

Table of Contents

CHAPTER 1. THE PRACTICE OF FAMILY LAW AND THE ROLE OF FAMILY COURTS

- § 1:1 Family Law as Law
- § 1:2 Family law, family privacy, and the “intact family exception”

CHAPTER 2. CHILD CUSTODY

- § 2:1 Determining the applicable statute
- § 2:2 Defining “custody”
- § 2:3 “Legal custody” defined
- § 2:4 Health care and custody
- § 2:5 When joint legal custody is appropriate
- § 2:6 Legal custody modification
- § 2:7 Religion and custody
- § 2:8 Parents and children subject to a custody order
- § 2:9 Custody jurisdiction generally and initial custody determinations
- § 2:10 Form—Petition for custody—Paternity cases
- § 2:11 Scheduling the custody hearing and prohibition on default
- § 2:12 Temporary and provisional orders
- § 2:13 Summary hearings in custody proceedings
- § 2:14 In chambers (“*in camera*”) interviews
- § 2:15 Form—Petition for in chambers/in camera interview—Custody at issue—Paternity cases
- § 2:16 — — —Dissolution cases
- § 2:17 — — —Parenting time at issue—Paternity cases
- § 2:18 — — —Dissolution cases
- § 2:19 Advice of professionals
- § 2:20 The best interests of the child standard
- § 2:21 Factors in determining best interests
- § 2:22 Custody modification
- § 2:23 Form—Motion to modify custody—Paternity cases
- § 2:24 — — —Dissolution cases
- § 2:25 — — —Custody modification agreement—Paternity cases
- § 2:26 — — —Dissolution cases
- § 2:27 Third party custody and guardianship
- § 2:28 — — —Death or incapacity of parent
- § 2:29 Third-party custody and guardianship—Standard for third party custody

- § 2:30 Modifications in the third-party custody context
- § 2:31 De facto custodians
- § 2:32 Intervention in the third party custody context
- § 2:33 Form—Petition for third party custody—Child born out of wedlock, no pending paternity/custody case
- § 2:34 — —Child born of marriage, no pending custody/dissolution case
- § 2:35 — —Child born out of wedlock, existing paternity/custody case
- § 2:36 — —Child born of marriage, existing dissolution/custody case
- § 2:37 —Petition for guardianship
- § 2:38 —Joint petition by guardian and protected person to extend guardianship
- § 2:39 —Addendum to third party custody petition when child has been adjudicated CHINS
- § 2:40 —Motion to dismiss petition for guardianship of a CHINS
- § 2:41 —Motion to dismiss petition for guardianship when paternity/dissolution cause is pending in another court
- § 2:42 —Motion to dismiss petition for third-party custody/guardianship by biological parent whose rights have been terminated
- § 2:43 Relocation
- § 2:44 Form—Notice of intent to relocate
- § 2:45 —Response to notice of intent to relocate
- § 2:46 Changing the custody court—Venue and the UCCJA
- § 2:47 Impermissibility of changing the custody court within Indiana
- § 2:48 The Uniform Child Custody Jurisdiction Act (UCCJA), generally
- § 2:49 Initial custody determinations under the UCCJA
- § 2:50 Exclusive, continuing jurisdiction—Losing jurisdiction versus declining jurisdiction
- § 2:51 —Losing jurisdiction
- § 2:52 —Declining jurisdiction
- § 2:53 Communication between courts and procedural flexibility
- § 2:54 Emergency jurisdiction
- § 2:55 Guide to UCCJA forms
- § 2:56 Form—Motion for stay, communication, and dismissal
- § 2:57 —Motion for communication and possible assumption of jurisdiction—No Longer significant connection with and substantial evidence in other state
- § 2:58 —Motion for communication and possible assumption of jurisdiction based on inconvenient forum

TABLE OF CONTENTS

- § 2:59 —Motion for assumption of jurisdiction based on initial custody state having lost exclusive and continuing jurisdiction
- § 2:60 —Motion to decline jurisdiction due to unjustifiable conduct
- § 2:61 —Motion for determination of lost jurisdiction
- § 2:62 —Motion to decline jurisdiction as inconvenient forum
- § 2:63 —Motion for communication
- § 2:64 —Motion for registration
- § 2:65 —Notice regarding registration of child custody determination
- § 2:66 —Order for registration of child custody determination
- § 2:67 —Petition to contest validity
- § 2:68 —Petition for enforcement [and warrant]
- § 2:69 —Order on receipt of request for petition for enforcement
- § 2:70 —Motion to stay or dismiss enforcement action
- § 2:71 —Motion to exercise emergency jurisdiction pursuant to UCCJA
- § 2:72 —Order to exercise emergency jurisdiction
- § 2:73 —Motion to convert emergency order into initial custody determination
- § 2:74 —Motion for temporary visitation schedule

CHAPTER 3. PARENTING TIME AND GRANDPARENT VISITATION

- § 3:1 The necessity of parenting time
- § 3:2 The basic presumption in favor of parenting time
- § 3:3 Introduction to the Indiana Parenting Time Guidelines
- § 3:4 Establishing the parenting time order
- § 3:5 Transportation, pickup, and exchanges in parenting time
- § 3:6 Opportunity for additional parenting time
- § 3:7 Orders for protection and parenting time
- § 3:8 Form—Petition to transfer protective order cause
- § 3:9 —Petition to establish parenting time—Paternity case
- § 3:10 — —Guardianship
- § 3:11 Modifying parenting time
- § 3:12 Form—Motion to modify parenting time—Paternity cases
- § 3:13 — —Dissolution cases
- § 3:14 Suspension or restriction of parenting time and the endangerment standard
- § 3:15 “Might” endanger versus “would” endanger

- § 3:16 Suspensions or reductions of, and restrictions or conditions on, parenting time
- § 3:17 Temporary custodian upon death of a parent
- § 3:18 Form—Addendum to motion to modify parenting time to include temporary custodian—Paternity case
- § 3:19 — —Dissolution case
- § 3:20 Reluctance to participate in or effect parenting time
- § 3:21 Parenting time when a parent is incarcerated
- § 3:22 Parenting time when a parent is in the military
- § 3:23 Parallel parenting and parenting coordination
- § 3:24 Visitation rights of non-parents/non-grandparents
- § 3:25 Grandparent visitation
- § 3:26 —Who may petition
- § 3:27 —Conditions on visitation
- § 3:28 —Jurisdiction and venue
- § 3:29 Form—Petition for grandparent visitation
- § 3:30 —Petition to modify grandparent visitation
- § 3:31 Enforcement of parenting time and visitation orders
- § 3:32 Form—Information for contempt and rule to show cause regarding parenting time

