

Domestic Relations Committee
Judicial Conference of Indiana

Minutes
January 18, 2013

The Domestic Relations Committee met at the Indiana Judicial Center on Friday, January 18, 2013 from 10:30 a.m. – 3:00 p.m.

1. Members present. Thomas H. Busch, Frances G. Hill, Karen M. Love, Sheryl L. Lynch, Debbie J. Shook, Elizabeth H. Tavitas, and Lynn Murray, Chair, were present.
2. Staff present. Jeffrey Bercovitz provided the committee with staff assistance.
3. Guest present. Stuart Showalter also attended the meeting.
4. Minutes approved. The minutes of the November 16, 2012 meeting were approved.
5. Parenting time guidelines.
 - a. Judge Murray reported on the Parenting Time Guidelines were approved by the Indiana Supreme Court.
 - b. Jeffrey Bercovitz announced the Judicial Center was planning to distribute the Parenting Time Guidelines via booklets courts could distribute to litigants.
 - c. Committee members reviewed scenarios highlighting amended portions of the Parenting Time Guidelines for use at the educational seminar for judges in April 2013. Committee members agreed by consensus to revise the scenarios to make them more uniform in the following manner and focus on illustrating the new rule:
 - (1) Use mother and father for the parent names in each scenario,
 - (2) give all members a calendar to attach to their model answer,
 - (4) give a title to each scenario of the area illustrated (e.g. Holidays),
 - (5) place a parenting time guidelines citation and page number in each answer, and
 - (6) mention and use the terms “old” and “new” guidelines.
 - d. Judge Tavitas moved to keep the current and original parenting time guidelines on the Supreme Court website for accessibility for pro se litigants since parties always need to know what Parenting Time Guidelines order were in effect at the time of their decree. Judge Busch seconded the motion. The motion was passed.
6. Education on new Parenting Time Guidelines.
 - a. The Indiana Judicial Center was contacted recently about doing a program for ICLEF on the new Parenting Time Guidelines. The committee agreed by consensus to conduct this training and discussed asking ICLEF for two scholarships for attorneys from each pro bono district to attend this training. Jeff Bercovitz agreed to ask Jane Seigel if the committee could seek the training for attorneys.
 - b. Judge Hill reported Indiana’s chapter of AFCC is having a meeting on January 24, 2013 which includes a portion on Indiana’s new Parenting Time Guidelines.

- c. Comm. Shook reported she and Comm. Lynch would participate in an educational conference for the ISBA on April 17 in the afternoon on the new Parenting Time Guidelines. Judge Murray agreed to assist in this program.
7. Recent legislation. Jeffrey Bercovitz reported Senate Bill 6, emancipation of children at age 19, was scheduled for a hearing on Jan. 16 in the Senate Judiciary Committee, but was not heard. The Chair of Senate Judiciary announced it would be heard at a later date.
8. Next meeting. Committee members agreed to again on Friday, February 15, March 15, May 17, July 19, August 16, October 18 and November 15, 2013 from 10:30 a.m. – 4:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Domestic Relations Committee
Judicial Conference of Indiana

Minutes
February 15, 2013

The Domestic Relations Committee met at the Indiana Judicial Center on Friday, February 15, 2013 from 10:30 a.m. – 3:00 p.m.

1. Members present. Frances G. Hill, Frederick A. Schurger, Debbie J. Shook, Dean A. Young and Lynn Murray, Chair, were present.
2. Staff present. Jeffrey Bercovitz provided the committee with staff assistance.
3. Guest present. Stuart Showalter also attended the meeting.
4. Review of PTG PowerPoint. Committee members reviewed and revised the Parenting Time Guidelines PowerPoint as recently used for a program in Bloomington, Indiana.
5. Review of Parenting Time Guidelines. Members of the committee reviewed a copy of the Parenting Time Guidelines without strikeouts and underlines.
6. PTG. The following programs are planned for presentation of the revised Parenting Time Guidelines:
 - a. Wed., April 17, 2013 9:00 a.m. – 12:00 p.m. Spring Judicial College for Judges
 - b. Wed., April 17, 2013 4:00 p.m.?? Indiana State Bar Association
 - c. May 2013 Indiana Continuing Legal Education Forum (ICLEF), which will have a live presentation and video replays.
7. Revised PTG scenarios.
 - a. Jeffrey Bercovitz distributed updated parenting time guideline scenarios.
 - b. Committee members reviewed calculation of annual overnights under the revised guidelines.
 - c. Committee members reviewed the Parental Exchange of School, Activity and Medical Information scenario.
8. Recent legislation. Jeffrey Bercovitz distributed SB 6, emancipation of children at age 19, which applies emancipation at age 19 to dissolution as well as paternity statutes.
9. Next meeting. Committee members agreed to again on Friday, March 15, May 17, July 19, August 16, October 18 and November 15, 2013 from 10:30 a.m. – 4:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Domestic Relations Committee
Judicial Conference of Indiana

Minutes
March 15, 2013

The Domestic Relations Committee met at the Indiana Judicial Center on Friday, March 15, 2013 from 10:30 a.m. – 3:00 p.m.

