

STATE OF INDIANA)
)
COUNTY OF ELKHART)

IN THE ELKHART SUPERIOR COURT 6

CASE NO: _____

IN RE THE LEGAL SEPERATION OF:

Name of Filing Spouse
Select One: Husband Wife

And

Name of Responding Spouse
Select One: Husband Wife

DECREE OF LEGAL SEPERATION WITH CHILDREN

Based upon the evidence presented to the Court on _____, the Court now Finds and Orders as follows:

- Filing Spouse** **Responding Spouse** has been a continuous resident of Elkhart County for the last three (3) months and the State of Indiana for the last six (6) months immediately preceding the filing of this Petition.
- Parties were married on _____ and separated on _____.
The conditions in, or circumstances of the marriage of _____ and _____ are such that it is currently intolerable for the parties to live together as spouses; however, the marriage should be maintained.
- There are _____ unemancipated children born of the marriage:

Name	Age	DOB

- _____ is is not pregnant.

Children

The court shall determine temporary custody and enter a temporary custody order in accordance with the best interests of the child(ren). In determining the best interests of the child(ren), there is no presumption favoring either parent. The court shall consider all relevant factors, including the following:

- I. The age and sex of the child(ren).
- II. The wishes of the child's parent or parents.
- III. The wishes of the child, with more consideration given to the child's wishes if the child is at least fourteen (14) years of age.
- IV. The interaction and interrelationship of the child with the child's parent or parents; the child's sibling; and any other person who may significantly affect the child's best interests.
- V. The child's adjustment to the child's home; school; and community.
- VI. The mental and physical health of all individuals involved.
- VII. Evidence of a pattern of domestic or family violence by either parent
- VIII. Evidence that the child has been cared for by a de facto custodian (*not a parent*), and if the evidence is sufficient, the Court shall consider the factors described in section 8.5(b) of this chapter.

Legal Custody – Legal Custody is not where the child(ren) live, but which parent(s) make major life decisions for the child(ren)

5. It is in the best interest of the minor child(ren) that:

The parents shall share joint legal custody of the children. Both parents are equally responsible for decision-making for their children. They must communicate and cooperate to make decisions regarding major life decisions such as education, religion, and health care.

-OR-

_____ shall have sole legal custody of the children. The legal custodian shall discuss decisions with the other parent, when possible, but shall solely make all decisions regarding the children's education, religion, and health care.

The parent(s) with legal custody shall make other major life decisions for the child(ren), such as the ones described below. This is not an exhaustive list of major life decisions.

- i. Driving: Before a child may obtain a driver's license, use a car, purchase a vehicle, or use other vehicles such as motorcycles or all-terrain vehicles.
- ii. Firearms: Before a child may use a firearm, engage in hunting, or target practice.
- iii. Legal Actions: Before either parent may be the representative of the child for purposes of legal action.

- iv. Military Service: Before a child enlists in the military.
- v. Marriage: Before a parent consents to the marriage of a child who under state law is required to obtain parental consent.
- vi. Cosmetic Surgery, body piercing, and tattooing: Before either parent consents to cosmetic surgery, body piercing or tattooing.
- vii. Child's Employment: Before a child gets a job or a volunteer commitment.
- viii. Entertainment/Access to technology: Before a child may view "R" rated movies, have a social media account, have a cell phone, have a gaming device or have unsupervised access to the internet.

Parental Rights:

- a. Each parent shall have access to all the children's educational, religious, and health care records.
- b. Each parent shall keep the other notified with respect to matters affecting the health, education, and welfare of the minor children.
- c. Each parent shall promptly notify the other party of any medical emergencies with respect to the minor children.
- d. Each parent shall keep the other informed of medical, dental, or psychological appointments, school activities, and extracurricular activities pertaining to the minor children.
- e. Each parent shall ensure that both their names are listed as emergency contact persons with the school corporation and properly identify which parent has pick up rights on specific days.
- f. Each parent shall be open-minded and cooperative in allowing each other on separate occasions to attend school lunches and school field trips when available because it is in the best interests of the children and doing so without creating conflict or overburdening the school corporation.

