

# **FAMILY LAW FOCUS**

## **Newsletter Index**

**Spring 2012**

### **I. Divorce & Modification**

#### **a. Dissolution of Marriage Orders & Settlement Agreements**

- i. Reality Checks: Working with Your Divorce Attorney – Winter 2011, Volume 9, Issue 3
- ii. Reality Checks: Don't Sabotage Your Divorce – Fall 2010, Volume 9, Issue 2
- iii. Reality Checks: Reshuffling Financial Affairs after Divorce – Fall 2008, Volume 7, Issue 2
- iv. Reality Checks: Hints for Appearing in Court – Winter 2007, Volume 5, Issue 3
- v. Reality Checks: Issues of Divorce in Military – Summer 2006, Volume 5, Issue 1
- vi. Dissolution Order May Be Modified by Arguing Fraud – Spring 2006, Volume 4, Issue 4
- vii. Modification of Marital Agreement by Court – Winter 2006, Volume 4, Issue 3
- viii. Settlement Agreement Fashioned without Counsel Can Be Minefield – Fall 2003, Volume 2, Issue 2
- ix. Attempting "Do-It-Yourself" Divorce Is Like Doing Your Own Root Canal – Summer 2003, Volume 2, Issue 1
- x. Reality Checks: Recovering from Divorce – Spring 2003, Volume 1, Issue 4
- xi. Streamlined Process is Available for Certain Dissolution Situations – Spring 2003, Volume 1, Issue 4
- xii. Reluctance to Talk about Money Can Cause Difficulties for Couples – Spring 2003, Volume 1, Issue 4
- xiii. Safeguarding Clients in Volatile Legal Situations – Winter 2003, Volume 1, Issue 3

#### **b. Child Support**

##### **i. Child Support Orders, Calculations & Modifications**

1. Don't Skip Out on Paying Child Support – Summer 2011, Volume 10, Issue 1
2. Dad Tries to Stop Paying Support – Winter 2011, Volume 9, Issue 3
3. Filing Dated Tied To Support Order – Fall 2010, Volume 9, Issue 2
4. Dad Fled Jurisdiction with His Son – Summer 2010, Volume 9, Issue 1
5. Jailed Dad Asks to Reduce His Child Support Payment – Summer 2009, Volume 8, Issue 1

6. Indiana Supreme Court Tackles Issues of Child Support – Fall 2008, Volume 7, Issue 2
7. Calculation of Child Support for Parent in Jail is Tricky – Summer 2007, Volume 6, Issue 1
8. Figure Irregular Income for Child Support with Care – Winter 2007, Volume 5, Issue 3
9. Father Stayed Underemployed to Reduce Child Support Order – Fall 2006, Volume 5, Issue 2
10. Disability Benefits Tied to Child Support – Fall 2006, Volume 5, Issue 2
11. Indiana Supreme Court Comments on Modifying Child Support – Fall 2005, Volume 4, Issue 2
12. Catch Up Child Support . . . or Risk Going to Jail? – Spring 2004, Volume 2, Issue 4
13. Modification in Custody Demands Substantial Change – Fall 2002, Volume 1, Issue 2

**ii. Indiana Child Support Guidelines**

1. Changes to Indiana Child Support Rules & Guidelines Became Effective on January 1, 2010 – Spring 2010, Volume 8, Issue 4
2. Why Is Custodial Mom Paying Support? – Winter 2008, Volume 6, Issue 3
3. Revisions in Support Guidelines Try to Make Contributions Fairer – Winter 2004, Volume 2, Issue 3
4. Changes in Child Support Guidelines Are Offered – Summer 2003, Volume 2, Issue 1

**c. Custody**

- i. Dad Attempts to Prove He Is Not Boy's Father after 14 Years – Spring 2012, Volume 10, Issue 4
- ii. Wedding Triggers Custody Battle – Summer 2011, Volume 10, Issue 1
- iii. Court Gives Custody of Three Children to Father's Aunt and Uncle – Spring 2010, Volume 8, Issue 4
- iv. Reality Checks: Sobering Statistics about Children in United States – Fall 2007, Volume 6, Issue 2
- v. Mom's Smoking Drives Dad to Custody Battle for Baby – Summer 2007, Volume 6, Issue 1
- vi. Reality Checks: Impact of Divorce on Kids – Fall 2006, Volume 5, Issue 2; Summer 2004, Volume 3, Issue 1; Winter 2004, Volume 2, Issue 3
- vii. Grandmother Battles Father for Custody – Spring 2006, Volume 4, Issue 4
- viii. Girl's Ashes Split by Divorced Parents – Winter 2005, Volume 3, Issue 3

