

Domestic Relations Committee
Judicial Conference of Indiana

Minutes
January 23, 2015

The Domestic Relations Committee met at the Indiana Judicial Center on Friday, January 23, 2015 from 10:30 a.m. – 3:20 p.m.

1. Members present. Richard G. D'Amour, Benjamin A. Diener, Christopher B. Haile, A. Christopher Lee, K. Mark Loyd, Sheryl L. Lynch, Brian F. McLane, Jennifer E. Newton, Rita A. Parsons-Rice, 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.; 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. Minutes. The minutes from the meeting November 20-21, 2014 were approved.
5. Presentation by Cynthia Longest. Cynthia Longest, Deputy Director, Child Support Bureau, DCS gave a brief presentation. She reported the federal Preventing Sex Trafficking and Strengthening Families Act requires all states to adopt UIFSA 2008 language and SB 324 was introduced for this purpose. She reported this legislation would also notify prosecutors of adoptions in Title IV-D cases and clarify the distribution of child support monies on behalf of a child receiving Title IV-E funds.
6. Child Support Guidelines.
 - a. Judge D'Amour distributed draft language concerning the calculation of college expenses and use of the post-secondary education worksheet. Committee members agreed to revisions of child support guidelines concerning college expenses and keep Section One and Section Two of the post-secondary education worksheet.
 - b. Dr. Betson gave a refresher on the background of Indiana's Parenting Time Credit. Judge Tavitias presented proposed draft language concerning calculation of the parenting time credit. After discussion and revision, the Committee members agreed upon language clarifying the parenting time credit issue.
7. Other.
 - a. Committee members discussed a question from a judicial officer about whether the officer could ask questions to a pro se litigant during a Title IV-D support proceeding. They agreed a judicial officer could ask basic questions in order to get information concerning income. They also agreed with Advisory Opinion #1-97 concerning treatment of pro se litigants.

b. Bill Welch mentioned HB 1518, which concerns prohibiting post secondary education in support orders. Jeff Bercovitz distributed a report from the Indianapolis Bar Association on a survey on SB 109 concerning post secondary education and a list of bills being followed by the Family and Juvenile Law Section of the ISBA.

8. Next meeting. Committee members discussed the areas to discuss at the February meeting. They agreed to hold their next meeting on Friday, February 20, 2015 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

February 20, 2015

The Domestic Relations Committee met at the Indiana Judicial Center on Friday, February 20, 2015 from 10:30 a.m. – 2:00 p.m.

1. Members present. Benjamin A. Diener, Christopher B. Haile, A. Christopher Lee, K. Mark Loyd, Sheryl L. Lynch, Brian F. McLane, Jennifer E. Newton, 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. Donna Frank, Staff Attorney, Linda Nearing, Child Support Bureau, Department of Child Services (DCS); Bill Welch, Indiana Prosecuting Attorneys Council; and Deborah M. Agard, Family and Juvenile Law Section, Indiana State Bar Association, were also present.
4. Minutes. The minutes from the meeting on January 23, 2015 were approved.
5. Presentation by Linda Nearing. Linda Nearing, Child Support Bureau, DCS reported their agency plans to start a Parenting Time Hotline modeled after one in Texas. They plan to staff it with four (4) attorneys who would give information on Indiana's Parenting time Guidelines, and make referrals to local resources. No legal advice would be given. They expect to pilot the hotline in spring 2015.
6. Child Support Guidelines.
 - a. Judge Tavitias completed discussion of proposed draft revisions to the Parenting Time Credit with members of the committee.
 - b. Members of the committee briefly discussed the subsequent child multiplier used for the parenting time guidelines. They also reviewed instances where more clarity would be helpful for use of the legal duty of support with the child support guidelines. They agreed to ask Dr. Betson for more information in this area.
 - c. Judge Murray distributed proposed draft language for addition to the commentary for Guideline 3A, (d) Imputing Income concerning the consideration of a new spouse's income in determining child support. Committee members agreed by consensus to a revision to the child support guidelines in this area.
7. Other.
 - a. Jeffrey Bercovitz distributed SB 324 which includes amendments to child support laws from DCS, and SB 109 which was amended to request a legislative interim study committee to look at educational support over age 19.
 - b. Recent child support comments were distributed to the committee for their consideration.

