

Domestic Relations Committee
Judicial Conference of Indiana

Minutes

January 20, 2023

The Domestic Relations Committee met on Friday, January 20, 2023 from 10:00 a.m. - 1:00 p.m. remotely via Teams.

1. Members present. Lisa A. Berdine, Andrew R. Bloch, Alicia A. Gooden, Ashley N. Hand, Mark A. Hardwick, Marie L. Kern, Jennifer K. Kinsley, David K. Najjar, Ana Patricia Osan, Beth A. Webber, and Thomas P. Hallett, Chair.
2. Staff present. Jeffrey Bercovitz, Joseph Fischer, Tom Jones, Indiana Office of Court Services; and Jill Russell, Trial Court Technology provided staff assistance.
3. Guests present. Dr. David Betson; Angelica Carter and Trevor Hale, Child Support Bureau; and David Morris and Kasey Nell, Indiana Prosecuting Attorneys Council also attended the committee meeting.
4. Minutes approved. The November 18, 2022 minutes of the committee were approved.
5. Child support guidelines review.
 - a. Committee members reviewed a comparison of the current child support weekly support schedule to weekly support schedules prepared based on current costs of raising children prepared by Dr. Betson. The committee agreed by consensus to use the Rothbarth estimates on the costs of raising children, which would increase the guidelines schedules for weekly support payments. Committee members agreed by consensus to end the guideline schedules at \$9,200 and provide a percentage of income beyond the amount.
 - b. Staff reported about 200 case files were reviewed. They noted the majority of files had child support obligation worksheets. Some files included information from legacy computer systems and could not be reviewed in their entirety. The Child Support Bureau is reviewing the results of getting payment and arrearage data for these files and once reviewed, will get the information to Dr. Betson and the committee.
 - c. Members of the committee discussed the difficulty of keeping records for the 6% rule, (which apportions the costs of uninsured medical expenses of the child), the difficulty in understanding the rule, and the amount of litigation caused by the rule. They agreed by consensus to abolish the rule and look at new language to apportion uninsured medical expenses.
6. Electronic Parenting Time Calendar. Jill Russell reported the electronic Parenting Time Calendar should be ready for review by the end of the month. Committee members agreed by consensus the legends key should be locked when adding another child in order to include complete information on each child. She will distribute a link to the committee and the Child Support Bureau when the revisions are completed.

7. Other.
 - Members of the committee reviewed HB 1009. Dr. Betson noted it would not affect the current four year review of the child support guidelines.
 - Committee members reviewed and revised their schedule of topics for review.
8. Next meeting date. Committee members agreed to meet again on Friday, February 17, 2023.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Domestic Relations Committee
Judicial Conference of Indiana

Minutes

February 17, 2023

The Domestic Relations Committee met on Friday, February 17, 2023 from 10:00 a.m. - 1:00 p.m. remotely via Teams.

1. Members present. Lisa A. Berdine, Andrew R. Bloch, Alicia A. Gooden, Ashley N. Hand, Mark A. Hardwick, Marie L. Kern, Jennifer K. Kinsley, Ana Patricia Osan, Leslie C. Shively, Beth A. Webber, William L. Wilson, and Thomas P. Hallett, Chair.
2. Staff present. Jeffrey Bercovitz, Joseph Fischer, Angela Reid-Brown, Indiana Office of Court Services; and Jill Russell, Trial Court Technology provided staff assistance.
3. Guests present. Dr. David Betson; Angelica Carter and Trevor Hale, Child Support Bureau also attended the committee meeting.
4. Minutes approved. The January 20, 2023 minutes of the committee were approved.
5. Child support guidelines review.
 - a. Committee members agreed to post the completed revisions of the guidelines for public comment for 30 days; discussed agenda for the work-study session in March for review of the guidelines; and revised their schedule of topics for review.
 - b. Draft changes for removal of the 6% rule were discussed by the committee. They agreed to look at additional revisions at their next meeting. The committee understood removal of the 6% rule would cause the weekly support schedule to be revised and agreed it should be revised accordingly.
 - c. An amended weekly support schedule was distributed by Dr. Betson to the committee. They discussed the effect of increasing child support amounts based on use of the Rothbarth estimate of the costs of raising children.
 - d. Dr. Betson reported the low income portion of the weekly support schedule was revised to account for minimum wage incomes of both parents. Above this amount, the committee agreed by consensus to phase out the low income adjustment up to the income level to support a child(ren) at a poverty level and use of Rothbarth estimates on the costs of raising children.
 - e. Staff reported about 485 case files out of 700 were reviewed. They said they received payment and arrearage histories for these files from the Child Support Bureau. A translation of the tabs in the Excel spreadsheets with the payment histories will be provided.
6. Other.
 - HB 1009 concerning childbirth and postpartum costs was reviewed. Committee members agreed to revise the Child Support Guideline 7 and Commentary based on the new language added.
 - Staff reported HB 1493 was amended to permit ADR fund plan monies for Guardian ad Litem's. ADR plans will have to be modified to use the funds in this new manner if the legislation passes.