1. Members present. Thomas H. Busch, Karen M. Love, Sheryl L. Lynch, Frederick A. Schurger, Debbie J. Shook, R. Scott Sirk, Richard R. Stalbrink, Elizabeth A. Tavitias, and Lynn Murray, Chair, were present.
2. Staff present. Jeffrey Bercovitz and Anne Jordan provided the committee with staff assistance.
3. Guest present. Stuart Showalter also attended the meeting.
4. Minutes. The minutes from the meetings on January 18 and February 15 were approved.
5. PTG PowerPoint. Committee members reviewed comments to be added to the PTG PowerPoint. They agreed to revise a slide with additional information and remove a slide.
6. Review of PTG Booklet. Jeffrey Bercovitz distributed a draft PTG booklet. Committee members reviewed the booklet and suggested a few revisions, including use of a different color from the last booklet.
7. Child support comment. Jeffrey Bercovitz distributed a child support guidelines comment from Mr. John Raine.
8. Court imposed mediation. Stuart Showalter made a presentation and distributed materials about the use of court imposed mediation.
9. Revised PTG scenarios.
 - a. Jeffrey Bercovitz distributed updated parenting time guideline scenarios.
 - b. Committee members reviewed scenarios on additional parenting time, a balanced school calendar, three weekends in a row, Arizona PTG schedule, regular child care responsibilities, use of new guidelines, parallel parenting, and transportation. Members of the committee also reviewed a new scenario concerning completion of a year-long calendar. They agreed to make the Arizona scenario an informational handout.
 - c. Members of the committee reviewed the Parental Exchange of School, Activity and Medical Information scenario.
 - d. Committee members agreed to get revised scenarios to the Indiana Judicial Center by Friday, March 22, 2013.
10. PTG. The following programs are planned for presentation of the revised Parenting Time Guidelines:
Tues., April 16, 2013 11:00 a.m. – 12:00 noon Pro Bono Plan Administrators

Wed., April 17, 2013 9:00 a.m. – 12:00 p.m. Spring Judicial College for Judges
Wed., April 17, 2013 4:00 p.m. – 5:00 p.m. Indiana State Bar Association
Fri., May 10, 2013 1:00 – 4:00 p.m. Indiana Continuing Legal Education Forum
(ICLEF), which will have a live presentation and video replays.
Mon., October 14, 2013 One hour ISBA

11. Recent legislation. Jeffrey Bercovitz distributed SB 6, emancipation of children at age 19, which applies emancipation at age 19 to dissolution as well as paternity statutes. He reported it passed House Judiciary and Second Reading in the House.
12. Fall Domestic Relations Conference. Anne Jordan asked members of the committee for suggestions for topics for a fall domestic relations conference, a one day seminar on Thursday, Nov. 14, 2013. They suggested the following:
 - a. How judges administer cases with *pro se* litigants, including ethical problems
 - b. Psychologists and mental health issues and their impact on families
 - c. Dysfunction families
 - d. Case flow management and impact of delays on children. This might include calendar settings 4-5 months out; an interim order while a bifurcated hearing is not finished.
 - e. Parental alienation
 - f. Bipolar, addicted or personality disordered parents and their effect in family law cases
 - g. Child development and attachment
 - h. Education of judges about parents giving regular hands on care
 - i. Explore Arizona's parenting time guidelines by having a speaker from Arizona discuss how they are used in Arizona.
 - j. Give a practical guide for an *in camera* interview
 - k. Ethics for family law judges, e.g. a dissolution case is filed with attorneys for the parties. One party then files *pro se* seeking an *ex parte* protection order. It deals with dissolution matters. What are ethical implications in dissolution case of hearing the *ex parte* protection order case?
13. Next meeting. Committee members agreed to again on Friday, May 17, July 19, August 16, October 18 and November 15, 2013 from 10:30 a.m. – 4:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Domestic Relations Committee
Judicial Conference of Indiana

Minutes
July 19, 2013

The Domestic Relations Committee met at the Indiana Judicial Center on Friday, July 19, 2013 from 10:30 a.m. – 2:10 p.m.

