

Lake County Rules of Family Law

PREAMBLE

The Rules of Professional Conduct mandate that all lawyers conduct themselves honorably and remind lawyers that they have a special responsibility for the quality of justice. For lawyers who practice family law, that special responsibility for the quality of justice often occurs in an emotionally-charged arena with litigants who are angry, disappointed, hurt, hostile, betrayed, sad, fearful, shocked, and/or lost. When a case involves minor children, emotions run even higher.

Some statistics indicate that, every thirty-two seconds, a child in America witnesses his or her parents' divorce. Out of wedlock births to adults have increased exponentially. Research establishes that how parents conduct themselves during a domestic relations proceeding has a greater impact on their children than the proceeding itself. These local rules have been enacted to help effectuate a dignified and effective means of resolving all family law disputes, but especially those disputes involving minor children. While recognizing our adversarial system for resolving family law problems, these local rules mandate that attorneys not ignore but embrace their equally important roles as negotiators and advisors and their special responsibility for the quality of justice.

LR 45-FL00-1 Scope, Citation and Definition, Cooperative Approach and Liberal Construction.

- A. Scope. These rules shall apply to family cases in the Lake Circuit Court and the Superior Court of Lake County, Civil and Juvenile Divisions.
- B. Citation. These rules may be cited as the Lake County Rules of Family Law and abbreviated as F. L. R.
- C. Definition. Family cases shall include all cases involving claims for or related to marital dissolution or separation, paternity, child custody, parenting time or visitation with a child, and support of a child or spouse.

LR 45-FL00-2 Statement of Policy and Purpose.

The Circuit and Superior Courts of Lake County are committed to a cooperative model for the handling of family cases by parents, attorneys, and judges. These rules shall be liberally construed and applied to serve the healthy and child-sensitive functioning of families. In all family cases with children, the goal will be protecting the best interests of those children.

LR 45-FL00-3 General Obligations of Cooperation of Attorneys and Parties.

- A. Attorneys and parties in family cases are expected to act with the courts as co-problem solvers, not mere problem-reporters. Attorneys shall both inform and remind their clients about the

judicial expectations of cooperation in family cases, assist their clients to understand and observe these standards, and encourage clients to participate in co-parenting classes, counseling, mediation, and other appropriate problem-solving processes.

B. In order to establish and maintain an atmosphere which fosters cooperative problem-solving, all parties and attorneys shall:

- (1) explore resources which may reduce conflict, build cooperation and protect children;
- (2) attempt reasonable cooperative measures before resorting to the court;
- (3) avoid disrespectful language and behavior; and,
- (4) avoid unnecessary motions or petitions, hearing and arguments.

Commentary

The Circuit and Superior Courts of Lake County recognize that conflict in family cases is destructive and often dangerous. Litigating family cases does not end or resolve the conflict; it heightens the conflict. The cooperative model for handling family cases is implemented in order to minimize such conflict and, instead, foster the healthy and child-sensitive functioning of families.

Actions taken in the earliest stages of parents' separation and other family crises, whether those actions are helpful or destructive, often define much of the future of the family case and the family; and, attorneys' language and conduct in these earliest days are often crucial to the future course of both the case and the future functioning of the family. Until the case is filed, the courts have no involvement and are powerless to help families at that point; however, at such early stages, attorneys can either set a tone of beneficial cooperation or of destructive conflict for the families they touch.

All too often in family cases the courtroom becomes an arena in which the parties are subjected to criticism, sometimes even ridicule or similar abuse. Such conduct will not be tolerated. Attorneys have an ethical obligation to refrain from abusive conduct and other offensive tactics; to treat all parties, witnesses and all others involved in the legal process with courtesy and respect; and, to refuse to participate in any effort to embarrass, delay or burden someone. The courts consider such conduct to be repugnant. So should the attorneys and all members of the family. Attorneys have an ethical obligation to consult with their client about the means to be employed and clients normally defer to the attorney's special knowledge and skill in such matters. These rules and comments require that when doing so, the attorney should educate the client about the substantial risk that conflict presents for members of the family and of the benefits and opportunities for resolution through the cooperative model. If the prospective client will not abide by such advice, the attorney can and should consider declining the engagement. If a client agrees to abide but later shows the inability to do so or otherwise refuses, the attorney may and should consider withdrawing. Family

*members who elect to pursue the path of conflict instead of cooperation are not acting in the best interests of the children; and, the courts **will** consider the decisions made by the parties in this regard as part of its evaluation of the children's best interests and in the allocation of attorney fees.*

This cooperative model will require some fundamental changes in the local legal culture, including the manner in which attorneys approach family cases. While fundamental change does not occur overnight, it must be done and begin now. Attorneys must change their primary focus in family cases. Instead of the gathering of evidence or other "case building", the attorney's primary focus must be on defusing the underlying source(s) of conflict(s) by helping the family to find the ways to reach resolution of their issues by using means which are less destructive than litigation.

As part of the cooperative model the courts will expect all parties and attorneys to consistently observe:

- (1) personal responsibility by acting on one's own opportunities to solve problems and improve circumstances rather than merely reporting on the alleged fault in others;*
- (2) cooperation by sensibly defining and pursuing the best interests of all family members;*
- (3) courtesy by constant observance of respectful language and behavior; and,*
- (4) focused attention on children's needs including an awareness that parent conflict is dangerous to children.*

As part of their duty to work as co-problem-solvers with the court in all family cases, if safe to do so, attorneys should:

- (1) speak with all clients, as early as possible and as often as necessary, about the advantages and judicial expectations of safe cooperation in family cases;*
- (2) refer clients to all co-parenting classes, counseling, mediation, and other problem-solving processes that appear to counsel to be promising resources for their clients;*
- (3) work with other counsel to ensure safety in families where domestic violence has been, or reasonably could be, an issue;*
- (4) work with other counsel in all cases to reduce conflict, build cooperation, and protect children;*
- (5) avoid unnecessary motions and hearings; and*

- (6) *use the least divisive processes in pursuing safety, fairness, cooperation, and the protection of the best interests of children, for example:*
- (a) *using certified mail or acknowledgment of service instead of sheriff service of process if viable,*
 - (b) *encouraging restraint and safe cooperation between family members,*
 - (c) *avoiding unnecessary motions and arguments, and*
 - (d) *exhausting all viable cooperative measures before requesting custody evaluations or trial settings.*

Before a case is filed, an attorney should:

- (1) *Assessment of Case and Safety Considerations. Counsel meeting with a person contemplating filing a family case should promptly assess whether the case can safely be handled cooperatively and without adversarial motions, hearings and other formal proceedings. Unless safety or exceptional circumstances make cooperation unreasonable, counsel should handle the case in ways that avoid court and maximize the parties' development of cooperative problem-solving.*
- (2) *Cooperation between Counsel Before Initial Filings. Counsel representing persons wishing to initiate a family case should make reasonable efforts to determine if the other spouse, parent, or putative parent is represented or may be seeking representation. Unless doing so might create a danger or substantial prejudice to their client or it is otherwise unreasonable to do so, counsel should:*
 - (a) *consult and cooperate with each other before filing;*
 - (b) *attempt in good faith to find cooperative resolutions to provisional matters, including peaceful separation, so that unnecessary provisional filings and hearings can be avoided; and*
 - (c) *refer parents to resources such as co-parent education, co-parent counseling, marital counseling, and mediation that can help them build cooperation between them.*
- (3) *Cooperation with Unrepresented Parties Before Initial Filings. Unless doing so might create a danger or substantial prejudice to their client or it is otherwise unreasonable to do so, this same effort at consultation and cooperation should be made when counsel learns that the other spouse, parent, or putative parent is not intending to use legal representation. In such case, unless doing so might create a danger or substantial prejudice to their client or it is otherwise unreasonable to do so, counsel or the client should (a) communicate directly with that other spouse, parent, or putative parent and (b) attempt to avoid provisional filings and hearings on matters that could be resolved by cooperative measures including discussion, co-parent education, counseling, and mediation.*

C. Website. Parties and counsel should visit the court's website at www.LakeCountyKids.org for more information on the procedures in use in Lake County in support of the cooperative handling of family cases.

LR 45-FL00-4 Initial and Provisional Hearings.

Unless considerations of safety or other good cause make it unreasonable, before the date and time set for an initial or provisional hearing, counsel shall meet with each other (or any unrepresented party) in a good-faith attempt to resolve all matters.

