

**Rule LR20-FL00-CVFL- 5 Domestic Relations Matters Involving Minor Children –  
Cooperative Family Practice**

**(A) Liberal Construction and Application.**

- (1) The Circuit and Superior Courts of Elkhart County are committed to a cooperative model for the handling of “family cases” by parents, attorneys, and judges. This Rule will be liberally construed and applied to promote the healthy and child-sensitive functioning of families.
- (2) “Family cases” are defined as all marital dissolution or separation, paternity and guardianship proceedings involving custody and parenting issues.
- (3) The adoption of this Rule does not affect a lawyer’s duty to act in compliance with the Indiana Rules of Professional Conduct, particularly the duty to act with reasonable diligence and promptness in representing a client.
- (4) **All support orders or modifications must be in writing and filed with and approved by the Court or will be invalid.**

**(B) Case Captioning.**

- (1) Parties in marital dissolution and separation and paternity cases shall not be captioned or designated as “petitioner,” “respondent,” “plaintiff,” or “defendant.”
- (2) In marital dissolution and separation cases on the date of the initial filing, all pleadings shall be captioned, “In Re the Marriage of \_\_\_\_\_, Husband [or Wife], and \_\_\_\_\_, Wife [or Husband].” The party filing the initial petition shall be named first.
- (3) Parties in paternity cases shall be captioned “In Re the Paternity of [name or initials of minor child] and designated as “mother,” “putative father,” and father.”

**(C) Duties of Attorneys and Parties in Family Cases.**

- (1) Attorneys and parties in family cases are expected to act with the courts as co-problem solvers, not mere problem-reporters. Attorneys shall both inform and remind their clients about the judicial expectations of cooperation in family cases, assist their clients to understand and observe these standards, and encourage clients to participate in co-parenting classes, counseling, mediation, and other appropriate problem-solving processes.
- (2) In order to establish and maintain an atmosphere which fosters cooperative problem-solving, all parties and attorneys shall:
  - (a) explore resources which may reduce conflict, build cooperation and protect

children;

- (b) attempt reasonable cooperative measures before resorting to the court;
  - (c) avoid disrespectful language and behavior; and,
  - (d) avoid unnecessary motions or petitions, hearing and arguments.
- (3) Website. Parties and counsel should visit the court's website link at [www.elkhartcounty.com](http://www.elkhartcounty.com) for more information on the procedures in use in Elkhart County in support of the cooperative handling of family cases.

#### *Commentary*

*The Circuit and Superior Courts of Elkhart County recognize that conflict in family cases is destructive and often dangerous. Litigating family cases does not end or resolve the conflict; it heightens the conflict. The cooperative model for handling family cases is implemented in order to minimize such conflict and, instead, foster the healthy and child-sensitive functioning of families.*

*Actions taken in the earliest stages of parents' separation and other family crises, whether those actions are helpful or destructive, often define much of the future of the family case and the family. Attorneys' language and conduct in these earliest days are often crucial to the future course of both the case and the future functioning of the family. Until the case is filed, the courts have no involvement and are powerless to help families. However, at such early stages, attorneys can either set a tone of beneficial cooperation or of destructive conflict for the families they touch.*

*All too often in family cases the courtroom becomes an arena in which the parties are subjected to criticism, sometimes even ridicule or similar abuse. Such conduct will not be tolerated. Attorneys have an ethical obligation to refrain from abusive conduct and other offensive tactics; to treat all parties, witnesses and all others involved in the legal process with courtesy and respect; and, to refuse to participate in any effort to embarrass or burden someone. The courts consider such conduct to be repugnant. So should the attorneys and all members of the family. Attorneys have an ethical obligation to consult with their clients about the means to be employed and clients normally defer to their attorney's special knowledge and skill in such matters. These rules and comments require that when doing so, the attorney should educate the client about the substantial risk that conflict presents for members of the family and of the benefits and opportunities for resolution through the cooperative model. Family members who elect to pursue the path of conflict instead of cooperation are not acting in the best interests of the children; and, the courts should consider the decisions made by the parties in this regard as part of its evaluation of the children's best interests and in the allocation of attorney fees.*

*This cooperative model will require some fundamental changes in the local legal culture, including the manner in which attorneys approach family cases. While fundamental change does not occur overnight, it must begin now. The attorney's primary focus in family cases should be on defusing the underlying source(s) of conflict(s) by helping the family find ways to resolve issues by means which are less destructive than litigation.*

*As part of the cooperative model, the courts will expect all parties and attorneys to consistently observe:*

- (a) personal responsibility by acting on one's opportunities to solve problems and improve circumstances rather than merely reporting on the alleged fault in others;*
- (b) cooperation by sensibly defining and recognizing the best interests of all family members;*
- (c) courtesy by constant use of respectful language and behavior; and,*
- (d) focused attention on children's needs, including an awareness that parental conflict is dangerous to children.*

