

Domestic Relations Committee
Judicial Conference of Indiana

Minutes
January 19, 2018

The Domestic Relations Committee met at the Indiana Judicial Center on Friday, January 19, 2018 from 10:00 a.m. – 2:15 p.m.

1. Members present. Richard G. D'Amour, Benjamin A. Diener, Kurt B. Grimm, Christopher Haile, Marie L. Kern, K. Mark Loyd, Lori K. Morgan, David K. Najjar, Gregory A. Smith, Elizabeth Tavitas and A. Christopher Lee, Chair.
2. Staff present. Jeffrey Bercovitz, Mike Commons and Angie James, Indiana Office of Court Services, provided the committee with staff assistance.
3. Minutes. The minutes from the meeting on October 20, 2017 were approved.
4. Parenting Time Calendar. Angie James demonstrated the revised electronic Parenting Time Calendar. Committee members suggested additional revisions. A test scenario for the electronic calendar was reviewed by the committee. They agreed to review the revised program at the next meeting.
5. Benchbook.
 - a. Committee members reviewed Chapter 9, Custody, pages 6-12 by Judge D'Amour.
 - b. Magistrate Morgan discussed suggestions from the committee for her revisions to Chapter 14, Paternity Issues in Dissolution.
 - c. Judge Lee reviewed committee assignments to complete all the Domestic Relations Benchbook revisions.
6. Recent legislation. Members of the committee reviewed SB 179, which contained amendments about child support and incarcerated obligors.
7. Next meeting dates. Committee members agreed to meet again on Friday, February 16, 2018 at the Indiana Office of Court Services from 10:00 a.m. – 4:00 p.m. They agreed to meet in order to finish review of Indiana's Domestic Relations Benchbook.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Domestic Relations Committee
Judicial Conference of Indiana

Minutes

February 16, 2018

The Domestic Relations Committee met at the Indiana Judicial Center on Friday, February 16, 2018 from 10:00 a.m. – 2:40 p.m.

1. Members present. Benjamin A. Diener, Andre B. Gammage, Christopher Haile, K. Mark Loyd, Brian F. McLane, Lori K. Morgan, David K. Najjar, Jennifer E. Newton, Gregory A. Smith, Richard G. D’Amour and Elizabeth F. Tavitas via speakerphone; and A. Christopher Lee, Chair.
2. Staff present. Jeffrey Bercovitz, Mike Commons, Suzanne St. John, Indiana Office of Court Services; and Angie James, Trial Court Technology, provided the committee with staff assistance.
3. Minutes. The minutes from the meeting on January 19, 2018 were approved.
4. Parenting Time Calendar. Angie James demonstrated the revised electronic Parenting Time Calendar including the disclaimer page. Committee members suggested additional revisions and a scenario for the electronic calendar was reviewed. The committee understood a beta or test version would be posted on Feb. 19 for use by members of the public, judicial officers and attorneys.
5. Child Support Calculator. Angie James reported the need to rewrite the back end of the child support calculator according to the developers. The developers will begin working on this next spring. The calculator would also be updated based on revisions by the committee. Committee members agreed by consensus to keep the downloadable calculator and get an estimate for its update.
6. Benchbook.
 - a. Committee members reviewed Chapter 14, Paternity Issues in Dissolution, by Mag. Morgan. These changes were approved by consensus.
 - b. Magistrate Morgan reviewed Relationship between CHINS, Delinquency and Domestic Relations and Child Witness, Chapter 9, page 35, with committee members. These changes were approved by consensus.
 - c. Judge Tavitas reviewed via phone portions of Chapter 9, including I., II, XII, and XIX. Jurisdiction, Emergency Proceedings, Continuing Supervision and Bond. These revisions were approved by consensus. She agreed to review legal custody and reorder this section for the next meeting of the committee.
7. Recent legislation. Members of the committee reviewed SB 179, which contained amendments about child support and incarcerated obligors.
8. Child support guidelines. Committee members discussed topics for possible revision for Indiana’s child support guidelines.

9. Next meeting date. Committee members agreed to meet again on Friday, March 16, 2018 at the Indiana Office of Court Services from 10:00 a.m. – 4:00 p.m. They agreed to meet to finish review of Indiana’s Domestic Relations Benchbook.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Domestic Relations Committee
Judicial Conference of Indiana

Minutes
March 16, 2018

The Domestic Relations Committee met at the Indiana Judicial Center on Friday, March 16, 2018 from 10:00 a.m. – 1:40 p.m.