- ix. Kids Should Never Become Weapons in Divorce – Spring 2004, Volume 2, Issue 4
- x. Reality Checks: Sabotaging Your Chances for Custody – Fall 2011, Volume 10, Issue 2
- xi. Study Looks at Joint Custody Placements – Winter 2003, Volume 1, Issue 3
- xii. Indiana Supreme Court Held Custody Evaluation Not Fraudulent on Appeal, Winter 2003, Volume 1, Issue 3
- xiii. Health Records Open to Non-Custodial Parent – Fall 2002, Volume 1, Issue 2
- xiv. Appellate Court Reviews Child Support When Parents Share Custody – Summer 2002, Volume 1, Issue 1

**d. Visitation & Parenting Time**

- i. Two Fathers Share Visitation Rights – Spring 2009, Volume 7, Issue 4
- ii. “Parenting Time” Is Getting Trickier – Winter 2006, Volume 4, Issue 3
- iii. Don’t Forget Those Summer Parenting Time Guidelines – Spring 2003, Volume 1, Issue 4
- iv. Statute Looks at Parenting Time in View of Family Violence – Fall 2002, Volume 1, Issue 2
- v. Sharing Custody During Summer Vacations – Summer 2002, Volume 1, Issue 1

**e. Child’s Education**

- i. Reality Checks: Education of Our Children – Winter 2010, Volume 8, Issue 3
- ii. Specify College Costs in Drafting Agreement or Divorce Decree – Fall 2009, Volume 8, Issue 2
- iii. Health-care Costs Are Tied to Payments for Education – Summer 2008, Volume 7, Issue 1
- iv. Academic Progress of Children Linked to Custody Battle – Fall 2007, Volume 6, Issue 2
- v. Educational Support for College Stops with Daughter’s Marriage – Winter 2007, Volume 5, Issue 3
- vi. Dad Dodges Trip to Poorhouse – Fall 2005, Volume 4, Issue 2
- vii. Divorced Mother Told to Pay for Private College Costs – Winter 2005, Volume 3, Issue 3

**f. Relocation & Jurisdiction**

- i. Mother Seeks to Relocate Her Kids to Tennessee, Winter 2012, Volume 10, Issue 3
- ii. Wife Dumps Husband Who’s On Military Duty – Fall 2010, Volume 9, Issue 2

- iii. Father Can't Get Advantage In Court By Snatching Child – Fall 2010, Volume 9, Issue 2
- iv. Dad Was Absent during His Divorce – Spring 2010, Volume 8, Issue 4
- v. Trial Court Failed to Follow Statute in Girl's Proposed Relocation – Winter 2010, Volume 8, Issue 3
- vi. New Job Causes Mom to Lose Custody of Son – Winter 2008, Volume 6, Issue 3
- vii. Dad Refused to Let Mother Move 10-year-old Son to Another State – Summer 2006, Volume 5, Issue 1
- viii. Tell Court of Any Plans for Moving – Spring 2006, Volume 4, Issue 4
- ix. Reality Checks: Notice Requirements for Relocating Children after Divorce – Winter 2009, Volume 7, Issue 3
- x. Notice May Be Need If Parent Moves – Summer 2002, Volume 1, Issue 1

**g. Name Changes**

- i. Parents Battle over Child's Name – Summer 2009, Volume 8, Issue 1
- ii. Father Blocks Name Change of Son – Winter 2007, Volume 5, Issue 3
- iii. Name Change Sparks Fight – Spring 2005, Volume 3, Issue 4

**h. Contempt of Court for Failure to Obey Court Order**

- i. Husband Ignores Court Orders to Submit QDRO in Divorce – Fall 2009, Volume 8, Issue 2
- ii. Judge Finds Contempt for Ignoring Court Orders – Fall 2004, Volume 3, Issue 2

