



Highlights of Family Law Local Rule 400 Series

The primary mission of the Elkhart County Unified 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.

In 2021, the Indiana Family Law Taskforce presented recommendations for how to improve Family Court proceedings in the state of Indiana. The Elkhart County Unified Family Court has adopted these recommendations as part of its Local Rules to improve how the Family Court operates and to better serve the public who interact with the Family Court. *It is highly recommended that you read the entire Rule in full at [Elkhart County Local Rules](#).*

What does this mean for you and your case?

The Unified Family Court will be using the 13 Principles of Family Justice Reform and the Family Problem-Solving Court Model that were created by the Taskforce:

The 13 Principles of Family Justice Reform

- 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
 - 7. Tailored Pathway
 - 8. Judicial/Specialized Pathway
- 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

The Family Problem-Solving Court Model

- 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 court process to create a life-long, positive impact on children and families.

What does this look like in practice?

Cases filed in the Unified Family Court will be **bundled**, meaning if the same family has more than one open case being heard in the Family Court, one judicial officer (a judge, magistrate, or referee) will be assigned to

hear all of the open cases. In some situations, different judicial officers may be assigned to each open case, and the judicial officers will work together closely. The judicial officer assigned to your case will make the decision about whether bundling should happen based on how related the legal and factual issues are in the open cases, if parties in the cases are mostly the same, how far along in the process each case is, and if any of the open cases can be resolved quickly.

Nearly every case filed in the Unified Family Court will be **triaged** by designated Family Court staff. This means the details of your new case, any other open cases, and possibly any cases that have recently closed will be reviewed to see if the cases seem straightforward or if there are major issues that will require significant contact with the court. The triage process will place your case on one of three distinct **pathways**:

Streamlined Pathway	Tailored Pathway	Judicial/Specialized Pathway
<p>Everything, or nearly everything, is agreed upon; or the whereabouts of one party are unknown. This pathway is the simplest, fastest, least expensive path through the court process. Notice of Publication is required if you do not know the whereabouts of the other party.</p>	<p>There is some agreement between parties, but help is needed on some issues such as details of custody, parenting time, and/or asset division. Problem-Solving Settlement Conferences will be required, where you sit down with the other party to try and come to an agreement on as many issues as possible. Mediation is also an option. Hearings will be relatively short, and any trials are likely to be about limited issues. The Court may issue a Case Management Order to help speed things along on this pathway.</p>	<p>There are major issues between parties, and very few or no agreements at all. Major issues are likely present, including: domestic violence, substance abuse, abuse and neglect, and/or mental health concerns. This pathway will involve other professionals that may include staff from the Office of Family Court Services, Guardian ad Litem (GAL), and community agency staff. The Court may order parties to complete assessments, evaluations, substance abuse treatment, drug screening, counseling, supervised parenting time, and/or domestic violence services. A community-based team may be created when multiple agencies are involved in a series of interventions aimed at the issues presented in the case by the parents and children. High judicial oversight in this pathway.</p>

What happens if parties can't come to an agreement?



In cases on the Tailored or Judicial/Specialized Pathway, when you and the other party are unable to reach an agreement on your own, the Court requires a **Problem-Solving Settlement Conference** within the first 60 days

after your case is filed. The Family Court actively encourages parties to communicate with one another, and to solve as many issues together as possible without direct Court oversight. Surprise or predator-type pleadings are not acceptable within the Family Court and are prohibited.

- Problem-Solving Settlement Conferences can be facilitated by a neutral third party and can be arranged by an attorney if you have one. If filing pro se (representing yourself), you can contact the **Center for Community Justice (CCJ) at 574-295-6149** to arrange a conference for a fee.
- There may be multiple Problem-Solving Settlement Conferences throughout your case; the Court can order one at any time.

Problem-Solving Settlement Conferences do not need to be held in-person. Other options include virtual conferences or shuttle mediation. In situations where domestic and family violence have occurred or are likely to occur if parties interact, a waiver from this requirement can be requested in writing from the Court. You must submit a detailed explanation of why you are requesting a waiver from this rule.

If the Problem-Solving Settlement Conference is not successful, the next step is **Alternative Dispute Resolution (ADR)**. This may be mediation, or another form of ADR allowed by Indiana ADR Rules. In mediation, parties pay a mediator to assist them in working out disagreements. Mediators undergo extensive training to learn how to help resolve issues. If mediation is ordered, you will have 7 days to agree on a mediator with the other party.

- Online Dispute Resolution (ODR) is available, as well as a lower-cost mediation program through the Center for Community Justice (574-295-6149).
- See also: [Mediator Search](#) and use the “Advanced Search” option.

If all efforts fail to resolve disagreements, then the Court may issue various orders and require a Pre-Trial Meeting between the parties. Case Management Conferences, Court Orders, Status Conferences, Pre-Trial Conferences, and Pre-Trial Orders may be utilized. Relying on **Judicial Determination** is the most time-consuming, expensive process available for resolving issues within Family Court proceedings. *Judicial Determination means the court is making decisions for you and your family, rather than your family making decisions for yourselves.*

How long will my case take?