*As part of their duty to work as co-problem-solvers with the court in all family cases, if safe to do so, attorneys should;*

- (a) speak with their clients, as early as possible and as often as necessary, about the advantages and judicial expectations of safe cooperation in family cases;*
- (b) refer clients to all co-parenting classes, counseling, mediation, and other problem-solving processes that appear to counsel to be promising resources for their clients;*
- (c) work with other counsel to ensure safety in families where domestic violence has been, or reasonably could be, an issue;*
- (d) work with other counsel in all cases to reduce conflict, build cooperation, and protect children; and,*
- (e) avoid unnecessary motions and hearings.*

*Before any scheduled hearing:*

- (a) An attorney should assess with a client whether the matter can safely be handled cooperatively and without adversarial motions, hearings and other formal proceedings. Unless safety or exceptional circumstances make cooperation unreasonable, counsel should handle the case in ways that avoid adversarial proceedings and maximize the parties' development of cooperative problem-solving.*
- (b) An attorney should make reasonable efforts to determine if the other spouse, parent, or putative parent is represented or may be seeking representation. Unless doing so might create a danger or substantial prejudice to the client, or it is otherwise unreasonable to do so, the attorney should:
  - (i) confer with the other attorney or self represented litigant;*
  - (ii) attempt in good faith to find cooperative resolutions to provisional**

*matters, including peaceful separation, so that unnecessary provisional filings and hearings can be avoided; and,*

(iii) *refer parents to resources such as co-parent education, co-parent counseling, marital counseling, and mediation that can help them build cooperation.*

(c) *If both parties elect to be self represented litigants, they shall have the same duties stated above.*

**(D) Initial and Provisional Hearings.**

Unless considerations of safety or other good cause make it unreasonable, before the date and time set for an initial or provisional hearing, counsel or self represented litigants shall meet with each other in a good-faith attempt to resolve all matters.

**(E) Mandatory Website Work for Parents.**

(1) **Dissolution of Marriage.** In all dissolution cases where the parties have any children together under the age of 18, both parties shall complete the work on [www.UpToParents.org](http://www.UpToParents.org) within 15 days of initial filing or service.

(2) **Legal Separation.** In all separation cases where the parties have any children together under the age of 18, both parties shall complete the work on [www.WhileWeHeal.org](http://www.WhileWeHeal.org) within 15 days of initial filing or service.

(3) **Paternity.** In all paternity cases, both parents shall complete the work on [www.ProudToParent.org](http://www.ProudToParent.org) within 15 days of the court's finding of paternity.

(4) **Agreed Commitments.** Following completion of the website work required by this rule, the parents shall merge or exchange their chosen Commitments from their website work into a set of Agreed Commitments.

**(5) Proof of Compliance.**

(i) **Dissolution of Marriage and Legal Separation.** In order to monitor compliance, within 20 days of the initial filing or service of an action for dissolution or separation, each party shall file a verified certification of their completion of the mandatory website work. A sample form is attached as Appendix "A".

(ii) **Paternity.** In order to monitor compliance, within 20 days of the court's finding of paternity, each party shall file a verified certification of completion of the mandatory website work. A sample form is attached as Appendix "B".

(iii) **Failure to Comply.** Any party failing to timely file a certification may be subject to a contempt hearing.

*Commentary*

*The rule contemplates that, following completion of the website work required by this rule, the parents shall merge their chosen Commitments from their website work into a set of Agreed Commitments and review those Agreed Commitments before all hearings. If a hearing is held more than a year since the parents' completion of the website work, they should redo the work and again merge their Commitments into a set of Agreed Commitments.*

**(F) Transparenting and Seasons Class.**

Information regarding required classes is available on the court's website at <http://www.elkhartfamilylaw.gov/>.

- (1) **Dissolution of Marriage and Legal Separation. Mandatory Attendance.** In all dissolution and separation cases where the parties have any children together under the age of 18, both parties shall complete the Elkhart County Transparenting class. Any children 6 years of age through 17 years of age shall complete the Elkhart County Seasons class. The court may order any party to attend additional parenting, co-parenting, or parenting enrichment classes in post-decree matters.
- (2) **Paternity.** Upon adjudication of paternity, the court shall order the parties to attend and complete the Transparenting class unless circumstances prohibit said attendance. Upon adjudication of paternity, where children 6 years of age through 17 years of age are involved, the court shall order that the minor children enroll and complete the Seasons class. In all paternity cases the court may order any party to attend and complete additional parenting, co-parenting, or parenting enrichment class.
- (3) **Proof of Compliance.** In all dissolution of marriage and legal separation cases, the parties must enroll in said classes within 15 days of the filing or service of the petition. The agency providing the Transparenting and Seasons classes, pursuant to the order of court, shall provide a list of enrolled participants to each court on a not less than weekly basis.

