

Domestic Relations Committee
Judicial Conference of Indiana

Minutes

January 23, 2009

The Domestic Relations Committee met in Indianapolis, Indiana on Friday, January 23, 2009 from 9:00 a.m. – 3:15 p.m. for a meeting at the Indiana Judicial Center.

1. Members present. Craig J. Bobay, David C. Chapleau, Francis G. Hill, Karen M. Love, Sheryl L. Lynch, Nanette K. Raduenz, Frederick A. Schurger, David A. Shaheed, Dean A. Young and William C. Fee, Chair, were present.
2. Staff present. Jeffrey Bercovitz provided the committee with staff assistance.
3. Guests present. Bob Monday, Children’s Rights Council; Amber Njau, Project Analyst, Cynthia Longest, Deputy Director, Child Support Bureau; Karla Mantia, Indiana Prosecuting Attorney’s Council; and Dr. Jane Venohr via conference call were also present.
4. Minutes approved. The minutes for the November 21, 2009 meeting were approved.
5. Draft child support guidelines.
 - a. Committee members revised commentary about birth expenses and placed it into the new Guideline 7 on health care. They also reviewed commentary about health insurance and placed it in Guideline 7 on health care.
 - b. Members of the committee reviewed and revised commentary on Guideline 7 on health care.
 - c. Jeffrey Bercovitz distributed recent comments on the child support guidelines to the committee. They discussed how to exclude an extraordinary income stream of other children in the household and also looked at reducing the adjustment to income when the other child’s income is excluded. Judge Chapleau agreed to draft commentary in this area.
 - d. Members of the committee talked with Dr. Jane Venohr via conference call. They discussed how the allocation of controlled expenses effects the allocation of the 6% rule when there is equal parenting time. Magistrate Bobay agreed to draft a question on this issue for Dr. Venohr’s consideration. In addition, they discussed extraordinary income with her and reviewed the draft Health Insurance Premium Worksheet and revisions to it with her.
 - e. Committee members agreed to distribute a draft survey of deviations from the child support guidelines to judicial officers, IV-D prosecutors and staff, and attorneys when the draft revised guidelines are placed on the Internet for comment.
6. Next meeting.
 - a. Committee members agreed for the February 20 meeting to: (1) look at multiple child support order language by Mag. Raduenz; and (2) additional factors for tax exemptions in commentary from Comm. Lynch. They also agreed to begin the meeting at 9:00 a.m. on February 20 with an overnight room the night before, if grant funds were available.

b. Committee members agreed to meet on Friday, February 20, March 20, May 15, July 17, and August 21 from 10:30 a.m. - 4:00 p.m. all at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Domestic Relations Committee
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Minutes

February 20, 2009

The Domestic Relations Committee met in Indianapolis, Indiana on Friday, February 20, 2009 from 9:00 a.m. – 2:15 p.m. at the Indiana Judicial Center.

1. Members present. Craig J. Bobay, David C. Chapleau, Francis G. Hill, Karen M. Love, Sheryl L. Lynch, Nanette K. Raduenz, Frederick A. Schurger, David A. Shaheed, Deborah J. Shook, Dean A. Young and William C. Fee, Chair, were present.
2. Staff present. Jeffrey Bercovitz provided the committee with staff assistance.
3. Guests present. Amber Njau, Project Analyst, and Cynthia Longest, Deputy Director, Child Support Bureau were also present.
4. Minutes approved. The minutes for the January 23, 2009 meeting were approved.
5. Draft child support guidelines. Committee members:
 - a. Reviewed and revised the Health Insurance Premium Worksheet;
 - b. Reviewed Dr. Venohr's discussion of the use of the 6% rule when there was equal parenting time, and agreed to make no changes in the draft guidelines;
 - c. Revised commentary about the use of the release of the tax exemption;
 - d. Added the discussion of social security disability and retirement benefits to the guideline and discussion of a credit for the lump payment of retroactive social security disability benefits and its effect on Title IV-D; and
 - e. Removed the formula from child support guideline since the guideline schedule would cover child support payments at all income levels.
6. Next meeting.
 - a. Committee members agreed to put the child support guideline surveys on a website as soon as possible to solicit comments on deviations. They agreed to use the March meeting for final editing of the child support guideline and then place it on the Internet. The committee would take comments through the April judicial meeting. Final edits would occur at the May meeting of the committee. They agreed to meet in March at 10:30 a.m. and in May at 9:00 a.m.
 - b. Committee members agreed to meet on Friday, March 20, 2009 beginning at 10:30 a.m., May 15 at 9:00 a.m., July 17, August 21, October 16 and November 20, from 10:30 a.m. - 4:00 p.m. all at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Domestic Relations Committee
Judicial Conference of Indiana

Minutes
May 15, 2009

The Domestic Relations Committee met in Indianapolis, Indiana on Friday, May 15, 2009, from 9:00 a.m. – 4:00 p.m. at the Indiana Judicial Center.