Physical Custody

6. _____ shall have primary physical custody; subject to the other parent's parenting time.

-OR-

- The parents shall share joint physical custody on the following schedule:
 - Alternating weeks, with _____ as the start day.
 - A "5/2/2/5" plan, wherein the children spend the night with Parent A for 5 days, then Parent B for 2 days, then Parent A for 2 days, followed by 5 days with Parent B.
 - A "2/2/3" plan, wherein the children spend 2 days with Parent A, 2 days with Parent B, and 3 days with Parent A, then switches the schedule the following week.

- A “3/4/4/3” plan, wherein the children spend 3 days with Parent A, 4 days with Parent B, 4 days with Parent A, 3 days with Parent B.
- Other:

Parenting Time

- 7. Parents have Joint Physical Custody as described above.

-OR-

- This matter does not involve allegations of family violence, substance abuse, risk of flight with a child, or any other circumstances that represent a risk to the child's physical health or safety, or that would significantly impair the child's emotional development. Thus, the Guidelines, with amendments through January 1, 2022, are in effect in this case, except as specifically modified in this Order. Each parent may communicate freely with the child(ren) when the children are with either parent. Neither parent may prevent a child from communicating with the other parent. Any removal of a device from a child (i.e., for punishment) must not prevent communication with the other parent. When the children are participating in a practice, game, recital, performance, or another such event at school, religious institution, or elsewhere, both parents may attend the event. Both parents can visit their children at school and volunteer as they wish as permitted by the school rules.

-OR-

- This matter DOES involve allegations of family violence, substance abuse, and risk of flight with a child, or other circumstances that the Court reasonably believes would endanger the children’s physical health or safety or significantly impair the children’s emotional development. Specifically,

Thus, the Indiana Parenting Time Guidelines (“Guidelines”), with amendments through January 1, 2022, are NOT in effect in this case. Parenting time will be as follows:

Relocation

Indiana law requires a notice to the other parent by certified mail prior to a move of residence unless 1) the move decreases the distance between the parents or 2) the move does not increase the distance between the parents by twenty (20) miles or more and the children can maintain their current schools.

Child Support

- 8. Child Support for the minor child(ren) shall be paid by the non-custodial parent. The amount to be paid each week is \$_____ in accordance with the attached Child Support Worksheet Obligation. Child support payments should be made through the County Clerk’s Office or the Indiana State Central Collection Unit, PO Box 7130 Indianapolis, IN 46220-7130.

As required by statute, an immediate income withholding order shall be entered.

_____ is directed to prepare and submit the income withholding order to the court within 7 days. Income Withholding Orders (IWO) are required by statute if you have a regular paying job. The IWO form may be found at the IWO Website <https://www.in.gov/dcs/child-support/custodial-party-information/income-withholding/> or at the Access to Justice Center located on the main floor of the Elkhart County Courthouse. *For information on how to pay for your child support see pages 10-12 of this Order.*

-OR-

- Child Support is not requested at this time because:

-OR-

- NO CHILD SUPPORT. Neither parent is obligated to pay for child support. Each parent shall provide direct support for the child(ren) for those periods when the child(ren) are in their physical custody. *(For use only in cases when parenting time is equally shared.)*

- _____ shall be responsible for all controlled expenses related to the upbringing of the minor child(ren). *(For use only in cases when parenting time is equally shared.)*

-OR-

- Child Support is deferred to the Title IV-D Program in Case No _____

Filing Spouse shall be responsible for _____% and **Responding Spouse** for _____% any reasonable and necessary uninsured medical, dental, orthodontic, hospital, vision, pharmaceuticals, and psychological expenses for the child(ren).

Tax Exemptions

- 9. Tax credits, exemptions, and deductions for the minor child(ren) shall be claimed in the following manner:
Federal, State and local income taxes for the minor child(ren) shall be claimed by the:
 Filing Spouse Responding Spouse

-OR-

- If the parties have more than one child, the Filing Spouse shall claim _____ children and the Responding Spouse shall claim _____ children.