*Commentary*

*It is recognized that this Rule may not be applicable in Uniform Interstate Family Support Act (UIFSA) cases.*

**(G) Parenting Plan Proposals**

- (1) The Indiana Parenting Time Guidelines provide useful outlines of the **minimum** time each parent should have with the children to maintain frequent, meaningful, and continuing contact with them.
- (2) Unless they have already executed and filed an Agreed Parenting Plan, the parties shall each prepare and exchange their written Parenting Plan Proposals utilizing the

form attached as Appendix “C”. It is anticipated that this exchange of parenting plan proposals shall occur at least two (2) business days before the hearing.

- (3) The Parenting Plan Proposals, Agreed Commitments and other results generated as a result of the website work shall be inadmissible as evidence and unenforceable at any hearing or trial. The purpose of the Parenting Plan Proposals, Agreed Commitments and website work is to generate a culture of co-parenting for the long term benefit of families.
- (4) In the event the parties agree on only portions of a Parenting Plan, the parties shall submit the agreed upon portions of the Parenting Plan to the Court, and advise the Court of unresolved issues.

#### *Commentary*

(1) *Children whose parents live apart have special needs above and beyond those of other children, including the need for frequent, meaningful, and continuing contact with both parents. The courts expect separated and divorced parents, if safely possible, to work together to support children’s best possible relationships with each parent.*

(2) *Dedicated parents will do their best to:*

- (a) *Remember that their children’s only job is to be children, not their messengers, spies, counselors, confidants, or carriers of their hurt.*
- (b) *Remember that their love for their children is greater than any issue they could have with each other.*
- (c) *Respect each other’s parenting time while also being flexible so the children’s lives can be as normal as possible.*
- (d) *Pay special attention to keep their appointments and schedules with each other and call promptly if any problems come up.*
- (e) *Educate their extended families and close friends that they need to make peace as well.*

(3) *Children shall have frequent, meaningful, and continuing contact with each parent. The Indiana Parenting Time Guidelines provide a useful outline of the minimum time that each parent should have with the children. It is the express preference of the Elkhart Circuit and Superior Courts that parenting plans, if safely possible, should:*

- (a) *exceed the Guideline minimums for the non-custodial parent;*
- (b) *fit the particular needs of the family; and,*
- (c) *encourage parents’ use of sensibility, flexibility, and reasonableness to*

*allow for cooperative accommodation of special needs and circumstances in family activities.*

*(4) Whenever parents need resources to reduce conflict, build cooperation, preserve family relationships, or respond to the needs of their children, they and their attorneys (if any), should use all resources that could help them. Such resources include:*

- (a) redoing the website work from [www.UpToParents.org](http://www.UpToParents.org), [www.WhileWeHeal.org](http://www.WhileWeHeal.org), or [www.ProudToParent.org](http://www.ProudToParent.org);*
- (b) additional co-parenting classes, including re-attending the basic class or attending high-conflict classes;*
- (c) completing a new Parenting Plan Proposal;*
- (d) mediation;*
- (e) confidential therapeutic assessment of the parents to develop a set of recommendations for their improved interaction;*
- (f) individual, joint, family or child counseling;*
- (g) appointment of a parenting coordinator; and,*
- (h) any other measure that might protect children, reduce conflict, or build cooperation.*

*(5) If parents nevertheless continue to have conflict and appear in court without an agreement about the resources they will use, the court may select the resources the parents will be ordered to use.*

**(H) Protocols After Initial Filing.**

**(1) Duties Regarding Conferences.** Except in emergencies or when it is otherwise unreasonable to do so, counsel and self represented litigants shall make a reasonable attempt to have a personal or telephonic conference to resolve any issue before hearing or seeking any other relief through the court. Counsel and self represented litigants contacted for a conference shall make themselves reasonably available. The duty of a personal or telephonic conference shall be continuing.

**(2) Substance of Conference.** In the conference, counsel and self represented litigants shall:

- (a)** attempt to resolve all matters at issue;
- (b)** confirm the parties' compliance with paragraphs (E), (F) and (G) of this

Rule; and,

- (c) discuss the resources they believe the parents could use to resolve current and future issues and to build cooperation, including any resources listed in Commentary paragraph (4) to paragraph (G) of this Rule.
- (3) **Cooperation Update - Mandatory.** All motions and pleadings other than the initial filings shall include a statement confirming compliance with items (1) through (2), above, including the date of the required personal or telephonic conference or shall recite the specific reasons for the lack of a conference.
- (4) **Failure of Compliance.** Failure to comply with this section may result in the denial of relief or a hearing until compliance is accomplished.