1. Members present. Benjamin A. Diener, Kurt B. Grimm, Christopher Haile, Marie L. Kern, Brian F. McLane, Lori K. Morgan, David K. Najjar, Gregory A. Smith, Elizabeth Tavitas; and Jennifer E. Newton, Chair Pro Tem.
2. Staff present. Jeffrey Bercovitz, Mike Commons, Indiana Office of Court Services; and Angie James, Trial Court Technology, provided the committee with staff assistance.
3. Minutes. The minutes from the meeting on February 19, 2018 were approved.
4. Domestic Relations Benchbook.
 - a. Committee members reviewed Chapter 9, I. Jurisdiction, II. Emergency Proceedings, III. Legal Custody and XI. Custodian May Determine Upbringing of Child, prepared by Judge Tavitas. Changes were approved by consensus.
 - b. Judge Diener reviewed portions of Chapter 9, including XVI. Attorney Fees, XVII. Notice of Proceeding in Another State, and XVIII Relocation Procedures. Revisions were approved by consensus.
 - c. Members of the committee completed the review of Domestic Relations Benchbook. They agreed Judge Lee would be final editor and Judge Tavitas would edit the combined portions of Chapter 9. They also agreed to place a draft on the INcite page for benchbooks and review comments.
5. Electronic Parenting Time Calendar. Angie James reported 78 hits on the beta version of the Parenting Time Calendar. Committee members agreed another announcement should be placed in the Wednesday message concerning the calendar's availability. They also agreed it could be publicized to the ISBA family law section, the Parenting Time hotline personnel and various judicial conferences.
6. Child Support Calculator. Angie James reported the Child Support Calculator received 2,000,000 hits during the past twelve (12) months. Members of the committee agreed by consensus to seek funding to revise the outdated framework of the current calculator and prepare a web-based version which would be mobile friendly. They also agreed not to seek funding for the downloadable calculator. The committee discussed ways to make the calculator more user friendly.
7. Recent legislation. Members of the committee reviewed SEA 179, which was amended since last month containing a 30-day time limit for a party to file an objection or request for a hearing when a petition is filed to modify a child support order based on incarceration of a party.

8. Next meeting date. Committee members agreed to meet again on Friday, May 18, 2018 at the Indiana Office of Court Services from 10:00 a.m. – 4:00 p.m. They agreed to begin review of Indiana’s Child Support Guidelines.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Domestic Relations Committee
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Minutes
May 18, 2018

The Domestic Relations Committee met at the Indiana Judicial Center on Friday, May 18, 2018 from 10:30 a.m. – 2:40 p.m.

1. Members present. Reichard G. D’Amour, Benjamin A. Diener, Christopher Haile, Marie L. Kern, K. Mark Loyd, Brian F. McLane, Lori K. Morgan, David K. Najjar, Jennifer E. Newton, Gregory A. Smith, Elizabeth F. Tavitias; and A. Christopher Lee, Chair.
2. Staff present. Jeffrey Bercovitz, Mike Commons, and Tom Jones, Indiana Office of Court Services; and Angie James, Trial Court Technology, provided the committee with staff assistance.
3. Guests present. Cynthia Longest, Asst. Director, Child Support Bureau (CSB), Angelica Carter, Sean Gorman, and Jeff Obst, CSB, Department of Child Services; Judge Andrea K. McCord, Lawrence Circuit Court; and Dr. David Betson, University of Notre Dame.
4. Minutes. The minutes from the meeting on March 16, 2018 were approved.
5. Child Support Guidelines.
 - a. Cynthia Longest and Sean Gorman gave a presentation on the revised federal rules for review of Indiana’s child support guidelines. Cynthia Longest distributed a summary of the federal rule’s impacts on child support guidelines. She noted areas for revision of Indiana’s Child Support Guidelines.
 - b. Dr. David Betson reviewed information from selected states on how often deviations occur from that state’s child support guidelines. He stated Indiana is one of the few states which have commentary and discussed areas which will have to be revised during this review. He reported there will need to be planning to get data for the next review of child support guidelines.
6. Adoption record legislation.
 - a. Judge Andrea McCord distributed a draft memorandum on S.E.A. 91, P.L. 3-2016, effective July 1, 2018, which permits the release of adoption records to adult adoptees and others born after 1993. She noted the procedure in place for release of records by Clerks of the Court. This release is based on a letter from the State Department of Health to the county of the adoptee’s birth. She agreed to revise the memo based on the committee’s discussion.
 - b. Jeff Bercovitz distributed an article entitled, “Adoption of Heirs, 1855-1941” from The Hoosier Genealogist, Vol. 32, No. 1, pgs. 24-27, which indicates pre-1941 adoption records are not confidential.
7. Child support calculator.
 - a. Jeff Bercovitz reported IV-D monies were available to revise the outdated framework of the current child support calculator. The new calculator would be more mobile friendly and would not include a downloadable calculator.