Health Insurance

The provisions for health insurance maintenance shall be as follows:

- 10. _____ is responsible for maintaining health insurance for the minor child(ren) either through employment, the marketplace if available at a reasonable cost or through government-provided insurance.
- 11. Each Spouse is responsible for **THEIR OWN** health insurance.

-OR-

- _____ shall maintain medical, dental, and optical insurance as available through employment, or Health Insurance Marketplace, or by government provided insurance for the other spouse.

Personal Property

The party's personal property division shall be as follows:

- 12. The parties have divided all items of personal property.

-OR-

- Filing Spouse** shall have temporary possession of the following items of personal property:

- Responding Spouse** shall have temporary possession of the following items of personal property:

Vehicles

The vehicle division shall be as follows:

13. There are no vehicles to divide.

-OR-

Filing Spouse shall have temporary possession of the following vehicle(s):

(Vehicle #1, Make, Model, and Year)

(Vehicle #1, Make, Model, and Year)

Responding Spouse shall have temporary possession of the following vehicle(s):

(Vehicle #1, Make, Model, and Year)

(Vehicle #1, Make, Model, and Year)

Debts related to the vehicles have been allocated below.

Debts

The division of debts shall be as follows:

14. Parties have no joint outstanding debts for which they are responsible.

-OR-

The parties shall be temporarily jointly responsible for the following marital debts:

Name of Creditor	Amount of Debt
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

Filing Spouse shall be temporarily solely responsible for any debts in their individual name and the following debts:

Name of Creditor	Amount of Debt
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

Responding Spouse shall be temporarily solely responsible for any debts in their individual name and the following debts:

Name of Creditor	Amount of Debt
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

Filing Spouse shall be responsible for the following debts:

Name of Creditor	Amount of Debt
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

Responding Spouse shall be responsible for the following debts:

Name of Creditor	Amount of Debt
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

Marital Residence

15. **Filing Spouse** **Responding Spouse** shall have temporary use and possession of the marital residence. Debts related to the residence have been allocated above.

Spousal Maintenance

16. NO spousal maintenance ordered.

-OR-

_____ shall pay temporary spousal maintenance to the other party in the amount of \$ _____ per _____ for a period of _____.

17. Neither party shall transfer, sell or otherwise dispose of any marital asset, including any retirement account, except as otherwise agreed upon in writing by the parties or as ordered by this Court.

Pursuant to I.C. 31-15-3-9, the Court GRANTS this Decree of Separation of the parties to the marriage for a period **not to exceed one year** from the date of this Order.

The Legal Separation Order entered under this cause expires on _____.

SO ORDERED _____

Judicial Officer
Elkhart Superior Court

Distribution

Filing Spouse: _____

Address:

Responding Spouse: _____

Address:

Child Support Information

Payment Options

From: DCS Child Support Payment Website

<https://www.in.gov/dcs/child-support/custodial-party-information/payment-disbursements/>

1. Direct Deposit

Child Support payments are deposited into a custodial party's personal checking or savings account. If a custodial party chooses direct deposit, he/she must complete and return the Direct Deposit Authorization Form located at <https://forms.in.gov/Download.aspx?id=6138>, State Form 51519, with all necessary documentation to the Indiana State Central Collection Unit (INSCCU). After an initial 10 day waiting period to allow for verification of the banking information, any child support payments received will begin to be deposited into the designated account. Custodial parties who have questions about direct deposit or have made changes to their designated account should contact Kidline at (800) 840-8757.

2. Way2Go Mastercard® Debit Card

The Way2Go Mastercard® Debit Card is designed for safety and convenience. The debit card account is a good choice if a custodial party wishes to keep support payments separate from a personal bank account or if a custodial party does not have a personal bank account. Additionally, payments received on the Way2Go Mastercard® Debit Card are viewable online. The debit card service also allows a custodial party to enroll in various automated text or email notifications. For more information on the Way2Go Mastercard® Debit Card, please call the debit card customer service line at (833) 959-2437 or visit the Way2Go Website <https://www.in.gov/dcs/child-support/custodial-party-information/payment-disbursements/>.