1. Members present. Craig J. Bobay, Francis G. Hill, Karen M. Love, Sheryl L. Lynch, Nanette K. Raduenz, Frederick A. Schurger, Deborah J. Shook, and William C. Fee, Chair, were present.
2. Staff present. Jeffrey Bercovitz provided the committee with staff assistance.
3. Guests present. Amber Njau, Project Analyst; Cynthia Longest, Deputy Director, Child Support Bureau; Robert Monday, Parents and Children Equality; and David Morris, Title IV-D Deputy Prosecutor, Marion County Prosecutor's Office were also present.
4. Minutes approved. The minutes for the March 20, 2009 meeting were approved.
5. Draft child support guidelines. Committee members reviewed comments submitted by topic area:
 - a. The proposed Health Insurance Premium Worksheet was reviewed. They agreed if the parents already had insurance for their children the worksheet did not have to be completed. They also made changes to ease the preparation of the worksheet.
 - b. The "Child Multipliers" were revised on the Child Support Obligation Worksheet and put in the form of a credit. The committee agreed the credit should encompass eight (8), not just five (5) children. They agreed to contact Dr. Venohr to recalculate the credit and revised the table in the child support guidelines on the credit. Judge Love and Judge Hill agreed to revise the language in the commentary about the multiplier to indicate is now a credit.
 - c. Mr. David Morris reviewed the proposed language on the social security in the child support guidelines with members of the committee. Judge Chapleau joined in the discussion via speakerphone. Judge Chapleau and Magistrate Raduenz agreed to revise the commentary to the proposed social security language to indicate its departure from existing Indiana law.
6. Next meeting. Committee members agreed continue to discuss topic areas for revision based on the comments received by the committee. They agreed to meet on Friday, June 12 at 9:00 a.m.; then on July 17, August 21, and October 16, 2009 from 10:30 a.m. - 4:00 p.m. all at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Domestic Relations Committee
Judicial Conference of Indiana

Minutes
June 12, 2009

The Domestic Relations Committee met in Indianapolis, Indiana on Friday, June 12, 2009, from 9:00 a.m. – 4:00 p.m. at the Indiana Judicial Center.

1. Members present. Craig J. Bobay, Francis G. Hill, Karen M. Love, Sheryl L. Lynch, Nanette K. Raduenz, Deborah J. Shook, Dean A. Young and William C. Fee, Chair, were present.
2. Staff present. Jeffrey Bercovitz and Anne Jordan provided the committee with staff assistance.
3. Guests present. Amber Njau, Project Analyst; Cynthia Longest, Deputy Director, Child Support Bureau; Karla Mantia, Prosecuting Attorney’s Council, were also present.
4. Minutes approved. The minutes for the May 15, 2009 meeting were approved.
5. Draft child support guidelines. Committee members reviewed comments submitted by topic area:
 - a. The Health Insurance Premium Worksheet (HIPW) and the Child Support Obligation Worksheet was reviewed. The committee made changes to ease the preparation of the HIPW.
 - b. Members of the committee agreed all commentary should be italicized in the child support guidelines.
 - c. The “Child Multipliers” commentary was revised in the Support Guidelines and the Child Support Obligation Worksheet was revised to encompass eight (8), not just five (5) children in accordance with the amounts from Dr. Venohr.
 - d. Committee members added instructions on completion of the HIPW to the commentary in Support Guideline 7.
 - e. Members of the committee reviewed comments not previously reviewed.
 - f. Members of the committee agreed to place the final draft of the child support guidelines on the website, thanking all those who submitted comments.
 - g. Judge Fee, Chair, thanked all who worked on the revisions to the child support guidelines.
6. Domestic Relations Conference.
 - a. Anne Jordan reported the two-day domestic relations conference in the areas of child development, family dynamics, custody and visitation is scheduled for November 19-20, 2009 in Indianapolis. Committee members suggested the following topics:
 - (1) The economy’s effect on the family, e.g. mortgage foreclosure, high layoff rate, and the court’s ability to respond to a crisis if its staff is reduced.
 - (2) Professor Marcia Klien-Pruitt, Connecticut, to speak on family dynamics.

- (3) Child-Informed Mediation, where a psychologist interviews a child and brings this input into mediation.
- (4) Court ordered investigations in custody disputes. Some courts use a guardian ad litem for this purpose, to investigate mental health issues, substance abuse issues, and criminality.

b. Committee members discussed having the Association of Family and Conciliation Courts (AFCC) hold their fall symposium in Indianapolis in November 2011 and the Judicial Center using the monies they would otherwise have spent on the two-day domestic relations conference on having Indiana judges attend the AFCC fall symposium in Indianapolis. Magistrate Bobay moved to have the Judicial Center contact AFCC about holding their fall symposium in November 2011 in lieu of the two-day domestic relations conference, with the Judicial Center using the monies they would otherwise have spent to have Indiana judges attend. Magistrate Raduenz seconded the motion. The motion was passed unanimously.