- c. Jeffrey Bercovitz reported the Division of State Court Administration had begun work on translation of Indiana's Parenting Time Guidelines into Spanish.
8. Next meeting. Committee members discussed the areas to discuss at the March 2015 meeting. They agreed to hold their next meeting on Thursday March 19 and Friday, March 20, 2015 at the Indiana Judicial Center. They also agreed to add Oct. 16 and Nov. 20 as future meeting dates.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Domestic Relations Committee
Judicial Conference of Indiana

Minutes
March 19-20, 2015

The Domestic Relations Committee met at the Indiana Judicial Center on Thursday, March 19, 2015 from 10:30 a.m. – 4:45 p.m.; and Friday, March 20, 2015 from 9:00 a.m. – 11:00 a.m.

1. Members present. Richard G. D’Amour, Benjamin A. Diener, Andre B. Gammage, (March 20) Christopher B. Haile, (March 20) A. Christopher Lee Sheryl L. Lynch, Brian F. McLane, Jennifer E. Newton, Rita A. Parsons-Rice, Richard R. Stalbrink, Elizabeth F. Tavitvas (March 19) and Lynn Murray, Chair.
2. Staff present. Jeffrey Bercovitz provided the committee with staff assistance.
3. Guests present. Deborah M. Agard, Family and Juvenile Law Section, Indiana State Bar Association; David Betson, Ph.D.; Donna Frank, Staff Attorney, Linda Nearing, Support Bureau, DCS; Stuart Showalter; and Bill Welch, Indiana Prosecuting Attorneys Council; were also present.
4. Minutes. The minutes from the meeting on February 20, 2015 were approved.
5. Child Support Guidelines.
 - a. Dr. Betson gave a presentation on Indiana’s Child Support Guidelines treatment of Subsequent and Prior Born Children.
 - b. Committee members agreed to not change the calculation for subsequent born children under the guidelines. They made changes to the guidelines for prior born and subsequent children to improve consistency between Guideline 3 and the commentary. They agreed to look at the Commentary, Guideline 3. C. 2. to determine the continued need for these two paragraphs. They also agreed to discuss the use of the term “subsequent child” based on birth order in Guideline 3. C. 1.
 - c. Members of the committee agreed by consensus to revise Guideline 7 and Guideline 3.E. concerning health insurance and proration of health insurance premiums under *Johnson v. Johnson*, 999 N.E.2d 56 (Ind. 2013).
 - d. Judge Stalbrink reviewed child support cases from the past 4 – 5 years. He recommended no changes to the Guidelines based on these cases.
6. Educational program. Anne Jordan discussed an educational program in April for judicial officers about the use of the paternity affidavit and paternity case law trends with committee members. Members discussed the use of the paternity affidavit and best practices in this area.
7. Review of research/draft revisions
 - a. Committee members reviewed and approved the presentation by Dr. Betson on the “Expected Family Contributions for College Expenses.”

- b. Members of the committee reviewed the draft revisions to date of Indiana's Child Support Guidelines. They agreed to review them again at the May 15 meeting of the committee. They agreed to look at grammar issues as well.
- 8. Introduction. Jill Russell, Project Manager, Division of State Court Administration, was introduced to the committee. She will be working with Lindsey Borschel, Creative Services on revisions to the Child Support Guidelines Calculator with the committee.
- 9. Other. The following was distributed to the committee:
 - a. SB 324, concerning child support and a new version of UIFSA.
 - b. A child support comment from Jaramey Stigal
- 10. Next meeting date. Committee members agreed to hold their next meeting on Friday, May 15, 2015 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 15, 2015

The Domestic Relations Committee met at the Indiana Judicial Center on Friday, May 15, 2015 from 10:30 a.m. – 2:40 p.m.