CHAPTER 4. PARENTAGE

- § 4:1 The importance of determining parentage
- § 4:2 Statutorily-defined terms in parentage cases
- § 4:3 Determining maternity
- § 4:4 Artificial insemination, contract, and parentage
- § 4:5 Paternity determinations, generally
- § 4:6 Marital presumption of paternity
- § 4:7 Paternity affidavits and their effect
- § 4:8 Setting aside paternity affidavits
- § 4:9 Form—Petition for genetic testing as of right within 60 days of paternity affidavit
- § 4:10 —Petition to set aside paternity affidavit due to fraud, duress, or material mistake of fact
- § 4:11 —Petition to void paternity affidavit due to minor not having opportunity to consult with chosen adult
- § 4:12 Determining paternity by court action
- § 4:13 Form—Petition to establish paternity—Filed on child's behalf by guardian ad litem or next friend
- § 4:14 — —Filed by mother—Child not yet born
- § 4:15 — — —Child has been born
- § 4:16 — —Filed by alleged father—Child not yet born
- § 4:17 — — —Child has been born
- § 4:18 — —Joint petition by mother and alleged father—Child not yet born

TABLE OF CONTENTS

- § 4:19 — — —Child has been born
- § 4:20 — —By department of child services
- § 4:21 — —By prosecuting attorney
- § 4:22 Limitations on paternity actions, generally
- § 4:23 Time limits on paternity actions
- § 4:24 Form—Motion to dismiss paternity action as untimely/
pleading laches
- § 4:25 Limitations on who may file a paternity action
- § 4:26 Form—Motion to deny next friend status
- § 4:27 Circumstantial and equitable limits on establishing
paternity
- § 4:28 Terminating parent-child relationship where child
conceived due to rape
- § 4:29 Form—Petition to terminate the parent-child
relationship of an individual who committed an act of
rape
- § 4:30 Children's surnames and gender markers
- § 4:31 Form motion and form of order for consolidation—
Multiple children of same parents

CHAPTER 5. ADOPTION

- § 5:1 Introduction to adoption
- § 5:2 Persons who may adopt
- § 5:3 Persons entitled to notice of an adoption petition
- § 5:4 Pre-birth notice of adoption
- § 5:5 Form—Notice of adoption—To putative father—Pre-
birth notice
- § 5:6 — —To named father
- § 5:7 — —To unnamed father—Child conceived outside
Indiana
- § 5:8 — —Waiver of putative father's right to notice
- § 5:9 — —To mother
- § 5:10 — —To lawful custodian, Department of Child
Services, or Probation Department
- § 5:11 — —Notice of proceeding to court exercising custody
jurisdiction
- § 5:12 — —To grandparents—For grandparent visitation
purposes
- § 5:13 — —To grandparent—Grandparent's consent required
because parent of adoptee is a minor
- § 5:14 — —To licensed child placing agency or local
Department of Child Services office
- § 5:15 —Registration for Indiana state putative father
registry
- § 5:16 Consent, generally

- § 5:17 Pre-birth consent
- § 5:18 Form—Pre-birth consent to adopt from father
- § 5:19 Post-birth consent to adopt
- § 5:20 Form—Consent to adoption—Parents
- § 5:21 — —Child
- § 5:22 Withdrawing consent to adoption
- § 5:23 Form—Motion to withdraw consent to adoption
- § 5:24 —Objection to motion to withdraw consent to adoption
- § 5:25 Implied consent to adoption
- § 5:26 Form—Motion to find consent irrevocably implied
- § 5:27 —Motion to contest adoption
- § 5:28 Dispensing with consent, generally
- § 5:29 Consent not required—Abandonment and failure to communicate
- § 5:30 —Failure to support
- § 5:31 —Conviction of crime
- § 5:32 —Unfitness
- § 5:33 —Other miscellaneous provisions
- § 5:34 Filing the petition for adoption
- § 5:35 Form—Petition for adoption
- § 5:36 —Motion for waiver of home study
- § 5:37 —Motion for temporary custody pending adoption
- § 5:38 —Petition to modify temporary custody order
- § 5:39 —Motion to consolidate competing adoption petitions
- § 5:40 —Motion to consolidate adoption and paternity causes
- § 5:41 —Motion to intervene in paternity cause
- § 5:42 Adoption subsidies
- § 5:43 Adoption and the Indian Child Welfare Act
- § 5:44 Effect of adoption
- § 5:45 Postadoption contact with birth parents and siblings
- § 5:46 Form—Postadoption contact (with birth parents) agreement
- § 5:47 —Motion to enforce post adoption contact (with birth parents) agreement (via rule to show cause)
- § 5:48 —Motion to void or modify post-adoption contact agreement
- § 5:49 —Consent to postadoption contact (with pre-adoptive siblings)
- § 5:50 —Motion to enforce post adoption contact with siblings (via rule to show cause)
- § 5:51 —Petition to modify postadoption sibling contact
- § 5:52 Miscellaneous post-adoption issues
- § 5:53 Adoptions of Adults
- § 5:54 Form petition for adoption of adult with written consent attachment

TABLE OF CONTENTS

§ 5:55 Form—Decree of adoption of adult

CHAPTER 6. MARRIAGE

- § 6:1 Marriage as civil contract and fundamental right
- § 6:2 Who may marry
- § 6:3 Form—Petition for juvenile to marry
- § 6:4 —Order granting permission to marry
- § 6:5 Marriage procedure
- § 6:6 Proving marriage
- § 6:7 Validity of out-of-state marriages
- § 6:8 Distinguishing void from voidable marriages
- § 6:9 Void marriages
- § 6:10 Voidable marriages
- § 6:11 Form—Petition for annulment (declaration that
voidable marriage is void)
- § 6:12 —Petition for authorization to seek annulment (filed
by guardian on behalf of incapacitated person)
- § 6:13 —Order authorizing guardian to file petition for
annulment

CHAPTER 7. PREMARITAL (AND SIMILAR) AGREEMENTS

- § 7:1 Terminology and scope
- § 7:2 The Uniform Premarital Agreement Act (UPAA) and
Uniform Premarital and Marital Agreements Act
(UPMAA)
- § 7:3 Premarital agreements, generally
- § 7:4 Forming a valid premarital agreement
- § 7:5 Interpreting premarital agreements
- § 7:6 Premarital Agreements in void marriages
- § 7:7 Limitations periods and premarital agreements
- § 7:8 Form—Introductory letter to client on premarital
agreement
- § 7:9 Guide to premarital agreement forms
- § 7:10 Form—Premarital agreement—Basic agreement
- § 7:11 — —Separate property clause for premarital
agreement
- § 7:12 — —Joint property clause
- § 7:13 — —Death of a party clause
- § 7:14 — —Liquidated property settlement provision
- § 7:15 — —Estate clause
- § 7:16 — —Joint property clause
- § 7:17 — —Gifts clause
- § 7:18 — —Dissolution clause

- § 7:19 — —Support during separation clause
- § 7:20 — —Waiver of rights addendum when one party is unrepresented
- § 7:21 — —Clause requiring stipulations
- § 7:22 — —Life insurance clause
- § 7:23 — —Liabilities clause
- § 7:24 — —Subsequently-acquired property clause
- § 7:25 Reconciliation (“marital”) agreements
- § 7:26 Form—Reconciliation agreement
- § 7:27 Agreements for the unmarried
- § 7:28 Form—Agreement for property between unmarried parties