1. Members present. Frances G. Hill, Karen M. Love, Sheryl L. Lynch, Debbie J. Shook, Elizabeth A. Tavitas, and Lynn Murray, Chair, were present.
2. Staff present. Jeffrey Bercovitz provided the committee with staff assistance.
3. Guest present. Mike Commons, Division of State Court Administration also attended the meeting.
4. Minutes. The minutes from the meeting on March 15, 2013 were approved.
5. Retiring members. Judge Murray, Chair announced the terms of Judge Love, Sr. Judge Schurger, Comm. Shook, and Judge Young end in September 2013. Judge Murray and members of the committee thanked them for their service.
6. Parenting Time Guidelines feedback.
 - a. Committee members noted future dates for presentations on the parenting time guidelines: NWI Volunteer Lawyers, Pro Bono District, VU Law School, July 26, 2013, Judge Tavitas; and ISBA, Talk to a Lawyer Training Seminar, October 14, 2013, Comm. Shook.
 - b. Members of the committee reviewed comments on the parenting time guidelines from the ICLEF presentation on May 10, 2013.
 - c. Committee members discussed feedback on the parenting time guidelines.
7. Review of Family Resource website. Members of the committee reviewed the judicial branch website: “Legal Issues Affecting Families: Resources.” They agreed to add the website listing all county clerks and the DCS Child Support Bureau Website. They agreed to add county Title IV-D websites also, if a statewide listing is available.
8. Annual Meeting of Judicial Conference.
 - a. Judge Murray reported an early bird session will be held on September 19 at the Annual Meeting of the Judicial Conference about tax consequences with children of divorce and separated parents. Mr. David Hajek, a CPA/Attorney will make this presentation.
 - b. Jeffrey Bercovitz reported Parenting Time Guideline booklets will be distributed to judges if prepared in time for the conference.
9. Child Support Guideline review.
 - a. Jeffrey Bercovitz distributed a copy of 42 USCA § 667 and 45 CFR § 302.56 which requires all states to review child support guidelines and gives elements of the review.

- b. Committee members discussed topics for consideration in connection with the review of the child support guidelines.
 - c. Members of the committee discussed hiring Dr. David Betson with monies from the Child Support Bureau for review of the economic basis of the child support guidelines.
 - d. Committee members discussed a public hearing and public draft for the child support guidelines.
10. Next meeting. Committee members agreed to cancel the August 16 meeting, meet again on October 18 from 10:30 a.m. – 4:00 p.m. at the Indiana Judicial Center and attend the conference for judges with domestic relations jurisdiction on November 14 in lieu of the November 15 scheduled meeting.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Domestic Relations Committee
Judicial Conference of Indiana

Minutes
October 18, 2013

The Domestic Relations Committee met at the Indiana Judicial Center on Friday, October 18, 2013 from 10:30 a.m. – 2:00 p.m.

1. Members present. Thomas H. Busch, Andre B. Gammage, Frances G. Hill, K. Mark Loyd, Brian F. McLane, Jennifer Newton, Rita A. Parsons-Rice, R. Scott Sirk, Richard R. Stalbrink, Elizabeth A. Tavitias, and Lynn Murray, Chair, were present.
2. Staff present. Jeffrey Bercovitz provided the committee with staff assistance.
3. Guest present. Mike Commons, Division of State Court Administration also attended the meeting.
4. Minutes. The minutes from the meeting on July 19, 2013 were approved.
5. New members. New committee members Andre B. Gammage, K. Mark Loyd, Brian F. McLane, Jennifer Newton, Rita A. Parsons-Rice, introduced themselves to the committee. Judge Murray and members of the committee welcomed them and Benjamin A. Diener as new members of the committee.
6. Parenting Time Guidelines booklet distribution. Jeffrey Bercovitz reported distribution of about 260 boxes of new parenting time guidelines, including 150 each, to judges with domestic relations and paternity jurisdiction. The distribution took place at the Annual Meeting of the Judicial Conference of Indiana in September. Over 40 judges with domestic relations and/or paternity jurisdiction still need booklets.
7. Child support guideline review. Federal statute and rules on child support guideline reviews. Jeffrey Bercovitz distributed the federal statute requiring child support guideline reviews, 42 U.S.C. § 667, and federal rules which concern the review, 45 CFR 302.56 and medical support, 45 CFR 303.31. He reviewed them with the committee. He also distributed a copy of Indiana's Child Support Guidelines.
8. Issues for child support guidelines review. Committee members discussed issues for review of Indiana's child support guidelines. The Chair and Jeffrey Bercovitz agreed to prioritize them for the next meeting. Members of the committee also agreed to a timeline for review of the guidelines.
9. Expert to review child support guidelines. Judge Murray reported she and Jeffrey Bercovitz talked with Dr. David Betson about 10 days ago. Committee members agreed to give issues to Dr. Betson for review by him.
10. Confidentiality in paternity cases. Committee members discussed the statute and court rule which requires paternity cases to be confidential. They agreed by consensus if there is a paternity affidavit, the paternity case should be open from the beginning of the case.

If there is no paternity affidavit, then the case should be open once the initial paternity determination is made. Committee members discussed the need for attorneys to get support records and hearing dates. They also discussed whether paternity cases which are not confidential would discourage persons from admitting paternity.

11. Next meeting. Committee members agreed to attend the conference for judges with domestic relations jurisdiction on November 14, 2013 in lieu of the November 15 scheduled meeting.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law