

* The proposed amendment to Trial Rule 65(E) would allow a court to enjoin both parties from changing insurance policies during domestic relations cases. This is intended to prevent the party who controls the insurance policy from making unilateral changes during proceedings to eliminate coverage for the other party.*

Rule 65. Injunctions

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(E) ~~Temporary Restraining Orders--Domestic Relations Cases.~~ Parties wishing protection from domestic or family violence in Domestic Relations cases shall petition the court pursuant to IC 34-26-5. Subject to the provisions set forth in this paragraph, in an action for dissolution of marriage, separation, or child support, the court may issue an Temporary Restraining Order, without hearing or security, if either party files a verified petition alleging an injury would result to the moving party if no immediate order were issued.

(1) Joint Order. If the court finds that an order shall be entered under this paragraph, the court may enjoin both parties from:

(a) transferring, encumbering, concealing, selling or otherwise disposing of any joint property of the parties or asset of the marriage except in the usual course of business or for the necessities of life, without the written consent of the parties ~~or~~ the permission of the court; ~~and/or~~

(b) removing any child of the parties then residing in the State of Indiana from the State with the intent to deprive the court of jurisdiction over such child without the prior written consent of all parties or the permission of the court; ~~and/or~~

(c) changing any insurance policies (including beneficiary designations) in place as of the date that the family law action was commenced, including without limitation life, health, dental, optical, prescription drug, auto, personal property, liability, and homeowners/renter's insurance, without the prior written consent of the parties or the permission of the court.

(2) Separate Order Required. In the event a party seeks to enjoin by an temporary restraining order the non-moving party from abusing, harassing, or disturbing the peace of the petitioning party or any child or step-child of the parties, or exclude the non-moving party from the family dwelling, the dwelling of the non-moving party, or any other place, and the court determines that an order shall be issued, such order shall be addressed to one person. A joint or mutual ~~restraining~~ order shall not be issued. If both parties allege injury, they shall do so by separate petitions. The trial court shall review each petition separately and grant or deny each petition on its individual merits. In the event the trial court finds cause to grant both petitions, it shall do so by separate orders.

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