CHAPTER 8. RIGHTS AND RESPONSIBILITIES INCIDENT TO MARRIAGE

- § 8:1 Rights and liabilities arising out the marriage relationship, generally
- § 8:2 Property in common and tenancy by the entireties
- § 8:3 Contracts and the marital relationship
- § 8:4 Torts and the marital relationship
- § 8:5 Agency and the marital relationship
- § 8:6 Spousal support during the marriage
- § 8:7 Form—Petition for support—Abandoned spouse
- § 8:8 Spousal evidentiary privileges
- § 8:9 Spousal surnames
- § 8:10 Form—Petition to change name (or surname)
- § 8:11 —Notice of name change
- § 8:12 Spouse’s role in burial and the disposition of remains
- § 8:13 Orders for protection, generally
- § 8:14 Relief available in an order for protection
- § 8:15 Who may file a petition for order for protection
- § 8:16 Grounds for an order for protection
- § 8:17 Where to file the petition for order of protection, and that petition’s relationship with other cases
- § 8:18 Term of a protective order
- § 8:19 Due process in protection order cases
- § 8:20 Form—Request for hearing on issuance of ex parte order
- § 8:21 —Petition to transfer protective order cause
- § 8:22 Petitioner’s dismissal of protection orders
- § 8:23 Enforcement of protection orders

TABLE OF CONTENTS

CHAPTER 8A. DISSOLUTION OF MARRIAGE

- § 8A:1 Dissolution and legal separation, generally
- § 8A:2 Grounds for dissolution and conciliation procedures
- § 8A:3 Jurisdiction and venue in legal separation and dissolution actions
- § 8A:4 Parties to a dissolution or legal separation
- § 8A:5 Form—Petition for legal separation
- § 8A:6 — —Motion for provisional relief
- § 8A:7 — —Affidavit for provisional relief
- § 8A:8 —Petition for dissolution of marriage
- § 8A:9 — —Motion for provisional relief
- § 8A:10 — —Affidavit for provisional relief
- § 8A:11 Provisional relief
- § 8A:12 Summary disposition, agreements, and final hearings in dissolution cases
- § 8A:13 Default in dissolution proceedings
- § 8A:14 Attorney’s fees in dissolution and legal separation actions
- § 8A:15 Post-dissolution matters

CHAPTER 8B. SPOUSAL MAINTENANCE

- § 8B:1 Spousal maintenance, generally
- § 8B:2 Determining when payments constitute maintenance
- § 8B:3 When maintenance is available
- § 8B:4 Incapacity maintenance
- § 8B:5 Caregiver maintenance
- § 8B:6 Rehabilitative maintenance
- § 8B:7 Modification of maintenance payments
- § 8B:8 Form—Petition for modification of maintenance payments—Payments originally ordered by court without agreement
- § 8B:9 — —Payments originally ordered by agreement
- § 8B:10 —Objection to modification of maintenance—Maintenance ordered by agreement
- § 8B:11 Enforcement of maintenance orders
- § 8B:12 Form—Information for rule to show cause and rule to show cause—Failure to pay maintenance

Table of Contents

CHAPTER 9. CHILD SUPPORT

§ 9:1	Child support and Indiana's income shares model
§ 9:2	Title IV-D and the Indiana Child Support Rules and Guidelines
§ 9:3	The cause of action for Child Support
§ 9:4	Child support worksheets
§ 9:5	Income generally
§ 9:6	Income of the self-employed
§ 9:7	Irregular income
§ 9:8	Imputed or potential income
§ 9:9	Child support obligations of incarcerated parents
§ 9:10	Deductions from weekly gross income
§ 9:11	Calculating the basic support obligation
§ 9:12	Adjustments to the basic support obligation and the parenting time credit
§ 9:13	Deviating from, and phasing in, the Guidelines figure
§ 9:14	Child support in nontraditional custody and parenting time situations
§ 9:15	Uninsured medical expenses
§ 9:16	Bases for modifying the support order
§ 9:17	Prohibition on retroactive modification
§ 9:18	Form Motion to modify child support
§ 9:19	Support arrearages
§ 9:20	Emancipation and the termination of child support obligations
§ 9:21	Form Petition for emancipation
§ 9:22	Form Petition to extend support beyond age nineteen—Child incapacitated
§ 9:23	Form Motion to extend support and notice—School enrollment
§ 9:24	Enforcing the child support order
§ 9:25	Form information in contempt and Rule to show cause—Failure to pay child support
§ 9:26	Accounting
§ 9:27	Extraordinary educational expenses generally
§ 9:28	When extraordinary educational expenses may be ordered
§ 9:29	Relationship between child support and extraordinary educational expenses
§ 9:30	Educational expense orders for public and private colleges

- § 9:31 Repudiation
- § 9:32 Form Petition for extraordinary educational expenses
- § 9:33 Interstate enforcement of support orders generally
- § 9:34 The two basic rules of interstate child support enforcement
- § 9:35 Nonjudicial remedies under UIFSA
- § 9:36 Judicial remedies under UIFSA
- § 9:37 Jurisdiction in interstate child support enforcement
- § 9:38 Express and implied consent to jurisdiction
- § 9:39 Minor parents under UIFSA
- § 9:40 Intrastate transfer of support cases
- § 9:41 Tax exemptions for dependent children
- § 9:42 Form—Motion to Collect Judgment by Proceedings Supplemental and Form of Order

CHAPTER 10. DISPOSITION OF MARITAL PROPERTY

- § 10:1 Indiana's equitable distribution system generally
- § 10:2 The two-step process of property division
- § 10:3 The marital pot generally
- § 10:4 What is marital property?
- § 10:5 When the marital estate closes
- § 10:6 Division of pension and retirement benefits
- § 10:7 Valuing marital property
- § 10:8 Dividing the marital property, generally
- § 10:9 Dissipation
- § 10:10 Property settlement agreements
- § 10:11 Implementing and enforcing property divisions
- § 10:12 Clarification and modification of property division orders
- § 10:13 Division of property resulting from assisted reproduction

CHAPTER 11. FEDERAL TAXATION

- § 11:1 Scope and purpose
- § 11:2 Tax implications of transactions between spouses (and other family members)
- § 11:3 Tax exemptions for dependent children and qualifying relatives
- § 11:4 Tax treatment of maintenance, alimony, and child support payments

CHAPTER 12. BANKRUPTCY

- § 12:1 Introduction and scope

TABLE OF CONTENTS

- § 12:2 Bankruptcy's automatic stay
- § 12:3 Form motion for relief from automatic stay
- § 12:4 General rule of discharge
- § 12:5 Nondischargeability of domestic support obligations generally
- § 12:6 Form—Motion for domestic support obligation determination in state court
- § 12:7 —Complaint to determine dischargeability
- § 12:8 Nondischargeability of other family law debts
- § 12:9 Effect of discharge

CHAPTER 13. DISCOVERY

- § 13:1 Scope of chapter
- § 13:2 Discovery generally
- § 13:3 Form—Notice of deposition and request for production of documents
- § 13:4 —Family law interrogatories
- § 13:5 Request for production of documents—General
- § 13:6 Physical and mental examinations
- § 13:7 Form—Request for order for physical/mental examination/drug testing
- § 13:8 Requests for admission
- § 13:9 Discovery enforcement
- § 13:10 Form—Motion to compel discovery
- § 13:11 —Motion to quash subpoena duces tecum