LR 45-FL00-5 Mandatory Website Work for Parents.

A. Dissolution of Marriage. In all dissolution cases where the parties have any children together under the age of 18, both parties shall complete the work on www.UpToParents.org within 30 days of initial filing.

B. Legal Separation. In all separation cases where the parties have any children together under the age of 18, both parties shall complete the work on www.WhileWeHeal.org within 30 days of initial filing.

C. Paternity. In all paternity cases, both parents shall complete the work on www.ProudToParent.org within 30 days of the court's finding of paternity.

D. Following completion of the website work required by this rule, the parents shall merge or exchange their chosen Commitments from their website work.

Commentary

The rule contemplates that, following completion of the website work required by this rule, the parents shall merge their chosen Commitments from their website work into a set of Agreed Commitments, review those Agreed Commitments before all hearings, and take copies of them to all hearings. If a hearing is held more than a year since the parents' completion of the website work, they shall redo the work, again merge their Commitments into a set of Agreed Commitments, and bring those Agreed Commitments to all hearings.

LR 45-FL00-6 Co-Parenting Class.

A. Dissolution of Marriage and Legal Separation. Mandatory Attendance. In all dissolution and separation cases where the parties have any children together under the age of 18, both parties shall complete a co-parenting class. The court may order both parties to attend additional co-parenting classes in post-decree matters. Information regarding the approved classes are available on the court's website at www.LakeCountyKids.org.

B. Paternity. In all paternity cases the court may order the parties to attend and complete a co-parenting class.

LR 45-FL00-7 Proof of Compliance.

A. Dissolution of Marriage and Legal Separation. In order to monitor compliance, within 60 days of the initial filing of an action for dissolution or separation, each party shall file a verified certification of their completion of the mandatory website work as required under FLR. 5, above, and of any mandatory co-parenting class as required under FLR. 6, above, a sample form of which is attached hereto as Appendix “A”.

B. Paternity. In order to monitor compliance, within 45 days of the court’s finding of paternity, each party shall file a verified certification of completion of the mandatory website work as required under FLR 5, above. A sample form is attached hereto as Appendix “B”.

C. Any party failing to timely file such a certification may be subject to a hearing on such a failure.

LR 45-FL00-8 Parenting Plan Proposals.

A. The Indiana Parenting Time Guidelines provide useful outlines of the **minimum** time each parent should have with the children to maintain frequent, meaningful, and continuing contact with them. Any parenting time plan submitted by agreement that provides for less than the **minimum** time allowed under the Indiana Parenting Time Guidelines must contain a written explanation for deviating from those guidelines. Agreed parenting plans that exceed the **minimum** time allowed under the Guidelines will not require a written explanation.

B. Unless they have already executed an agreed parenting plan, the parties shall each prepare and exchange their written Parenting Plan Proposals utilizing the form which is attached hereto as Appendix “C”. Parents, personally and with the help of counsel and all useful counseling, mediation and other problem-solving resources, shall continue to attempt to reach an agreed parenting plan. Parents shall bring their respective Parenting Plan Proposals to all hearings, mediation sessions, and settlement discussions.

Commentary

A. *Children whose parents live apart have special needs above and beyond those of other children, including the need for frequent, meaningful, and continuing contact with both parents. The courts will expect separated and divorced parents, wherever safely possible, to work together to support children’s best possible relationships with each parent.*

B. *To assist parents and their counsel in developing parenting plans that will meet the needs of these children, parents with children under the age of 18 or dependent children over the age of 18 should use all reasonable efforts, discussion, counseling, mediation, and other resources to promptly agree on a parenting plan to include the decision-making and living arrangements that will serve to nurture and protect their children as the years progress. If a parenting plan is agreed on and signed by the parents, it may be submitted to the court for its consideration as the order which will govern the parents' co-parenting unless changed by agreement or court order.*

C. *Unless the parties have already entered in to a signed agreement resolving all such issues then, within 60 days of the initial filing of all actions for marital dissolution or separation, or any post-decree filing regarding the children, or the court's finding of paternity in all paternity cases, the parties shall each prepare and exchange their written Parenting Plan Proposals utilizing the form which is attached hereto as Appendix "C". Parents, personally and with the help of counsel and all useful counseling, mediation and other problem-solving resources, shall continue to attempt to reach an agreed parenting plan. If parents do not reach an agreed parenting plan, they shall bring their respective Parenting Plan Proposals to all hearings, mediation sessions, and settlement discussions.*

D. *The Indiana Parenting Time Guidelines provide useful outlines of the **minimum** time each parent should have with children to maintain frequent, meaningful, and continuing contact with them. It is the express preference of the Lake Circuit and Superior Courts that parenting plans, wherever safely possible, should:*

- (1) help parents understand the important advantages of supporting each other's relationships with their children;*
- (2) exceed the Guideline minimums for each parent;*
- (3) fit the particular needs of the family; and,*
- (4) encourage parents' use of sensibility, flexibility, and reasonableness to allow for cooperative accommodations of special needs and circumstances in family activities.*

E. *Whenever parents need resources to reduce conflict, build cooperation, preserve family relationships, or respond to the needs of their children, they and their attorneys (if any), should use all resources that could help them. Such resources include:*

- (1) redoing the website work from www.UpToParents.org, www.WhileWeHeal.org, or www.ProudToParent.org;*
- (2) additional co-parenting classes, including re-attending the basic class or attending high-conflict classes;*

- (3) *completing a new Parenting Plan Proposal;*
- (4) *mediation;*
- (5) *arbitration;*
- (6) *a confidential therapeutic assessment of the parents to develop a set of recommendations for their improved interaction;*
- (7) *individual, joint, family or child counseling;*
- (8) *appointment of a parenting coordinator;*
- (9) *appointment of a guardian ad litem for the children; and,*
- (10) *any other measure that might protect children, reduce conflict, or build cooperation.*

F. If parents nevertheless continue to have conflict and appear in court without an agreement about the resources they will use, the court may select the resources the parents will be ordered to use.

LR 45-FL00-9 Protocols After Initial Filing.

A. Duties Regarding Consultation. Except in emergencies or when it might create a danger or substantial prejudice or is otherwise unreasonable to do so, counsel and pro se parties shall make a reasonable attempt to have a personal or telephonic consultation to resolve any issue before filing or seeking any other relief through the court. Counsel and pro se parties contacted for a consultation shall make themselves reasonably available for consultation. The duty of consultation shall be continuing.

B. Substance of Consultation. In the consultation, counsel and pro se parties shall:

- (1) attempt to resolve all matters at issue;
- (2) confirm the parties' compliance with FLR 5, FLR 6, FLR 7 and FLR 8; and,
- (3) discuss the resources they believe the parents could use to resolve current and future issues and to build cooperation, including any resources listed in Commentary E to FLR 8.

C. Cooperation Update - Mandatory. All motions and pleadings other than the initial filings shall include a statement confirming compliance with items (1) through (3), above, including the date of the required personal or telephonic consultation; or, shall recite the specific reasons for the lack of a consultation.

D. Parents shall review and bring a copy of their website Commitments, as required by FLR 5 and the current Parenting Plan Proposals, as required by FLR 8, to every hearing.

Commentary

Counsel and pro se parties shall consult in advance of all court settings and exchange suggestions for the future course of the case that would serve the best interests of all family members.

During a Status Conference:

- A. *the attorneys and pro se parties will report on:*
 - (1) *the status of compliance with each of these rules by the parties and their attorneys; and,*
 - (2) *parent progress in reducing conflict, building cooperation, preserving family relationships, and responding to the needs of the children.*
- B. *where beneficial, the families will to be referred for any necessary help; and,*
- C. *the court will consider the future course of the case.*

LR 45-FL00-10 Requirements before Custody Evaluations.

All requests for custody evaluations must be (1) in writing (2) certify that both parties and their counsel, if any, have engaged in at least one good faith attempt to resolve the issues through the use of a settlement conference or mediation.

The court will not grant a request for or otherwise order a custody evaluation except following a Status Conference in the presence of both parties and their attorneys, if any, during which the court has been satisfied that:

- A. both parties have completed the mandatory website work pursuant to FLR 6, above; and,
- B. both parents have completed any required co-parenting class pursuant to FLR 7, above; and,
- C. both parties have exchanged Parenting Plan Proposals pursuant to FLR 8, above; and,
- D. both parties and their attorneys, if any, have engaged in at least one good faith attempt to resolve the issues through the use of a settlement conference or consultation pursuant to FLR 9, above; and,
- E. the court has carefully considered and reviewed, with both parties and their attorneys, if any, the use of other resources including those listed in Commentary E to FLR 8.