**i. Property**

**i. Dissipation and Wasting of Marital Assets**

- 1. Wife's Dissipating Assets Claim Does Not Impress High Court – Spring 2010, Volume 8, Issue 4
- 2. Husband Shifts Joint Holdings to Dissipate Marital Assets – Fall 2008, Volume 7, Issue 2
- 3. Reality Checks: Money-gobbling Mistakes in Divorce – Summer 2008, Volume 7, Issue 1

**ii. Division of Marital Property**

- 1. Divorcing Couple Fights over Husband's Health Care Plan – Spring 2012, Volume 10, Issue 4
- 2. Divorcing Parties Hit By Low Housing Prices – Fall 2011, Volume 10, Issue 2
- 3. Property Settlement Needs To Be in Dissolution Decree – Spring 2011, Volume 9, Issue 4

4. Splitting Health Benefits Is Tricky – Winter 2011, Volume 9, Issue 3
5. Farm’s Bills Linked to Wife’s Lien – Summer 2010, Volume 9, Issue 1
6. Be Sure to Check Real Estate Title in Divorce – Winter 2010, Volume 8, Issue 3
7. Husband Argues Wife’s Car Was Truly Not Gift to Her – Winter 2009, Volume 7, Issue 3
8. Ex-Wife Argues Pension Payments Include Disability Benefits – Spring 2008, Volume 6, Issue 4
9. Husband Upset about Split of Property in “Marital Pot” – Winter 2008, Volume 6, Issue 3
10. Splitting Marital Property Is Tricky – Fall 2005, Volume 4, Issue 2
11. Wife Gets 70% of Property in Nasty Divorce – Fall 2004, Volume 3, Issue 2

**j. Maintenance, Spousal Support & Alimony**

- i. Court Wrongly Terminates Wife’s Needed Maintenance – Winter 2009, Volume 7, Issue 3
- ii. Supreme Court Delves into Changing Payments for “Incapacity” – Summer 2005, Volume 4, Issue 1
- iii. Court Can Modify Agreement for Maintenance Support – Spring 2005, Volume 3, Issue 4
- iv. Spouse’s Medical Expenses Outlast Marriage – Spring 2004, Volume 2, Issue 4

**II. Parent-Child Relationship**

**a. Parental Rights and Duties**

**i. Religion of Child**

1. Grandmother Challenges Mom on Religious Authority – Winter 2009, Volume 7, Issue 3
2. “Pagan” Parents Are Allowed to Instruct Child in Religion – Winter 2006, Volume 4, Issue 3
3. May Religious Beliefs Be Used As Evidence? – Summer 2005, Volume 4, Issue 1

**ii. Parent’s Duty to Support Child**

1. 19-year-old Repudiates His Father – Winter 2012, Volume 10, Issue 3
2. Dad Tries to Stop Paying Support – Winter 2011, Volume 9, Issue 3
3. Dad Says 21-year-old Son Is Not Truly “Incapacitated” – Summer 2008, Volume 7, Issue 1
4. Four Fathers Try to Escape Obligations of Being a Dad – Fall 2007, Volume 6, Issue 2

5. Obligation to Pay College Costs Ends with Teen's Denial of Relationship with Dad – Winter 2006, Volume 4, Issue 3
6. Parenthood Is Forever – Despite Break-up – Summer 2005, Volume 4, Issue 1
7. Divorced Dad Must Support Child Who Is Not His – Summer 2004, Volume 3, Issue 1

**b. Child in Need of Services (“CHINS”) & Termination of Parental Rights Proceedings**

- i. Dad Wins Right to Raise His Son – Summer 2011, Volume 10, Issue 1
- ii. CHINS Tied to Child's Care – Not Culpability of Parent – Summer 2010, Volume 9, Issue 1
- iii. Supreme Court Refused to Terminate Parent-Child Relationship – Winter 2010, Volume 8, Issue 3
- iv. Parental Rights Are Taken from Drug-addicted Mom – Summer 2008, Volume 7, Issue 1
- v. Parent-Child Relationship Is Terminated – Spring 2007, Volume 5, Issue 4