CHAPTER 14. MOTION PRACTICE

- § 14:1 Introduction and Scope
- § 14:2 Form—Motion for Change of Judge
- § 14:3 —Motion for Change of Venue
- § 14:4 —Motion for Continuance
- § 14:5 —Motion to Withdraw Appearance
- § 14:6 —Motion for Attorney's Fees

CHAPTER 15. FAMILY LAW PRACTICE: CASE MANAGEMENT CLIENT COMMUNICATION

- § 15:1 Introduction and scope

A. FAMILY LAW AND PROFESSIONAL RESPONSIBILITY

- § 15:2 Family law, professional responsibility, and client communication

- § 15:3 Competence and diligence
- § 15:4 Rules governing the scope of representation
- § 15:5 Form—Notice of completion of limited representation
- § 15:6 The ethics of family law fees
- § 15:7 Confidentiality of information
- § 15:8 Conflicts of interest
- § 15:9 Clients with diminished capacity
- § 15:10 The attorney’s role as advisor
- § 15:11 The duty of candor
- § 15:12 The duty of fairness to opposing party and counsel
- § 15:13 Communication with represented parties
- § 15:14 Duties to unrepresented persons
- § 15:15 Ex Parte communication

B. FORM INTAKE LETTERS AND CLIENT COMMUNICATIONS

- § 15:16 Form introductory letter to family law client
- § 15:17 Form—Letter to client; document gathering in marital dissolution for property division

C. GUARDIANS AD LITEM

- § 15:18 Guardians ad litem generally
- § 15:19 Guardians versus “Guardians ad Litem” versus court appointed special advocates
- § 15:20 The law governing guardians ad litem
- § 15:21 When a guardian ad litem is appropriate
- § 15:22 Party status, and rights of, the guardian ad litem
- § 15:23 Term/duration of the guardian ad litem’s appointment
- § 15:24 Best interests and client-centered representation
- § 15:25 Motion and form of order for appointment of guardian ad litem
- § 15:26 Motion to decline guardian ad litem appointment
- § 15:27 Motion to terminate guardian ad litem appointment
- § 15:28 Report preparation and other guardian ad litem duties
- § 15:29 Qualifications of the guardian ad litem
- § 15:30 Payment for the guardian ad litem’s services

CHAPTER 16. LOCAL RULES AND ALTERNATIVE DISPUTE RESOLUTION

- § 16:1 Introduction
- § 16:2 Challenging the operation of local rules
- § 16:3 Form—Motion for relief from operation of local rule

TABLE OF CONTENTS

§ 16:4	Mandatory discovery
§ 16:5	Mandatory Counseling or other Therapeutic Services
§ 16:6	Local rules providing for the automatic withdrawal of counsel
§ 16:7	Mandatory mediation and other forms of alternative dispute resolution
§ 16:8	Motion for order for mediation
§ 16:9	Motion for relief from mediation requirement
§ 16:10	ADR Rules in family law cases

CHAPTER 17. GUARDIANSHIPS FOR ADULTS AND MINOR CHILDREN

A. GENERALLY

§ 17:1	Definitions
§ 17:2	Role of guardian
§ 17:3	Jurisdiction and venue
§ 17:4	Standard of review; judicial discretion
§ 17:5	Appointment of guardian
§ 17:6	Powers guardian may exercise
§ 17:7	Dealings between guardian and ward
§ 17:8	Powers guardian must exercise
§ 17:9	Notice
§ 17:10	Bonding requirements
§ 17:11	Reduced bonds
§ 17:12	Actions on guardian's bond
§ 17:13	Guardianship property
§ 17:14	Compensation and reimbursement of guardians
§ 17:15	Estate planning and disposition of assets
§ 17:16	Actions involving protected persons
§ 17:17	Actions involving guardians of estates
§ 17:18	Account of guardian's administration
§ 17:19	Actions to set aside final settlements
§ 17:20	Liability of guardians
§ 17:21	Third parties
§ 17:22	Foreign guardians
§ 17:23	Termination of guardianship

B. DE FACTO GUARDIANSHIPS, GUARDIANS AD LITEM, AND TEMPORARY GUARDIANS

§ 17:24	De facto guardianships
§ 17:25	Appointment of guardian ad litem
§ 17:26	Role of guardian ad litem

§ 17:27 Temporary guardians

C. GUARDIANSHIPS OF ADULT INCAPACITATED PERSONS

§ 17:28 Generally

§ 17:29 Limited guardianship

§ 17:30 Property of incapacitated adults

§ 17:31 Volunteer advocates for seniors or incapacitated adults

§ 17:32 Powers and duties of volunteer advocate for seniors or incapacitated adults

D. GUARDIANSHIPS OF MINOR CHILDREN

§ 17:33 Generally

§ 17:34 Simultaneous guardianship and CHINS proceedings

§ 17:35 Payment of debts and delivery of property owed to minors

§ 17:36 Custody rights in guardianship context

§ 17:37 Hendrickson test

§ 17:38 In re Guardianship of B.H.

§ 17:39 Continuance of guardianship to serve best interests of child

§ 17:40 Special immigrant juvenile status for children in legal guardianship

E. FORMS

§ 17:41 Petition for appointment of temporary guardian for minor

§ 17:42 Court referral to domestic relations counseling bureau for home study of mother

§ 17:43 Affidavit pursuant to Trial R. 65(B)(2)

§ 17:44 Order appointing temporary guardian for minor

§ 17:45 Petition for appointment of temporary guardian for incapacitated person

§ 17:46 Order appointing temporary guardian for incapacitated person

§ 17:47 Emergency petition for appointment of temporary guardian for incapacitated person

§ 17:48 T.R. 65 Affidavit in support of immediate temporary guardianship

§ 17:49 Temporary letters of guardianship (certified)

§ 17:50 Petition to terminate order of temporary guardianship

§ 17:51 Notice of hearing

TABLE OF CONTENTS

§ 17:52	Petition for appointment of guardian for minor
§ 17:53	Order appointing guardian for minor
§ 17:54	Order appointing guardian for incapacitated person
§ 17:55	Order appointing guardian of the estate of a minor
§ 17:56	Petition for appointment of guardian for incapacitated person
§ 17:57	Order appointing guardian for incapacitated person
§ 17:58	Order appointing guardian for incapacitated person
§ 17:59	Notice of hearing on petition for guardianship
§ 17:60	Intervenor's interrogatories to petitioner
§ 17:61	Consent to guardianship
§ 17:62	Minor's waiver and request
§ 17:63	Incapacitated person's waiver and request
§ 17:64	Waiver of notice of hearing for appointment of guardian
§ 17:65	Bond of guardian
§ 17:66	Personal surety affidavit for guardian
§ 17:67	Oath and acceptance of individual guardian
§ 17:68	Oath and acceptance of guardian ad litem
§ 17:69	Oath and acceptance of corporate guardian
§ 17:70	Letters of guardianship
§ 17:71	Letters of guardianship (certified)
§ 17:72	Order denying petition for guardianship
§ 17:73	Petition for order requiring physician's report
§ 17:74	Order for report of physician
§ 17:75	Physician's report
§ 17:76	Guardian's inventory
§ 17:77	—Exhibit A
§ 17:78	Guardian's petition to sell real estate
§ 17:79	Order authorizing sale of real estate of guardianship
§ 17:80	Report on sale of real estate of guardianship
§ 17:81	Order approving report of sale of real estate of guardianship
§ 17:82	Guardian's deed
§ 17:83	Petition for appointment of successor guardian
§ 17:84	Order appointing successor guardian
§ 17:85	Petition for removal of guardian
§ 17:86	Order removing guardian
§ 17:87	Order denying petition to remove guardian
§ 17:88	Resignation of guardian
§ 17:89	Petition for termination of guardianship
§ 17:90	Order terminating guardianship
§ 17:91	Order denying petition to terminate guardianship
§ 17:92	Order to stay termination of guardianship
§ 17:93	Guardian's petition on final account

