

Domestic Relations Committee
Judicial Conference of Indiana

Minutes
January 24, 2020

The Domestic Relations Committee met at the Indiana Office of Court Services on Friday, January 24, 2020 from 10:00 a.m. – 2:00 p.m.

1. Members present. Lisa A. Berdine, Lori K. Morgan and A. Christopher Lee, Chair were present.
2. Staff present. Jeffrey Bercovitz and Michael Commons, Indiana Office of Court Services; and Angie James, Court Technology provided the committee with staff assistance.
3. Guests present. Sean Gorman, Indiana 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 October 18, 2019 were approved.
5. Next Support Guidelines review.
 - a. Sean Gorman, attorney, Child Support Bureau, discussed plans to collect deviation data on child support awards from volunteer counties through local prosecutors for a few months.
 - b. Dr. David Betson stated it is important to collect data for a longer duration and the need for duration decreases if almost all counties participate in the collection of deviation data. In addition, it is important to reference compliance data on the child support orders entered during and after the deviation data is collected.
 - c. Committee members discussed collection of meaningful data on child support awards in order to assist in potential child support guideline revisions.
 - d. Members of the committee looked at other areas for review including (1) the use of new economic data which is being prepared for Arizona, (2) a look at the child support guideline schedule amounts, (3) forming a subcommittee to work solely on the child support guideline reviews, (4) preparation of a “labor market” study for Indiana based on the new review requirement, and (5) looking at language to address a parenting credit when there are multiple children and only one child is spending overnights and/or there exists different amounts of parenting time for each child.
6. Future committee projects. Committee members discussed these various future projects:
 - a. Prepare a section of the parenting time guidelines for shared physical custody, which may be 50/50, in a similar manner as parallel parenting in the present guidelines. This would be suggestions and not presumptive.

- b. Assign high conflict cases on a regional basis to one court, with resources for those cases, e.g. parenting coordinator, psychologists, other service providers. Mag. Berdine reported a program in Lake Co. exists along these lines.
- c. Look to hiring an expert for the committee to assist with parenting time guideline revisions. Maybe look at experts nationally (Association of Family and Conciliation Courts (AFCC)) and/or from Indiana.
- d. Prepare an educational conference for courts on enforcement of child support award, including best practices, sample forms and orders, scenarios, contempt and compliance hearings.
- e. Make recommendations to the Family Law Innovation Group for items which need statewide implementation across discipline lines.

7. Other.

- a. Members of the committee discussed what information should be completed when preparing a worksheet for the legal duty of support for a prior born child when only the custodial parent's income is known. The guideline commentary does not indicate how much detail should be included in the worksheet other than the use of the income of the parent seeking the support.
- b. Committee members discussed the appointment of counsel in Title IV-D proceedings and all agreed if contempt was involved, counsel should be appointed.
- c. Judge Lee reported good evaluations of the November 15, 2019 Domestic Relations seminar. There was an excellent discussion of the scenarios used to illustrate changes to the child support guidelines at the seminar.
- d. Magistrate Morgan reported on the development of forms by a joint subcommittee for notice concerning custody to domestic relations or a probate court when a CHINS case is open and notice when the CHINS case is closed. Members of the committee discussed the use of these forms.
- e. Committee members reviewed HB 1278 about grandparent visitation and HB 1418 about changing the minimum age to marry.

8. Next meeting date. Committee members agreed to hold their next meeting on Friday, February 21, 2020 at the Indiana Office of Court Services.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Domestic Relations Committee
Judicial Conference of Indiana

Minutes

February 21, 2020

The Domestic Relations Committee met at the Indiana Office of Court Services on Friday, February 21, 2020 from 10:00 a.m. – 12:00 noon.