Commentary

Custody evaluations are sometimes divisive and produce less, rather than more, cooperation between parents. As a result, custody evaluations will be reserved for cases where one or both parents lack the capacity to safely resolve the issues they face. No custody evaluation will be ordered or conducted unless reasonable cooperative measures have been attempted, such as co-parenting education, counseling and mediation .

LR 45-FL00-11 Case Captioning.

Parties in dissolution, separation, and paternity cases shall not be captioned or designated as “petitioner”, “respondent”, “plaintiff”, or “defendant”. The parties shall be designated as “Mother”, “Father”, “Husband”, or “Wife”, “Former Husband”, “Former Wife”, and “Putative Father”. All captions shall comply with applicable statutes and case law.

LR 45-FL00-12 Form of Summons.

Parties in dissolution, separation, and paternity cases shall prepare and utilize forms of summons as set forth herein.

A. Dissolution of Marriage and Legal Separation. In dissolution and separation cases, the appropriate summons shall be used and shall be substantially the same as the form(s) which attached hereto as Appendix “D”, “D-1”, “D-2”, or “D-3”.

B. Paternity. In paternity cases, the summons shall be substantially the same as the form which is attached hereto as Appendix “E”.

LR 45-FL00-13 Preparation of Information Sheet For Family Court Pilot Project.

Contemporaneously with the filing of any action for dissolution, separation, or paternity, the party filing the initial petition shall complete and furnish the Clerk with an Information Sheet which is substantially the same as the form which is attached hereto as Appendix “F”. Because this form requires information which is excluded from the public access under Ind. Administrative Rule 9, this form shall be submitted on light green paper and conspicuously marked “**Not For Public Access**”.

LR 45-FL00-14 Judges’ Notice.

Whenever the initial filing is prepared by an attorney, the attorney shall also prepare and provide the client and the Clerk with a sufficient number of copies of the appropriate the Judges’ Notice as required herein. In cases filed by pro se parties, the Clerk shall provide the appropriate Judges’ Notice. The Judges’ Notice To Parents Going Through Divorce is attached as Appendix “G” and Judges’ Notice To Parents In Paternity Cases is attached as Appendix “H”.

A. Requirement. In all relevant cases including dissolutions, separation, paternity, post-decree, or support proceedings and, irrespective of which court, each party shall prepare and exchange, within 60 days of initial filing for dissolution or separation or within 30 days of filing of any paternity or post-decree matters, the appropriate Financial Declaration Form (see Appendix “I” and “J”). These time limits may be extended or shortened by court order for good cause shown. In those cases where there is service, but no appearance by counsel, it is the responsibility of the initiating party to provide the other party with the appropriate blank Form and to notify that party of the duty to prepare and serve the same.

B. Exceptions. The Form need not be exchanged if:

- (1) the parties agree in writing within 60 days of the initial filing to waive exchange;
- (2) the parties have executed a written agreement which settles all financial issues;
- (3) the proceeding is merely at a provisional or emergency relief stage;
- (4) the proceeding is one in which the service is by publication and there is no response; or,
- (5) the proceeding is post-decree and concerns issues without financial implications.

Provided, however, when the proceeding is post-decree and concerns an arrearage, the alleged delinquent party shall complete the entire Form, while the support recipient need complete merely the portion thereof which requires specification of the basis of the arrearage calculation (with appropriate supporting documentation).

C. Use at trial. The Forms are intended primarily as mandatory discovery though, subject to appropriate objection, they shall be admissible at the request of any party. Therefore, particularly in view of the presumptive nature of the Indiana Child Support Guidelines, direct examination on form data shall address only unusual factors which require explanation or corrections and shall not, particularly with respect to issues of support, be routinely permitted. For evidentiary purposes, the pages of the Form shall be deemed severable.

D. Supporting documents. For the purposes of providing a full and complete verification of assets, liabilities, and values, each party shall attach to the form all information reasonably required and reasonably available. This shall include recent bills, wage and tax records, and bank, pension and year-end mortgage statements. Reasonably available means that material which may be obtained by letter accompanied with an authorization, but does not mean material that must be subpoenaed or is in the possession of the other party. Appraisals of real estate and pensions, or appraisals of personal property such as jewelry, antiques, or special collections (stamps, coins, or guns, for example) are not required. However, once an appraisal is obtained, it must be exchanged unless the appraisal was

obtained in accordance with the provisions of Trial Rule 26(B) (4) (b) and is not expected to be utilized during trial. Moreover, the court may direct that an appraisal be obtained just as it may designate the appraiser.

E. Privacy - Sealing of Forms. Whenever the interest of privacy so requires, the court may, upon motion, direct the admitted Forms sealed until further order. However, such requests shall not be made as a matter of course.

When ordered sealed, the Court Reporter shall place the Forms in a flat manner in an envelope of sufficient size, seal the envelope, and affix a copy of the order. Forms may be withdrawn at the conclusion of the case on such terms as the court allows.

F. Financial Declaration Form as Mandatory Discovery. The exchange of Forms constitutes mandatory discovery. Thus, Indiana Rules of Procedure, Trial Rule 37 sanctions apply. Additionally, pursuant to Trial Rule 26(E) (2) and (3), the Form shall be supplemented if additional material becomes available. Further, any additional discovery, such as a motion to produce, interrogatories, or depositions of the parties shall not commence until the Forms are exchanged and, once exchanged, shall not seek information already obtained.

LR 45-FL00-16. Indiana Child Support Guidelines.

A. Worksheet Required. In all proceedings involving child support, each party shall file with any settlement or enter into evidence during any trial Indiana Child Support Guidelines Worksheets - one or more depending upon the facts. Further, the Worksheet(s) shall, when reasonably possible, be delivered to the other parent simultaneously with the Financial Declaration Form, but, in any event, within 10 days of receiving the other parent's Form. The Worksheets shall be promptly supplemented if any changes occur prior to resolution. All Worksheets shall be signed by the party(ies) submitting the Worksheet.

B. Support Settlement Agreements. If an agreement concerning support provides any deviation from the amount calculated under the Indiana Child Support Guidelines, the parents shall present the court with a written explanation justifying the deviation.

LR 45-FL00-17. Preparation of Orders.

A. Exchange. It shall be the duty of the parties' attorneys to prepare decrees and other orders as directed by the court. The attorney so directed is first to submit them to all other attorneys of record or to the unrepresented party to enable them to challenge any provision thereof before submission to the court for entry.

B. Additions. If the preparing attorney believes the other attorney or the other party, if the other party is proceeding pro se, is unreasonably withholding approval as to form, or if either believes the other is attempting to make additions not addressed by the court, either may submit a proposed form

to the court and shall attach thereto a written explanation of the dispute. The other party shall have 7 days to respond before the court enters any order. The court may enter sanctions against a party who has unreasonably withheld approval or attempted to make additions not addressed by the court.

C. Signatures. The signature line for counsel or pro se litigant shall indicate Approved As To Form. Such signature indicates that the order correctly reflects the court's ruling. It does not necessarily signify that the signing party or attorney agrees with the ruling.

LR 45-FL00-18. Sanctions.

If a party or counsel fails to timely prepare, exchange or file a Financial Declaration Form or Child Support Worksheet or to cooperate in providing information therefore in a timely manner, either is subject to sanctions under Trial Rule 37.

LR 45-FL00-19. Attorney Fee Requests.

A. Affidavits. When attorney fees (except those sought provisionally) are requested from the opposing party, the requesting attorney shall submit an appropriate affidavit, which, if the affidavit comports with these rules, the court shall admit as an exhibit.

B. Content. The affidavit shall indicate the:

- (1) requested fee and the basis thereof;
- (2) amounts counsel has billed, contracted for, or been promised; and,
- (3) amount counsel has received from all sources.

A copy of the written fee contract, if any, shall be attached to the affidavit and deemed a part thereof. Opposing counsel may cross examine the requesting attorney as to any of the submitted material.

LR 45-FL00-20. Agreed Matters - Submission.