- § 17:94 Notice to creditor of status of claim against guardianship
- § 17:95 Guardianship claim
- § 17:96 Release of claim against guardianship
- § 17:97 Order allowing claim against guardianship
- § 17:98 Order disallowing claim against guardianship
- § 17:99 Petition for discharge of guardian
- § 17:100 Order discharging guardian
- § 17:101 Petition to compromise minor's claim
- § 17:102 Order approving minor's claim
- § 17:103 Order granting petition to release funds regarding claim of minor
- § 17:104 Release of parent, natural guardian and legal custodian of minor
- § 17:105 Lawyer's undertaking and obligation
- § 17:106 Certification of restriction of account in compliance with lawyer's undertaking
- § 17:107 Petition for approval of guardian's current accounting
- § 17:108 —Exhibit A
- § 17:109 Guardian's current accounting
- § 17:110 Order approving guardian's current accounting
- § 17:111 Verified petition to partially distribute funds from restricted account—Guardianship
- § 17:112 Petition for authority to withdraw funds
- § 17:113 Order for authority to withdraw funds
- § 17:114 Petition for authority to pay fees
- § 17:115 Order for authority to pay fees
- § 17:116 Waiver of notice and consent to guardian's final account or termination of guardianship
- § 17:117 Decree of final distribution (order on guardian's final account)
- § 17:118 Order on guardian's final account
- § 17:119 Order approving guardian's final account
- § 17:120 Motion to reopen guardianship
- § 17:121 Order to show cause—Guardianship
- § 17:122 Order for bench warrant—Guardianship
- § 17:123 Order on ex parte communication

APPENDICES

- APPENDIX I. Local Court Rules, Forms and Guidelines
- Appendix II. Indiana Child Support Rules & Guidelines
- APPENDIX III. Indiana Parenting Time Guidelines
- APPENDIX IV. Trial Procedure Rule 81.1

TABLE OF CONTENTS

Table of Laws and Rules

Table of Cases

Index

Table of Contents

CHAPTER 18. SERVING CHILDREN IN NEED

A. INTERFACE BETWEEN FAMILY PRIVACY AND THE BEST INTERESTS OF THE CHILD

- § 18:1 Family privacy and protection of children
- § 18:2 Comparison between criminal and civil provisions
- § 18:3 Special considerations in cases with child witnesses

B. JUVENILE COURT JURISDICTION

- § 18:4 Where is the “juvenile court”?
- § 18:5 Juvenile court jurisdiction generally
- § 18:6 Concurrent original jurisdiction

C. JUVENILE COURT PROCEDURES

- § 18:7 Parties to a CHINS Action, and who may admit or deny that a child is a CHINS
- § 18:8 Appearance by attorney in civil case—Form and instructions
- § 18:9 Rights of persons subject to juvenile court jurisdiction
- § 18:10 Guardians ad litem and court appointed special advocates
- § 18:11 Order for appointment of CASA
- § 18:12 Waiver of rights
- § 18:13 Open court
- § 18:14 Venue
- § 18:15 Form—Motion to intervene and for custody
- § 18:16 Service of process
- § 18:17 Praecipe for summons by publication including affidavit
- § 18:18 Summons by publication
- § 18:19 Discovery
- § 18:20 Privileged communications
- § 18:21 Court orders while action is pending
- § 18:22 Protective order
- § 18:23 Appeals
- § 18:24 Special immigrant juvenile status for children in legal guardianship
- § 18:25 Order regarding minor’s eligibility for special immigrant juvenile status

CHAPTER 19. REPORTING AND INVESTIGATING CHILD ABUSE AND NEGLECT

A. CHILD PROTECTION SERVICES

- § 19:1 Generally
- § 19:2 Constituents of community child protection team
- § 19:3 Duties of community child protection team
- § 19:4 Local plan for child protection services

B. DUTY TO REPORT CHILD ABUSE OR NEGLECT

- § 19:5 Mandatory reporting
- § 19:6 Duty of professionals
- § 19:7 Form for advisement of DCS reporting
- § 19:8 Limited liability of persons who report child abuse or neglect
- § 19:9 Receiving reports
- § 19:10 Preliminary report of alleged child abuse or neglect
- § 19:11 Investigating reports, generally
- § 19:12 Motions to produce

C. INVESTIGATING REPORTS OF ABUSE AND NEGLECT

- § 19:13 Motions for entry into homes
- § 19:14 Petition for immediate access to child's residence
- § 19:15 Miscellaneous court order
- § 19:16 Assessment and determination

D. REPORTS AND PRELIMINARY INQUIRIES

- § 19:17 Confidentiality of and access to reports
- § 19:18 From report to preliminary inquiry
- § 19:19 Dual status children

CHAPTER 20. CHILD IN NEED OF SERVICES (CHINS) GENERALLY

A. OVERVIEW

- § 20:1 Bases for a CHINS adjudication
- § 20:2 Defining child in need of services (CHINS)
- § 20:3 Parent's drug use
- § 20:4 Failure to seek medical treatment

TABLE OF CONTENTS

§ 20:5 Corporal punishment

B. TAKING A CHILD INTO CUSTODY

- § 20:6 Procedures for taking child into custody
- § 20:7 Notice of availability of completed reports and information: investigation of allegations of child abuse or neglect
- § 20:8 Advisement of legal rights upon taking custody/filing petition on behalf of child alleged to be in need of services

C. DETENTION

- § 20:9 Detention hearing and finding of probable cause
- § 20:10 Notice of detention hearing
- § 20:11 Writ of habeas corpus
- § 20:12 CHINS detention hearing order
- § 20:13 Siblings in separate home addendum to detention hearing order
- § 20:14 Petition for release of personal property
- § 20:15 Order to release personal property
- § 20:16 Medicaid services for children
- § 20:17 Request for release of information
- § 20:18 Child welfare contact log
- § 20:19 Record of medical treatment

CHAPTER 21. INVESTIGATION AND INFORMAL ADJUSTMENT IN CHINS CASES

- § 21:1 Informal adjustments, generally
- § 21:2 Intake information for child in need of services
- § 21:3 Intake officer's report and preliminary inquiry
- § 21:4 Home evaluation outline
- § 21:5 Release of information to parent, guardian, or custodian (with form)
- § 21:6 Release of health care records and information
- § 21:7 Consent to release of school records and information
- § 21:8 Forms for program of informal adjustment
- § 21:9 Order approving program of informal adjustment—Form
- § 21:10 Motion for extension of informal adjustment