**c. Establishing Paternity**

- i. Dad Attempts to Prove He Is Not Boy's Father after 14 Years – Spring 2012, Volume 10, Issue 4
- ii. Paternity Affidavit Is Based on Fraud or Mistake of Fact – Winter 2009, Volume 7, Issue 3
- iii. Mother Seeks to Set Aside Paternity Affidavit of Child – Summer 2008, Volume 7, Issue 1
- iv. Dad Fails to End His Child Support – Spring 2008, Volume 6, Issue 4
- v. Mother Needed to Prove Paternity to Bring Wrongful Death Action – Fall 2006, Volume 5, Issue 2
- vi. Case Tests Paternity Statutes and Probate Code – Summer 2004, Volume 3, Issue 1
- vii. Reality Checks: Rights of Unwed Fathers – Summer 2003, Volume 2, Issue 1
- viii. Paternity Court in Marion County Finds Permanent Support – Fall 2002, Volume 1, Issue 2

**d. Adoption**

- i. Due Process Requires More than Party's Mere Gestures – Summer 2011, Volume 10, Issue 1
- ii. Grandfather Tries to Adopt Grandchild – Spring 2011, Volume 9, Issue 4
- iii. Interstate Compact Controls Out-of-State Adoptions of Children – Fall 2009, Volume 8, Issue 2

- iv. Be Sure to Follow Adoption Laws – Spring 2009, Volume 7, Issue 4
- v. Foster Mom Is Able to Adopt Baby – Fall 2008, Volume 7, Issue 2
- vi. Father Fights over Adoption of Baby – Winter 2008, Volume 6, Issue 3
- vii. Adoption Required Consent of 14-year-old Boy – Spring 2007, Volume 5, Issue 4
- viii. Unmarried Couples Allowed to Adopt – Fall 2006, Volume 5, Issue 2; Summer 2006, Volume 5, Issue 1
- ix. Grandparents Adopt Grandson without Having Mom’s Consent – Fall 2006, Volume 5, Issue 2
- x. Unmarried Couples Are Able to Adopt – Summer 2006, Volume 5, Issue 1
- xi. Court Okays Adoption by Domestic Partner – Summer 2004, Volume 3, Issue 1

**e. Rights and Duties of Non-Parents**

**i. Grandparent Rights**

- 1. Grandparents Battle Dad for Child – Fall 2010, Volume 9, Issue 2
- 2. Lesbian Mother Bars Grandparents – Winter 2010, Volume 8, Issue 3
- 3. Grandmother’s Visitation Is Changed by Court – Fall 2009, Volume 8, Issue 2
- 4. Grandma Wins Visitation of Baby – Spring 2008, Volume 6, Issue 4
- 5. Grandparents Fight Mother for Custody of Two Children – Winter 2007, Volume 5, Issue 3
- 6. Step-Grandparents Have No Legal Right to Visit Grandchildren – Winter 2005, Volume 3, Issue 3
- 7. Grandparents Get Visitation with Children Despite Mom – Fall 2004, Volume 3, Issue 2
- 8. Reality Checks: Grandparents Raising Grandkids – Summer 2005, Volume 4, Issue 1
- 9. Reality Checks: AARP Survey about Grandparents – Winter 2008, Volume 6, Issue 3

**ii. Same-Sex Issues**

- 1. Reality Checks: Growing Public Support for Same-Sex Marriage – Spring 2009, Volume 7, Issue 4
- 2. Parents Keep Same-Sex Partners Apart – Fall 2007, Volume 6, Issue 2
- 3. Unmarried Couples Allowed to Adopt – Summer 2006, Volume 5, Issue 1
- 4. Indiana Supreme Court Looks at Same-Sex Parenting – Spring 2006, Volume 4, Issue 4

5. Reality Checks: Rights of Same-Sex Couples – Spring 2005, Volume 3, Issue 4
6. Same-Sex Partner Awarded Parental Rights – Winter 2005, Volume 3, Issue 3; Fall 2003, Volume 2, Issue 2
7. Reality Checks: Cohabitation Agreements for Same-Sex Couples – Spring 2004, Volume 2, Issue 4
8. Case Raises Custody Issues in Same-Sex Relationships – Winter 2003, Volume 1, Issue 3
9. PFLAG Provides Helpful Support – Winter 2003, Volume 1, Issue 3

### **iii. Rights of Other Caretakers**

1. Classroom Discipline Calls Parental Privilege into Play – Fall 2011, Volume 10, Issue 2
2. Caretakers Failed to Get Custody – Summer 2010, Volume 9, Issue 1