No agreed matter shall be submitted unless accompanied with a signed agreement, and other appropriate documents, such as the decree, a wage withholding order, or a qualified domestic relations order. However, if the parties reach a settlement on the courthouse steps, then the court shall accept evidence of that settlement on the record, and enter the appropriate order upon preparation and filing by counsel within 21 days after submission, or such additional time as the court may allow.

LR 45-FL00-21. Orders Excluding Parent from the Residence.

In all instances where emergency or extraordinary relief is requested including, but not limited to, excluding a parent from the residence, the court shall require full compliance with the provisions of Trial Rules 65(B) and 65(E). In situations involving allegations of physical abuse, intimidation or stalking, relief may be sought by a separate filing for an Order of Protection.

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Appendix A

CAPTION

CERTIFICATION OF COMPLIANCE
IN DISSOLUTION CASES

The undersigned, as the (select: Mother or Father) in the within cause, does hereby certify that:

1. On (type date) I did complete the mandatory website work as required by FLR 5 and have attached hereto my certificate to confirm the same; and,
2. On (type date) I did complete the mandatory co-parenting class as required by FLR 6 and have attached hereto my certificate to confirm the same.

I affirm under the penalties for perjury that the foregoing representations are true.

Date: _____

(Type name), (select: Mother or Father)

Appendix B

CAPTION

CERTIFICATION OF COMPLIANCE
IN PATERNITY CASES

The undersigned, as the (select: Mother or Father) in the within cause, does hereby certify that:

On (type date) I did complete the mandatory website work as required by the FLR 5 and have attached hereto my certificate to confirm the same.

I affirm under the penalties for perjury that the foregoing representations are true.

Date: _____

(Type name), (select: Mother or Father)

Appendix C

In Re The (select: Marriage/Paternity) of: _____

Cause No.: _____

(Select: Mother's/Father's) Parenting Plan Proposal

Parent's Affirmation

I hereby affirm, under the penalties for perjury, that **before** preparing this proposal I have:

1. carefully read the Indiana Parenting Time Guidelines, including the Preamble and General Rules and understand that they reflect the **minimum** parenting time; and,
2. completed all the work assignments for parents at (select: www.UpToParents.org/ www.ProudToParent.org [delete paragraph # 3 in paternity cases]); and,
3. completed the co-parenting class required by the court.

Dated: _____, 20__.

(Select: Mother/Father)

Terms of This Proposal

The following proposal for the parenting plan for our children was prepared and is submitted in compliance with the Lake County Rules of Family Law and is part of the effort of both parents to devise a parenting plan to include the decision making and living arrangements that will serve to nurture and protect our children as the years progress. As stated in the Lake County Rules of Family Law, the following proposal was prepared and is submitted as part of the effort to compromise and settle these and other issues which now exist between the parents and, as a result, unless all of the terms of the following proposal are accepted as shown by the signature of both parents on page four (4) hereof, the following proposal and all of its terms, constitute privileged communications which are inadmissible for any purposes.

1. As the parents, important decisions in our children's lives (such as place of residence, school selection and other educational decisions, healthcare and religious upbringing) will be made as follows: _____

2. The declared legal residence of our children for school and legal purposes will be:

3. Due to the circumstances of the lives of the members of our family, including work schedules and the like, our parenting time schedule for our children to be with each of us will vary from the **minimum** set forth in the Indiana Parenting Guidelines, as follows:

Weekdays: _____

Weekends: _____

Holidays and Special Days: _____

Extended Parenting Time/Summer Vacation: _____

4. In the event of disagreement, we will speak to one another first to try to resolve any parenting issues. If we are unable to resolve all the issues, then we will utilize the following: (Circle all that apply and add any additional ones.)

- A. Redoing the (select: www.UpToParents.org/ www.ProudToParent.org) website work.
- B. Additional co-parenting classes, including re-attending the basic class or attending high-conflict classes.
- C. Mediation.
- D. Arbitration.
- E. Individual, joint, family, or child counseling.
- F. Appointment of a parenting time coordinator (PTC) to work with us.
- G. Appointment of a guardian ad litem (GAL) for our children.
- H. Other (specify): _____

5. Other provisions of our parenting plan would be: _____

Dated: _____, 20__.

(Select: Mother/Father)

(attorney's name)

Indiana Attorney No.: _____

(firm name)

Attorney for (select: Mother/Father)

(address)

(phone number)

ACCEPTANCE

By our signatures, we, as the parents, we now agree to all of the terms set forth above as our Parenting Agreement and that this document is now admissible in to evidence in court.

(Select: Mother/Father)
Date: _____, 20__.

(Select: Mother/Father)
Date: _____, 20__.

(attorney's name)
Indiana Attorney No.: _____
(firm name)
Attorney for (select: Mother/Father)
(address)

(attorney's name)
Indiana Attorney No.: _____
(firm name)
Attorney for (select: Mother/Father)
(address)

(phone number)

(phone number)

As dedicated parents, we will do our best to:

Remember that our children's only job is to be children, not our messengers, spies, counselors, confidants, or carriers of our hurt.

Be sure to remember that our love for our children is greater than any issue we could have with each other.

Respect each other's parenting time while also being flexible, so the children's lives can be as normal as possible.

Educate our extended families and close friends that they need to make peace as well.

Pay special attention to keep our appointments and schedules with each other and calling promptly if any problems come up.

Appendix D

STATE OF INDIANA
COUNTY OF LAKE

SS: IN THE (Title, Address and Phone Number of Court)

IN RE: THE MARRIAGE OF
(Name of Filing Party),
(select: Mother, Wife, Father, Husband)
and
(Name of Spouse),
(select: Mother, Wife, Father, Husband)

Cause No.

**SUMMONS
AND NOTICE OF HEARING
IN PROCEEDINGS FOR DISSOLUTION OF MARRIAGE**

THE STATE OF INDIANA TO : (name of spouse being served)
(address)

Your spouse has filed an action for dissolution of marriage in the Court stated above. A copy of the Petition (and, in some cases, other documents) together with a separate Notice from the Court which is printed on yellow paper are attached to or otherwise served with this Summons and contain important details regarding the nature of these proceedings. Local Rules in Lake County require that both you and your spouse complete certain, specific tasks and you should immediately and carefully review those requirements at the website established by the Court at: www.LakeCountyKids.org.

THIS IS YOUR OFFICIAL NOTICE that a hearing on Provisional Orders has been scheduled for _____, 20_____, at _____M. before this Court, in (room number) which is located on the (_____ floor), at the address listed in the upper right hand corner of this Summons. If you wish to hire an attorney to represent you in this matter, it is advisable to do so before that date. If you do not appear for that hearing, a provisional order could be entered by default which could remain in effect until this action is concluded.

THIS IS YOUR OFFICIAL NOTICE that a final hearing has been scheduled for _____, 20_____, at _____M. before this Court, in (room number) which is located on the (_____ floor), at the address listed in the upper right hand corner of this Summons.

If you do not file a written appearance with the Clerk and serve a copy on your spouse's attorney, you may not receive notice of any further proceedings in this action. If you do not make such an appearance, a final decree could be entered by default which grants the relief sought in your spouse's Petition after the expiration of sixty (60) days from the date of the filing of the Petition. You are not required to file any written Answer to respond to the Petition; however, certain grounds for dismissal must be asserted in a timely fashion or are waived; and, if you have a claim for relief against your spouse you may be required to assert such a claim in a written pleading which must be filed with the Clerk and served on your spouse's attorney.

The following manner of service of this SUMMONS is hereby designated:

Date:

(Name of attorney for Filing Party)
Indiana Attorney No: (insert)
(firm name)
Attorney for (select: Mother, Wife, Father, Husband)
(address)

(phone number)

THOMAS R. PHILPOT
CLERK, LAKE CIRCUIT/SUPERIOR COURTS

By: _____
Deputy Clerk

PREPARATION DATA:

All summons are to be prepared in triplicate with the original of each to be placed in the Court file with two copies available for service. If service is by certified mail a properly addressed envelope shall be provided for the party being served. Certified mail labels and return receipts must also be furnished for each mailing and the cause number must appear on each return receipt, which shall be returnable to the Clerk at the address of the Court.

CLERK'S CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 20____, I mailed a copy of this Summons and a copy of the Petition to the party being served, _____, by _____ mail, requesting a return receipt, at the address furnished by the filing party.