- b. Committee members discussed the use of the calculator and revisions to the child support worksheet to assist in the gathering of data for the next review of the child support guidelines.
8. Domestic Relations Benchbook. Jeffrey Bercovitz demonstrated the Navigation pane and other functions of the revised Domestic Relations Benchbook now housed on the Incite Benchbook website.
9. Electronic Parenting Time Calendar. Angie James reported 200 hits on the beta version of the Parenting Time Calendar. Jeff Bercovitz reported a favorable mention of the calendar in the ISBA family law and “Tip of the Week” in the IBA family law list servers. Angie James demonstrated the beta version to committee members and indicated she would be presenting this to the Lake County Bar Association at the meeting of their Family Law section on June 14.
10. Next meeting date. Committee members agreed to meet again on Friday, July 20, 2018 at the Indiana Office of Court Services from 10:00 a.m. – 4:00 p.m. Dr. Betson will review the economic basis of Indiana’s Child Support Guidelines with committee members.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Domestic Relations Committee
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Minutes
July 20, 2018

The Domestic Relations Committee met at the Indiana Judicial Center on Friday, July 20, 2018 from 10:00 a.m. – 2:50 p.m.

1. Members present. Benjamin A. Diener, Kurt B. Grimm; Christopher Haile, Marie L. Kern, Lori K. Morgan, David K. Najjar, Jennifer E. Newton; and A. Christopher Lee, Chair.
2. Staff present. Jeffrey Bercovitz and Mike Commons, Indiana Office of Court Services; and Angie James, Trial Court Technology, provided the committee with staff assistance.
3. Guests present. Cynthia Longest, Asst. Director, Child Support Bureau (CSB), Angelica Carter, Sean Gorman, and Jeff Obst, CSB, Department of Child Services; and Dr. David Betson, University of Notre Dame.
4. Minutes. The minutes from the meeting on May 18, 2018 were approved.
5. Child Support Guidelines.

Dr. David Betson reviewed the economic basis of Indiana’s child support guidelines. Committee members discussed Indiana’s income shares child support model, the low-income adjustment and comparisons of support to other states. The committee agreed by consensus to consider planning to get data for the next review of the child support guidelines to be prepared to meet new federal rules.

Committee members discussed comments from the public, attorneys and judges gathered so far for the review of the child support guidelines. The comment period is open until August 27, 2018. Jeffrey Bercovitz reported many persons had registered to speak at the public hearing on Friday, August 17, 2018 in the Supreme Court Courtroom.
6. Next meeting date. Committee members agreed to meet again on Friday, August 17, 2018 at the Supreme Court Courtroom in the State House from 10:00 a.m. – 4:00 p.m. for the public hearing on Indiana’s child support guidelines. Members agreed by consensus to arrive early for this meeting.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Domestic Relations Committee
Judicial Conference of Indiana

Minutes

August 17, 2018

The Domestic Relations Committee met at the Indiana Supreme Court on Friday, August 17, 2018. A public hearing was held from 10:00 a.m. – 11:20 a.m. A committee meeting was held from 12:15 p.m. – 1:45 p.m.

1. Members present. Richard G. D’Amour, Benjamin A. Diener, Andre B. Gammage, Christopher Haile, Marie L. Kern, K. Mark Loyd, Brian F. McLane, Lori K. Morgan, David K. Najjar, Jennifer E. Newton, Gregory A. Smith; and A. Christopher Lee, Chair.
2. Staff present. Robin Barnes, Jeffrey Bercovitz, Mike Commons, and Lisa Pang, Indiana Office of Court Services provided the committee with staff assistance.
3. Guests present. Angelica Carter, Sean Gorman, Adam Norman and Jeff Obst, Child Support Bureau, Department of Child Services; and Dr. David Betson, University of Notre Dame.
4. Minutes. The minutes from the meeting on July 20, 2018 were approved.
5. Child Support Guidelines.
 - a. Committee members conducted a public hearing in the Supreme Court Courtroom to receive comments on Indiana’s Child Support Guidelines. The hearing was televised live via Internet and archived and made available on YouTube.
 - b. Committee members discussed the public comments from the 21 persons who spoke during the public hearing.
6. Next meeting date. Committee members agreed to meet again on Friday, October 19, 2018 at the Indiana Office of Court Services.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Domestic Relations Committee
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Minutes
October 19, 2018

The Domestic Relations Committee met at the Indiana Judicial Center on Friday, October 19, 2018 from 10:00 a.m. – 2:10 p.m.

