

Rules of Trial Procedure

...

Rule 81.1. Procedures for Cases Involving Family or Household Members

A. Definitions.

(1) An individual is a "family or household member" of another person if the individual:

- (a) is or was a spouse of the other person;
- (b) is or was living as if a spouse or a domestic partner of the other person, this determination to be based upon:
 - (i) the duration of the relationship;
 - (ii) the frequency of contact;
 - (iii) the financial interdependence;
 - (iv) whether the two (2) individuals are or previously were raising children together;
 - (v) whether the two (2) individuals are or previously have engaged in tasks directed toward maintaining a common household; and,
 - (vi) such other factors as the court may consider relevant.
- (c) has a child in common with the other person;
- (d) is related by blood or adoption to the other person;
- (e) has or previously had an established legal relationship:
 - (i) as a guardian of the other person;
 - (ii) as a ward of the other person;
 - (iii) as a custodian of the other person;
 - (iv) as a foster parent of the other person; or,
 - (v) in a capacity with respect to the other person similar to those listed in clauses (i) through (v).

(2) "Family Procedures" entails coordination of proceedings and processes, and information sharing among cases in a court or courts involving family or household members.

B. Type of Cases. Courts using Family Procedures for a case may exercise jurisdiction over other cases involving the same family or a household member of the family. An individual case to which Family Procedures is being applied may maintain its separate integrity and separate docket number, but may be given a common case number if multiple cases are being heard before one judge. Subject to applicable rules and statutes, the individual cases may all be transferred to one judge or may remain in the separate courts in which they were originally filed.

C. Notice. A court intending to use Family Procedures for a case must enter an order notifying all parties of the court's intention and, within thirty (30) days after a case is selected, the court shall provide each party with a list of all cases that have been selected to be heard using Family Procedures.

D. Designation by Court of Intent to Use Family Procedures and Change of Judge for Cause. Within fifteen (15) days after notice is sent that a case has been selected to be heard using Family Procedures, a party may object for cause to the designation or selection of a party's case.

Once notice is sent to the parties that a case has been selected to be heard using Family Procedures, no motion for change of venue from the judge may be granted except to the extent permitted by Indiana Trial Rule 76. A motion for change of venue from the judge in any matter being heard in a court using Family Procedures, or any future cases joined in the court after the initial selection of cases, shall be granted only for cause. If a special judge is appointed, all current and future cases in the court proceeding may be assigned to the special judge.

E. Concurrent Hearings. A court using Family Procedures may, in the court's discretion, set concurrent hearings on related cases, take evidence on the related cases at these hearings, and rule on the admissibility of evidence for each case separately as needed to adequately preserve the record for appeal.

F. Judicial Notice. Indiana Evidence Rule 201 shall govern the taking of judicial notice in courts using Family Procedures.

G. Court Records Excluded from Public Access. In a Court using Family Procedures, each party shall have access to all records in cases joined under this Rule, with the exception of Court Records excluded from Public Access pursuant to the Rules on Access to Court Records. A party may seek access to such confidential records from another case joined under this Rule in accordance with Rule 9 of the Rules on Access to Court Records. Records excluded from Public Access shall retain their confidential status and the court using Family Procedures shall direct that confidential records not be included in the public record of the proceedings.

H. Consolidation of Certain Cases. When a group of juvenile paternity cases involving more than one child of the same two parents has been created pursuant to Administrative Rule 1(B)(4)(c), the court shall consolidate all those related cases into a single juvenile paternity case for the shared children. All children of the same two parents should be combined into the primary case. Orders regarding the consolidation must be entered into each of the cases. The orders should include a requirement that after the consolidation date, all filings, orders, and hearings shall be filed within the primary case and all of the secondary cases will be closed.