THOMAS R. PHILPOT
CLERK, LAKE CIRCUIT/SUPERIOR COURTS

Dated: _____, 20__.

BY: _____
Deputy Clerk

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Petition mailed to the party being served, _____, was accepted by the party being served on the _____ day of _____, 20____.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Petition was returned not accepted on the _____ day of _____, 20____.

THOMAS R. PHILPOT
CLERK, LAKE CIRCUIT/SUPERIOR COURTS

Dated: _____, 20__.

BY: _____
Deputy Clerk

RETURN OF SERVICE OF SUMMONS BY SHERIFF

I hereby certify that I have served the within Summons:

1) By delivering on _____, 20____, a copy of this Summons and a copy of the Petition to each of the within named person(s).

2) By leaving on _____, 20____, for each of the within named person(s) _____ a copy of the Summons and a copy of the Petition at the respective dwelling house or usual place of abode, _____ in _____, Indiana, with a person of suitable age and discretion residing within, whose usual duties or activities include prompt communication of such information to the person served, or by otherwise leaving such process thereat, and by mailing a copy of the Summons without the Petition to the said named person(s) at the address listed herein.

3) This Summons came to hand this date, _____, 20____. The within named _____ was not found in my bailiwick this date, _____, 20____.

ALL DONE IN LAKE COUNTY, INDIANA.

ROY DOMINGUEZ
SHERIFF OF LAKE COUNTY, INDIANA

By: _____

SERVICE ACKNOWLEDGED

I hereby acknowledge that I received a copy of the within Summons and a copy of the Petition at _____ in _____, Indiana, on this date, _____, 20__.

Signature of Party Served

Appendix D-1

STATE OF INDIANA	SS:	IN THE <u>(Title, Address and Phone Number of Court)</u>
COUNTY OF LAKE		
IN RE: THE MARRIAGE OF <u>(Name of Filing Party),</u> <u>(select: Mother, Wife, Father, Husband)</u> and <u>(Name of Spouse),</u> <u>(select: Mother, Wife, Father, Husband)</u>		Cause No.

**SUMMONS
IN PROCEEDINGS FOR DISSOLUTION OF MARRIAGE**

THE STATE OF INDIANA TO : (name of spouse being served)
(address)

Your spouse has filed an action for dissolution of marriage in the Court stated above. A copy of the Petition (and, in some cases, other documents) together with a separate Notice from the Court which is printed on yellow paper are attached to or otherwise served with this Summons and contain important details regarding the nature of these proceedings. Local Rules in Lake County require that both you and your spouse complete certain, specific tasks and you should immediately and carefully review those requirements at the website established by the Court at: www.LakeCountyKids.org.

If you do not file a written appearance with the Clerk and serve a copy on your spouse's attorney, you may not receive notice of any further proceedings in this action. If you do not make such an appearance, a final decree could be entered by default which grants the relief sought in your spouse's Petition after the expiration of sixty (60) days from the date of the filing of the Petition. You are not required to file any written Answer to respond to the Petition; however, certain grounds for dismissal must be asserted in a timely fashion or are waived; and, if you have a claim for relief against your spouse you may be required to assert such a claim in a written pleading which must be filed with the Clerk and served on your spouse's attorney.

The following manner of service of this SUMMONS is hereby designated:

(select: Registered or certified mail, return receipt #
Sheriff of Lake County
Private service by:
Other (specify): _____)

Date:

(Name of attorney for Filing Party)
Indiana Attorney No: (insert)
(firm name)
Attorney for (select: Mother, Wife, Father, Husband)
(address)

THOMAS R. PHILPOT
CLERK, LAKE CIRCUIT/SUPERIOR COURTS

By: _____
Deputy Clerk

(phone number)

PREPARATION DATA:

All summons are to be prepared in triplicate with the original of each to be placed in the Court file with two copies available for service. If service is by certified mail a properly addressed envelope shall be provided for the party being served. Certified mail labels and return receipts must also be furnished for each mailing and the cause number must appear on each return receipt, which shall be returnable to the Clerk at the address of the Court. (Form: DS 1/97)

Appendix D-2

STATE OF INDIANA
COUNTY OF LAKE

SS: IN THE (Title, Address and Phone Number of Court)

IN RE: THE MARRIAGE OF
(Name of Filing Party)
(select: Mother, Wife, Father, Husband)
and
(Name of Spouse)
(select: Mother, Wife, Father, Husband)

Cause No.

**SUMMONS
AND NOTICE OF HEARING
IN PROCEEDINGS FOR DISSOLUTION OF MARRIAGE**

THE STATE OF INDIANA TO : (name of spouse being served)
(address)

Your spouse has filed an action for dissolution of marriage in the Court stated above. A copy of the Petition (and, in some cases, other documents) together with a separate Notice from the Court which is printed on yellow paper are attached to or otherwise served with this Summons and contain important details regarding the nature of these proceedings. Local Rules in Lake County require that both you and your spouse complete certain, specific tasks and you should immediately and carefully review those requirements at the website established by the Court at: www.LakeCountyKids.org.

THIS IS YOUR OFFICIAL NOTICE that a hearing on Provisional Orders has been scheduled for _____, 20_____, at _____M. before this Court, in (room number) which is located on the (_____ floor), at the address listed in the upper right hand corner of this Summons. If you wish to hire an attorney to represent you in this matter, it is advisable to do so before that date. If you do not appear for that hearing, a provisional order could be entered by default which could remain in effect until this action is concluded.

If you do not file a written appearance with the Clerk and serve a copy on your spouse's attorney, you may not receive notice of any further proceedings in this action. If you do not make such an appearance, a final decree could be entered by default which grants the relief sought in your spouse's Petition after the expiration of sixty (60) days from the date of the filing of the Petition. You are not required to file any written Answer to respond to the Petition; however, certain grounds for dismissal must be asserted in a timely fashion or are waived; and, if you have a claim for relief against your spouse you may be required to assert such a claim in a written pleading which must be filed with the Clerk and served on your spouse's attorney.

The following manner of service of this SUMMONS is hereby designated:

Date:

(Name of attorney for Filing Party)
Indiana Attorney No: (insert)
(firm name)
Attorney for (select: Mother, Wife, Father, Husband)
(address)

(phone number)

THOMAS R. PHILPOT
CLERK, LAKE CIRCUIT/SUPERIOR COURTS

By: _____
Deputy Clerk

PREPARATION DATA:
All summons are to be prepared in triplicate with the original of each to be placed in the Court file with two copies available for service. If service is by certified mail a properly addressed envelope shall be provided for the party being served. Certified mail labels and return receipts must also be furnished for each mailing and the cause number must appear on each return receipt, which shall be returnable to the Clerk at the address of the Court.

Appendix D-3

STATE OF INDIANA

COUNTY OF LAKE

SS:

IN THE (Title, Address and Phone Number of Court)

IN RE: THE MARRIAGE OF
(Name of Filing Party),
(select: Mother, Wife, Father, Husband)
and
(Name of Spouse),
(select: Mother, Wife, Father, Husband)

Cause No.

**SUMMONS
AND NOTICE OF HEARING
IN PROCEEDINGS FOR DISSOLUTION OF MARRIAGE**

THE STATE OF INDIANA TO : (name of spouse being served)
(address)

Your spouse has filed an action for dissolution of marriage in the Court stated above. A copy of the Petition (and, in some cases, other documents) together with a separate Notice from the Court which is printed on yellow paper are attached to or otherwise served with this Summons and contain important details regarding the nature of these proceedings. Local Rules in Lake County require that both you and your spouse complete certain, specific tasks and you should immediately and carefully review those requirements at the website established by the Court at: www.LakeCountyKids.org.

THIS IS YOUR OFFICIAL NOTICE that a final hearing has been scheduled for _____, 20_____, at ____M. before this Court, in (room number) which is located on the (_____ floor), at the address listed in the upper right hand corner of this Summons.

If you do not file a written appearance with the Clerk and serve a copy on your spouse's attorney, you may not receive notice of any further proceedings in this action. If you do not make such an appearance, a final decree could be entered by default which grants the relief sought in your spouse's Petition after the expiration of sixty (60) days from the date of the filing of the Petition. You are not required to file any written Answer to respond to the Petition; however, certain grounds for dismissal must be asserted in a timely fashion or are waived; and, if you have a claim for relief against your spouse you may be required to assert such a claim in a written pleading which must be filed with the Clerk and served on your spouse's attorney.