- Jill Russell reported the electronic Parenting Time Calendar is ready for testing and agreed to distribute a link to committee members and the Parenting Time Hotline to review.
7. Next meeting dates. Committee members agreed to meet in person on Thursday and Friday, March 16-17, 2023.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Domestic Relations Committee
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Minutes
March 16-17, 2023

The Domestic Relations Committee met on Thursday, March 16, 2023 from 10:00 a.m. - 5:00 p.m. and Friday, March 17, 2023 from 9:00 a.m. – 12:00 noon in person.

1. Members present.
March 16: Lisa A. Berdine, Andrew R. Bloch, Alicia A. Gooden, Mark A. Hardwick, Marie L. Kern, David K. Najjar, Ana Patricia Osan, Leslie C. Shively, William L. Wilson, and Thomas P. Hallett, Chair.
March 17: Lisa A. Berdine, Andrew R. Bloch, Alicia A. Gooden, Mark A. Hardwick, Marie L. Kern, David K. Najjar, Ana Patricia Osan, William L. Wilson, and Thomas P. Hallett, Chair.
2. Staff present. Jeffrey Bercovitz, Joseph Fischer, and Tom Jones, Indiana Office of Court Services; and Jill Russell, Trial Court Technology provided staff assistance.
3. Guests present. Dr. David Betson; Kate Guerrero; Angelica Carter and Trevor Hale, Child Support Bureau; William Morris and Kasey Nell, Indiana Prosecuting Attorney's Council, also attended the committee meeting.
4. Minutes approved. The February 17, 2023 minutes of the committee were approved.
5. Child support guidelines review.
 - a. Dr. Betson reviewed the 6% rule with the committee. Members of the committee discussed the consequences of elimination of the 6% rule. Committee members agreed by consensus to draft changes for removal of the 6% rule.
 - b. An amended weekly support schedule was distributed by Dr. Betson to the committee based on the Rothbarth estimate of the costs of raising children and removal of the 6% rule.
 - c. Dr. Betson reviewed the revisions to the low income portion of the weekly support schedule with the committee. Mag. Kern moved to adopt the low income adjustment changes. Mag. Wilson seconded the motion. The motion was passed.
 - d. Committee members drafted changes to the parenting time credit for cases in which the noncustodial parent spends differing amounts of parenting time with the children.
 - e. Members of the committee discussed revisions to controlled expenses based on the removal of the 6% rule. Mag. Kern moved to reduce the controlled expenses of the parenting time credit. Mag. Wilson seconded the motion. The motion was passed, 7 yes, 2 no.
 - f. Dr. Betson discussed preliminary data with the committee from the case file reviews. The staff reviewed questions about data collection in the court files with the committee.
 - g. Jill Russell showed a mockup of a screen showing how information could be entered in the Child Support Calculator based on new language about the parenting time credit. The calculator would indicate a parenting time credit when a noncustodial parent spends differing amount of overnights with their children.

6. Other. Committee members agreed to make additional revisions if necessary to Child Support Guideline 7 and Commentary, based on HB 1009 about birth expenses, when the legislation passes in its final form.
7. Next meeting dates. Committee members agreed to meet remotely on May 19, 2023 from 10:00 a.m. -1:00 p.m.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Domestic Relations Committee
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Minutes
May 19, 2023

The Domestic Relations Committee met on Friday, May 19, 2023 from 10:00 a.m. – 1:00 p.m.

1. Members present. Lisa A. Berdine, Andrew R. Bloch, Alicia A. Gooden, Ashley N. Hand, Marie L. Kern, Jennifer K. Kinsey, David K. Najjar, Beth A. Webber, William L. Wilson, and Thomas P. Hallett, Chair.
2. Staff present. Jeffrey Bercovitz, Jim Diller, Joseph Fischer, Angela Reid-Brown, Indiana Office of Court Services; and Jill Russell, Trial Court Technology provided staff assistance.
3. Guests present. Dr. David Betson, Kate Guerrero; Angelica Carter and Trevor Hale, Child Support Bureau; also attended the committee meeting.
4. Minutes approved. The March 16-17, 2023 minutes of the committee were approved.
5. Child support guidelines review.
 - a. Committee members reviewed
 - revisions to the child support guidelines based on HEA 1009 about payment of birth expenses.
 - revised language for the parenting time credit for 2 or more children.
 - changes in the Schedules for Weekly Child Support Payments. They agreed by consensus to revisions in the Child Support Obligation Worksheet.
 - d. Dr. Betson reviewed
 - revisions to the Schedules for Weekly Support Payments.
 - labor market data required by the federal rule for the child support guidelines review. Members discussed reasons the amount expected to be paid differed from the amounts which were paid in Title IV-D and private cases.
 - g. Kate Guerrero gave a report on the randomly selected child support cases for the case studies. She stated she was focusing on whether or not there were deviations in a case.
6. PowerPoint. Judge Hallett agreed to prepare a PowerPoint and committee members agreed to prepare scenarios to illustrate changes in the child support guidelines.
7. Other. Joseph Fischer reported HEA 1493 passed which permits ADR funds to be used for Guardians Ad Litem in family law cases.

