Administrative Code of Elkhart County Courts

I. Administrative Review of Case Allocation System

**Caseload Review.**

Not later than October 1 of each year, the Administrative Judge with the Court Administrator, shall review the caseload plan to determine if adjustments should be recommended to the judges of the circuit and superior court.

II. Family Law

**A. Mission of Family Court.**

The primary mission of the Elkhart County Family Court is to provide a trauma informed, comprehensive, evidence based, innovative court dedicated to child and family focused decision making that results in outcomes that advance the needs of children and their families.  **B. Trial Rule 81.1**

Trial Rule 81.1 procedures will be utilized in all Elkhart County Family Law Court cases as allowed by law.

**C. Bundling of Cases**

1. **Definition**

Bundling means multiple case types heard by a single judicial officer when those cases involve the same family members.

**2. Pragmatic Approach**

**Additional considerations, but not limited to, as allowed by Rules of Trial Procedure 81.1 (A) (1) (vi)**

The Elkhart Family Court takes a pragmatic approach to the bundling of cases. The Judicial Officers and the Office of Family Court Services will consider these factors when determining if cases should be bundled.

* 1. How related are the factual and legal issues?
  2. Are all or most parties the same?
  3. At what stage of development are the cases? Is there any benefit to coordination?
  4. Is this a one-time event that will be resolved in one or two visits to court?

The Elkhart Office of family Court Services has the authority to issue required forms in this process.

**3. Case types that may be considered for bundling**

Bundling is not presumed to apply to juvenile delinquency matters. The coordination of cases model and bundling is available at the discretion of the judicial officer hearing the criminal delinquency matter.

**D. Adoption of the Family Justice Initiative Reforms.**

See:

***Family Justice Initiative Principles:***

<https://www.ncsc.org/__data/assets/pdf_file/0021/19173/family_justice_initiative_principles_final.pdf>

***Family Justice Initiative Pathways:***

<https://www.ncsc.org/__data/assets/pdf_file/0016/19114/family_justice_initiative_pathways_final.pdf>

***Family Justice Initiative Landscape:***

<https://www.ncsc.org/__data/assets/pdf_file/0018/18522/fji-landscape-report.pdf>

***Family Justice Initiative Pathways, Protocols and Templates:***

[Family Justice Initiative: Protocol Development and Appendices: Pathways Protocols and Templates - Children, Families & Elders - National Center for State Courts (oclc.org)](https://ncsc.contentdm.oclc.org/digital/collection/famct/id/1625/rec/3)

**E. Adoption of the 13 Principles of Family Justice Initiative:**

**1.** Applied to DR, DC, DN, JP, GU and AD, Grandparent Visitation and Change of Name cases with the exception of cases filed by the Title IV-D Prosecutor’s office. (Problem Solving Settlement Conferences are encourage for Title IV-D Cases.)

The 13 Principles of Family Justice Reform are divided into four sections:

A. Problem-Solving Approach

1. Direct an Approach that Focuses on Problem Solving

2. Involve and Empower Parties. Online Dispute Resolution (ODR)

3. Courts are to be Safety- and Trauma-Responsive

4. Provide Information and Assistance

B. Triage Family Case Filings with Mandatory Pathway Assignments.

5. Use a Service-based Pathway

6. Streamlined Pathway. Minimal Court Resources

7. Tailored Services Pathway. More than minimum but not complex. Mediation

8. Judicial/Specialized Pathway. Substantial Court and Community Resources.

C. Training and Stakeholder Partnerships

9. Training and Stakeholder Partnerships

10. Identify and Strengthen Community Partnerships

D. Data Collection, Evaluation, and Technology Innovation

11. Improve Ongoing Data Collection, Analysis, and Use of Data to Inform Case Management

12. Collect and Analyze User-Evaluation Metrics

13. Implement Innovative and Appropriate Technology

**F. Principles’ of the Problem Solving Approach**

Applied to DR, DC, DN, JP, JC, GU and AD, Grandparent Visitation and Change of Name cases with the exception of cases filed by the Title IV-D Prosecutor’s office. (Problem Solving Settlement Conferences are encourage for Title IV-D Cases.)

The Court adopts the Problem Solving and Cooperation Model. That is:

1. Enhanced information to improve decision making.

2. Engaging the community to assist with problem solving.

3. Collaboration with social service providers and other stakeholders.

4. Linking participants with community services based on risk and need.

5. Teaching the parties cooperation and problem-solving skills throughout the process to create a life-long impact on children and families.

6. Problem Solving and Cooperation is an alternative approach to the adversarial system that does harm to children and families.

**G. Alternative Dispute Resolution Effective January 1, 2024**

1. Applied toDR, DC, DN, JP, GU and AD, Grandparent Visitation and Change of Name cases with the exception of cases filed by the Title IV-D Prosecutor’s office. (Problem Solving Settlement Conferences are encourage for Title IV-D Cases.)

