

Report of Assessment (#655) for the Family Law System in Elkhart County, Indiana, United States

Name withheld on request

Feb 16, 2018

1:56 pm U.S.A. Eastern time

A. This was the 0th assessment on this jurisdiction in the last three years.

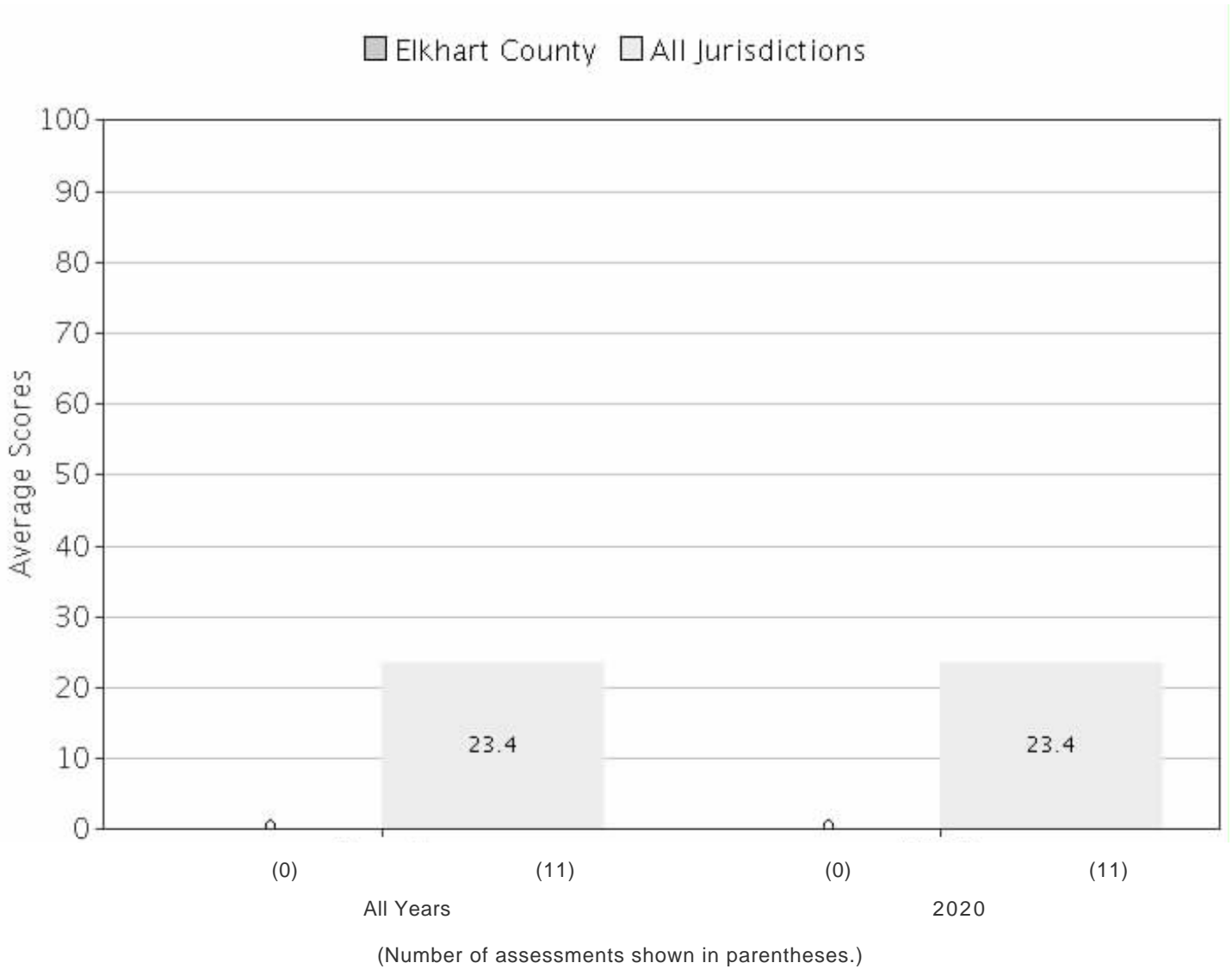
- Assessments in 2020: 0.
- Assessments in 2021: 0.
- Assessments in 2022: 0.

