

Domestic Relations Committee
Judicial Conference of Indiana

Minutes

February 14-15, 2019

The Domestic Relations Committee met at the Indiana Office of Court Services on Thursday, February 14, 2019 from 10:00 a.m. – 4:30 p.m. and Friday, February 15, 2019 from 9:00 a.m. – 11:35 a.m.

1. Members present. February 14, 2019: Lisa A. Berdine, Benjamin A. Diener, Andre B. Gammage, Kurt B. Grimm, Christopher Haile, Marie L. Kern, Brian F. McLane, Lori K. Morgan, David K. Najjar, Jennifer E. Newton, Gregory A. Smith and A. Christopher Lee, Chair. February 15, 2019: Lisa A. Berdine, Benjamin A. Diener, Andre B. Gammage, Kurt B. Grimm, Christopher Haile, Marie L. Kern, Brian F. McLane, 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. Angelica Carter, Adam Norman, Sean Gorman and Jeff Obst, Child Support Bureau (CSB), Department of Child Services; Bill Welch, Indiana Prosecuting Attorneys Council and Dr. David Betson, University of Notre Dame attended the meeting.
4. Minutes. The minutes from the meeting on November 15-16, 2018 were approved.
5. Child Support Guidelines.
 - a. Mag. Kern reviewed the comment about the split custody calculation under Child Support Guideline 6. Committee members agreed by consensus to make no revisions to the guidelines.
 - b. Mag. Gammage and Mag. Morgan reviewed a comment concerning when there is disparity in income between the parents. Dr. Betson also reviewed this comment. Committee members agreed by consensus to make no revisions to the guidelines.
 - c. Judge Smith and Magistrate Haile reviewed case developments concerning the child support guidelines. The committee agreed by consensus to add recommended language about a structured settlement to the definition of income under the guidelines.
 - d. Judge Lee, Mag. Berdine, and Judge Najjar reviewed child support public comments about Indiana's child support guidelines. The members of the committee discussed opportunities to educate courts in various areas based on some comments.
 - e. Judge Grimm examined getting income data from absent child support obligors and the need to educate courts on how to determine income for them. He also discussed the encouragement of documentary proof of work-related child care expenses.
6. Data for next guideline review. Committee members reviewed the federal requirement to study deviations from child support guidelines four (4) years from now. They also

discussed a definition of deviation from Indiana's child support guidelines in order to collect data for the next federal review.

7. Parenting Time and Child Support Calculators.

a. Angela James noted references to the electronic Parenting Time calculator on the judicial branch web pages could be updated. She also showed revisions and distributed revised language for use with the Child Support Calculator. Committee members approved the revisions by consensus.

b. Members of the committee discussed how an outdated version of the Child Support Calculator is on the judicial branch web pages. Committee members agreed by consensus to (1) remove the outdated version of the downloadable calculator. Note: The committee previously agreed the downloadable calculator was not needed since the new child support calculator would be web friendly; (2) ask persons to use the current child support calculator on the judicial branch web pages; (3) note the updates to the calculator based on the review will be as soon as changes are approved by Supreme Court; and (4) give notice of these changes in the Wednesday message, to the IV-D prosecutors, Child Support Bureau and various bar associations.

8. Legislation.

a. Committee members discussed House Bill 1520, which would provide child support to a child after age 19 if the child is in secondary school full-time and Senate Bill 520, which amends the statute concerning modification and revocation of child support.

b. Committee members discussed the need to permit the child support calculator to prepare child support worksheets for child after age 19 if HB 1520 passes. Judge Lee moved a generic broad information warning should pop up in the calculator if a person tries to calculate child support after age 19, but the calculator should then calculate child support. Judge Diener seconded the motion. The motion passed, 9 yes, 1 no.

9. Next meeting date. Committee members agreed to meet again on Friday, March 15, 2019 at the Indiana Office of Court Services.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Domestic Relations Committee
Judicial Conference of Indiana

Minutes
June 14, 2019

The Domestic Relations Committee met at the Indiana Office of Court Services on Friday, June 14, 2019 from 10:00 a.m. – 3:35 p.m.