6. Next meeting. Committee members agreed to meet on Friday, July 17, August 21, and October 16, 2009 from 10:30 a.m. - 4:00 p.m. all at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Domestic Relations Committee
Judicial Conference of Indiana

Minutes
July 17, 2009

The Domestic Relations Committee conducted a conference call from the Indiana Judicial Center on Friday, July 17, 2009, from 10:30 a.m. – 11:30 a.m.

1. Members present. Craig J. Bobay, David C. Chapleau, Francis G. Hill, Sheryl L. Lynch, Nanette K. Raduenz, and William C. Fee, Chair, were present.
2. Staff present. Jeffrey Bercovitz, and Jen Weber, Indiana Judicial Center provided the committee with staff assistance.
3. Guests present. Lindsey Borschel, Web Coordinator, and Daryl Stites, Web Developer, JTAC; Amber Njau, Project Analyst; Cynthia Longest, Deputy Director, Child Support Bureau; Karla Mantia, Prosecuting Attorney's Council, were also present.
4. Draft child support guidelines. Committee members agreed to place the final draft of the child support guidelines on the website, and distribute Judge Fee's transmittal letter to committee members.
5. Parenting Coordinators.
 - a. Jen Weber, staff attorney for the ADR Committee of the Judicial Conference of Indiana, reported their committee had considered the development of rules for parenting coordinators and agreed to ask this committee if they were available for assistance. Committee members discussed development of rules and regulations for parenting coordinators. They discussed whether: (1) a parenting coordinator would fall under the ADR rules; (2) a parenting coordinator could testify in court and whether matters discussed were confidential; (3) a parenting coordinator needs some kind of qualified immunity and whether that immunity should be granted by statute or rule; or (4) family court or other monies could be used for parenting coordinators.
 - b. Members of the committee agreed to form a joint task force with the ADR Committee of the Judicial Conference of Indiana for the development of new parenting coordinator rules. Judge Fee, Magistrate Bobay, Commissioner Lynch and Magistrate Raduenz agreed to serve on joint task force.
6. Child Support Calculators. Lindsey Borschel reported she wanted to develop new child support calculators in house for the revised child support guidelines and would need six (6) months to do so. She also asked for some leeway on the forms if needed when placed in the new calculator. The committee had no concerns about a leeway in form development. She also agreed to let the committee know if she spotted any typographical errors in the revised child support guidelines.

7. Paternity Affidavit. Committee members agreed paternity affidavits should be filed as JP cases, not DR cases. Judge Hill agreed to prepare a memorandum on this issue for presentation to the Division of State Court Administration by the committee.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Domestic Relations Committee
Judicial Conference of Indiana

Minutes
August 21, 2009

The Domestic Relations Committee met at the Indiana Judicial Center on Friday, August 21, 2009, from 10:30 a.m. – 3:00 p.m.

1. Members present. Craig J. Bobay, David C. Chapleau, Francis G. Hill, Karen M. Love, Sheryl L. Lynch, Nanette K. Raduenz, Frederick A. Schurger, Dean A. Young and William C. Fee, Chair, were present.
2. Staff present. Jeffrey Bercovitz, and Jen Weber, Indiana Judicial Center provided the committee with staff assistance.
3. Guests present. Amber Njau, Project Analyst; Cynthia Longest, Deputy Director, Child Support Bureau; Karla Mantia, Prosecuting Attorney's Council; Lindsey Borschel, Web Coordinator and Daryl Stites, Web Application Developer were also present.
4. Minutes approved. The minutes of the committee on July 17, 2009 were approved.
5. Draft child support guidelines.
 - a. Committee members discussed and agreed by consensus on additional edits to the proposed child support guidelines. Judge Fee agreed to submit them for the consideration of the Supreme Court of Indiana.
 - b. Jeffrey Bercovitz distributed a powerpoint presentation based on the proposed child support guidelines. Judge Fee explained this would permit judges who present to give out similar information on the new guidelines.
6. Parenting coordinators. Jen Weber, staff attorney for the ADR Committee of the Judicial Conference of Indiana, distributed a draft letter to Chief Justice Randall Shepard, requesting a joint task force be formed to develop rules for parenting coordinators. Members of the committee agreed to send this letter. See Attachment A.
7. Child Support calculators. Lindsey Borschel and Daryl Stites posed questions about the use of the HIPW, Social Security benefits and other areas in order to prepare a new child support calculator in house for the revised child support guidelines and would need six (6) months to do so. She also distributed to Jeffrey Bercovitz a copy of the child support guidelines indicating spacing and typographical errors in the proposed child support guidelines.
8. Paternity affidavit. Committee members reviewed and revised a letter urging reconsideration of a policy of the Division of State Court Administration about paternity affidavits cases filed as JP cases, not DR cases. Judge Fee agreed to revise the letter in

accordance with the changes recommended by the committee and forward it to the Division of State Court Administration.