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

1. Group D. Using Early Cooperative Measures: 9/12 (75.0%)
2. Group C. Educating Parents on Safety and Cooperation: 11/16 (68.8%)
3. Group A. Putting Upfront the System's Commitment to Cooperation: 8/12 (66.7%)
4. Group E. Avoiding Unnecessary Adversarial Measures: 8/12 (66.7%)
5. Group J. Making Improvement Immediate and Ongoing: 2/4 (50.0%)
6. Group B. Responsibly Confronting Domestic Violence: 4/8 (50.0%)
7. Group H. Committing to Avoidance of Harm: 4/8 (50.0%)
8. Group I. Submitting the System to Regular Review and Improvement: 3/12 (25.0%)
9. Group G. Committing to Ongoing Professional Education: 3/12 (25.0%)
10. Group F. Assisting Unrepresented Persons: 1/4 (25.0%)

C. The average scores for this jurisdiction are reflected in the following graph:

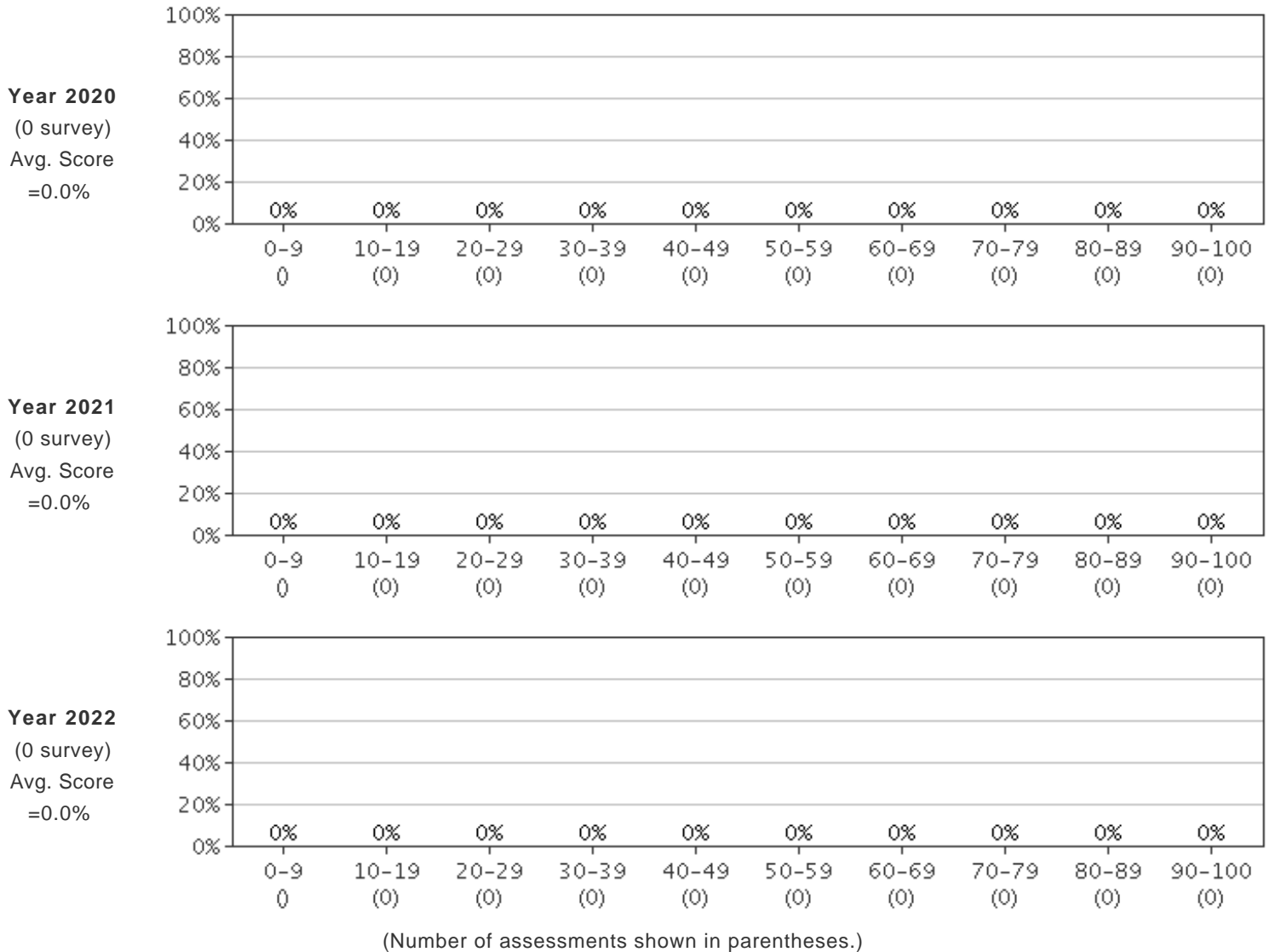
**AssessFamilyLaw Scores as of Aug 22, 2022, 5:27 am Eastern USA Time
Elkhart County, Indiana, United States**



