

STATE OF INDIANA)
)
COUNTY OF ELKHART)

IN THE ELKHART SUPERIOR COURT 6

CASE NO: _____

IN RE THE CUSTODY OF: _____

Name of Person(s) Filing
Relationship to Child: _____

And

Name of Mother Father Other _____

Name of Mother Father Other _____

ORDER ESTABLISHING CUSTODY OF CHILD

Comes now _____, having filed a Petition for Custody of a Child
and the court being duly advised in the premises:

THE COURT NOW FINDS AS FOLLOWS:

1. The following child(ren) have been born of the parties:

Name	Age	DOB

2. Mother, _____ is unable to care for the minor child due to:

Incapacitation / Medical Illness / Whereabouts Unknown / Death / Other:

_____.

3. Father, _____ is unable to care for the minor child due to:

Incapacitation / Medical Illness / Whereabouts Unknown / Death / Other:

_____.

4. Further, pursuant to I.C. 31-17-2-8: The court shall determine custody and enter a 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:
 - (A.) The child's parent or parents;
 - (B.) The child's sibling; and
 - (C.) Any other person who may significantly affect the child's best interests.
 - V. The child's adjustment to the child's;
 - (A) Home;
 - (B) School; and
 - (C) 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.
5. The Court having considered the above factors, concludes that clear and convincing evidence does currently exist that custody shall be granted to Third Party _____, and that Third Party has rebutted the presumption that custody shall lie with the natural parent.
6. _____ is the proper party to have care, custody, and control of the minor child(ren) of this action and it is in the best interests of the minor child(ren) that they be awarded sole legal and physical custody of the minor child.
7. Further, the Court now awards _____ temporary permanent sole legal custody and primary physical custody of the minor child(ren) listed above.
8. Custodian(s) shall be responsible for medical, dental, and optical insurance for the child as available through employment, or Health Insurance Marketplace, or by government provided insurance.
9. Custodian(s) shall be entitled to claim the minor child for federal, state, and local income tax purposes on an annual basis.
10. The issue of child support is deferred. If you want help with child support, you should sign up for services from the Title IV-D Office of the Elkhart County Prosecutor. <https://portal.sbsportals.com/modules/internet-service-request.php?guid=19283745> or call 574-296-1888.
11. Parenting time shall be as follows:

Mother

- 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. The Indiana Parenting Time Guidelines are available online at:
<http://www.in.gov/judiciary/rules/parenting/index.html>

-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 emotional development. Thus, the Indiana Parenting Time Guidelines are NOT in effect in this case. Parenting time shall be as follows:

Father

- 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. The Indiana Parenting Time Guidelines are available online at:
<http://www.in.gov/judiciary/rules/parenting/index.html>

-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 emotional development. Thus, the Indiana Parenting Time Guidelines are NOT in effect in this case. Parenting time shall be as follows:

12. Other:

SO ORDERED _____

Judicial Officer
Elkhart Superior Court 6

Distribution:

Filing Party _____

Responding Party _____

Address:

Address:

Responding Party _____

Address: