



## **Report of Assessment for the Family Law System in Elkhart County, Indiana, United States of America**

**February 16, 2018**

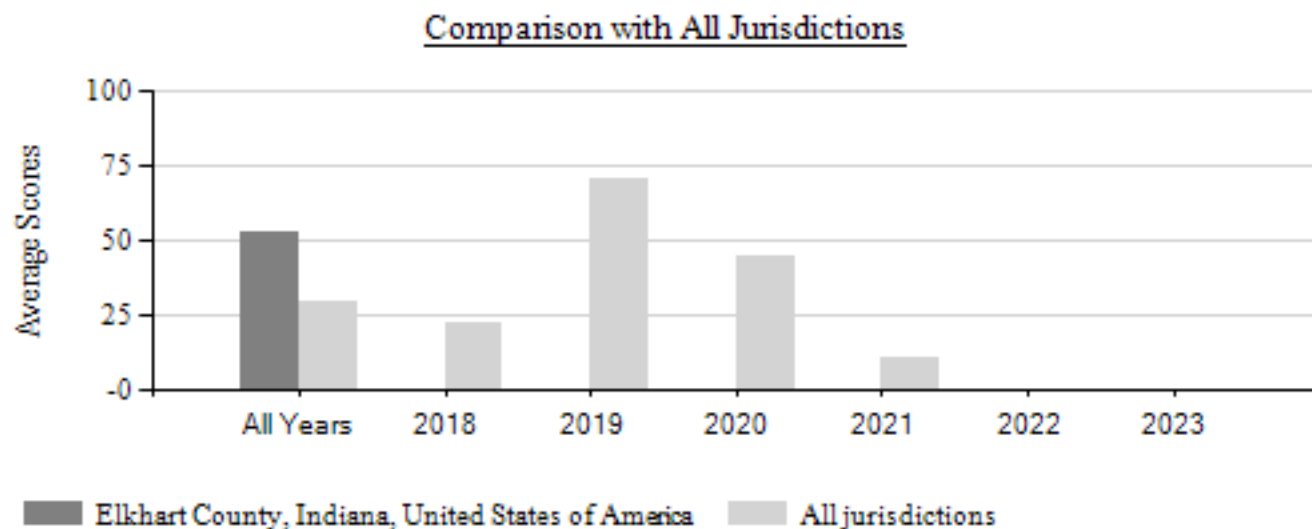
A. This is Assessment #655 on AssessFamilyLaw.org and the 1<sup>st</sup> Assessment on this jurisdiction.

1. To see other scores, click [LookUp Completed Assessments](#).
2. To see Video and memo introductions, click [Video and memo introductions](#).

B. The present Assessment yielded a score of 53 out of 100 (53/100). From highest to lowest, the 10 groups of measures were scored as follows.

1. Group D. Using early cooperative measures: 9/12 (75.0%)
2. Group C. Educating parents on the necessity and advantages of safety and cooperation: 11/16 (68.8%)
3. Group A. Putting upfront the system's commitment to cooperation: 8/12 (66.7%)
4. Group E. Avoiding unnecessary appeals to court, custody evaluations, and other adversarial measures: 8/12 (66.7%)
5. Group H. Committing, reviewing, and constantly moving forward: 4/8 (50.0%)
6. Group B. Responsibly confronting domestic violence and ensuring safety: 4/8 (50.0%)
7. Group J. Making improvement immediate and ongoing: 2/4 (50.0%)
8. Group I. Submitting the system to regular review and improvement: 3/12 (25.0%)
9. Group F. Assisting unrepresented persons: 1/4 (25.0%)
10. Group G. Committing to ongoing professional education: 3/12 (25.0%)

C. This graph shows the average scores for this jurisdiction compared to those for all jurisdictions.



D. Below is a copy of this assessment (#655).

Note that each measure is scored on a scale of 0-4 (0=no compliance; 1=slight compliance, 2=moderate compliance, 3=substantial compliance, and 4=full compliance).

**Group A. Putting upfront the system's commitment to cooperation**

1.	<b>A superior judicial website.</b> The jurisdiction uses and regularly updates an excellent website communicating the advantages and judicial expectations of safety and cooperation in all family cases. An example is posted at <a href="http://FamilyCourtWebsite.org">FamilyCourtWebsite.org</a> .	2
2.	<b>Replacing unnecessarily divisive language.</b> Wherever possible the jurisdiction avoids adversarial language. Mother, Father, Husband, Wife, Putative father, Former mother, Former father, and the like have replaced Plaintiff, Defendant, Petitioner, and Respondent. Versus is never used. Divorces are entitled with language such as In re the Marriage of [insert] and [insert] or Regarding the Marriage of [insert] and [insert].	3
3.	<b>Further public education through resources like public service announcements (PSAs) and pamphlets.</b> <a href="http://FamilyCourtWebsite.org">FamilyCourtWebsite.org</a> holds samples of judicial PSAs, educational handouts like <a href="#">Divorce Case Pamphlet</a> and <a href="#">Paternity Case Pamphlet</a> , and other public education tools. The jurisdiction may use remote or in-person help desks for further assistance to the public.	3