1. Members present. Richard G. D'Amour, Benjamin A. Diener, Christopher B. Haile, F. Mark Loyd, Sheryl L. Lynch, Brian F. McLane, Jennifer E. Newton, Rita A. Parsons-Rice, and Lynn Murray, Chair.
2. Staff present. Jeffrey Bercovitz provided the committee with staff assistance.
3. Guests present. Deborah M. Agard, Family and Juvenile Law Section, Indiana State Bar Association; David Betson, Ph.D.; Donna Frank, Staff Attorney, Linda Nearing, Support Bureau, DCS; Jill Russell, Project Manager, Division of State Court Administration; and Stuart Showalter.
4. Minutes. The minutes from the meeting on March 19-20, 2015 were approved.
5. Child Support Guidelines.
 - a. Judge Murray presented revisions to Guideline 3. C. 1. and commentary about subsequent born children to clarify the use birth order for subsequent born children, which was approved by the committee members.
 - b. Dr. Betson distributed a revised presentation on Indiana's Child Support Guidelines treatment of Subsequent and Prior Born Children which was approved by the members of the committee.
 - c. Committee members and Dr. Betson confirmed the use of the revised basic child support obligation table at the \$7,000 income level. They agreed to remove the shading from the basic child support obligation schedule at the lowest income level.
 - d. Members of the committee reviewed all the revisions to the child support guidelines and agreed by consensus to make them available for public comment. A draft notice of public comment was reviewed and revised by committee members.
6. Other.
 - a. Jeffrey Bercovitz distributed the internet address of Indiana's Child Support and Parenting Time Guidelines may be found in Spanish.
 - b. Senate Enrolled Act 324 was distributed, which includes a new UIFSA for Indiana, a requirement for the court in adoption cases to notify the Title IV-D agency to stop child support, and technical changes.
7. Next meeting date. Committee members agreed to hold their next meeting on Friday, July 17, 2015 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
July 17, 2015

The Domestic Relations Committee met at the Indiana Judicial Center on Friday, July 17, 2015 from 10:30 a.m. – 3:10 p.m.

1. Members present. Benjamin A. Diener, Andre B. Gammage, Christopher B. Haile, A. Christopher Lee, F. Mark Loyd, Jennifer E. Newton, Rita A. Parsons-Rice, and Lynn Murray, Chair.
2. Staff present. Jeffrey Bercovitz provided the committee with staff assistance.
3. Guests present. Deborah M. Agard, Family and Juvenile Law Section, Indiana State Bar Association; Cynthia Longest, Deputy Director, Child Support Bureau, Donna Frank, Staff Attorney, and Linda Nearing, Child Support Bureau, DCS; Bill Welch, Indiana Prosecuting Attorneys Council, Jill Russell, Project Manager, Division of State Court Administration; and Stuart Showalter.
4. Minutes. The minutes from the meeting on May 15, 2015 were approved.
5. Child Support Guidelines.
 - a. 463 pages of public comments from June 26 – July 20 were distributed to committee members for review before the next meeting.
 - b. Members of the committee reviewed suggested draft guideline changes from Judge Elizabeth Tavitas and made various grammar changes.
 - c. Committee members reviewed suggested draft guideline changes from Commissioner Deb Shook, Magistrate Kimberly Schmaltz, Gregg Theobald, Lynne Lawyer and Katherine Vanost Jones. Committee members agreed to look at comments and prepare draft revisions, if needed, for the next meeting.
6. Scenarios for judicial conference on revised guidelines. Committee members discussed development of scenarios for use at a judicial conference on revised child support guidelines.
7. Next meeting date. Committee members agreed to hold their next meeting on Friday, August 21, 2015 starting at 9:00 a.m., not 10:30 a.m., until 4:00 p.m. at the Indiana Judicial Center. The Judicial Center would pay for an overnight on August 20 in order to have judicial officers at this extended one day session.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Domestic Relations Committee
Judicial Conference of Indiana

Minutes
August 21, 2015

The Domestic Relations Committee met at the Indiana Judicial Center on Friday, August 21, 2015 from 9:00 a.m. – 3:10 p.m.