Timeframes for children differ significantly from timeframes for adults- time passes differently for children due to developmental differences. Any delays to a court proceeding may cause trauma to all involved, and this is especially true for children. Lack of timeframes for cases may cause injustice and unfairness to parties without resources and may be used by some to manipulate the system in their favor. Therefore, The Unified Family Court uses Model Time Standards that were developed by the National Center for State Courts (NCSC) for all Dissolution of Marriage, Paternity, and Allocation of Parental Responsibility cases.

Model Time Standards

- 75% of cases will have a final decision within 120 days after the petition is filed.
- 90% of cases will have a final decision within 180 days after the petition is filed.
- 98% of cases will have a final decision within 365 days after the petition is filed.

Streamlined Pathway
Uncontested Dissolutions may be set for Final Hearing upon expiration of the sixty (60) day waiting period.

Tailored and Judicial/Specialized Pathways	
<i>By day fourteen (14) after filing</i>	Problem Solving Settlement Conference
<i>By day twenty-one (21) after filing</i>	Provisional Hearing
<i>Between day twenty-one (21) and Discovery and Financial Disclosure date</i>	Party Requested Case Management Conference
<i>By day ninety (90)</i>	Discovery concluded, Standard Financial Disclosures completed, and Proposed Parenting Plan completed
<i>At day ninety-five (95)</i>	Case Review if no action/filings/hearings have occurred for possible setting of TR 41(E) hearing.
<i>By day one hundred ten (110)</i>	Problem Solving Settlement Conference
<i>By day one hundred fifty (150)</i>	Alternative Dispute Resolution held
<i>By day one hundred eighty (180)</i>	Case Management and Pre-Trial Conference held
Timelines may be extended or continued for good cause shown	

Required Forms

To assist the Court in determining which pathway your case should be assigned to, certain cases require a **Triage Questionnaire** to be filed:

- New Paternity (JP) and Domestic Relations with Children (DC) cases require the *Triage Questionnaire*.
- New Guardianship (GU) cases require the *Triage Questionnaire for Guardianships*.

All new cases filed in the Unified Family Court require a *Compliance Checklist*.

Required forms are located at the [Elkhart Family Court Website](#).

Website Work

Once your case has been triaged, the Court may order you to complete specific Website Work as follows:

- Dissolution of Marriage with Children: [Up To Parents](#)
- Legal Separation with Children: [While We Heal](#)
- In Paternity cases, after Paternity is adjudicated: [Proud to Parent](#)

In all instances where Website Work is ordered, you must submit the created Agreed Commitments and Proof of Compliance within 20 days. Parents also have the option to voluntarily complete the Website Work and submit the Agreed Commitments.

In Dissolution of Marriage with Children and Paternity cases, parents are also required to submit a *Parenting Plan Proposal*.

Mandatory Parenting Classes

Dissolution of Marriage with Children and Paternity cases both have required parenting classes when your children are under the age of 18.

- Dissolution of Marriage with Children: Parents must complete the Elkhart County TransParenting class, and any children ages 6-17 must complete the Elkhart County Seasons class. Parents and children must enroll in these classes within 15 days of filing the case.
- Paternity: Both parents must complete the Peaceful Parenting class within 15 days after paternity is established.

Classes can be scheduled by visiting [Bashor's website](#) or by calling Bashor Children's home at 574-875-5117.

Trauma-Informed Court

The Unified Family Court is committed to providing trauma-informed processes and interventions, and a physical atmosphere in the courthouse that assures all persons of their safety and well-being. All members of the Family Court will be receiving training in Trauma-Informed Care and Adverse Childhood Experiences (ACEs).

- See: [Adverse Childhood Experiences](#)
- See: [Trauma Informed Care](#)

Where can I find help?

The Unified Family Court has an *Access to Justice Center* that will be available in Spring 2024, where staff can assist you in knowing which forms to complete, and to let you know whether forms are complete. *Access to Justice Center Staff cannot give you legal advice on how best to resolve your issues or on the merits of your case.* They **can** assist you with forms in the Center's computers, provide paper forms, and assist with the e-filing process. Prior to Spring 2024, the Clerk's Office can provide paper forms.

Helpful Websites

- [Indiana Self-Service Legal Center](#)
- [Indiana Legal Help](#)

Free or Low-Cost Legal Help

The Volunteer Lawyer Network, Inc. P.O. Box 1358 117 ½ N. Main Street South Bend, IN 46624 574-277-0075 Volunteer Lawyer Network Website	Elkhart Legal Aid, Inc. Elkhart Courthouse 315 S. Second St. Elkhart, IN 46516 574-294-2658	Center for Legal Justice (Se Habla Español) 220 West High Street Elkhart, IN 46516 574-333-2037 574-217-4488 (fax) Center for Legal Justice Website
Notre Dame Legal Aid Clinic 725 Howard St. South Bend, IN 46617 574-631-6704	Indiana Legal Services South Bend Office 401 E. Colfax, Suite 116 South Bend, IN 46617 800-288-8121	