CHAPTER 22. THE CHINS PETITION AND INITIAL HEARING

A. THE CHINS PETITION

- § 22:1 Filing CHINS petition
- § 22:2 Contents of CHINS petition
- § 22:3 Request for filing of child in need of services petition
- § 22:4 Order authorizing filing of CHINS petition and order setting initial hearing
- § 22:5 Detention request may accompany petition

B. THE INITIAL HEARING

- § 22:6 Initial hearings, generally
- § 22:7 Motion for change of venue from judge
- § 22:8 Order for change of venue from judge (automatic)
- § 22:9 Motion for change of venue from judge (for cause)
- § 22:10 Order granting change of venue from judge
- § 22:11 Order accepting protective order case
- § 22:12 Motion to intervene
- § 22:13 Appointment of guardian ad litem (GAL) or court appointed special advocate (CASA)
- § 22:14 Petition for appointment of guardian ad litem/court appointed special advocate
- § 22:15 Order appointing guardian ad litem
- § 22:16 Pledge of confidentiality—CASA
- § 22:17 Informing child and parent, guardian or custodian
- § 22:18 Admission or denial of allegations
- § 22:19 Oath/questions for appointment of interpreter
- § 22:20 Interpreter's oath—IC 34-45-1-5
- § 22:21 Dialogue for initial hearing—CHINS
- § 22:22 Affidavit of indigency
- § 22:23 Order denying appointment of counsel
- § 22:24 CHINS initial hearing order
- § 22:25 Order on initial hearing—CHINS
- § 22:26 —Denial of CHINS
- § 22:27 Nunc pro tunc order in CHINS case
- § 22:28 Stipulated change of venue and transfer
- § 22:29 Motion to dismiss

CHAPTER 23. CHINS FACTFINDING HEARINGS

A. GENERALLY

- § 23:1 Hearing requirement

TABLE OF CONTENTS

§ 23:2	Summons
§ 23:3	—With advisement
§ 23:4	Affidavit for service of summons by publication
§ 23:5	Summons by publication
§ 23:6	Subpoena
§ 23:7	Subpoena duces tecum
§ 23:8	Motion for transportation order
§ 23:9	Verified petition for restraining order without notice—Trial R. 65
§ 23:10	Motion for interview of minor child
§ 23:11	Order for interview of minor child
§ 23:12	Motion to appoint psychologist
§ 23:13	Motion for order requiring psychological evaluation/report
§ 23:14	Order for psychological evaluation
§ 23:15	Petition for access to mental health records
§ 23:16	Order for release of mental health records
§ 23:17	Petition for award of custody in CHINS proceedings
§ 23:18	Petition for modification of conditions of pre-CHINS placement
§ 23:19	Motion for exclusion of child from hearing
§ 23:20	Order of exclusion of child from hearing
§ 23:21	Proposed witness list
§ 23:22	Proposed exhibit list
§ 23:23	Motion to deny access to report
§ 23:24	Motion to strike CASA report
§ 23:25	Stipulation for dismissal of CHINS proceedings
§ 23:26	Order of dismissal
§ 23:27	Motion for findings of fact and conclusions of law
§ 23:28	—Alternate
§ 23:29	Motion to limit lay witness testimony
§ 23:30	Adjudication of CHINS
§ 23:31	Order of adjudication for child(ren) in need of services
§ 23:32	Adjudication order
§ 23:33	Child(ren) in need of services (CHINS) factfinding order
§ 23:34	CHINS factfinding order—Alternate
§ 23:35	Order on fact finding hearing on CHINS petition—Alternate
§ 23:36	Child(ren) in need of services (CHINS) factfinding order and emergency order on placement

B. PRESUMPTIONS AND BURDEN OF PROOF

§ 23:37	Standards of proof
---------	--------------------

- § 23:38 Rebuttable presumptions
- § 23:39 Standard of review

C. EVIDENTIARY ISSUES

- § 23:40 Other crimes, wrongs or acts
- § 23:41 Character
- § 23:42 Privileges not applicable in CHINS hearing
- § 23:43 Statements and videotapes
- § 23:44 Petition for hearing to introduce statements/
videotaped statements
- § 23:45 Notice of intent to introduce statement and/or
videotape into evidence
- § 23:46 Motion to limit scope of deposition
- § 23:47 Protective order to limit scope of deposition
- § 23:48 Closed circuit television testimony
- § 23:49 Petition for child to testify via closed circuit television
- § 23:50 Order for child(ren) to testify via closed circuit
television
- § 23:51 Hearsay evidence
- § 23:52 Hearsay exceptions
- § 23:53 Affidavit of business records custodian
- § 23:54 —Electronic record
- § 23:55 Scientific evidence and expert opinions
- § 23:56 Past Sexual Behavior
- § 23:57 Discretion in evidentiary issues
- § 23:58 Preserving error in evidentiary issues

CHAPTER 24. CASE PLANS, PARENTAL PARTICIPATION AND PROTECTIVE ORDERS

A. CASE PLAN

- § 24:1 When case plan required
- § 24:2 Collaborative care agreements
- § 24:3 Form—Order for entry into collaborative care
- § 24:4 Form and contents of case plan
- § 24:5 Motion for rehearing on reasonable efforts requirement
- § 24:6 Order that reasonable efforts at reunification are not
required
- § 24:7 Others participating in case plan
- § 24:8 Case plan—State form

B. PARENTAL PARTICIPATION

- § 24:9 Generally

TABLE OF CONTENTS

- § 24:10 Petition for parental participation
- § 24:11 —Form
- § 24:12 Verified Petition for participation of parents,
guardians or custodians
- § 24:13 Hearing on petition and orders for parental
participation
- § 24:14 Order to contact and attend

C. PROTECTIVE ORDERS

- § 24:15 Generally
- § 24:16 Petition for no contact order
- § 24:17 Hearing and entry of no contact order
- § 24:18 Petition for order for protection and request for
hearing—Filed by person seeking protection
- § 24:19 —Filed on behalf of child
- § 24:20 Instructions for petition for order of protection—Filed
by person seeking protection
- § 24:21 —Filed on behalf of child
- § 24:22 Confidential form to accompany petition for order of
protection
- § 24:23 Ex parte order for protection and cover sheet
- § 24:24 Notice to appear
- § 24:25 Respondent's verified request for hearing
- § 24:26 Petitioner's verified request for dismissal
- § 24:27 Verified motion to reinstate petition for order for
protection
- § 24:28 Order for protection issued after hearing and cover
sheet—Short form
- § 24:29 —Long form
- § 24:30 Order denying protective order
- § 24:31 Order denying protective order and allowing for
additional evidence
- § 24:32 Notice to Indiana State Police re: Firearms
- § 24:33 Petition to modify order for protection and request of
hearing
- § 24:34 Verified petition to renew order for protection
- § 24:35 Notice of extension or modification
- § 24:36 —Alternate form
- § 24:37 Notice of termination of protective order
- § 24:38 —Alternate form
- § 24:39 Registration of foreign protection order form
- § 24:40 Confidential data entry form for foreign protection
orders
- § 24:41 No contact order upon release from custody on bail or
personal recognizance