D. The following graphs show the spread of scores for assessments returned on this jurisdiction in past calendar years.

Distribution of Scores in the Last 3 Calendar Years as of Aug 22, 2022, 05:27 am Eastern USA Time

Elkhart County, Indiana, United States



Click [here](#) to see all assessments returned on this jurisdiction.

E. You can create here a comparative graph of scores from this jurisdiction and any other jurisdiction. You can choose that other jurisdiction here.

F. Here is a copy of this assessment (#655).

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

Group A. Putting Upfront the System's Commitment to Cooperation		
1.	The jurisdiction uses multiple media (including, for example, excellent pamphlets for divorce and other cases (see the following for a divorce or paternity example), a court website like that at FamilyCourtWebsite.org , and even public service announcements) to communicate the advantages and judicial expectations of safety and cooperation in family cases.	2
2.	The jurisdiction has rewritten its divorce and paternity summons forms to communicate the advantages and judicial expectations of safety and cooperation and to refer parents to problem-solving resources such as its court website, an online workshop, and required co-parenting classes. A sample divorce summons is available Here	3
3.	All filings and court orders consistently caption participants in nonadversarial language: <i>Mother, Father, Husband, Wife, and Putative Father</i> instead of <i>Plaintiff, Defendant, Petitioner, and Respondent</i> . <i>Versus</i> is never used.	3
Group B. Responsibly Confronting Domestic Violence		
4.	The jurisdiction has a written plan enlisting all judges, attorneys, and other family professionals in (1) ensuring safety, (2) responding appropriately to claims of domestic violence, and (3) discouraging false claims. A committee of judges, attorneys, domestic violence experts, and law enforcement representatives reviews the plan's effectiveness biennially and submits a written report to the bench and bar for further discussion and action. The report and the county's practices are regularly discussed by the family bench and bar as a whole and improvements implemented.	2
5.	The jurisdiction (a) affords resources like a 24-hour hotline, coordination with police and other professionals, and trained court staff to assist in protection from domestic violence and (b) uses a program of public education to advise the public about the interventions and programs available to protect against domestic violence.	2