The new Way2Go Mastercard® Debit Card offers more services at no charge. See: Way2Go Fees https://www.in.gov/dcs/child-support/files/IN-DCS_Long-Form_2020_06_ENG-9.1.20.pdf.

3. Check, Money Order, or Cashier's Check

Payments by personal check, money order, cashier's check, or certified check can be made payable to the Indiana State Central Collection Unit (INSCCU) and mailed to:

Indiana State Central Collection Unit
PO Box 7130
Indianapolis, IN 46207-7130

When sending a payment to INSCCU please include your ISETS case number and custodial party name.

A Child Support Remittance Form https://www.in.gov/dcs/files/CSB_NCP_Remittance_Form_AMD_Mar_31_2008.pdf must be included with your payment.

Other information to include:

- ISETS Case Number
- Your name
- Your address
- Your phone number
- The last 4 digits of your social security number
- Your court cause number

- The payment amount

If you have more than one child support case:

- Send one check, money order, cashier's, or certified check per case, OR
- Send one check, money order, cashier's or certified check that covers the amount due on all of your cases. If you send one check to be applied to more than one case, please be sure to identify the amount of payment to be applied to each case and list each child support case number individually.

*High-dollar payments from non-custodial parents (NCPs) may not process to the case(s) for an additional 10 business days after receipt by INSCCU to ensure funding through the remitter's bank. Our processing center receives no notification from banks once checks clear, requiring the funds to hold for the entire 10 business days. If you would like the payment to be reviewed for early release, you may provide proof of the cleared check (front and back) for CSB to review.

4. Credit or Debit Card

Pay Online <https://childsupportbillpay.com/Payment/SelectEntity/368> using a debit or credit card.

Pay over the phone using a debit or credit card by calling 1-866-972-9427.

You will be directed to the automated phone system to process your child support payment. Follow the prompts using the keypad on your phone. You will need to enter:

- The social security number of the person who is responsible for the child support payment
- The 10-digit Indiana Child Support Case Number
- The payment amount
- Credit/debit card information
- Phone number
- Billing address for the card

*The online and phone payment options charge a convenience fee of 2.25% for credit and 1.25% for debit, with a minimum of \$1.00. Limits apply.

5. Cash

Make your cash payment at thousands of PayNearMe locations, including CVS, Casey's General Store, Family Dollar, and 7-Eleven.

- Find participating retailers at PayNearMe's Website <http://www.paynearme.com/locations> .
- Register your case and select a specific retailer.
- Print your payment barcode or opt to receive payment barcode on your mobile phone. (Each child support case will have a unique barcode that can be used at all participating retailers.)
- Use barcode at specified retailer to pay by cash.
- Payments process to case within 3 business days.
- Fee is \$1.99.
- Limits apply.

Make your cash payment at thousands of U.S. MoneyGram locations, including Walmart, CVS, and Kroger. · Find a place to pay at the MoneyGram Website <http://www.moneygram.com/locations> .

- Simply find an associate and ask them how to get started making a payment to Indiana Child Support.
- Use Receive Code 14658 - for child support payments only.
- Payments process to case within 3 business days.
- Fee is \$3.99.
- Limits apply.

Pay cash at the County Clerk's Office in the county where your child support order was issued. Find your clerk's office by visiting the Indiana Clerk's Website <https://accind.org/indiana-clerks/> .

6. Income Withholding Orders

Income Withholding Orders (IWO) are required if you have a regular paying job. The IWO form may be found at the IWO Website <https://www.in.gov/dcs/child-support/custodial-party-information/income-withholding/> or at the Access to Justice Center located on the main floor of the Elkhart County Courthouse.

Help with Child Support: Elkhart County Prosecutor's Office
Title IV-D
301 S. Main St.
Elkhart, IN 456516
574-522-3074

See: Elkhart County Prosecutor: Child Support
<http://www.elkhartcountyprosecutor.com/programs-services/child-support>
or Indiana Child Support Enrollment <https://www.in.gov/dcs/child-support/enroll/>