1. Members present. Lisa A. Berdine, Christopher Haile, Marie L. Kern, Brian F. McLane, Lori K. Morgan, David K. Najjar, Gregory A. Smith and A. Christopher Lee, Chair.
2. Staff present. Jeffrey Bercovitz, Mike Commons, and Henry Flores, Indiana Office of Court Services; Angie James, Trial Court Technology; and Lindsey Borschel, Office of Communication, Education and Outreach provided the committee with staff assistance.
3. Guests present. Sean Gorman, and Trevor Hale, Child Support Bureau (CSB), Department of Child Services; and Dr. David Betson, University of Notre Dame attended the meeting.
4. Minutes. The minutes from the meeting on March 15, 2019 were approved.
5. Child Support Guidelines.
 - a. Comments from a second comment period on the draft child support guidelines, from April 2 to May 17, 2019 were reviewed by the committee members.
 - a. Judge Lee and Magistrate Kern reviewed and suggested revisions to the legal duty to pay support for prior born children. The revisions were approved by consensus
 - b. Committee members reviewed and revised language in other areas of the draft Indiana Child Support Guidelines. They agreed by consensus to forward the draft to the Indiana Supreme Court for their disposition.
6. Parenting Time and Child Support Calculators.
 - a. A link to a draft new Child Support Calculator was forwarded to committee members in advance of the meeting. Angela James entered a sample calculation into the calculator and reviewed the steps in the calculator with members of the committee.
 - b. Suggestions for revisions were made, and the final calculator is expected to be available to the public by July 1, 2019. A press release will be distributed as well as a memorandum to courts about the new calculator. The downloadable calculator was removed from the website since it is obsolete.
7. Next meeting date. Committee members agreed to meet again on Friday, July 19, 2019 at the Indiana Office of Court Services.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Domestic Relations Committee
Judicial Conference of Indiana

Minutes
July 19, 2019

The Domestic Relations Committee met at the Indiana Office of Court Services on Friday, July 19, 2019 from 10:00 a.m. – 2:00 p.m.

1. Members present. Kurt B. Grimm, Christopher Haile, Thomas P. Hallett, Mark A. Hardwick, Marie L. Kern, Lori K. Morgan, David K. Najjar, Gregory A. Smith and A. Christopher Lee, Chair.
2. Staff present. Jeffrey Bercovitz, Mike Commons, Indiana Office of Court Services; Angie James, Trial Court Technology provided the committee with staff assistance.
3. Guests present. Mag. Andre Gammage, Mag. Brian F. McLane. Judge Jennifer Newton; Judge Faith Graham and Magistrate Roasanne T. Ang; Sean Gorman, Child Support Bureau (CSB), Department of Child Services; and Dr. David Betson, University of Notre Dame attended the meeting.
4. New members. Judge Lee welcomed Judge Thomas P. Hallett and Mag. Mark A. Hardwick as new members of the committee.
5. Minutes. The minutes from the meeting on June 14, 2019 were approved.
6. Child Support Guidelines PowerPoint.
 - a. Judge Lee showed a draft PowerPoint which explained various proposed changes to the Child Support Guidelines. It included legal duty to support prior born children. Committee members reviewed and revised the draft PowerPoint.
 - b. Committee members agreed to take various topics and draft additional PowerPoint slides. These include structured settlements, in-kind language, health care/medical support, minimum support orders, incarcerated obligors, the Maple case and potential income language. They agreed by consensus to forward draft language to the Indiana Office of Court Services one week before the August 16 meeting.
7. Parenting Time and Child Support Calculators.
 - a. Angela James discussed use of the new Child Support Calculator with members of the committee. She reported few questions. A press release dated July 9, 2019 describing the new calculator was distributed to the committee.
8. Form about jurisdiction from Juvenile Benchbook Committee.
 - a. Judge Graham gave a presentation about joint development of a new form and procedures to give notice to another court when a CHINS case occurs, or a final order is entered with a child already involved in a domestic relations or paternity proceeding

under Ind. Code § 31-30-1-12 or 13. Members of the committee discussed the notice and procedures already in use.

b. Magistrate Hardwick and Magistrate Morgan agreed to work with representatives from the Juvenile Benchbook Committee in the development of this new form and procedures.

9. Next meeting date. Committee members agreed to meet again on Friday, August 16, 2019 at the Indiana Office of Court Services.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Domestic Relations Committee
Judicial Conference of Indiana

Minutes
August 16, 2019

The Domestic Relations Committee met at the Indiana Office of Court Services on Friday, August 16, 2019 from 10:00 a.m. – 2:30 p.m.