The following manner of service of this SUMMONS is hereby designated:

- (select: Registered or certified mail, return receipt #
- Sheriff of Lake County
- Private service by:
- Other (specify): _____)

Date:

(Name of attorney for Filing Party)
Indiana Attorney No: (insert)
(firm name)
Attorney for (select: Mother, Wife, Father, Husband)
(address)

THOMAS R. PHILPOT
CLERK, LAKE CIRCUIT/SUPERIOR COURTS

By: _____
Deputy Clerk

(phone number)
PREPARATION DATA:

All summons are to be prepared in triplicate with the original of each to be placed in the Court file with two copies available for service. If service is by certified mail a properly addressed envelope shall be provided for the party being served. Certified mail labels and return receipts must also be furnished for each mailing and the cause number must appear on each return receipt, which shall be returnable to the Clerk at the address of the Court. (Form: DS 1/97)

CLERK'S CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 20____, I mailed a copy of this Summons and a copy of the Petition to the party being served, _____, by _____ mail, requesting a return receipt, at the address furnished by the filing party.

THOMAS R. PHILPOT
CLERK, LAKE CIRCUIT/SUPERIOR COURTS

Dated: _____, 20__.

BY: _____
Deputy Clerk

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Petition mailed to the party being served, _____, was accepted by the party being served on the _____ day of _____, 20____.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Petition was returned not accepted on the _____ day of _____, 20____.

THOMAS R. PHILPOT
CLERK, LAKE CIRCUIT/SUPERIOR COURTS

Dated: _____, 20__.

BY: _____
Deputy Clerk

RETURN OF SERVICE OF SUMMONS BY SHERIFF

I hereby certify that I have served the within Summons:

1) By delivering on _____, 20____, a copy of this Summons and a copy of the Petition to each of the within named person(s).

2) By leaving on _____, 20____, for each of the within named person(s) _____ a copy of the Summons and a copy of the Petition at the respective dwelling house or usual place of abode, _____ in _____, Indiana, with a person of suitable age and discretion residing within, whose usual duties or activities include prompt communication of such information to the person served, or by otherwise leaving such process thereat, and by mailing a copy of the Summons without the Petition to the said named person(s) at the address listed herein.

3) This Summons came to hand this date, _____, 20____. The within named _____ was not found in my bailiwick this date, _____, 20____.

ALL DONE IN LAKE COUNTY, INDIANA.

ROY DOMINGUEZ
SHERIFF OF LAKE COUNTY, INDIANA

By: _____

SERVICE ACKNOWLEDGED

I hereby acknowledge that I received a copy of the within Summons and a copy of the Petition at _____ in _____, Indiana, on this date, _____, 20____.

Signature of Party Served

Appendix E

STATE OF INDIANA
COUNTY OF LAKE

IN THE SUPERIOR COURT OF LAKE COUNTY
JUVENILE DIVISION, 3000 West 93rd Avenue,
Crown Point, Indiana 46307 (219) 660-6900

IN THE MATTER OF THE PATERNITY OF:
KIRBY UPRIGHT
Male Born 1/1/2007

CAUSE NO. 45D06-0107-JP-0000

HOOVER ORECK,
Putative Father,
and

DYSON UPRIGHT,
Mother

KIRBY UPRIGHT b/n/f HOOVER ORECK

**SUMMONS
AND NOTICE OF INITIAL HEARING IN A PATERNITY CASE**

THE STATE OF INDIANA TO:

Dyson Upright
1234 Electrolux Lane
Berber, IN 46000

A paternity action has been filed in the Court stated above. A copy of the Petition (and, in come cases, other documents) together with a separate Notice from the Court which is printed on yellow paper are attached to or otherwise served with this Summons and contain important details regarding the nature of these proceedings. Local Rules in Lake County require that both parties to this case complete certain specific tasks. You should immediately and carefully review those requirements at the website established by the Court at: www.LakeCountyKids.org.

THIS IS YOUR OFFICIAL NOTICE that an Initial Hearing to Establish Paternity is scheduled for the day of , 20 , at o'clock .m. at the address listed in the upper right hand corner of this Summons. If you wish to hire an attorney to represent you in this matter, it is advisable to do so before that date. **If you do not appear for that hearing, a final order could be entered by default determining paternity, custody, parenting time and child support.**

If you do not file a written appearance with the Clerk and serve a copy on the attorney whose name and address is set forth at the bottom of this page, you may not receive notice of any further proceedings in this action. You are not required to file any written Answer to respond to the Petition; however, certain grounds for dismissal must be asserted in a timely fashion or are waived; and, if you have a claim for relief against the person who filed the Petition, you may be required to assert such a claim in a written pleading which must be filed with the Clerk and served upon the attorney whose name and address is set forth at the bottom of this page.

The following manner of service is designated: **Sheriff (or CMRRR, or Private Server etc.)**

Date:
F.Q. Cannister, #000-45
Attorney for Putative Father
789 Suction Lane
Vacuum, IN 46000
219.000.0000

THOMAS R. PHILPOT
CLERK, SUPERIOR COURT OF LAKE COUNTY
By: _____
Deputy Clerk

CLERK'S CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 20___, I mailed a copy of this Summons and a copy of the Petition to the party being served, _____, by _____ mail, requesting a return receipt, at the address furnished by the filing party.

THOMAS R. PHILPOT
CLERK, LAKE CIRCUIT/SUPERIOR COURTS

Dated: _____, 20__.

BY: _____
Deputy Clerk

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Petition mailed to the party being served, _____, was accepted by the party being served on the _____ day of _____, 20____.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Petition was returned not accepted on the _____ day of _____, 20____.

THOMAS R. PHILPOT
CLERK, LAKE CIRCUIT/SUPERIOR COURTS

Dated: _____, 20__.

BY: _____
Deputy Clerk

RETURN OF SERVICE OF SUMMONS BY SHERIFF

I hereby certify that I have served the within Summons:

1. By delivering on _____, 20___, a copy of this Summons and a copy of the Petition to each of the within named person(s).

2. By leaving on _____, 20____, for each of the within named person(s) _____ a copy of the Summons and a copy of the Petition at the respective dwelling house or usual place of abode, _____ in _____, Indiana, with a person of suitable age and discretion residing within, whose usual duties or activities include prompt communication of such information to the person served, or by otherwise leaving such process thereat, and by mailing a copy of the Summons without the Petition to the said named person(s) at the address listed herein.

3. This Summons came to hand this date, _____, 20____. The within named _____ was not found in my bailiwick this date, _____, 20____.

ALL DONE IN LAKE COUNTY, INDIANA.

ROY DOMINGUEZ
SHERIFF OF LAKE COUNTY, INDIANA

By: _____

SERVICE ACKNOWLEDGED

I hereby acknowledge that I received a copy of the within Summons and a copy of the Petition at _____ in _____, Indiana, on this date, _____, 20____.

Signature of Party Served

Appendix F

NOT FOR PUBLIC ACCESS

_____ Cause No. _____
Petitioner

Respondent

**INFORMATION SHEET
FOR FAMILY COURT PILOT PROJECT**

This form is required to be completed in full and filed with the Clerk's Office with all new petitions filed for dissolution of marriage, legal separation and determination of paternity. The information on this form will be used to identify families who have more than one cause of action pending in the Lake County Court system, and to aid the Courts in tracking the progress of these matters.

	Full Name	Soc. Sec. Number	Date of Birth	Sex (M/F)
Petitioner:				
Respondent:				

Names of all children of the parties:	Soc. Sec. Number	Date of Birth	Sex (M/F)

Names of all other persons residing in the parties' household:				
Full Name	Soc. Sec. Number	Relationship	Date of Birth	Sex (M/F)

Please list all other court cases in which the parties, their children or any members of their household are involved in any capacity. Include all cases, including Juvenile, Probate, Criminal, Civil, Domestic Relations, Protective Orders, Small Claims and Traffic.

Title of case:	Name and location of court:
Type of case:	Cause Number:

Title of case:	Name and location of court:
Type of case:	Cause Number:

Title of case:	Name and location of court:
Type of case:	Cause Number:

Title of case:	Name and location of court:
Type of case:	Cause Number:

Use additional sheets if necessary to supply complete information.