1. Members present. Lisa A. Berdine, Benjamin A. Diener, Andre B. Gammage, Steven O. Godfrey, Christopher Haile, Marie L. Kern, Brian F. McLane, Lori K. Morgan, David K. Najjar, and A. Christopher Lee, Chair.
2. New members. Judge Lee introduced Magistrate Lia A. Berdine and Magistrate Steven O. Godfrey as new members of the committee.
3. Staff present. Jeffrey Bercovitz and Mike Commons, Indiana Office of Court Services; and Angie James, Trial Court Technology, provided the committee with staff assistance.
4. Guests present. Adam Norman, Child Support Bureau (CSB), Sean Gorman and Jeff Obst, CSB, Department of Child Services; and Karla Mantia and Bill Welch, Indiana Prosecuting Attorneys Council.
5. Minutes. The minutes from the meeting on August 17, 2018 were approved.
6. Child Support Guidelines.
 - a. Judge Diener and Magistrate McLane led a discussion of changes which need to be considered for medical support under the Child Support Guidelines. Committee members indicated that in most cases parents have provided medical insurance for the children, and the vast majority of medical costs are paid by Medicaid, CHIPS, and Hoosier Healthwise. Most of the balance is medical insurance through an employer.
 - b. Members of the committee reviewed all public comments, whether made at the public hearing, electronically or via letter from members of the public, attorneys or judges.
 - c. Committee members discussed an educational program which would look at enforcement measures (e.g. community service, job logs, “purge” bonds,) and evidence needed in child support cases. The Prosecuting Attorney’s Council offered a book with best practices in this area. The committee also discussed adding commentary and a form checklist which could be given to pro se litigants listing items to bring go court.
 - d. Members of the committee discussed various child support guidelines and commentary for revision.
7. Parenting Time Calendar and Child Support Guidelines.
 - a. Angela James reviewed a Parenting Time brochure with committee members which agreed it should be distributed at the December conference if printed in time.

- b. Committee members reviewed the revised screens for the Child Support Calculator.
8. Next meeting date. Committee members agreed to meet again on Thursday and Friday, November 15-16, 2018 at the Renaissance Hotel in Carmel.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Domestic Relations Committee
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Minutes

November 15-16, 2018

The Domestic Relations Committee met at the Renaissance Hotel in Carmel, Indiana on Thursday, November 15, 2018 from 10:00 a.m. – 4:30 p.m. and Friday, November 16, 2018 from 9:00 a.m. – 1:00 p.m.

1. Members present. November 15, 2018: Lisa A. Berdine, Benjamin A. Diener, Andre B. Gammage, Steven O. Godfrey, Kurt B. Grimm, Christopher Haile, Marie L. Kern, Brian F. McLane, David K. Najjar, Jennifer E. Newton, Gregory A. Smith and A. Christopher Lee, Chair. November 16, 2018: Lisa A. Berdine, Benjamin A. Diener, Andre B. Gammage, Steven O. Godfrey, Kurt B. Grimm, Christopher Haile, Marie L. Kern, K. Mark Loyd, Brian F. McLane, David K. Najjar, Jennifer E. Newton, Gregory A. Smith and A. Christopher Lee, Chair.
2. Retiring member. Judge Lee thanked Judge Loyd for his service to the committee. He will retire at the end of the year.
3. Staff present. Jeffrey Bercovitz and Mike Commons, Indiana Office of Court Services; and Angie James, Trial Court Technology, provided the committee with staff assistance.
4. Guests present. Adam Norman, Child Support Bureau (CSB), Sean Gorman and Jeff Obst, CSB, Department of Child Services; and Bill Welch, Indiana Prosecuting Attorneys Council and Dr. David Betson, University of Notre Dame attended the meeting.
5. Minutes. The minutes from the meeting on October 19, 2018 were approved.
6. Child Support Guidelines.
 - a. Judge Diener and Magistrate McLane reviewed health care provisions in Child Support Guideline 7. Committee members agreed by consensus to the revisions which were recommended.
 - b. Judge Najjar and Judge Godfrey reviewed minimum support and self-support in Guidelines 2 & 3; They also reviewed the use of the Worksheet and revised the wording for minimum support. Committee members agreed by consensus to the revisions which were recommended.
 - c. Judge Newton and Magistrate Berdine reviewed Indiana's use of potential income vs. imputation of income under the federal rules; incarceration consideration in the guideline in addition to commentary; and incarceration when modification of the child support order occurs. Members of the committee agreed to the revisions which were recommended.

- d. Magistrate Kern reviewed child support guideline 3, the legal duty to support prior born child(ren). Committee members agreed by consensus to recommended revisions.
7. Other.
 - a. Angela James distributed a Parenting Time brochure for review by the committee.
 - b. Angela James showed a draft of revised screens for the Child Support Calculator. Members of the committee made recommended changes.
 - c. Committee members discussed information about the child support guidelines public hearing held in August 2018 and review of Indiana's Child Support Guidelines at the request of Kathryn Dolan, Chief Public Information Officer
 8. Next meeting date. Committee members agreed to meet again on Friday, January 18, 2019 at the Indiana Office of Court Services.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law