## **III. Cohabitation & Relationships Other Than Marriage**

- a. Reality Checks: If You're Living with Partner, Winter 2006, Volume 4, Issue 3
- b. Beware Perils of Unreturned Engagement Ring – Fall 2005, Volume 4, Issue 2
- c. Bride Insists on Two Certain DJs – Fall 2005, Volume 4, Issue 2
- d. Reality Checks: Cohabitation Agreements – Spring 2004, Volume 2, Issue 4; Fall 2003, Volume 2, Issue 2
- e. Court Offers Cautionary Tale for Cohabiting Couple – Summer 2003, Volume 2, Issue 1

## **IV. Prenuptial & Postnuptial Agreements**

- a. Reality Checks: Negotiating Prenuptial Agreement – Spring 2011, Volume 9, Issue 4
- b. Court Okays Post-Nuptial Agreement – Summer 2009, Volume 8, Issue 1
- c. Post-Nuptial Agreement Controls – Fall 2007, Volume 6, Issue 2
- d. Ignoring "Pre-nup" Is Risky – Spring 2005, Volume 3, Issue 4
- e. "Pre-nup" Articulates Romantic Whispers – Summer 2003, Volume 2, Issue 1

## **V. Guardianships over Minors & Incapacitated Adults**

- a. Non-profit Corporate Entity Is Guardian of Elderly Man – Winter 2012, Volume 10, Issue 3
- b. Reality Checks: Safeguarding Family with Estate Plan – Summer 2010, Volume 9, Issue 1; Fall 2009, Volume 8, Issue 2
- c. Parents Keep Same-Sex Partners Apart – Fall 2007, Volume 6, Issue 2
- d. Court Severs Guardianship of Grandparents – Summer 2007, Volume 6, Issue 1
- e. Adult Son Required Guardianship – Spring 2007, Volume 5, Issue 4

## **VI. Domestic Violence & Abuse**

- a. Man Vandalizes Former Wife's House – Spring 2012, Volume 10, Issue 4
- b. Reality Checks: Cyber-bullying Statistics Uses Technology Like Cell Phones and Internet – Spring 2012, Volume 10, Issue 4
- c. Reality Checks: Bullying Statistics Are on Increase – Winter 2012, Volume 10, Issue 3
- d. Reality Checks: Early Signs of Domestic Abuse – Summer 2011, Volume 10, Issue 1
- e. Reality Checks: Domestic Violence during Bad Economy – Spring 2010, Volume 8, Issue 4
- f. Domestic Violence Terrified Mom – Summer 2009, Volume 8, Issue 1
- g. Reality Checks: Physical Abuse of Elderly People – Summer 2009, Volume 8, Issue 1; Spring 2006, Volume 4, Issue 4
- h. Helpful Contacts: Domestic Abuse – Summer 2009, Volume 8, Issue 1
- i. Reality Checks: Harassment of Homosexual Students – Spring 2008, Volume 6, Issue 4
- j. Reality Checks: Homelessness, Kids and Domestic Violence – Summer 2007, Volume 6, Issue 1
- k. Reality Checks: Be Sure to Put Together Escape Plan – Spring 2007, Volume 5, Issue 4; Fall 2004, Volume 3, Issue 2
- l. "Horrible Abuse" Barred Any Visits – Summer 2006, Volume 5, Issue 1
- m. Reality Checks: Children & Domestic Abuse – Fall 2005, Volume 4, Issue 2; Winter 2005, Volume 3, Issue 3
- n. Reality Checks: Domestic Abuse Hotlines – Fall 2004, Volume 3, Issue 2; Winter 2003, Volume 1, Issue 3
- o. Possible Sexual Abuse of Hearing-impaired Toddler? – Fall 2003, Volume 2, Issue 2
- p. Legal Scrutiny Easier with Protective Order Law – Winter 2003, Volume 1, Issue 3
- q. Protective Order Law Includes Domestic Family Violence – Fall 2002, Volume 1, Issue 2; Summer 2002, Volume 1, Issue 1