*Commentary*

*Counsel and self represented litigants shall consult in advance of all court hearings and exchange suggestions for the future course of the case that would serve the best interests of all family members, except in the limited circumstances described above.*

*During a status conference:*

- (1) *the attorneys and self represented litigants will report on:*
  - (a) *the status of compliance with each provision of this Rule by the parties and their attorneys; and,*
  - (b) *parent progress in reducing conflict, building cooperation, preserving family relationships, and responding to the needs of the children.*
- (2) *where beneficial, the families will be referred for any necessary help; and,*
- (3) *the court will consider the future course of the case.*

**(I) Requirements before Custody Evaluations.**

Custody evaluations are sometimes divisive and produce less cooperation between parents. Custody evaluations shall be reserved for cases where the parents cannot resolve the issues. No custody evaluation may be requested, ordered or conducted unless and until all cooperative measures (including, but not limited to, co-parenting education, consultation with a parenting coordinator and mediation) have been exhausted, shown to be dangerous, likely to be unsuccessful, or otherwise unreasonable.

All requests for custody evaluations shall be in writing and shall state:

- (a) what specific issues are resolved and what specific issues remain unresolved;

- (b) what problem solving resources have been used to date (including any co-parenting education, consultation with a parenting coordinator or mediation); and
- (c) why no further cooperative measures can be expected to assist the parents in resolving all issues.

The court will not grant or order a custody evaluation except following a status conference in the presence of both parties and their attorneys, if any, during which the court has been satisfied that:

- (1) both parties have completed the requirements of paragraphs (E), (F) and (G) above; and,
- (2) the use of other resources including those listed in Commentary paragraph (4) to paragraph (G) of this Rule has been carefully considered and reviewed.

(J) **Form of Summons.**

(1) **Dissolution of Marriage and Legal Separation.** In dissolution and separation cases, the appropriate summons shall be used and shall be substantially the same as the forms which are attached as Appendix “D” or “D-1”.

(2) **Paternity.** In paternity cases, the summons shall be substantially the same as the form which is attached as Appendix “E”.

(K) **Parenting Coordinator.**

(1) **Definition.** Parenting Coordination will be in compliance with any Indiana Parenting Coordination Rules adopted by the Judicial Conference of the State of Indiana. The Parenting Coordinator shall make recommendations and work to resolve conflicts between the parents involving only custody and parenting issues. Such recommendations, negotiations, and education shall include strategies for enforcing any shared parenting plan, communication, and parenting time schedule, for minimizing child-related conflicts between the parties, and for eliminating unproductive or harmful behavior patterns by one or both parents. The Court retains exclusive jurisdiction and authority to determine issues of custody and parenting.

(2) **Appointment.** The Parenting Coordinator shall be appointed by the Courts. At any time after the filing of the petition for dissolution of marriage, legal separation or adjudication of paternity, by stipulation of the attorneys or by order of the court, the parties shall utilize the services of a Parenting Coordinator. The Courts shall also maintain a list of approved private parenting coordinators.

(3) **Inadmissibility and Confidentiality.**

(a) The matters and issues discussed with the Parenting Coordinator shall be confidential in nature and in the context of settlement negotiations. The work of the Parenting Coordinator and the discussions of the parties shall be inadmissible as evidence and unenforceable at any hearing or trial, except as provided in paragraph (4).

(b) However, this Rule shall not prohibit the Parenting Coordinator from making recommendations to the Court on other resources available to the parents, the need for a custody evaluation or the appointment of a guardian ad litem.

(4) **Agreements.** The Parenting Coordinator shall file all agreements signed by the parties and the Parenting Coordinator with the Court for approval.

(5) **Costs.** The Court may assess the costs of the Parenting Coordinator to the parties.

(L) **Enforcement.**

Upon the failure of any attorney or self represented litigant to comply with this Rule, the Courts may use, at their discretion, the variety of enforcement mechanisms available to them in the traditional system. These enforcement mechanisms include a finding of contempt, an award of attorney fees, postponement of hearing, denial of any requested relief, and an award of lost wages.

*Commentary*

*This Rule and the enforcement thereof appear contradictory. However, the benefits of the overall concepts contained in this Rule, as well as the recognized and hoped for long-term advantages of implementing such a process, render its enforcement of vital importance. Families in conflict do not always fit well into the mold of the traditional adversary system. Nevertheless, it must be recognized that an attempt to reshape the model within which family law cases have traditionally occurred will require, on occasion, the use of those enforcement mechanisms which do not fall within a model of cooperation.*

*The Circuit and Superior Courts of Elkhart County recognize that, in order to utilize and reap the benefits of a cooperative family law system, attorneys and parties must be subject to the enforcement of these Rules, including but not limited to the award of attorney fees and sanctions. The courts also recognize that enforcement requires uniformity and consistent application of this Rule and its enforcement mechanisms.*

**APPENDICES**

**LR20-FL00-CVFL- 5 APPENDIX A.  
CERTIFICATION OF COMPLIANCE IN DISSOLUTION CASES**

The undersigned, as the (select: Wife or Husband) in this cause, does hereby certify that:

On (type date) I completed the mandatory website work as required by the Court and have attached my certificate to confirm the same.

I affirm under the penalties for perjury that the foregoing representations are true.