Appendix G

JUDGES' NOTICE TO PARENTS GOING THROUGH DIVORCE

We, the Judges and Magistrates of Lake County, share the following information so that you will know of our commitment to the best interests of children. *Please read this information carefully, as we expect you and all other persons involved in your case to be partners in serving those best interests.*

1. As soon as possible, visit www.LakeCountyKids.org to learn about the Courts' expectations and to read the Lake County Rules of Family Law for important information about how divorce cases will be handled to:
 - ensure safety;
 - reduce conflict;
 - build cooperation; and,
 - protect the best interests of all family members, especially all children.
2. If there will be no attorneys in your case, see the "Cases Without Attorneys" link on Courts' website, www.LakeCountyKids.org, for special work required of you.
3. If you and your spouse have any children under the age of 18, you **must** do the following within 30 days:
 - a. Register for a co-parenting class. You will find more information about the class and how to register at the link on the Courts' website, www.LakeCountyKids.org.
 - b. Complete the work on www.UpToParents.org, and take your completed work to your co-parenting class, give a copy to your attorney, and bring it with you to all court appearances and other meetings.
4. If you and your spouse have any children under the age of 18, you should attempt to establish your own plan for the decision making and living arrangements that will serve to nurture and protect your children. A plan which is worked out between the parents to fit the needs of their children and family is almost always the best. You should review the Indiana Parenting Time Guidelines at the link on the Courts' website, www.LakeCountyKids.org. The Court considers those Guidelines to be the **minimum** parenting time for each parent to have frequent, meaningful, and continuing contact with their children. We recommend that you use the Parenting Plan Proposal/Worksheet which you will also find on the Courts' website, www.LakeCountyKids.org.
5. You and your spouse must complete and exchange Financial Declaration Forms with all required attachments. You will find this Form at the link on the Courts' website, www.LakeCountyKids.org.

Appendix H

JUDGES' NOTICE TO PARENTS IN PATERNITY CASES

We, the Judges and Magistrates of Lake County, share the following information so that you will know of our commitment to the best interests of children. *Please read this information carefully, as we expect you and all other persons involved in your case to be partners in serving those best interests.*

1. If either of you question whether or not the man named as the father in this case is the father, the Court will order genetic testing at the initial hearing to establish paternity. If the man named as father is found not to be the father by genetic testing, the case will be dismissed.

2. If paternity is established, whether by agreement or otherwise, or following genetic testing, the Local Rules of the Circuit and Superior Court of Lake County, Indiana, require you to do the following:

A. Complete the work on www.ProudToParent.org and furnish the Court with a certification that you have done so.

B. Complete and exchange Financial Declaration Forms with all required attachments. You will find this form at the link on the Court's website, www.LakeCountyKids.org.

3. In addition, if paternity is established, whether by agreement or otherwise, or following genetic testing, you will be expected to do the following:

A. Devise a Parenting Plan for your children. A Parenting Plan consists of the decision making and living and financial arrangements that will serve to nurture and protect your children as the years progress. A plan which is worked out between the parents to fit the needs of their children and family is almost always best. You should review the Indiana Parenting Time Guidelines at the link on the Court's website, www.LakeCountyKids.org. The Court considers those Guidelines to be the **minimum** parenting time for each parent to have frequent, meaningful, and continuing contact with their children. We recommend that you use the Parenting Plan Proposal/Worksheet which you will also find on the Court's website, www.LakeCountyKids.org. If you fail to devise a successful Parenting Plan for your children, this Court may require you to attend and complete, at your own expense, a co-parenting class.

B. If there will be no attorneys in your case, read the "Cases Without Attorneys" link on the Court's website, www.LakeCountyKids.org, for special work required of you.

C. Read the Lake County Rules of Family Law and the Indiana Parenting Time Guidelines which are available on the Court's website, www.LakeCountyKids.org, for additional important information on the Court's expectation that everyone involved in your case will be a partner in:

- **ensuring safety;**
- **reducing conflict;**
- **building cooperation; and,**
- **protecting the best interests of all family members, especially all children.**

Appendix I

DISSOLUTION OF MARRIAGE: FINANCIAL DECLARATION FORM
STATE OF INDIANA: CIRCUIT AND SUPERIOR COURTS OF LAKE COUNTY

IN RE THE MARRIAGE OF:

Cause No. _____

(select: Mother, Wife, Father, Husband)
and

(select: Mother, Wife, Father, Husband)

FINANCIAL DECLARATION OF: _____

This declaration is considered mandatory discovery and must be exchanged between the parties within 60 days of the initial filing of the Dissolution of Marriage. Parties not represented by counsel are required to comply with these practices. Failure by either party to complete and exchange this form as required will authorize the court to impose sanctions set forth in Rule 6 of the Lake County Rules of Family Law. If appraisals or verifications are not available within 60 days the from must be exchanged within 60 days with a notation that appraisals or verifications are being obtained and then the Declaration shall be supplemented within 30 days thereafter.

Husband: _____

Wife: _____

Address: _____

Address: _____

Soc. Sec. No.: _____

Soc. Sec. No.: _____

Badge/Payroll No.: _____

Badge/Payroll No.: _____

Occupation: _____

Occupation: _____

Employer: _____

Employer: _____

Date started this employment: _____

Date started this employment: _____

Birth Date: _____

Birth Date: _____

Date of Marriage: _____

Date of Physical Separation: _____

Date of Filing: _____

List Names, dates of birth, and social security numbers of all children of this relationship, whether by birth or adoption:

_____	_____
_____	_____
_____	_____

List Names and dates of birth of any other children living at the residence of the person responding (identify if these are children of the responding party) and for each such person indicate the amount of support, if any, that is received:

_____	_____
_____	_____
_____	_____

Part I. INCOME AND EXPENSES STATEMENT

Attach **COMPLETE** copies of your **Federal Income Tax Returns** for the last three taxable years including all W2's and 1099's. Also attach proof of all wages earned in the present year up to the date of your response. If current wage statement shows year to date wages and itemized deductions this is sufficient. If current wage statement does not indicate year to date earnings and deductions attach the 8 most recent pay stubs.

Person Responding

A. Gross yearly income from Salary and Wages, including commissions, bonuses, allowances and overtime received in most recent year.

Average gross pay per pay period (indicate whether you are paid weekly each 2 weeks or twice per month)

B. Gross Monthly Income From Other Sources¹

List and explain in detail any Rents received, Dividend income, or Pension, Retirement, Social Security, Disability and/or Unemployment Insurance benefits - or any other source including Public assistance, food stamps, and child support received for any child not born of the parties of this marriage.

¹Some of these items may not apply to support or maintenance computations.

C. SELECTED LIVING EXPENSES: List names and relations of each member of the household of the Responding party whose expenses are included.

_____	_____
_____	_____
_____	_____

For each expense attach verification of payment even if it is not specifically requested on this form - please note that Indiana uses an Income Shares model for determining support and thus in most cases the expenses that a party has or does not have are not relevant in determining support under the Indiana Support Guidelines.

However if you claim your expenses justify a deviation from the support guidelines attach a detailed list of expenses together with verification of same.

Person Responding

Rent or Mortgage payments (residence) _____

Real Property Taxes (residence) if not included
in mortgage payment _____

Real Property Insurance (residence) if not included
in mortgage payment _____

Cost of **all** Medical Insurance - specify time period -
Attach verification of payment if not on pay stub _____

Cost of **only** that medical insurance that is related to the
children of this action - specify time period - attach
verification from employer or insurance company _____

Child care costs - **to permit work** - specify time
period (per day, week, month) - attach verification _____

Pre-School Costs (specify time period week, semester or year) _____

School Tuition - per semester (Grade or High School) _____

Book Costs - per semester (Grade or High School) _____

**For Post High School Attach separate list with explanation
of loans and scholarships and grants** _____

Child support paid for children other than those involved in
this case - attach proof of payment _____

PART II. NET WORTH - ATTACH ALL AVAILABLE DOCUMENTATION TO VERIFY VALUES -

List all property owned either individually or jointly. Indication who holds or how the title is held: (H) Husband, (W) Wife, or (J) Jointly or other appropriate indication. WHERE SPACE IS INSUFFICIENT FOR COMPLETE INFORMATION OR LISTING PLEASE ATTACH SEPARATE PAGE.