9. Future meeting dates. Members of the committee agreed to the following meeting dates: October 23, 2009, 10:30 a.m. - 4:00 p.m.; November 19-20, 2009 9:00 a.m. - 4:00 p.m. January 22, 2010, February 19, 2010, March 19, 2010, May 21, 2010, July 16, 2010, August 20, 2010, all from 10:30 a.m. - 4:00 p.m. at the Ind. Judicial Center. Jeffrey Bercovitz reported the ADR committee would meet on January 22, March 19 and July 16 at the Indiana Judicial Center to facilitate the joint task force between the two committees if approved by the Chief Justice.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Domestic Relations Committee
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Minutes
October 16, 2009

The Domestic Relations Committee met at the Indiana Judicial Center on Friday, October 16, 2009, from 10:30 a.m. – 2:00 p.m.

1. Members present. Craig J. Bobay, Sheryl L. Lynch, Lynn Murray, Frederick A. Schurger, Debbie J. Shook, Dean A. Young and William C. Fee, Chair, were present.
2. Staff present. Jeffrey Bercovitz, Indiana Judicial Center provided the committee with staff assistance.
3. Guests present. Amber Njau, Project Analyst; Cynthia Longest, Deputy Director, Child Support Bureau; Karla Mantia, Prosecuting Attorney's Council; Lindsey Borschel, Web Coordinator and Daryl Stites, Web Application Developer were also present.
4. Minutes approved. The minutes of the committee on August 21, 2009 were approved.
5. Child support guidelines review.
 - a. Lindsey Borschel and Daryl Stites demonstrated a skeleton child support step by step calculator. She said the second calculator revised would be the downloadable calculator, and the last one would be the practitioner's calculator. She asked for completed scenarios under the new child support guidelines to be given to her by November 19. She also agreed to present a prototype of the calculator at the next meeting of the committee on November 19.
 - b. Jeffrey Bercovitz distributed a list of educational programs on the new child support guidelines and the current committee PowerPoint on the guidelines.
6. Presentation by Cynthia Longest. Cynthia Longest indicated there are areas in Indiana laws which are in conflict with federal child support statutes. She agreed to distribute a priority list of areas which need to be addressed in Indiana laws. Committee members agreed to give her feedback on these areas.
7. Sample scenarios for child support guidelines review. Committee members agreed to give the Judicial Center for use on Nov. 19 and Lindsey Borschel sample scenarios under the new child support guidelines in the following areas:
 - a. Social Security, 3-4 scenarios – Commissioner Shook and Magistrate Raduenz;
 - b. Medical Birth expense, 1 scenario, and Parenting Time Credit, 1 scenario, Judge Young;
 - c. Parenting Time credit, 1 scenario, Judge Hill
 - d. High Income, 3-4 scenarios, Magistrate Bobay
 - e. Low Income, 3-4 scenarios, Judge SchurgerThey agreed to get these scenarios to the Judicial Center by October 30.

8. Conference review of new child support guidelines. Committee members agreed to have Judge Fee moderate a session on the new child support guidelines on Nov. 19 during the Domestic Relations Workshop. The committee agreed the following members would assist

- a. Parenting Time Credit – Judge Hill;
- b. Social Security Benefits – Comm. Shook and Mag. Raduenz;
- c. High/Low Income, Incarceration, Potential Income – Judge Schurger and Mag. Bobay;
- d. Medical support and HIPW – Cynthia Longest and Comm. Lynch.

Conferees would work through sample questions in these areas; questions will be presented on 3” x 5” cards and will be taken at the end of each segment of the program; new worksheets would be made available for use by conferees, and the moderator will determine the amount of time spent on each segment.

9. Subcommittee on parenting coordinators. Judge Fee announced an organizational meeting of the subcommittee on parenting coordinators, composed of members of this committee and the ADR committee would be held on Thursday, Nov. 19 at 11:00 a.m. in Indianapolis.

10. Future meeting dates. Members of the committee agreed to the following meeting dates: November 19, 4:30 p.m. – 6:00 p.m. at the Marriott North to look at the child support calculator; in conjunction with the December 11 conference to look at the child support calculator; January 22, 2010, February 19, 2010, March 19, 2010, May 21, 2010, July 16, 2010, August 20, 2010, and October 29, 2010 all from 10:30 a.m. - 4:00 p.m. at the Ind. Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law