, 2016

The Domestic Relations Committee met at the Indiana Judicial Center on Friday, October 21, 2016 from 10:00 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, Lori K. Morgan, Jennifer E. Newton, Gregory A. Smith, Samuel A. Swaim, Elizabeth F. Tavitass, and A. Christopher Lee, Chair.
2. Staff present. Jeffrey Bercovitz, Office of Court Services and Angela James, Court Technology provided the committee with staff assistance.
3. Minutes. The minutes from the meeting on August 19, 2016 were approved.
4. Members. Judge Lee welcomed Magistrate Lori K. Morgan as a new member of the committee. He thanked Magistrate Rita Parsons-Rice who was retiring for her service to the committee.
5. Domestic Relations Benchbook.
 - a. Committee members completed review of Chapter 12 – Spousal Maintenance.
 - b. Members of the committee reviewed the portion of Chapter 8 – Division of the Marital Estate, prepared by Judge Smith. They agreed to continue review of that portion at the next meeting as well as the portion prepared by Judge Loyd.
 - c. Committee members agreed to also discuss the chapter on Provisional Orders at the next meeting of the committee.
6. Parenting time calendar. Angela James discussed questions from the developer about requirements for a parenting time calendar program. The committee agreed by consensus the calendar use would be discretionary for the court, each calendar should have a unique identifier, the attorneys and/or parties can use the calendar, each parent could propose their own calendar, the DOB of the child would be entered in the program, but only the year of birth of the child would print out, the calendar would determine parenting time one year at a time, and the printed calendar adopted by the court could be attached to a court order.
7. Next meeting date. Committee members agreed to meet again on Friday, November 18, 2016, from 10:00 a.m. – 4:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law