Date: \_\_\_\_\_  
(Type name), (select: Wife or Husband)

**LR20-FL00-CVFL- 5 APPENDIX B.  
CERTIFICATION OF COMPLIANCE IN PATERNITY CASES**

The undersigned, as the (select: Mother or Father) in this cause, does hereby certify that:

On (type date) I completed the mandatory website work as required by the Court and have attached my certificate to confirm the same.

I affirm under the penalties for perjury that the foregoing representations are true.

Date: \_\_\_\_\_  
(Type name), (select: Mother or Father)

**LR20-FL00-CVFL- 5 APPENDIX C.  
PARENTING PLAN PROPOSAL**

In Re The (select: Marriage/Paternity) of: \_\_\_\_\_

Case No.: \_\_\_\_\_

(Select Mother's/Father's) Parenting Plan Proposal

**Parent's Affirmation**

I hereby affirm under the penalties for perjury, that **before** preparing this proposal I have:

1. carefully read the Indiana Parenting Time Guidelines, including the Preamble and General Rules and understand that they reflect the **minimum** parenting time; and,
2. completed all the work assignments for parents at (select: [www.UpToParents.org](http://www.UpToParents.org) or [www.ProudToParent.org](http://www.ProudToParent.org) ); and,
3. enrolled in the parenting class required by the court.

Dated: \_\_\_\_\_, 20\_\_\_\_  
\_\_\_\_\_ (Select: Mother/Father)

**Terms of This Proposal**

The following proposal for our children's parenting plan for our children was prepared as part of the effort of both parents to devise a parenting plan to include decision making and living arrangements that will serve to nurture and protect our children as the years progress. This proposal was prepared and is submitted as required by the Elkhart County Rules of Court for cooperative family practice and is part of an effort to compromise and settle these and other issues which now exist between the parents. Unless all of the terms of the following proposal are accepted as shown by the signatures of both parents on page two (2), the following proposal and all of its terms are inadmissible as evidence for any purpose.

**Custody**

"Legal custody" of children means decision making responsibility for substantial matters that affect a child's life, such as place of residence, school selection and other educational decisions, non-emergency healthcare and religious upbringing. Legal custody of our children shall be as follows:

- \_\_\_\_\_ Joint
- \_\_\_\_\_ Mother
- \_\_\_\_\_ Father

"Physical custody" means where the children primarily reside. Physical custody of our children shall be as follows:

- \_\_\_\_\_ Shared
- \_\_\_\_\_ Mother
- \_\_\_\_\_ Father

**Parenting Time Schedule**

The time for our children to be with each of us shall be as provided in the Indiana Parenting Time Guidelines as adopted by Elkhart County (“Guidelines”).

The following shall be (select: in addition to/excluded from) the time provided in the Guidelines:

Weekdays:

Weekends:

Holidays and Special Days:

Extended Parenting Time/Summer Vacation:

Other provisions of our parenting plan would be:

In the event of disagreement, we will speak to one another first to try to resolve any parenting issues and focus on the children’s needs. If we are unable to resolve all the issues, then we will consider the following:

- A. Use of a parenting coordinator to work with us.
- B. Mediation.
- C. Use of other resources such as redoing website work at [www.UpToParents.org](http://www.UpToParents.org) or [www.ProudToParent.org](http://www.ProudToParent.org); additional co-parenting classes, including re-attending the basic class or attending high-conflict classes; and individual, joint, family or child counseling.

Dated: \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Select: Mother/Father)

(attorney’s name)  
Indiana Attorney No.:  
(firm name)  
Attorney for (select: Mother/Father)  
(address)  
(phone number)

**ACCEPTANCE**

By our signatures, we, as parents, agree to all of the terms set forth above as our Agreed Parenting Plan and acknowledge that this document is now admissible as evidence in court.

\_\_\_\_\_  
(Select: Mother/Father)  
Date: \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
(Select: Mother/Father)  
Date: \_\_\_\_\_, 20\_\_\_\_

(attorney's name)  
Indiana Attorney No.: \_\_\_\_\_  
(firm name)  
Attorney for (select: Mother/Father)  
(address)  
(phone number)

(attorney's name)  
Indiana Attorney No.: \_\_\_\_\_  
(firm name)  
Attorney for (select: Mother/Father)  
(address)  
(phone number)

IT IS SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Judge,



or employer statement) and your last income tax return, including all W-2s, 1099s and all accompanying schedules.

If you do not file a written appearance with the Clerk and serve a copy on your spouse or your spouse's attorney, you may not receive notice of any further proceedings in this action. **If you do not make such an appearance, a final decree could be entered by default which grants the relief sought in your spouse's petition after the expiration of sixty (60) days from the date of the filing of the petition.** You are not required to file any written answer to respond to the petition; however, certain grounds for dismissal must be asserted in a timely fashion or are waived; and, if you have a claim for relief against your spouse you may be required to assert such a claim in a written pleading which must be filed with the Clerk and served on your spouse or your spouse's attorney.