8. Next meeting date. Committee members agreed to meet in person on July 21, 2023 from 10:00 a.m. - 3:00 p.m.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Domestic Relations Committee
Judicial Conference of Indiana

Minutes
July 21, 2023

The Domestic Relations Committee met on Friday, July 21, 2023 from 10:00 a.m. – 3:30 p.m. in person.

1. Members present. Susan Boatright, Andrew R. Bloch, Ashley N. Hand, Alicia A. Gooden, Anna Osan, Beth A. Webber, Leslie C. Shively, and Thomas P. Hallett, Chair.
2. Staff present. Jeffrey Bercovitz, Joseph Fischer, and Tom Jones, Indiana Office of Court Services; and Jill Russell, Trial Court Technology provided staff assistance.
3. Guests present. Angelica Carter and Trevor Hale, Child Support Bureau; David Morris, Indiana Prosecuting Attorney’s Council also attended the committee meeting.
4. Minutes approved. May 19, 2023 committee minutes were approved.
5. Child support guidelines review.
 - a. Committee members reviewed:
 - all public comments to the revisions to the child support guidelines
 - revised language for the guidelines based on the revisions
 - b. Staff reported:
 - a compilation is underway of all the public comments
 - a draft report is being prepared for the child support guideline review
 - c. Members of the committee agreed by consensus Judge Hallett, Chair could make any final edits, if needed, before the draft guidelines were submitted to the Indiana Supreme Court.
 - d. Committee members discussed issues to consider for the next every four year review:
 - support for third party custodians
 - space for comments on the worksheet
 - a checkbox or column to note when a child receives SSI or other derivative child support
 - details on third party expenses
 - removal of duplicative expenses when using a true up method to calculate support
 - use of more collaborative language
 - use of a multiplier not an amount certain on the worksheet, lines 1a and 1b
 - better language for documentation of expenses for self-employed persons
6. PowerPoint. Judge Hallett agreed to prepare a PowerPoint noting the amendments to the child support guidelines and committee members agreed to prepare scenarios to illustrate changes in the guidelines and send them to the Office of Court Services by Aug. 11. A sample scenario was distributed to the committee.

7. Other.
 - Committee members discussed private contracting of child support collection by the Child Support Bureau. They discussed how the Bureau must approve agreements to collect support with each prosecutor, the loss of Title IV-D monies if a private attorney were used, and whether the IV-D magistrate or referee would lose money if a private attorney collected child support.
 - Members of the committee reviewed a mockup of a revised child support calculator and discussed the procedures to be used for attributing controlled expenses when the child spent 184 overnights with a parent.
8. Next meeting date. Committee members agreed to meet in person on August 18, 2023 via Teams from 10:00 a.m. - 1:00 p.m.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Domestic Relations Committee
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Minutes

August 18, 2023

The Domestic Relations Committee met on Friday, August 18, 2023 from 10:00 a.m. – 1:00 p.m.

1. Members present. Lisa A. Berdine, Andrew R. Bloch, Alicia A. Gooden, Mark A. Hardwick, Marie L. Kern, Jennifer K. Kinsley, Anna Patricia Osan, Leslie C. Shively, Beth A. Webber, William L. Wilson and Thomas P. Hallett, Chair.
2. Staff present. Jeffrey Bercovitz, Joseph Fischer, and Tom Jones, Indiana Office of Court Services; and Jill Russell and Christa Coffey, Trial Court Technology provided staff assistance.
3. Guests present. Angelica Carter and Trevor Hale, Child Support Bureau; David Morris, Indiana Prosecuting Attorney’s Council also attended the committee meeting.
4. Minutes approved. The July 21, 2023 committee minutes were approved.
5. Child support guidelines review.
 - a. Judge Hallett reported a recent review of the guidelines by the Indiana Supreme Court went well.
 - b. Judge Hallett reviewed and revised a PowerPoint presentation noting the amendments to the child support guidelines.
 - c. Committee members reviewed scenarios they prepared illustrating revisions to the child support guidelines.
- 6.. Next meeting date. Committee members agreed to meet in person from 10:00 a.m. - 3:30 p.m. on Friday, October 20, 2023 at the Indiana Office of Court Services.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law