This Rule is discretionary or at the request of the parties or on the court’s own motion for cases in the Streamlined or Tailored Pathway. See section 409. If the Problem Solving Settlement Conference has not been successful, then this Rule is mandatory for cases in the Judicial/Specialized Pathway, Alternative Dispute Resolution methods as described in the Indiana Rules of Alternative Dispute Resolution shall occur, including, but not limited to mediation pursuant to Ind. ADR Rule 2 et seq. This includes Online Dispute Resolution. (ODR).

2. The Court may excuse the requirement for good cause shown. There must be a detailed written statement of sufficient fact and weight for the court to waive this rule. All individuals are advised that the Courts do not favor requests for waiver from the requirements of this rule, and that waiver requests should be sought only in exceptional instances and not as a matter of course.

**H. Office of Family Court Support Services Effective January 1, 2024**

The Elkhart Office of Family Court Support Services is established.

That Office shall provide services that include but not limited to:

1. Development of forms required for filing such as Case Questionnaires, Case Specific Flow Charts, Summons, form of pleadings and forms of order and any other document preparation to assist with information, case management, assessment and evaluation of individuals, cases and programs.

2. Identification of cases and evaluation of cases for bundling as defined in section 402.3.

3. Triage of cases and assignment to Pathways as defined in section 409.

4. Case management.

5. Monitoring of time standard as defined by section 411.

6. Research and development of programs.

7. Providing education opportunities for judicial officers, staff, attorneys, Court Appointed Special Advocates and Guardian ad Litems, parents and the community.

8. Enhance ADR opportunities

9. Facilitate Problem Solving Settlement Conference upon request and Court approval.

See:

[Family Justice Initiative: Protocol Development and Appendices: Pathways Protocols and Templates - Children, Families & Elders - National Center for State Courts (oclc.org)](https://ncsc.contentdm.oclc.org/digital/collection/famct/id/1625/rec/3)

**I. Model Time Standard Adopted. Effective January 1, 2024:**

This Rule adopts the National Center for State Courts Model Time Standard for Dissolution/Divorce and Allocation of Parental Responsibility as follows:

75% within 120 days: 180\*

90% within 180 days: 240\*

98% within 365 days: 425\*

\****The Model Time Standards for State Trial Courts*** publication of the National Center for State Courts states these times do not include statutory imposed waiting time periods. See: [Model Time Standards for State Trial Courts (ncsc.org)](https://www.ncsc.org/__data/assets/pdf_file/0032/18977/model-time-standards-for-state-trial-courts.pdf)

**J. Case Management Standards: Streamlined:**

Uncontested Dissolutions may be set for Final Hearing upon expiration of the 60 day waiting period.

**K. Case Management Standards: Tailored and Specialized/Tailored Pathways**

1. Initial Provisional Hearing (Temporary Orders) within 21 days of filing of a request for such Provisional Hearing when it is alleged by filer that there is a need for temporary orders for housing costs, child support and payment of essential bills. Upon filing and notice to other party Problem Solving Settlement Conference to be held within 14 days of filing. Disclosure of income tax return, three most recent pay periods required at this meeting.

2. Party Requested Case Management Conference with the court between Provisional Hearing and Discovery and Standard Financial Disclosure date.

3. Discovery concluded; Standard Financial Disclosures completed, Proposed Parenting Plan 90 days after filing with verification of completion of same filed with the court.

4. At the 95 days after filing, Case Review by Court Staff/Family Service Staff/Administrative Staff/Judicial Officer of all cases wherein no action/filings/hearings have occurred for possible setting of TR 41(E) hearing.

5. Second Problem Solving Settlement Conference if one held prior to Provisional Hearing or Initial Problem Solving Settlement Conference by day 110 after filing.

6. Alternative Dispute Resolution held by day 150 after filing.

7. Case Management and Pre-Trial Conference by day 180 of filing.

**8.** For good cause shown the court may extend or continue these timelines and case management orders.

**L Adverse Childhood Experiences (ACE)**

The Elkhart County Family Court will strive to provide Trauma informed care by providing processes that recognize the trauma in individual’s lives as represented by the ACE’s. There will be a continuing effort to bring educational opportunities to judicial officers, court staff, attorneys, guardian ad litem’s, CASA’s, Family Court Services Staff, Probation, Detention and all other professionals working with children and families in the Family Court.

See:

[Center on the Developing Child at Harvard University](https://developingchild.harvard.edu/)

[Adverse Childhood Experiences (ACEs) (cdc.gov)](https://www.cdc.gov/violenceprevention/aces/index.html)

[Learn About Child Development | CDC](https://www.cdc.gov/ncbddd/childdevelopment/index.html)

[HOPE - Healthy Outcomes from Positive Experiences](https://positiveexperience.org/)

t-drive/Elkhart County Local Rules/ Administrative Code of Elkhart County Courts