The following manner of service of this SUMMONS is hereby designated:

(select): \_\_\_\_\_ Registered or certified mail (with addressed envelope) postage prepaid,  
return receipt #  
\_\_\_\_\_ Sheriff of Elkhart County  
\_\_\_\_\_ Private service by: \_\_\_\_\_

Date:

(Name of attorney for Filing Party) WENDY HUDSON  
Indiana Attorney No: (insert) CLERK, ELKHART CIRCUIT/SUPERIOR COURTS

(firm name)

Attorney for (select: Wife, Husband)

(address)

By:

Deputy Clerk

(phone number)

#### PREPARATION DATA:

All summons are to be prepared in triplicate with the original of each to be placed in the Court file with two copies available for service. If service is by certified mail a properly addressed envelope shall be provided for the party being served. Certified mail labels and return receipts must also be furnished for each mailing and the cause number must appear on each return receipt, which shall be returnable to the Clerk at the address of the Court.

#### CLERK'S CERTIFICATE OF MAILING

I hereby certify that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I mailed a copy of this Summons and designated documents to the party being served, \_\_\_\_\_, by \_\_\_\_\_ mail, requesting a return receipt, at the address furnished by the filing party.

WENDY HUDSON  
CLERK, ELKHART CIRCUIT/SUPERIOR  
COURTS

Dated: \_\_\_\_\_, 20\_\_.

BY:  
Deputy Clerk

**RETURN ON SERVICE OF SUMMONS BY MAIL**

I hereby certify that the attached return receipt was received by me showing that the Summons and designated documents mailed to the party being served, \_\_\_\_\_, was accepted by the party being served on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

I hereby certify that the attached return receipt was received by me showing that the Summons and designated documents was returned not accepted on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

WENDY HUDSON  
CLERK, ELKHART CIRCUIT/SUPERIOR  
COURTS

Dated: \_\_\_\_\_, 20\_\_.

BY:  
Deputy Clerk

**RETURN OF SERVICE OF SUMMONS BY SHERIFF**

I hereby certify that I have served the within Summons and designated documents:

- 1) By delivering on \_\_\_\_\_, 20\_\_, a copy of this Summons and designated documents to each of the within named person(s).
- 2) By leaving on \_\_\_\_\_, 20\_\_, for each of the within named person(s) \_\_\_\_\_ a copy of the Summons and a copy of the designated documents at the respective dwelling house or usual place of abode, \_\_\_\_\_ in \_\_\_\_\_, Indiana, with a person of suitable age and discretion residing within, whose usual duties or activities include prompt communication of such information to the person served, or by otherwise leaving such process thereat, and by mailing a copy of the Summons without the designated documents to the said named person(s) at the address listed herein.
- 3) This Summons came to hand this date, \_\_\_\_\_, 20\_\_. The within named \_\_\_\_\_ was not found in my bailiwick this date, \_\_\_\_\_, 20\_\_.

ALL DONE IN ELKHART COUNTY, INDIANA.

SHERIFF OF ELKHART COUNTY, INDIANA

By: \_\_\_\_\_

**SERVICE ACKNOWLEDGED**

I hereby acknowledge that I received a copy of this Summons and copies of the designated documents at \_\_\_\_\_, Indiana, on this date, \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Select: Wife/Husband)



such a claim in a written pleading which must be filed with the Clerk and served on your spouse or your spouse's attorney.

The following manner of service of this SUMMONS is hereby designated:

(select): \_\_\_\_\_ Registered or certified mail (with addressed envelope) postage prepaid,  
return receipt #  
\_\_\_\_\_ Sheriff of Elkhart County  
\_\_\_\_\_ Private service by: \_\_\_\_\_

Date:

(Name of attorney for Filing Party)  
Indiana Attorney No: (insert)  
(firm name)  
Attorney for (select: Wife, Husband)  
(address)  
  
(phone number)

WENDY HUDSON  
CLERK, ELKHART CIRCUIT/SUPERIOR

By:  
Deputy Clerk

**PREPARATION DATA:**

All summons are to be prepared in triplicate with the original of each to be placed in the Court file with two copies available for service. If service is by certified mail a properly addressed envelope shall be provided for the party being served. Certified mail labels and return receipts must also be furnished for each mailing and the cause number must appear on each return receipt, which shall be returnable to the Clerk at the address of the Court.

**CLERK'S CERTIFICATE OF MAILING**

I hereby certify that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I mailed a copy of this Summons and designated documents to the party being served, \_\_\_\_\_, by \_\_\_\_\_ mail, requesting a return receipt, at the address furnished by the filing party.

WENDY HUDSON  
CLERK, ELKHART CIRCUIT/SUPERIOR  
COURTS

Dated: \_\_\_\_\_, 20\_\_\_\_.