A. Household Furnishings: (Value of Furniture, Appliances, and Equipment, as a whole - You need not itemize - indicate whether you use replacement cost or "garage sale" value)

B. Automobiles, Boats, Snowmobiles, Motorcycles, Etc.:

<u>Year - Make & Present Value</u>	<u>Titled Owner</u>	<u>Balance Owed</u>

C. Cash and Deposit Accounts: (including ALL banks, savings and loan associations, credit unions, thrift plans, mutual funds, certificate of deposit, savings and/or checking accounts, IRA's and annuities). **This also includes listing the contents of any safety deposit boxes.** Use additional page if necessary.

<u>Name of Institution & Type of Account</u>	<u>"Owners"</u>	<u>Account No.</u>	<u>Balance</u>

D. Securities: (Stocks, Bonds, Etc) - use additional page if necessary

<u>Company Name</u>	<u>"Owner"</u>	<u>Shares</u>	<u>Value</u>

E. Real Estate: (attach separate sheet with the following information for each separate piece of real estate).

Address: _____ Type of Property: _____

_____ Date of Acquisition: _____

Original Cost: _____ Present Value: _____

Basis for Valuation: _____
(Attach appraisal if obtained)

1st MORTGAGE BALANCE AS OF DATE OF ANSWER: _____

Other liens (amount and type): _____

Monthly payment on each mortgage: 1st: _____ 2nd: _____

To whom paid: _____

Taxes (if not included in Mtg. payment): _____

Insurance (if not included in Mtg. payment): _____

Special Assessments (including utility or condo assessments): _____

Identify Individual contributions to the real estate (for example, inheritance, pre-marital assets, personal loans, etc.): _____

F. Retirement Plans: List monthly amount you would be entitled to at earliest retirement date (indicating that date) if you stopped work today. Your response should indicate date of valuation. Further, if it is a defined interest plan list present amount in plan and date of valuation.

Also, identify whose plan it is and list both the name and the address of administrator of plan - indicate whether plan is vested - if not vested, indicate when it will vest:

Attach documents from each plan verifying information. If not yet received, attach a copy of your written request to the plan(s).

G. Life Insurance: Give name of insured, beneficiary, company issuing, policy #, type of insurance (term, whole life, group), face value, cash value and any loans against - include plans provided by employer:

H. Business or Professional Interests: Indicate name, share, type of business, value less indebtedness, etc.:

I. Other Assets: (this includes coin, stamp or gun collections or other items of unusual value). Use additional pages as needed:

PART III. VERIFICATION

I declare, under the penalty of perjury, that the foregoing, including any valuations and attachments, is true and correct and that I have made a complete and absolute disclosure of all of my assets and liabilities. Furthermore, I understand that if, in the future, it is proven to this court that I have intentionally failed to disclose any asset or liability, I may lose the asset and may be required to pay the liability. Finally, I acknowledge that sanctions may be imposed against me, including reasonable attorney's fees and expenses incurred in the investigation, preparation and prosecution of any claim or action that proves my failure to disclose income, assets or liabilities.

DATE: _____

PARTY'S SIGNATURE

PART IV. ATTORNEY'S CERTIFICATION

I have reviewed with my client the foregoing information, including any valuations and attachments, and sign this certificate consistent with my obligation under Trial Rule 11 of the Indiana Rules of Procedure.

DATE: _____

(attorney's name)

Indiana Attorney No.: _____

(firm name)

Attorney for (select: Mother/Father)

(address)

(phone number) _____

Appendix J

**PATERNITY & POST DECREE: FINANCIAL DECLARATION FORM
STATE OF INDIANA: CIRCUIT AND SUPERIOR COURTS OF LAKE COUNTY**

IN RE THE MARRIAGE OF:

Cause No. _____

(select: Mother, Wife, Father, Husband)

and

(select: Mother, Wife, Father, Husband)

FINANCIAL DECLARATION OF: _____

This declaration is considered mandatory discovery and must be exchanged between the parties within 30 days of the filing of any paternity case or any post decree matter. Parties not represented by counsel are required to comply with these practices. Failure by either party to complete and exchange this form as required will authorize the court to impose the sanctions set forth in Rule 6 of the Lake County Rules of Family Law, these include costs and attorney fees.

Father: _____

Mother: _____

Address: _____

Address: _____

Soc. Sec. No.: _____

Soc. Sec. No.: _____

Badge/Payroll No.: _____

Badge/Payroll No.: _____

Occupation: _____

Occupation: _____

Employer: _____

Employer: _____

Date stated this employment: _____

Date started this employment: _____

Birth Date: _____

Birth Date: _____

List the following Dates as Applicable:

Date of Dissolution: _____ Date of most recent support order: _____

Date of Filing of this paternity action: _____

Date of Filing of this post decree action: _____

List Names, dates of birth, and social security numbers of all children of this relationship, whether by birth or adoption:

_____	_____
_____	_____
_____	_____

List Names and dates of birth of any other children living at the residence of the person responding (identify if these are children of the responding party) and for each such person indicate the amount of support, if any, that is received:

_____	_____
_____	_____
_____	_____

Part I. INCOME AND EXPENSES STATEMENT

Attach **COMPLETE** copies of your **Federal Income Tax Returns** for the last three taxable years including all W2's and 1099's. Also attach proof of all wages earned in the present year up to the date of your response. If current wage statement shows year to date wages and itemized deductions this is sufficient. If current wage statement does not indicate year to date earnings and deductions attach the 8 most recent pay stubs.

Person Responding

A. Gross yearly income from Salary and Wages, including commissions, bonuses, allowances and overtime received in most recent year.

Average gross pay per pay period (indicate whether you are paid weekly each 2 weeks or twice per month)

B. Gross Monthly Income From Other Sources²

List and explain in detail any Rents received, Dividend income, or Pension, Retirement, Social Security, Disability and/or Unemployment Insurance benefits - or any other source including Public assistance, food stamps, and child support received for any child not born of the parties of this marriage.

²Some of these items may not apply to support or maintenance computations.

C. SELECTED LIVING EXPENSES: List names and relations of each member of the household of the Responding party whose expenses are included.

_____	_____
_____	_____
_____	_____

For each expense attach verification of payment even if it is not specifically requested on this form - please note that Indiana uses an Income Shares model for determining support and thus in most cases the expenses that a party has or does not have are not relevant in determining support under the Indiana Support Guidelines.

However if you claim your expenses justify a deviation from the support guidelines attach a detailed list of expenses together with verification of same.

Person Responding

Rent or Mortgage payments (residence) _____

Real Property Taxes (residence) if not included in mortgage payment _____

Real Property Insurance (residence) if not included in mortgage payment _____

Cost of **all** Medical Insurance - specify time period - Attach verification of payment if not on pay stub _____

Cost of **only** that medical insurance that is related to the children of this action - specify time period - attach verification from employer or insurance company _____

Child care costs - **to permit work** - specify time period (per day, week, month) - attach verification _____

Pre-School Costs (specify time period week, semester or year) _____

School Tuition - per semester (Grade or High School) _____

Book Costs - per semester (Grade or High School) _____

For Post High School Attach separate list with explanation of loans and scholarships and grants _____

Child support paid for children other than those involved in this case - attach proof of payment _____

D. IN ALL CASES INVOLVING CHILD SUPPORT: Prepare and attach any Indiana Child Support Guideline Worksheet (with documentation verifying your income); or, supplement with such a Worksheet within ten (10) days of the exchange of this Form.

Further, if there exists a parenting plan or pattern then state the number of overnights the non-custodial parent will have the child during the year.

The yearly number of overnights is _____

PART II. ARREARAGE COMPUTATION

If case involves a claim of a support or other arrearage, attach all records or other exhibits regarding payment history and compute the arrearage as of the date of the filing of the petition or motion which raises that issue. Explain in detail how arrearage is calculated.

PART III. POST HIGH SCHOOL EDUCATION EXPENSE

If any of the children subject to this case are attending post high school classes, or will attend within the next six months list the following information for each such student. **Further attach to this financial affidavit any documentation you have in support of these answers.**

Name of Student _____

Name of School _____

Cost of School per year - If applicable, include room and board _____

Identify all student financial aid including grants, scholarships, and loans and for each indicate what it is and how much will be received:

Note in those cases where it is appropriate parties may want to engage in additional discovery concerning assets that might be applied to education such as IRA's, 401 K's etc. Note further that withdrawals from IRA's for educational expenses do not suffer a 10% penalty (IRC code sec 72 (t) 2 (e)).