1. Members present. Christopher Haile, Thomas P. Hallett, Mark A. Hardwick, Marie L. Kern, Lori K. Morgan, David K. Najjar, Leslie C. Shively, and Gregory A. Smith, Chair pro tem were present.
2. Staff present. Jeffrey Bercovitz and Michael Commons, Indiana Office of Court Services provided staff assistance.
3. Minutes. The minutes from the meeting on January 24, 2020 were approved.
4. High conflict cases. Members of the committee discussed national speakers and local programs about domestic relations high conflict cases.
5. Future committee projects. Committee members agreed by consensus to review and suggest revisions for Indiana's Parenting Time Guidelines as their next project.
 - The committee discussed the need for a potential expert to assist the committee with child development questions in a similar manner when preparing the original parenting time guidelines. They discussed that money was needed to pay potential experts to work with the committee.
 - Jeff Bercovitz gave a rough outline of the review process including a public hearing and comment period, a second comment period on the draft revisions, the process and potential dates for promulgation and the effective date for revisions, and education of judges on any changes.
 - Committee members discussed the need for a new section on shared parenting including a list of factors for a court to consider when ordering shared parenting.
 - Members of the committee discussed various use of headings, fixing grammatical errors and checking statutory cites.
 - There was discussion of the need for additional language on extracurricular activities, reviewing language on opportunities for additional parenting time and guidance on exchange of children.
 - They agreed to prepare a list of issues for the next meeting of the committee.
6. Other.
 - Magistrate Morgan reported on the development of two (2) new forms by a joint subcommittee: (a) Confidential Notice of Jurisdiction and (b) Confidential Notice of Case Closure. The joint committee recommended they be placed in the Juvenile Benchbook. The committee discussed the new forms and believe they would be helpful, and suggested notice about them be placed in the Wednesday message once they are available.

- Committee members reviewed HB 1278 about grandparents having standing to seek visitation which survives adoption, HB 1418 about changing the minimum age to marry and SB 289 about criminal history record checks of child service providers.
7. Next meeting date. Committee members agreed to hold their next meeting on Friday, March 20, 2020 at the Indiana Office of Court Services.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Domestic Relations Committee
Judicial Conference of Indiana

Minutes
March 20, 2020

The Domestic Relations Committee met on Friday, March 20, 2020 from 10:00 a.m. – 11:00 a.m. via conference call.

1. Members present. Lisa Berdine, Steven Godfrey, Kurt Grimm, Thomas P. Hallett, Marie L. Kern, Lori K. Morgan, and A. Christopher Lee, Chair.
2. Staff present. Jeffrey Bercovitz, Michael Commons, Indiana Office of Court Services and Angela James, Court Technology provided staff assistance.
3. Parenting time guidelines.
 - The topics for the parenting time guidelines review discussed at the last meeting were reviewed by the committee.
 - Committee members agreed the Parenting Time electronic calendar should be reviewed for potential changes as the Parenting Time Guidelines are reviewed.
 - Members of the committee discussed looking at child return times in the guidelines, since some are at 6:00 p.m. and some at 7:00 p.m., with an eye towards more uniformity.
 - The chair agreed to distribute assignments of various review topics at the next meeting.
4. Response to coronavirus.
 - Mike Commons reported various family law list serves were examining topics related to parenting time orders during coronavirus restrictions. He stated general statewide guidance for litigants from courts would be helpful due to the virus. Committee members discussed how some general guidance may conflict with parenting time orders in individual cases.
 - It was reported the Indianapolis Bar Association has a conference call today on this matter. It was also noted AFCC has general guidance for parenting time during the coronavirus outbreak.
 - Committee members agreed to review AFCC guidelines in this area. Mike Commons agreed to put together some thoughts on general guidance to all families from the courts for parenting time.
5. Next meeting date. Committee members agreed to hold their next meeting telephonically on Friday, March 27, 2020 at 10:00 a.m.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Domestic Relations Committee
Judicial Conference of Indiana

Minutes
March 23, 2020

The Domestic Relations Committee met on Monday, March 23, 2020 from 3:00 p.m. – 3:30 p.m. via conference call.