## **VII. Mediation**

- a. Courts Favor "Effective Mediation" – Summer 2006, Volume 5, Issue 1
- b. "Get It in Writing" Rings True for Mediation – Summer 2005, Volume 4, Issue 1
- c. Supreme Court Orders Mediation in Adoption Case – Spring 2004, Volume 2, Issue 4
- d. Mediation (Instead of Litigation) Gives Both Parties More Control – Winter 2004, Volume 2, Issue 3

## **VIII. Healthcare Decisions**

- a. Disabled Vet Goes Into Psych Unit – Winter 2011, Volume 9, Issue 3
- b. New HIPAA Fines – Fall 2010, Volume 9, Issue 2
- c. Court Studies Order Forcing Administration of Medicine – Summer 2007, Volume 6, Issue 1

- d. Evaluations, Assessments, Medical Malpractice . . . Oh, My! – Fall 2003, Volume 2, Issue 2

## **IX. Confidentiality, Disclosure of Information, Privacy & Professional Relationships**

- a. Therapists Move Cautiously with Online “Telepractices” – Spring 2012, Volume 10, Issue 4
- b. Case Preserves Victim’s Privilege – Fall 2011, Volume 10, Issue 2
- c. Privilege Doesn’t Extend to Abuse – Spring 2011, Volume 9, Issue 4
- d. Media Wrongly Gets Access to Juvenile CHINS Records – Spring 2009, Volume 7, Issue 4
- e. Faxing & Confidentiality Don’t Mix – Fall 2008, Volume 7, Issue 2
- f. Confidentiality of Therapy Notes Relating to Murders – Winter 2006, Volume 4, Issue 3
- g. Court Tackles Legal Duty Owed by Therapy Group – Fall 2004, Volume 3, Issue 2
- h. Will Therapists Be Made to Reveal Records? – Summer 2004, Volume 3, Issue 1
- i. Just Friendly Advice . . . or Professional Therapy? – Winter 2004, Volume 2, Issue 3
- j. Reality Checks: A Client’s Bill of Rights – Winter 2003, Volume 1, Issue 3
- k. Beware of Disclosing Information to Third Party – Summer 2003, Volume 2, Issue 1
- l. Recording Telephone Chats Can Raise Wiretap Issue – Spring 2003, Volume 1, Issue 4

## **X. Criminal Conduct**

- a. Juvenile Court Admits Confession of Young Teenager – Winter 2012, Volume 10, Issue 3
- b. Classroom Discipline Calls Parental Privilege into Play – Fall 2011, Volume 10, Issue 2
- c. Dad Punishes Teenager by Belting – Fall 2011, Volume 10, Issue 2
- d. Boy’s Rehab Is No Longer Option – Spring 2011, Volume 9, Issue 4
- e. Blame It All On The Belt – Or Strategic Lack Thereof – Winter 2011, Volume 9, Issue 3

## **XI. Legislation**

- a. Legislators Consider Family Laws – Spring 2009, Volume 7, Issue 4
- b. Legislators Enact Few Family Laws – Spring 2008, Volume 6, Issue 4
- c. Legislators Enact Family Law Bills – Spring 2007, Volume 5, Issue 4
- d. Legislators Handle Family Law Matters in Current Session – Spring 2005, Volume 3, Issue 4
- e. New Legislation to Keep Children Safer – Spring 2004, Volume 2, Issue 4
- f. Newly Passed Legislation Affects Domestic Law – Spring 2003, Volume 1, Issue 4

## **XII. NBBP News**

- a. NBBP Law Firm Will Present Free In-services – Spring 2009, Volume 7, Issue 4
- b. NBB Announces Fourth Partner – Winter 2007, Volume 5, Issue 3
- c. Easy-to-Navigate NBB Site Packed with Helpful Information – Fall 2005, Volume 4, Issue 2
- d. We Welcome New Attorney – Spring 2005, Volume 3, Issue 4
- e. We Are Now NBB with New Partner – Fall 2004, Volume 3, Issue 2
- f. NBR Expands Services by Adding New Lawyer – Winter 2004, Volume 2, Issue 3
- g. “Hey, Look Us Over” & Visit Our Website – Fall 2003, Volume 2, Issue 2
- h. NBR Welcomes New Readers – Summer 2003, Volume 2, Issue 1
- i. Attorneys Open Firm at Lake Clearwater – Summer 2002, Volume 1, Issue
- j. Meet Our Legal Team – Summer 2002, Volume 1, Issue 1