1. Members present. Richard G. D'Amour, Benjamin A. Diener, Andre B. Gammage, A. Christopher Lee, F. Mark Loyd, Sheryl L. Lynch, Brian F. McLane, Jennifer E. Newton, Rita A. Parsons-Rice, Elizabeth F. Tavitias 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. Guests present. Donna Frank, Staff Attorney, and Linda Nearing, Child Support Bureau, DCS; Bill Welch, Indiana Prosecuting Attorneys Council were present.
4. Minutes. The minutes from the meeting on July 17, 2015 were approved.
5. Child Support Guidelines.
 - a. Committee members reviewed all public comments from June 26, 2015 – August 11, 2015.
 - b. Members of the committee reviewed suggested changes for maintenance, applicability to third parties, Social Security benefits, tax language, a revision on the PSEW, and other areas. Judge Elizabeth Tavitias agreed to review the final draft for any grammar changes.
 - c. Judge D'Amour moved to approve the draft as amended for adoption by the committee. Magistrate Gammage seconded the motion. The motion was passed unanimously. The draft will be sent to the Judicial Conference Board of Directors at their next meeting.
6. Scenarios for judicial conference on revised guidelines. Committee members discussed development of scenarios for use at a judicial conference to emphasize revisions to the child support guidelines.
7. Other. Committee members (1) discussed printing of parenting time guidelines in Spanish, (2) distribution of memo from the DCS and Div. of State Ct. Admin. on Confidentiality of IV-D information dated July 20, 2015; and (3) recent Indiana Lawyer article on CSG comments.
8. Next meeting date. Committee members agreed to hold their next meeting on Friday, October 16, 2015 starting at 9:00 a.m., not 10:30 a.m., until 4:00 p.m. at the Indiana Judicial Center. The Judicial Center would pay for an overnight on October 15 in order to have judicial officers at this extended one day session.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Domestic Relations Committee
Judicial Conference of Indiana

Minutes
October 16, 2015

The Domestic Relations Committee met at the Indiana Judicial Center on Friday, October 16, 2015 from 9:00 a.m. – 2:50 p.m.

1. Members present. Richard G. D'Amour, Timothy B. Day, Benjamin A. Diener, Christopher Haile, A. Christopher Lee, Brian F. McLane, Jennifer E. Newton, Gregory A. Smith, Elizabeth F. Tavitias 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. Guests present. Donna Frank, Staff Attorney, Linda Nearing, and Cynthia Longest, Deputy Director, Child Support Bureau, DCS; and Bill Welch, Indiana Prosecuting Attorneys Council were present.
4. Minutes. The minutes from the meeting on August 21, 2015 were approved.
5. New members. Judge Murray introduced Judge Timothy B. Day and Judge Gregory A. Smith as new members of the committee.
6. Child Support Guidelines Revisions.
 - a. Judge Murray reported the Board of Directors of the Judicial Conference of Indiana recommended the proposed revisions to Indiana's Child Support Guidelines be adopted by the Indiana Supreme Court at their September 11, 2015 meeting.
 - b. Committee members reviewed and revised a draft Child Support Guidelines Revisions PowerPoint. Members of the committee applauded Judge Murray for her efforts.
 - c. Members of the committee reviewed and revised scenarios for use at the November 20 judicial conference on revised guidelines. The scenarios illustrated the revisions to the child support guidelines
 - d. Committee members discussed (1) the prospective application of the revised guidelines; and (2) the persuasive authority of the commentary. They also discussed the possible confusion in keeping a prior version of the CSG calculators.
7. Other. Jeffrey Bercovitz reported the parenting time guidelines in booklet form and in Spanish is expected to be ready by the November 20 conference for courts.
8. Next meeting date. Committee members agreed to meet again on Friday, January 22, 2016 from 10:30 a.m. – 4:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law