Group C. Educating Parents on Safety and Cooperation

6.	All parents in divorce and paternity cases are immediately referred to an online workshop like UpToParents.org and are required to finish their website work, make a copy, and take it to their co-parenting divorce or paternity class. Jurisdictions should choose the online workshops they consider best in their circumstances.	4
7.	The jurisdiction has four excellent co-parenting classes: (a) a minimum 4-hour class for divorcing parents, (b) a minimum 4-hour class for parents in paternity cases, (c) a substitute class for survivors of domestic violence, and (d) a multi-week class for parents in prolonged or high conflict. Early screening procedures assure prompt referral of parents to the class appropriate in each case.	3
8.	The jurisdiction uses effective mechanisms to advise all parents of the website and class requirements and to ensure compliance; substantially all parents attend their classes within 90 days of (a) the petition for dissolution, (b) the finding of paternity, or (c) the parents' referral to a high-conflict class, and substantially all parents arrive at their classes with their completed website work in hand. These mechanisms can include (among others) the court pamphlets and website mentioned in measure #1 above and the summons forms mentioned in measure #2.	3
9.	Absent exceptional reason, all parents who appear in court on more than one occasion are referred for more intensive assistance. The referral may be to a multi-session high-conflict class, parenting coordination, multi-session counseling, or other intensive process. The court ensures compliance with appropriate follow-up.	1

Group D. Using Early Cooperative Measures

10.	In addition to the educational resources in measures 6-9, the jurisdiction makes widespread use of early problem-solving processes in family cases. These may include early problem-solving case conferences, early neutral case evaluation, mediation, and other processes appropriate to the particular jurisdiction.	3
11.	Parents are encouraged to complete a Parenting Plan Worksheet (PPW) on a form supplied by the court and are required to complete that PPW and bring it to court if any contested motions are filed in a case with minor children. All parties (whether or not parents) are required to exchange on request all relevant financial information.	3
12.	Parents going to court for any reason are required to review and bring to any hearing (a) their Parenting Plan Worksheet (PPW) and (b) their website work.	3

Group E. Avoiding Unnecessary Adversarial Measures

13.	Absent special circumstances making it unsafe or otherwise unreasonable, all motions must be preceded by a personal or telephonic consultation to attempt resolutions. If the issue is not resolved, the discussion must include (a) an exchange between the attorneys (or the parties themselves if they are not represented) of their ideas on what resources the parties could be referred to so that they can resolve future issues, (b) confirmation that all website, class, and other court requirements have been observed, (c) arrangements for the parents' completion of a Parenting Plan that will be brought to any hearing, and (d) if the jurisdiction is using UpToParents.org, arrangements assuring that the parents' website Commitments will be merged and their Agreed Commitments brought to any hearing.	3
14.	All pleadings other than agreements are required to include "Cooperation Updates" confirming the details of the consultation required in measure 13, including all matters covered in 12(a)-(d), together with a list of the dates and subject matter of all prior hearings. Pleadings filed without full compliance with the requirements in measure 12 must include a specific statement of the reasons for failure of compliance. The jurisdiction strictly enforces the pre-motion consultation and Cooperation Update requirements; absent a demonstrated emergency or special cause, no hearings are allowed and no relief accorded if those requirements are not observed. Sample conforming motions are attached to AssessFamilyLawModel Rules for Family Cases .	3
15.	The jurisdiction does not allow custody evaluations or trials until all cooperative measures have been exhausted or shown to be ineffectual; requests for custody evaluations or trials must (a) be in writing and (b) list all problem-solving measures already used.	2

Group F. Assisting Unrepresented Persons

16.	The county has in place a regularly reviewed written plan for handling <i>pro se</i> cases. A standing committee studies and advises the bench and bar biennially on the plan and the need for modifications. The plan includes at minimum compliance with measures 1-12 above, good forms and a good website like that at http://www.in.gov/judiciary/selfservice , clerks trained in helping <i>pro se</i> parents, and broadly disseminated advisements on the availability of these resources.	1
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Group G. Committing to Ongoing Professional Education

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

Group H. Committing to Avoidance of Harm

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

Group I. Submitting the System to Regular Review and Improvement

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

Group J. Making Improvement Immediate and Ongoing

25.	The jurisdiction in the last 24 months has implemented one or more significant improvements in its family law system and is working diligently on additional improvements.	2
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