**Group B. Responsibly confronting domestic violence and ensuring safety**

4.	<b>Interprofessional cooperation to ensure safety.</b> The jurisdiction has a written plan enlisting all judges, attorneys, and other family professionals in (1) ensuring safety, (2) responding appropriately to claims of domestic violence, and (3) discouraging false claims. A committee of judges, attorneys, domestic violence experts, and law enforcement representatives reviews the plan's effectiveness at least every other year and submits a written report to the bench and bar for further discussion and action.	2
5.	<b>Assuring superior safety resources.</b> The jurisdiction (a) affords resources like a 24-hour hotline, coordination with police and other professionals, and trained court staff to assist in protection from domestic violence and (b) uses a program of public education to advise the public about the interventions and programs available to protect against domestic violence.	2

**Group C. Educating parents on the necessity and advantages of safety and cooperation**

6.	<b>Superior online education.</b> All parents in divorce and paternity cases are immediately referred to an online workshop like <a href="http://UpToParents.org">UpToParents.org</a> and are required to finish their website work, make a copy, and take it to their co-parenting divorce or paternity class. Jurisdictions should choose the online workshops they consider best in their circumstances.	4
7.	<b>Superior live classes.</b> The jurisdiction has three excellent co-parenting classes: (i) a minimum 4-hour class for parents with nonviolent divorce or paternity cases, (ii) a substitute class for victims of domestic violence, and (iii) a multi-week "Level II" class for parents without violence or abuse in their relationship but who are in prolonged or repetitious litigation. Early screening procedures assure prompt referral of parents to the class appropriate in each case.	3
8.	<b>Compliance assurance.</b> The jurisdiction uses effective mechanisms to advise all parents of the website and class requirements and to ensure compliance; and substantially all parents attend their classes within 90 days of (a) the petition for dissolution, (b) the finding of paternity, or (c) the parents' referral to a high-conflict class. Substantially all parents arrive at their classes with their completed website work in hand. At the time parents are ordered to attend the Level II class cited in 7(ii) above, they are ordered to return to court in one week with proof of their registration for that class.	3
9.	<b>Effective use of salutary measures.</b> Absent exceptional reason, all parents who appear in court on more than one occasion are referred for more intensive assistance. The referral may be to a multi-session Level II class, parenting coordination, multi-session counseling, or other intensive process. Counsel and the court jointly ensure compliance with appropriate follow-up.	1

#### Group D. Using early cooperative measures

10.	<b>Early problem-solving resources.</b> In addition to the educational resources in measures 6-9, the jurisdiction makes widespread use of early problem-solving processes in family cases. These may include requiring each parent to assess their circumstances as to early problem-solving case conferences, early neutral case evaluation, mediation, and other processes appropriate to the particular jurisdiction.	3
11.	<b>Parenting Plan Worksheet.</b> Parents are encouraged to complete a Parenting Plan Worksheet (PPW) on a form supplied by the court and are required to complete that PPW and bring it to court if any contested motions are filed in a case with minor children. A sample like Your Parenting Plan Worksheet is posted on the jurisdiction's website. Parents are required to cooperate in collecting and exchanging on request all relevant financial information.	3
12.	<b>Parent preparation for hearings and trials.</b> Parents going to court on any matter are required to review and take to court (a) their Parenting Plan Worksheet (PPW) and (b) their current website work. If more than 6 months has elapsed, parents must redo their website work to take to court.	3

#### Group E. Avoiding unnecessary appeals to court, custody evaluations, and other adversarial measures

13.	<b>Problem-solving pre-motion consultations.</b> Absent special circumstances making it unsafe or otherwise unreasonable, all motions must be preceded by a personal, video, or telephonic consultation to attempt resolutions. If any issue remains unresolved, the discussion must include (a) an exchange of the participants' ideas on what resources the parties could use to be able to successfully resolve future issues, (b) confirmation that all website, class, and other court requirements have been observed, (c) arrangements for the parents' completion of a Parenting Plan Worksheet that will be brought to court, and (d) if the jurisdiction is using UpToParents.org, arrangements assuring that the parents' website Commitments will be merged and their Agreed Commitments brought to any hearing. Attorneys are expected to cooperate professionally to assure these problem-solving consultations are held and given every reasonable chance to succeed.	3
14.	<b>Motions' inclusion of "Cooperation Updates."</b> All pleadings other than agreements are required to include "Cooperation Updates" confirming the details of the consultation required in measure 13, including all matters covered in 13(a)-(d), together with a list of the dates and subject matter of all prior hearings. Pleadings filed without full compliance with the requirements in measure 13 must include a specific statement of the reasons for failure of compliance. The jurisdiction strictly enforces the pre-motion consultation and Cooperation Update requirements; absent a demonstrated emergency or other special cause, no hearings are allowed and no relief accorded if those requirements are not observed. Sample conforming motions are attached to <u>AssessFamilyLaw Model Rules for Family Cases</u> .	3
15.	<b>Limitations on custody evaluations and trials.</b> The jurisdiction does not allow custody evaluations or trials until all cooperative measures have been exhausted or shown to be ineffectual; requests for custody evaluations or trials must (a) be in writing and (b) list all problem-solving measures already used.	2