1. Members present. Lisa A. Berdine, Christopher Haile, Thomas P. Hallett, Mark A. Hardwick, Marie L. Kern, Lori K. Morgan, Leslie C. Shively and A. Christopher Lee, Chair.
2. Staff present. Jeffrey Bercovitz, Mike Commons, Indiana Office of Court Services; Angie James, Trial Court Technology provided the committee with staff assistance.
3. Guests present. Judge Benjamin Diener; Sean Gorman, Child Support Bureau (CSB), Department of Child Services; and Dr. David Betson, University of Notre Dame, attended the meeting.
4. New members. Judge Lee welcomed Judge Leslie C. Shively as a new member of the committee.
5. Minutes. The minutes from the meeting on July 19, 2019 were approved.
6. Child Support Guidelines PowerPoint.
 - a. Child Support Guidelines amendments dated July 26, 2019; effective January 1, 2020 were distributed to the committee.
 - b. Members of the committee discussed preparation of filmed vignettes to illustrate legal duty of support calculations.
 - c. Committee members reviewed and revised draft Child Support Guidelines PowerPoint presentation, highlighting recent changes. These include medical/health care, low-income adjustment, potential income, incarceration and structured settlements.
 - d. Members of the committee agreed to prepare scenarios for the areas of medical/health care, structured settlement and low income.
7. Data on deviations.
 - a. Dr. Betson reported federal rules will require all states to study the frequency and reasons for deviations from the child support guidelines for the next four year review.
 - b. Committee members discussed various methods to gather deviation data. They discussed asking all judges to complete information on all child support orders for one month, including deviations, once every four years. Dr. Betson said this would include approximately 6,500 child support orders. Once the month was completed, the orders should be followed for at least one year to gather payment information. This could occur in fall 2020 in order to have one year of payment data by the fall of 2021 for the

committee to study when they begin their review. They agreed to discuss this again at their next meeting.

8. Domestic Relations Workshop for judicial officers. Members of the committee reviewed a tentative outline of the Domestic Relations Workshop for judicial officers in November 2019.
9. Next meeting date. Committee members agreed to meet again on Friday, October 18, 2019 at the Indiana Office of Court Services.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Domestic Relations Committee
Judicial Conference of Indiana

Minutes
October 18, 2019

The Domestic Relations Committee met at the Indiana Office of Court Services on Friday, October 18, 2019 from 10:30 a.m. – 2:50 p.m.

1. Members present. Lisa A. Berdine, Andre B. Gammage, Steven O. Godfrey, Thomas P. Hallett, Marie L. Kern, Leslie C. Shively, Gregory A. Smith and A. Christopher Lee, Chair.
2. Staff present. Jeffrey Bercovitz, Indiana Office of Court Services; Angie James, Trial Court Technology provided the committee with staff assistance.
3. Guests present. Sean Gorman, Child Support Bureau (CSB), Department of Child Services; and Dr. David Betson, University of Notre Dame, attended the meeting.
4. Minutes. The minutes from the meeting on August 16, 2019 were approved.
5. Child Support Guidelines Scenarios.
 - a. The order amending Indiana’s Child Support Guidelines dated July 26, 2019 was distributed to committee members.
 - b. Members of the committee discussed scenarios to illustrate changes in the Child Support Guidelines effective January 1, 2020. The scenarios covered included: legal duty of support \$0 support orders, In-kind orders, health insurance, low income, Maple case, and structured settlements.
 - c. Members of the committee agreed the Chair should complete the final placement of the edited videoed vignettes to illustrate legal duty of support calculations and the worksheets. They also agreed final editing of the Power Point was to be completed by the Chair.
 - d. A committee member reported a request by ICLEF to present the Child Support Guideline revisions Power Point.
6. Child Support Bureau.
 - a. Sean Gorman, attorney, Child Support Bureau, reported there was generally no obligation to give the address of the support obligor to the CHINS side of the Department of Child Services.
 - b. Committee members discussed the requirement of personal service under Trial Rule 64 to arrearage judgments and its application to child support obligations reduced to judgments.
7. Presentation by Angie James.
 - a. Angie James discussed a recent question about the child support calculator for attorneys and child support when the child is away at college most of the year and in the

home 51 days or less. Committee members agreed to add a warning, similar to the warning in the parent's calculator on administration of this calculation.

b. Angie James confirmed with the committee, based on a recent question, the calculator is not designed to calculate child support when a child is with third parties.

c. The PowerPoint presentation by Angie James on the updated and revised child support calculator and electronic parenting time calendar was reviewed by the committee.

d. Members of the committee discussed the addition of space on the child support obligation worksheet for language explaining deviations to be entered.

8. Deviation data.

a. Dr. Betson reported federal rules will require all states to study the deviations from the child support guidelines amounts, including their frequency, reasons, and the effect on a person's ability to pay.

b. Committee members discussed various categories to gather information on deviations from the child support guidelines with the committee. Committee members discussed three methods to gather deviation data: All judges to collect deviation data on a continuous basis, collection of information on all child support orders for one month, including deviations every four years, or hiring a firm to sample child support data and deviations. Angie James reported Trial Court Technology might not be able to collect data if it only done once every four years for a limited period.

9. Next meeting date. Committee members agreed to assist at the Domestic Relations Workshop on Friday, November 15, 2019.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law