BY:  
Deputy Clerk

**RETURN ON SERVICE OF SUMMONS BY MAIL**

I hereby certify that the attached return receipt was received by me showing that the Summons and designated documents mailed to the party being served, \_\_\_\_\_, was accepted by the party being served on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

I hereby certify that the attached return receipt was received by me showing that the Summons and designated documents was returned not accepted on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

WENDY HUDSON  
CLERK, ELKHART CIRCUIT/SUPERIOR  
COURTS

Dated: \_\_\_\_\_, 20\_\_\_\_.

BY:  
Deputy Clerk

**RETURN OF SERVICE OF SUMMONS BY SHERIFF**

I hereby certify that I have served the within Summons and designated documents:

1) By delivering on \_\_\_\_\_, 20\_\_\_\_, a copy of this Summons and designated documents to each of the within named person(s).

2) By leaving on \_\_\_\_\_, 20\_\_\_\_, for each of the within named person(s) \_\_\_\_\_ a copy of the Summons and a copy of the designated documents at the respective dwelling house or usual place of abode, \_\_\_\_\_ in \_\_\_\_\_, Indiana, with a person of suitable age and discretion residing within, whose usual duties or activities include prompt communication of such information to the person served, or by otherwise leaving such process thereat, and by mailing a copy of the Summons without the designated documents to the said named person(s) at the address listed herein.

3) This Summons came to hand this date, \_\_\_\_\_, 20\_\_\_\_. The within named \_\_\_\_\_ was not found in my bailiwick this date, \_\_\_\_\_, 20\_\_\_\_.

ALL DONE IN ELKHART COUNTY, INDIANA.

SHERIFF OF ELKHART COUNTY, INDIANA

By: \_\_\_\_\_

**SERVICE ACKNOWLEDGED**

I hereby acknowledge that I received a copy of this Summons and copies of the designated documents at \_\_\_\_\_, Indiana, on this date, \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Select: Wife/Husband)



**the hearing, a final order could be entered by default determining paternity, custody, parenting time, medical expenses and child support.** If child support is requested, you are required to bring evidence of your weekly gross income (your pay before any deductions) and documents to verify year-to-date income (pay stub or employer statement) and your last income tax return, including all W-2s, 1099s and all accompanying schedules.

If you do not file a written appearance with the Clerk and serve a copy on the other party or the attorney whose name and address is set forth at the bottom of this page, you may not receive notice of any further proceedings in this action. You are not required to file a written response to the petition(s); however, certain grounds for dismissal must be asserted in a timely fashion or are waived. If you have a claim for relief against the person who filed the petition(s), you may be required to assert such a claim in a written pleading which must be filed with the Clerk and served upon the other party or the attorney whose name and address is set forth at the bottom of this page.

The following manner of service of this SUMMONS is hereby designated:

(select): \_\_\_\_\_ Registered or certified mail (with addressed envelope) postage prepaid,  
return receipt #  
\_\_\_\_\_ Sheriff of Elkhart County  
\_\_\_\_\_ Private service by: \_\_\_\_\_

Date:

(Name of attorney for Filing Party)  
Indiana Attorney No: (insert)  
(firm name)  
Attorney for (select: Mother, Father)  
(address)  
  
(phone number)

WENDY HUDSON  
CLERK, ELKHART CIRCUIT/SUPERIOR  
  
By:  
Deputy Clerk

**CLERK'S CERTIFICATE OF MAILING**

I hereby certify that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I mailed a copy of this Summons and designated documents to the party being served, \_\_\_\_\_, by \_\_\_\_\_ mail, requesting a return receipt, at the address furnished by the filing party.

WENDY HUDSON  
CLERK, ELKHART CIRCUIT/SUPERIOR  
COURTS

Dated: \_\_\_\_\_, 20\_\_\_\_.

BY:  
Deputy Clerk

**RETURN ON SERVICE OF SUMMONS BY MAIL**

I hereby certify that the attached return receipt was received by me showing that the Summons and designated documents mailed to the party being served, \_\_\_\_\_, was accepted by the party being served on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

I hereby certify that the attached return receipt was received by me showing that the Summons and designated documents was returned not accepted on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

WENDY HUDSON  
CLERK, ELKHART CIRCUIT/SUPERIOR  
COURTS

Dated: \_\_\_\_\_, 20\_\_\_\_\_.

BY:  
Deputy Clerk

**RETURN OF SERVICE OF SUMMONS BY SHERIFF**

I hereby certify that I have served the within Summons and designated documents:

1) By delivering on \_\_\_\_\_, 20\_\_\_\_, a copy of this Summons and the designated documents to each of the within named person(s).

2) By leaving on \_\_\_\_\_, 20\_\_\_\_, for each of the within named person(s) \_\_\_\_\_ a copy of the Summons and a copy of the designated documents at the respective dwelling house or usual place of abode, \_\_\_\_\_ in \_\_\_\_\_, Indiana, with a person of suitable age and discretion residing within, whose usual duties or activities include prompt communication of such information to the person served, or by otherwise leaving such process thereat, and by mailing a copy of the Summons without the designated documents to the said named person(s) at the address listed herein.