#### Group F. Assisting unrepresented persons

16.	<b>Excellent <i>pro se</i> assistance.</b> The jurisdiction has in place a regularly reviewed written plan for handling pro se cases. At least every other year, a standing committee studies and advises the bench and bar biennially on the plan and the need for modifications.	1
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#### Group G. Committing to ongoing professional education

17.	<b>Family Attorneys' Pledge of Cooperation.</b> The jurisdiction has developed, publicizes, and regularly discusses a Family Attorneys' Pledge of Cooperation (an example is available <i>Here</i> ). The Pledge is a regular topic of discussion and professional education among attorneys and judges and is a vital and consistent part of signatory attorneys' work. Signatory attorneys give copies of the Pledge to, and discuss it with, all persons involved in divorce and other family cases.	1
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18.	<b>Regular ongoing professional exchanges.</b> The jurisdiction holds monthly meetings (one-hour meetings, breakfasts, or lunches) where family professionals (including all judges, attorneys, mediators, counselors, co-parenting educators, parenting coordinators, and others) present about and discuss ongoing improvements in cooperative family law programs, processes, and professional practices; useful changes are studied further and implemented through subcommittees. Some sample topics are available <i>HERE</i> .	1
19.	<b>Annual all-day conferences.</b> The jurisdiction holds an annual all-day conference on those matters and related topics, and it invites broad public and inter-professional participation. CLE credits are arranged for all attendees to 18 and 19.	1

#### Group H. Committing, reviewing, and constantly moving forward

20.	<b>Promoting outstanding family professional standards.</b> The system and the judges and attorneys working in it share a commitment to (a) doing no harm to families, healthy family relationships, or family members (especially children), (b) ensuring safety, (c) reducing conflict, (d) building cooperation, and (e) protecting the children and all healthy relationships in families, and attorneys work predictably and cooperatively together toward these ends. There is a consistent awareness on the part of the judges and attorneys that unnecessary litigation can seriously injure children, parents, and families, and there are virtually no unnecessary motions, hearings, custody evaluations, or trials.	2
21.	<b>The primacy of excellent parenting and co-parenting.</b> Judges and attorneys share a commitment to protect and encourage the best possible safe co-parenting relationships and other cooperative relationships essential in families. Judges and attorneys consistently act with an awareness of (a) children's dependence on the best possible safe relationships between their parents and (b) the call for legal professionals and processes to build and protect—and never injure—those co-parenting relationships. This same commitment extends to other relationships impacted by family cases (including parent-grandparent conflict, dependency, abuse and neglect, guardianship, delinquency, and other family cases).	2

#### Group I. Submitting the system to regular review and improvement

22.	<b>Regular rule and practices review.</b> At least every other year, the family bench and bar collectively review all court rules to ensure they effectively support safety, conflict reduction, cooperation, and protection of children and healthy relationships in families. Recommended changes are regularly circulated, discussed, refined, and implemented.	1
23.	<b>Regular review of classes.</b> At least every other year, the jurisdiction reviews all three co-parenting classes through a committee of at least two counselors, two judges, two attorneys, a mediator, and a domestic violence expert; that committee issues a report for review, discussion, and implementation by the bench and bar.	1
24.	<b>Regular review of all problem-solving resources.</b> At every other year, the jurisdiction reviews the adequacy of all of its problem-solving resources (including court programs, counseling, mediation, parenting coordination, and attorneys' and courts' practices in making timely referrals of parents to these resources), court and attorney practices, and cooperation with other professionals. The jurisdiction continually makes improvements whenever they would serve the interests of families.	1

#### Group J. Making improvement immediate and ongoing

25.	<b>Substantial recent and upcoming progress.</b> The jurisdiction in the last 24 months has implemented one or more significant improvements in its family law system and is working diligently on additional improvements. Improvements in the last 12 months: Formation of Cooperative Family Law Task Force Improvements being worked on now: Revision of Local Rules Evaluating new methods to reduce conflict early in the case.	2
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**Total:** 53/100