

ELKHART CIRCUIT AND SUPERIOR COURTS

COOPERATIVE FAMILY PRACTICE RULE

BASIC GUIDE

FOR COMPLETE RULE AND IMPLEMENTATION MATERIALS SEE:

www.ElkhartFamilyLaw.gov

Conflict between parents is the best predictor of a child's later maladjustment. –Dr. Anthony L. Berardi

If parents will agree on one thing, they'll agree on everything, if that one thing is, "What do we want our children to look like at 25?" –Patrick Brown

OUR GOALS:

1. ensure safety,
2. reduce conflict,
3. build cooperation, and
4. protect children and encourage healthy relationships.

Family Law cases must be about the needs of the children and not a contest between parents. It is likely that a good result for you is possible only if you work for a good result for the children involved.

If there is a risk of violence immediately contact the police, child protective services or victim's assistance.

REQUIREMENTS:

1. Case Captioning shall use the terms Wife/Husband/Mother/Father or Putative Father. **LR20-FL00-CVFL-5(B).**
2. In dissolution of marriage or legal separation cases the **Summons** shall be substantially the same as **Form D or D-1.**
3. In paternity cases, when filed by a mother or putative father, the **Summons** shall be substantially the same as **Form E.**
4. Parents, in dissolution of marriage, must complete www.UptoParents.org and view the videos at www.ElkhartFamilyLaw.gov: "Welcome" "Divorce" "Domestic Violence" "Joint Legal Custody" "Parenting Plan Worksheet" and "Attorney Pledge" within 15 days of initial filing or service of process (SOP). **Form A*** must be filed within 20 days of initial filing or SOP to verify compliance. **LR20-FL00-CVFL-5(E)(1).** Parents shall merge or exchange web work and submit Agreed Commitments to the Court. **LR20-FL00-CVFL-5(E)(4).**
5. Parents, in legal separation, must complete www.WhileweHeal.org and view the videos as in no. 4 within 15 days of initial filing or SOP. **Form A*** must be filed within 20 days of initial filing or service to verify compliance. **LR20-FL00-CVFL-5(E)(2).** Parents shall merge or exchange web work and submit Agreed Commitments to the Court. **LR20-FL00-CVFL-5(E)(4).**

6. Parents, in paternity cases, must complete www.ProudtoParent.org and view the videos at <http://www.ElkhartFamilyLaw.gov> "Welcome" "Paternity" "Domestic Violence" "Joint Legal Custody" "Parenting Plan Worksheet" and "Attorney Pledge" within 15 days of initial filing or service. **Form B*** must be filed within 20 days of initial filing or service to verify compliance. **LR20-FL00-CVFL-5(E)(3)**. Parents shall merge or exchange web work and submit Agreed Commitments to the Court. **LR20-FL00-CVFL-5(E)(4)**.
7. All parents must attend Transparenting in **dissolution of marriage/legal separation** cases after filing or upon adjudication in **paternity** cases. **LR20-FL00-CVFL-5(F)**.
8. Prior to Initial or Provisional hearing parents shall meet with one another in a good-faith attempt to resolve all matters, unless safety or other good cause makes such meeting unreasonable. **LR20-FL00-CVFL-5(D)**.
9. Parents shall prepare and submit an Agreed Parenting Plan or portions agreed/disagreed upon. **Parenting Plan Form C. LR20-FL00-CVFL-5(G)**. If parents have not reached full agreement, at a minimum the parents should exchange their proposed Parenting Plans two days prior to hearing.
10. After the original filing, before filing a motion, other pleading or before a court hearing the parties shall have a conference [**LR20-FL00-CVFL-5(H)(1)&(2)**] and provide a statement confirming compliance. **LR20-FL00-CVFL-5(H)(3)**.
11. Parties should attempt reasonable cooperative measures such as co-parenting classes, counseling, mediation and other problem-solving processes before resorting to court. **LR20-FL00-CVFL-5(C)**.
12. If a hearing is held more than a year since the parents' completion of the website work, they should redo the work. **LR20-FL00-CVFL-5(E)(5) Commentary**.
13. Custody evaluations, including GAL appointment, will not occur until all other cooperative measures have been exhausted or explanation of why such measures have not or will not work has been provided. **LR20-FL00-CVFL-5(I)**.
14. Disrespectful language and behavior (abusive language or offensive tactics) are not appropriate. **LR20-FL00-CVFL-5(C)(2) and Commentary**.
15. Parties that pursue the path of conflict instead of cooperation are not acting in the best interest of the children and the court should take such tactics into consideration when making decisions. **LR20-FL00-CVFL-5(C)(2) and Commentary**.

* **Compliance Form found at www.ElkhartFamilyLaw.gov may be used in place of Form A and B.**

REMEMBER:

Protecting your children is likely your light out of anger and hurt. There is a good guiding light almost all parents can use; that is, do what is best for your children. Parents who build peace, courtesy, and cooperation for their children are the ones who can use their money and emotional resources building a better future rather than arguing the past.

IMPORTANT CONTACT INFORMATION:

Bashor Children's Home: 62226 C.R. 15, Goshen, Indiana provides the **Transparenting** program parents must attend and the **Seasons** program children 6 – 17 must attend you may register by phone 574-875-5117.

Legal Proceedings are highly complex, the Cooperative Family Practice Rule has many important requirements, this guide gives you access to the information needed to comply, but assistance of counsel is encouraged. If you cannot afford an attorney, then the following programs may be able to assist you.

Elkhart Legal Aid, Inc
401 S. Second St.
Elkhart, IN 46516
574-294-2658

Just Help: Elkhart County Legal Advocacy Center, Inc.
400 W. Lincoln Ave.
Goshen, IN 46526
574-537-8592
info@justhelplegal.org
www.justhelplegal.org

The Volunteer Lawyer Network, Inc.
P.O. Box 1358
117 ½ N. Main St.
South Bend, IN 46624
574-277-0075
volunteerinc@att.net
www.volunteerlawyernetwork.org

Indiana Legal Services South Bend Office
401 E. Colfax Suite 116
South Bend, IN 46617
800-288-8121

Notre Dame Legal Aid Clinic
725 Howard St.
South Bend, IN 46617
574-631-6704
www.law.nd.edu/legal-aid-clinic/