3) This Summons came to hand this date, \_\_\_\_\_, 20\_\_\_\_. The within named \_\_\_\_\_ was not found in my bailiwick this date, \_\_\_\_\_, 20\_\_\_\_\_.

ALL DONE IN ELKHART COUNTY, INDIANA.

SHERIFF OF ELKHART COUNTY, INDIANA

By: \_\_\_\_\_

**SERVICE ACKNOWLEDGED**

I hereby acknowledge that I received a copy of this Summons and copies of the designated documents at \_\_\_\_\_, Indiana, on this date, \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Select: Mother/Father)

**LR20-FL00-CVFL-6 ADDITIONAL DOMESTIC RELATIONS MATTERS**

**(A). FINANCIAL DISCLOSURES**

1) Any party seeking an initial order of child support or spousal maintenance, or the modification of an existing order of support or maintenance, shall, at the first hearing on such request, provide the court and any other party with appropriate verification of that party's current income and childcare expenses.

2) A party seeking an order which deviates from the Child Support Schedule calculation shall set forth facts supporting the deviation. At or before any hearing on a motion for support or maintenance, the responding party shall file a verified statement showing the party's income and childcare expenses.

3) At or before any pretrial conference, both parties shall file and exchange verified financial disclosure statements. In any event a verified financial disclosure statement shall be filed by both parties at least thirty (30) days prior to submission, unless such filing is waived in writing by both parties. Such waiver shall be filed with the court at the time of submission.

4) Any party failing to comply with the provisions of subsection 3 above shall be ordered to pay a sanction of \$100.00. If this amount is not paid AND the verified financial disclosure is not tendered to the opposing party within fifteen (15) days of the pretrial conference, the noncomplying party shall forthwith pay a sanction of \$200.00. All payments due under this subsection shall be made to the Treasurer of Elkhart County for deposit into the General Fund. Hearings shall be scheduled to monitor compliance. The Court may also impose such other sanctions permitted by statute or rule as it deems appropriate.

**(B) DISCOVERY LIMITATION**

No party shall engage in excessive use of interrogatories, motions for production, or requests for admissions.

**(C) ATTORNEY FEES**

1) In the absence of contradictory evidence, a reasonable initial attorney fee shall be \$1,200.00. Allocation of this fee between the parties shall be calculated through use of the following formula:

a. Husband's gross income from line I or line 2 of support worksheet (if maintenance is ordered, use line 2). \$ \_\_\_\_\_

b. Wife's gross income from line 3 or line 4 of support worksheet (if maintenance is ordered use line 4). \$ \_\_\_\_\_

c. Add lines A and D. \$ \_\_\_\_\_

d. Divide line A by line C. \$ \_\_\_\_\_

e. Divide line B by line C. \$ \_\_\_\_\_

f. Multiply \$2,400.00 by line D or line E, whichever is greater. \$ \_\_\_\_\_

g. Subtract \$1,200.00 \$1200.00

h. Line F minus line G. \$ \_\_\_\_\_

The party having the greater income shall pay the amount shown on line H to the attorney for the party having, the lesser income. If the party having, the lesser income is not represented by an attorney, then no attorney fees will be ordered.

2) In the absence of contradictory evidence a reasonable attorney fee for prosecution of a post dissolution rule to show cause shall be a minimum of \$400.00 for one court appearance. A minimum of \$200.00 will be added for each additional court appearance.

#### **(D) DECREE PROVISIONS**

- 1) Each decree of dissolution of marriage shall contain a provision which requires compliance with the applicable Indiana statute governing relocation of the residence of unemancipated children. That provision shall also make specific reference to that statute in order to assist lay persons in reviewing and copying it.
- 2) Both parties shall attach to the decree a current Child Support Computation Worksheet.

#### **(E) TWO-PARTY AUCTION**

1) If the parties are unable to divide personal property and household goods by agreement, the method of division shall be by the private two-party auction, which shall be conducted by the lawyers for the parties or a Magistrate in a timely manner on such terms as (s)he deems appropriate.

2) Either party may initiate a two-party auction at any point in the proceedings upon application to the court. Upon application, the non-possessory party may have reasonable access to the personal property in order to comply with this rule.

3) Prior to the auction, the two parties are ordered to prepare and submit one itemized list of all household goods and personal property noting, items of a separate nature (e.g. premarital, extended family gifts, inheritance, disposed of or disputed items, etc.).

4) A party who intentionally fails to cooperate or participate in the inventory and auction process will be subject to sanctions.

5) At the conclusion of the auction, the Magistrate or lawyer conducting the auction shall immediately provide copies of all pages indicating the auction results to the parties, and the said results shall be promptly be filed with the appropriate court.