- § 24:42 No contact order upon agreement to withhold
prosecutions/pretrial diversion
- § 24:43 No contact order while on probation
- § 24:44 No contact order—CHINS
- § 24:45 —Delinquency
- § 24:46 Verified information for rule to show cause—
Protective order

CHAPTER 25. DISPOSITIONAL OR PERMANENCY HEARINGS AND DECREES

A. PREDISPOSITIONAL REPORT

- § 25:1 Generally
- § 25:2 CHINS predispositional report
- § 25:3 —Alternate
- § 25:4 Factors considered in making predispositional report
- § 25:5 Availability of report

B. DISPOSITIONAL HEARINGS

- § 25:6 Scope of hearing
- § 25:7 Attendance of person who prepared report
- § 25:8 Dialogue for dispositional hearing
- § 25:9 Admissibility of report
- § 25:10 Children with mental illnesses
- § 25:11 Motion for educational testing (GED)
- § 25:12 Order for educational testing
- § 25:13 Motion for home study of relative's home for purposes
of placement
- § 25:14 Motion for transportation order for incarcerated child
- § 25:15 Findings and order regarding direct contempt
contrary to I.C. 34-47-2-1

C. DISPOSITIONAL DECREES

- § 25:16 Generally
- § 25:17 Consideration of recommendations and expedited
review of juvenile court's decree
- § 25:18 Findings and conclusions
- § 25:19 Dispositions
- § 25:20 CHINS dispositional order
- § 25:21 Motion to establish child support order
- § 25:22 Motion to change payee
- § 25:23 Objection to CHINS Child Support Order
- § 25:24 Order to change payee

TABLE OF CONTENTS

D. PLACEMENT PURSUANT TO INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC)

- § 25:25 Origin
- § 25:26 Overview of ICPC
- § 25:27 Objectives of ICPC
- § 25:28 Definitions of terms
- § 25:29 Exemptions
- § 25:30 Conditions for placement
- § 25:31 Motion for home study—ICPC
- § 25:32 Penalty for illegal placement
- § 25:33 Waivability
- § 25:34 Retention of jurisdiction
- § 25:35 Institutional care of delinquent children
- § 25:36 Reversible error
- § 25:37 Construction and severability
- § 25:38 ICPC request
- § 25:39 ICPC report on child's placement status
- § 25:40 Indiana ICPC financial/medical plan—If child placed
out-of-state
- § 25:41 Interstate placement of children transmittal

CHAPTER 26. POST-DISPOSITIONAL ISSUES

A. PERIODIC CASE REVIEW

- § 26:1 Progress reports and case reviews
- § 26:2 Notice of periodic case review
- § 26:3 Six month periodic case review
- § 26:4 Court findings and determination
- § 26:5 Order on six month periodic case review
- § 26:6 Order acknowledging three month progress report
- § 26:7 Motion for dispositional review
- § 26:8 Petition for emancipation of child
- § 26:9 Order of emancipation
- § 26:10 Verified information for rule to show cause
- § 26:11 —Child support
- § 26:12 Findings on rule to show cause
- § 26:13 Rule to show cause
- § 26:14 Petition for suspension of driver's license
- § 26:15 Order setting petition for suspension of driver's/
professional license for hearing
- § 26:16 Permanency hearings

- § 26:17 Twelve month permanency hearing
- § 26:18 Order on twelve month permanency hearing
- § 26:19 Permanency plans
- § 26:20 Order approving permanency plan
- § 26:21 Notification of change of placement in school corporation
- § 26:22 Annual notification of continuation of placement in school corporation
- § 26:23 Review of placement
- § 26:24 Discharge of child

B. MODIFICATION OF DISPOSITIONAL DECREES

- § 26:25 Court's authority to modify the decree
- § 26:26 Modification report
- § 26:27 Placement changes
- § 26:28 Motion for modification of dispositional decree
- § 26:29 Verified motion for modification of dispositional decree
- § 26:30 Order on modification of dispositional decree
- § 26:31 Order granting petition for modification
- § 26:32 Motion for emergency modification of dispositional decree
- § 26:33 Order granting emergency modification of dispositional decree
- § 26:34 Stipulated modification of dispositional decree as to child support
- § 26:35 Order on stipulated modification of dispositional decree as to child support
- § 26:36 Stipulated modification of dispositional decree as to placement of child(ren)
- § 26:37 Order on stipulated modification of dispositional decree as to placement of child(ren)
- § 26:38 Petition for release of wardship
- § 26:39 Order on COFC motion to release wardship
- § 26:40 Petition for dismissal of wardship
- § 26:41 Order of dismissal of wardship
- § 26:42 Motion to dismiss wardship
- § 26:43 Order granting DCS motion to dismiss wardship
- § 26:44 Motion to dismiss—CHINS
- § 26:45 Order dismissing wardship
- § 26:46 Stipulation for dismissal and release of wardship to relative or guardian
- § 26:47 Order of dismissal and release of wardship to relative or guardian

TABLE OF CONTENTS

§ 26:48	Motion to rescind order on release of wardship and to reinstate wardship
§ 26:49	Order to rescind order on release of wardship and to reinstate wardship
§ 26:50	Approval of placement
§ 26:51	Petition by DCS for authority to travel out of state
§ 26:52	Petition for authority to travel out of state—Alternate
§ 26:53	Petition to transport out of state
§ 26:54	Order granting authority to travel out of state
§ 26:55	Request for authorization for medical treatment of ward
§ 26:56	Order authorizing medical treatment

CHAPTER 27. TERMINATION OF THE PARENT-CHILD RELATIONSHIP

A. VOLUNTARY TERMINATION BY PARENTS

§ 27:1	Procedures
§ 27:2	Petition for voluntary termination
§ 27:3	—Form
§ 27:4	Rights of parents consenting to termination
§ 27:5	Notice to parents of rights and effects of consent required to terminate parent-child relationship
§ 27:6	Voluntary relinquishment of parental rights
§ 27:7	—Alternate form
§ 27:8	Burden of proof in voluntary termination cases
§ 27:9	Findings necessary for voluntary termination
§ 27:10	Motion for relief from judgment—Voluntary termination of parental rights
§ 27:11	Order on voluntary termination of parent-child relationship
§ 27:12	Order on voluntary termination of parent-child relationship—Alternate form
§ 27:13	Order for voluntary termination of the parent-child relationship (both parents appearing)—Alternate form

B. INVOLUNTARY TERMINATION

§ 27:14	Termination involving child in need of services, delinquent child, or child conceived as the result of rape
§ 27:15	Who may, and who must, file involuntary termination petitions
§ 27:16	Dismissal of termination petitions by moving party