1. Members present. Lisa Berdine, Steven Godfrey, Christopher B. Haile, Thomas P. Hallett, Mark Hardwick, Marie L. Kern, Lori K. Morgan, Leslie C. Shively, Gregory A. Smith and A. Christopher Lee, Chair.
2. Staff present. Jeffrey Bercovitz, Michael Commons, Indiana Office of Court Services and Angela James, Court Technology provided staff assistance.
3. Response to Governor’s stay at home order coronavirus.
 - Mike Commons reported the Governor Holcomb issued a stay at home order today because of coronavirus, which restricted all but essential travel. Essential travel includes court orders and custody matters. He said the Family Law Taskforce, Judge Elizabeth Tavitas, Chair, was recommending information on parenting time orders be distributed via press release. He also noted Adam Norman, Indiana Department of Child Services Child Support Bureau, provided guidance on making child support payments without going into the Clerk’s Office.
 - Committee members discussed how some counties were shutting down Courthouses and some had very limited access. The members of the committee agreed by consensus the following language about custody and parenting time should be in the Wednesday message and in a separate press release for individual courts to use.

The Courts of Indiana wish to remind unmarried parents, separated, and divorced Hoosiers that court orders regarding custody and parenting time remain in place and must be followed. If there is a particular reason that exchanging a child is unsafe due to illness or vulnerability in either families’ home, the parent(s) may wish to file an agreement signed by both parents, or may wish to electronically file an Emergency Petition to Modify their orders. Signed agreements and motions requesting a hearing sent by regular mail and/or fax may not be seen by the judge immediately. The Courts of Indiana expect parents to be flexible and cooperate for the best interest of their children during this time of public health crisis.
 - Judge Lee and Judge Hallett agreed to review a press release if needed.
4. Next meeting date. Committee members agreed to hold their next meeting telephonically on Friday, March 27, 2020 at 10:00 a.m., but vacate if it is not needed.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Domestic Relations Committee, Judicial Conference of Indiana

Minutes - May 15, 2020

The Domestic Relations Committee met on Friday, May 15, 2020 from 10:00 a.m. – 11:00 a.m. remotely through Teams.

1. Members present. Lisa Berdine, Steven Godfrey, Kurt Grimm, Thomas P. Hallett, Mark Hardwick, Marie L. Kern, Lori K. Morgan, David K. Najjar, Leslie C. Shively, Gregory A. Smith and A. Christopher Lee, Chair.
2. Staff present. Jeffrey Bercovitz, Michael Commons, Pamela Christenberry, Indiana Office of Court Services and Angela James and Katie Wilson, Court Technology provided staff assistance.
3. Guest present. Magistrate Ashley Hand, Allen Circuit Court attended the meeting.
4. Minutes approved. The February 20, March 20, and March 23, 2020 minutes of the committee were approved.
5. Case administration. Committee members discussed how they cases administration during the coronavirus crisis. This includes:
 - forms and a PowerPoint about remote hearing procedures
 - exhibits e-filed before hearings
 - use of the convention center across the street as a waiting area for the court to call in litigants during days with large dockets
 - use of a phone app to remotely check in from a car and be called in to a hearing by the court
 - public defenders and DCS attorneys appearing in court but parents appearing remotely
 - evidence e-filed and managed in Odyssey
 - increased use of telephonic status hearings
 - no overbooking of the court calendar
 - drive through DNA testing, including getting a number via text upon arrival, pulling the car into a bay, and getting out of car for the DNA test
 - placing Plexiglas in courtroom between client and attorney at counsel table and placing Plexiglas at witness stand, court reporter, bench and more
 - moving more difficult domestic relations hearings to mediation with senior judges serving as mediators
 - timing of hearings to not overload staff at the door of courthouse checking temperatures
 - making sure all in courtroom can hear with masks on witnesses during in person hearings
 - use of sterilizing cabinet for exhibits
 - use of face shields for testimony rather than face masks, with sterilization of the mask after each use, a sterilization table outside court room in addition to checks when entering the courthouse.
6. Next meeting date. The next meeting is scheduled for Friday, July 17, 2020 at 10:00 a.m.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law