

Members:
Sen. David Ford, Chair
Sen. Connie Lawson
Sen. David Long
Sen. Rose Antich
Sen. Anita Bowser
Sen. Lonnie Randolph
Rep. Vernon Smith, V. Chair
Rep. John Day
Rep. Mae Dickinson
Rep. Mary Kay Budak
Rep. Dennis Kruse
Rep. Candy Marendt



INTERIM STUDY COMMITTEE ON FAMILY LAW ISSUES

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Authority: Legislative Council Resolution 2-1998

MEETING MINUTES

Meeting Date: August 12, 1998
Meeting Time: 10:30 A.M.
**Meeting Place: State House, 200 W. Washington St.,
Room 128**
Meeting City: Indianapolis, Indiana
Meeting Number: 2

Members Present: Sen. David Ford, Chairperson; Sen. Connie Lawson; Sen Rose Antich; Sen. Anita Bowser; Rep. John Day; Rep. Mae Dickinson; Rep. Mary Kay Budak; Rep. Dennis Kruse; Rep. Candy Marendt.

Members Absent: Sen. David Long; Rep. Vernon Smith.

I. Call to Order

Chair Ford called the meeting to order. The Committee approved the minutes from the first meeting.

II. Witness Testimony

A. Ms. Linda K. Meier, Attorney at Law, Chair of the Family and Juvenile Law Section, Indiana State Bar Association, expressed concerns about the status of families in Indiana. Ms. Meier supports implementing premarital education classes. Ms. Meier made the following remarks:

- ◆ Florida recently passed a law, effective on January 1, 1999, whereby couples intending to marry receive a \$32.50 reduction on their marriage

license fee if they participate in least four hours of premarital education classes. Couples who bypass the program are required to pay the entire \$65 marriage license fee and must also wait three days before obtaining a marriage license. The Florida law specifies who qualifies to provide premarital education. The premarital education course may include instruction regarding: (1) conflict management; (2) communication skills; (3) financial responsibilities; and (4) children and parenting responsibilities. A waiver may be provided based upon hardship, good cause, or nonresidency. The cost of the premarital education is paid by the couple attending the classes. The Florida law is referred to as "The Marriage Preparation and Preservation Act" and was developed as a result of the accelerating divorce rate. It is an effort to encourage stronger families, communities, and a stronger economy. The Indiana State Bar Association would be supportive of Indiana adopting a similar law.

- ◆ No fault divorce is problematic. Premarital education is a way to educate couples about various marital skills before a breakdown in the marriage occurs. In Indiana, a court already has the option to order counseling on its own motion or on the motion of one of the parties after a petition for dissolution of the marriage is filed.

- ◆ Georgia is also exploring alternative methods to help preserve marriage.

- ◆ The Indiana State Bar Association wants to encourage marital education/counseling instead of divorce.

Ms. Meier distributed the Florida premarital education law, entitled "Florida 1998 Regular Session, House Bill 1019" to the Committee.¹

Committee Discussion and Questions

Senator Antich expressed concern that individuals at the greatest risk for divorce would not participate in the premarital education if the law made participation in the classes optional. Senator Antich stated that it may be better to require premarital education in Indiana. Ms. Meier responded that she believes many couples would choose the premarital education and that increasingly churches are requiring premarital counseling before a couple marries.

Representative Day stated that premarital education is a good goal but its effectiveness is questionable. Representative Day asked whether the Florida law included provisions about studying the effectiveness of the premarital education. Ms.

¹This document is on file in the Legislative Information Center, Room 230, Statehouse, Indianapolis, Indiana. The telephone number of the Legislative Information Center is (317) 232-9856, and the mailing address is 200 W. Washington St., Suite 301, Indianapolis, Indiana 46204-2789.

Meier responded that the law directs university researchers to study the effectiveness of the premarital education courses. Representative Day also stated that it may be a good idea to offer premarital education as a high school course. Ms. Meier responded that many schools offer education on family life skills as part of the curriculum.

Senator Antich asked whether it would be better to require that the premarital counseling take place before a person contemplating divorce seeks representation from an attorney. Ms. Meier responded that it would not be prudent to require the person to delay seeking representation for several reasons including the following: (1) One of the parties to the marriage may not be able to be located. (2) There are issues of temporary support that may need to be addressed. (3) Domestic violence may be involved.

Senator Bowser expressed concern about premarital education. Senator Bowser speculated about whether Indiana would then prevent a couple from getting married because they were not compatible enough. Ms. Meier responded that the premarital education should be substantial enough to help prepare couples for the realities of marriage. Ms. Meier stated that the premarital education should not be just a "rubber stamp" procedure and on the other hand, it is not intended to prevent couples from getting married. Representative Marendt added that the premarital education would not include telling individuals who they should marry but instead would be used to help the couple make an informed decision.

The Committee discussed the fact that there is no waiting period before marriage in Indiana. Senator Ford commented that in his district several county clerks stated that when Indiana had a waiting period, many individuals who applied for a marriage license never ended up getting married. Senator Lawson added that as a county clerk she was often called in after work to issue a marriage license to a couple at the last minute because they had forgotten about it and needed it before their formal wedding that same weekend.

Representative Budak stated that she likes the prevention aspect of premarital education.