FAMILY LAW—CHILDREN IN NEED OF SERVICES

- § 27:17 Contents of the petition
- § 27:18 Notice of the termination petition
- § 27:19 Due process in termination cases
- § 27:20 Timeline for termination cases and continuances
- § 27:21 Parties to termination proceeding
- § 27:22 Summons
- § 27:23 Affidavit of diligent inquiry
- § 27:24 Summons by publication
- § 27:25 Notice of hearing to terminate parent-child relationship
- § 27:26 Petition for involuntary termination of parent-child relationship
- § 27:27 Motion to dismiss petition for termination of parent-child relationship
- § 27:28 Appointment of guardian ad litem (GAL) or court appointed special advocate (CASA)
- § 27:29 Motion to compel production of mental health records
- § 27:30 Interrogatories from parent
- § 27:31 Motion to compel discovery
- § 27:32 Motion to reconsider and rescind order for court appointed counsel
- § 27:33 Order for court appointed counsel
- § 27:34 Petition for payment of fees
- § 27:35 Order on initial hearing on termination petition
- § 27:36 Grounds for termination, generally
- § 27:37 Removal periods, remedying conditions, reasonable efforts and best interests
- § 27:38 The parent-child relationship as a threat to child's well-being
- § 27:39 Missing parents
- § 27:40 Incarceration and sex/violent offender status of parent
- § 27:41 Parental substance abuse
- § 27:42 Parent's mental and physical health
- § 27:43 Best interests, satisfactory plan, and appellate review
- § 27:44 Findings
- § 27:45 Burden of proof
- § 27:46 Estoppel and waiver

C. INDIAN CHILD WELFARE ACT

- § 27:47 Notice requirements
- § 27:48 Applicability of Act
- § 27:49 Jurisdiction in probate or tribal court

D. TERMINATION HEARINGS

- § 27:50 Heightened standards for termination

TABLE OF CONTENTS

§ 27:51	Child's videotaped testimony in termination cases
§ 27:52	Closed circuit television testimony in termination hearings
§ 27:53	Evidentiary issues in termination proceedings
§ 27:54	Judicial notice
§ 27:55	Relevancy
§ 27:56	Character
§ 27:57	Control of order of presentations
§ 27:58	Expert testimony
§ 27:59	Privilege
§ 27:60	Notice of intent to introduce statement and/or videotape into evidence
§ 27:61	Motion to allow children to testify by closed circuit television
§ 27:62	General considerations
§ 27:63	Ineffective assistance of counsel
§ 27:64	Order continuing initial hearing on termination of parental rights
§ 27:65	Withdrawal of counsel in termination proceedings

E. EFFECT OF TERMINATION OF PARENTAL RIGHTS

§ 27:66	Disposition or referral
§ 27:67	Appeal of termination and effect of appeal
§ 27:68	Effect of terminating parent-child relationship

F. TERMINATION REQUIRED

§ 27:69	Termination of rights of parents convicted of certain offenses
---------	--

G. POSTING INFORMATION

§ 27:70	Requirement of posting nonidentifying information on child
§ 27:71	Child registration for Internet
§ 27:72	Withdrawing child from Internet

H. POST TERMINATION MOTIONS AND APPEALS

§ 27:73	Motions filed after termination
§ 27:74	Post termination motion for appointment of counsel and payment of transcript costs
§ 27:75	Post termination motion for copies of transcripts
§ 27:76	Order for sibling respite visitation
§ 27:77	Authorization to file appeal

§ 27:78 Subsequent termination petitions and hearings

CHAPTER 28. PROVIDING SERVICES TO CHILDREN AND FAMILIES

A. RESPONSIBILITY FOR COSTS

§ 28:1 County's responsibility to provide services

§ 28:2 Parent's obligation to reimburse county

B. ENFORCEMENT OF ORDERS TO PAY FOR SERVICES

§ 28:3 Contempt power to collect costs for minors

§ 28:4 Reimbursement after child reaches eighteen or if child dies

§ 28:5 Body attachment order—CHINS

CHAPTER 29. MISSING CHILDREN

A. REPORTING MISSING CHILDREN

§ 29:1 Reporting requirements

§ 29:2 Investigating reports of missing children

B. HOUSING CHILDREN WHO MAY HAVE RUN AWAY

§ 29:3 Housing runaway child may be abuse

CHAPTER 30. INTERNATIONAL CHILD ABDUCTION

A. THE HAGUE CONVENTION

§ 30:1 Objectives

§ 30:2 Limits of convention

§ 30:3 Elements of proof

§ 30:4 Habitual residence

§ 30:5 Tests for habitual residence

§ 30:6 Wrongful removal or retention

§ 30:7 Definition of custody rights

§ 30:8 Source of custody rights

§ 30:9 Rights actually exercised

§ 30:10 Consent to removal defense

§ 30:11 Fugitive disentitlement doctrine

TABLE OF CONTENTS

§ 30:12	Central authorities
§ 30:13	Return of children
§ 30:14	Timing of other actions
§ 30:15	Immediate return rule
§ 30:16	Exception to immediate return rule—Defenses
§ 30:17	Burden of proof
§ 30:18	Not actually exercising custody rights/acquiescence defense
§ 30:19	Grave risk of harm defense
§ 30:20	Child objection defense
§ 30:21	Fundamental principles defense
§ 30:22	Limits on court’s authority
§ 30:23	Convention action not custody proceeding
§ 30:24	Res judicata and collateral estoppel
§ 30:25	Challenges to subject matter jurisdiction
§ 30:26	Protection of access (visitation) rights
§ 30:27	Discretionary authority
§ 30:28	No grant of jurisdiction over access rights
§ 30:29	Questions of law—De novo
§ 30:30	Factual determinations—Clearly erroneous
§ 30:31	Mixed questions of law and fact
§ 30:32	General provisions
§ 30:33	Judicial remedies
§ 30:34	Claim preclusion and federal abstention
§ 30:35	International child abduction database (INCADAT)
§ 30:36	Attorney liability
§ 30:37	Jury trial

B. INTERNATIONAL CHILD ABDUCTION REMEDIES ACT (ICARA)

§ 30:38	Declaration and purposes
§ 30:39	Definitions
§ 30:40	Judicial remedies
§ 30:41	Provisional remedies
§ 30:42	Burdens of proof
§ 30:43	Full faith and credit
§ 30:44	Costs and fees
§ 30:45	Hague Conference on private international law
§ 30:46	Defenses under Hague Convention and ICARA
§ 30:47	Petition for return of children to petitioner
§ 30:48	Response to petition for return of children

CHAPTER 31. PARENTAL LIABILITY IN TORT AND CRIMINAL CASES

A. TORT LIABILITY

- § 31:1 Overview
- § 31:2 Liability for personal injuries to children
- § 31:3 Parental immunity doctrine
- § 31:4 Statute of limitations and fraudulent concealment
- § 31:5 Duties of guardians or persons acting in loco parentis
- § 31:6 Parental duty to control children

B. CRIMINAL LIABILITY

- § 31:7 Generally
- § 31:8 Neglect of dependent
- § 31:9 Educational neglect
- § 31:10 Medical neglect
- § 31:11 Interference with custody
- § 31:12 Battery of a child

APPENDICES

- Appendix I. Sample Notice to Foreign Consul of Child Protection Proceedings
- Appendix II. Selected Sections of The Americans with Disabilities Act
- Appendix III. The Indian Child Welfare Act
- Appendix IV. House Enrolled Act 1232
- Appendix V. House Enrolled Act 1232 Flow Chart
- Appendix VI. Court Rules—Supreme Court of Indiana
- Appendix VII. Flow Charts

Table of Laws and Rules

Table of Cases

Index