Senator Bowser stated that when a couple is in the state of euphoria, how much is counseling going to affect them. Ms. Meier responded that under the circumstances it would still be helpful to educate couples on the realities of marriage and that many couples do not even know how to develop a budget for themselves. Ms. Meier stated that many divorces are caused by communication or financial problems. Ms. Meier further responded that we prepare an individual to drive a car to the best of the state's ability, but there are still car accidents. Ms. Meier stated that the same concept applies to preserving marriage; if premarital education saves one marriage, it has helped people.

B. Mr. Matt Brooks, Director of Member Services and Legislative Liaison, Association of Indiana Counties, Inc., stated that requiring the clerks to maintain data on premarital education would create a fiscal impact to the state. Mr. Brooks stated that

currently part of the \$18 marriage license fee goes into the state general fund and part goes to the county.

Chair Ford stated that premarital education may make a positive impact on people but that it would be difficult initially to determine the effectiveness of premarital education. Chair Ford stated that he would like to send out invitations to people to address the premarital education issue at the Committee's next meeting. Chair Ford further stated that perhaps the Committee would be able to arrange for a representative from Florida to attend the next Committee meeting to address how accepted the premarital education legislation was in Florida.

C. Ms. Sally Nye, Executive Director, IARCCA, (formerly referred to as "the Indiana Association of Residential Child Care Agencies") stated that in prior years the 1,500 children in therapeutic foster care in Indiana would have been placed in group homes. Therapeutic foster care allows the child to be in a family-like setting at less cost. Ms. Nye further testified that a group of therapeutic and special needs foster care providers met recently and reached a consensus about legislation to regulate special needs and therapeutic foster care. Ms. Nye suggested the following legislation:

◆ Use Senate Bill (SB) 328-98² as the basis of a bill to be introduced during the upcoming session with the following three changes:

(1) *Change the term "handicap" to "disability".* This change is simply to modernize the term and is not intended to expand the class of individuals to whom it would apply.

(2) *Clarify the number of additional hours of training that are required to qualify as a therapeutic or special needs foster parent.*

(3) *Remove the provision regarding rate setting.* SB 328-98 contains a provision that requires a county office of family and children in the county where the treatment of the child is being supervised to recommend to a court to reclassify the rate of reimbursement paid to a child's foster parents to an appropriate lower rate whenever the foster child no longer needs therapeutic foster care services or needs less intensive supervision. SB 328-98 further provides that it is within the court's discretion whether the court reclassifies the reimbursement rate based on the county office's recommendation. Representative Budak also addressed this issue and distributed a handout entitled "Changes to SB 328" that sets forth several reasons supporting the deletion of this provision.³

²This document is on file in the Legislative Information Center (see footnote 1).

³This document is on file in the Legislative Information Center (see footnote 1).

◆ Preliminary Draft (PD) 3101⁴ has been drafted based on SB 328-98 with the above-mentioned three changes as described by Ms. Nye. PD 3101 provides that a therapeutic foster family home is a foster home: (1) that provides care to a seriously emotionally disturbed or developmentally disabled child; (2) in which a child receives treatment in a family home that is supervised by certain qualified program staff; and (3) that meets all of the requirements for licensing of a foster family home and certain supplementary requirements, including additional training for therapeutic foster parents. Prohibits a therapeutic foster parent from providing care to more than two foster children, not including children for whom the therapeutic foster parent is a parent, stepparent, guardian, custodian, or other relative. Allows the division of family and children to permit a therapeutic foster family home to provide care for more than two foster children whenever the placement of siblings in the same therapeutic foster family home is desirable or in the best interests of the foster children residing in the home. Provides that a special needs foster family home is a foster family home that provides care for a child who has a mental, physical, or emotional handicap and who will require additional supervision or assistance in behavior management, activities of daily living, or management of medical problems. Prohibits a special needs foster parent from providing care to more than eight children, and requires that not more than four of the children may be less than six years of age. Provides that the division of family and children may grant an exception to the maximum number of children who may be cared for in a special needs foster home whenever the division determines that the placement of siblings in the same special needs foster home is desirable. Requires the division of family and children to consider the specific needs of each special needs foster child whenever the division determines the appropriate number of children to place in the special needs foster home. Reestablishes the board for the coordination of child care regulation.

Ms. Nye stated that the above-described legislation would put into place what the current practice is for providing therapeutic and special needs foster care so that the providers will no longer have to operate from 1946 rules.

D. Ms. Karen Billington, *White Residential and Family Services*, testified that the legislation is being offered to require certain training for the individuals who operate the homes and is not designed to expand or restrict the number of children coming into the home.

E. Ms. Clara Anderson, *Executive Vice President, Children's Bureau of Indianapolis*, stated that she is supportive of legislation to define therapeutic and special needs foster care so that they are no longer called illegal by certain citizens.

⁴This document is on file in the Legislative Information Center (see footnote 1).

F. Ms. Roberta Henry Baker, State Director, MENTOR, testified that the standards that are being discussed regarding therapeutic and special needs foster care regulation are standards that many agencies already have. The legislation would ensure that these high standards would apply to all agencies statewide.

Mr. Bart Giesler, Legislative Liaison for IARCCA, John J. Frick & Associates and Mr. Scott Fogo, State Director, Kids Peace, also provided testimony in support of the therapeutic and special needs foster care legislation described by Ms. Sally Nye.

III. Adjournment

Chair Ford adjourned the meeting at 12:10 p.m.

The next meeting will be held on September 9 in the House Chambers of the State House. Beginning at 10:30 a.m., the Committee will consider testimony on premarital education. Beginning at 1:30 p.m., the Committee will consider testimony on covenant marriage. Several Committee members stated that they are interested in receiving public input on these issues.