INDIANA STATE BAR ASSOCIATION
Serving the legal profession and the public

NEWSLETTER OF THE
FAMILY & JUVENILE LAW SECTION

Family Matters

April 2018

Chair: Katharine Vanost Jones, Evansville

Co-Editors: Heidi K. Koeneman and Ashley N. Hand, Fort Wayne

Update From the Executive Committee

Submitted by Paje Felts, Legislative Counsel
Indiana State Bar Association
One Indiana Square, Suite 530
Indianapolis, IN 46204

During the 2018 Indiana General Assembly, attorney and State Senator Randy Head, of Logansport, filed a bill which would have impacted the required notice that must be filed with the court (under I.C. 31-17-2.2), by parents who have or are seeking custody or parenting time with a child, and who intend to move their primary residence (SB 226 https://iga.in.gov/legislative/2018/bills/senate/226).

Senator Head sought input regarding the proposed legislation from the ISBA. The ISBA Family Law Section expressed reservations about the specific bill as written - but the Section also recognized that Indiana's existing relocation statute, which now is more than a decade old, presents challenges for Hoosier families and could be improved. Senator Head offered to work with the Section, with the goal of developing an enhanced bill this summer, to be introduced to the Legislature next year. ISBA Family Law Section Council member, Amy Stewart of Mallor Grodner LLP in Indianapolis, has been asked by the Section Council to facilitate the conversation.

The first meeting of the working group will be held at the ISBA office on June 13, 2018 at 12:30 p.m. Senator Head, who also serves as Chair of the Indiana Senate Civil Law Committee, will attend the meeting to offer his thoughts on the legislation and to kick off the effort.

Case Law Update

Submitted by Michael R. Kohlhaas
Bingham Greenebaum Doll LLP
2700 Market Tower
10 W. Market Street
Indianapolis, IN 46204

***Poteet v. Rodgers (In re: I.I.P.),* 92 N.E.3d. 1158 (Ind. Ct. App. 2018)**

HELD: A man's paternity, established through the execution of a paternity affidavit, may later be disestablished if a second man files a paternity action that confirms the second man is the biological father of the child.

Near the time of Child's conception, Mother was in a relationship with Legal Father. Around the same time, Mother also had an intimate relationship with Biological Father, which resulted in Mother ending her relationship with Legal Father. Mother gave birth to Child in November 2012. When Child was approximately four months old, Mother and Legal Father reconciled and subsequently married in 2014. In 2015, Legal Father executed a paternity affidavit to establish paternity of Child.

Legal Father filed a petition to dissolve the marriage. While the dissolution action was pending, Mother rekindled her relationship with Biological Father and she filed a petition to establish paternity, identifying Biological Father as Child's father. Mother also requested genetic testing, which established that Biological Father was Child's biological parent.

In early 2017, Legal Father filed a motion to dismiss Mother's petition to establish paternity. Legal Father alleged that Mother's petition failed to state

Continued on next page

a claim. Around the same time, Biological Father filed a petition of his own to establish paternity and simultaneously to disestablish Legal Father's paternity.

Following a hearing, the trial court determined that Legal Father had executed a paternity affidavit, and that it had not been timely challenged as being a product of fraud, duress, or material mistake of fact. The trial court further concluded that, by signing the paternity affidavit, Mother was estopped from attempting to establish paternity in another man. The paternity matter was dismissed, and Mother and Biological Father appealed.

The Court of Appeals reviewed the matter to determine whether there was any genuine issue of material fact and to determine whether Mother was precluded, as a matter of law, from challenging Legal Father's paternity.

The Court of Appeals noted that paternity may be established only by either (1) filing a paternity action or, (2) executing a paternity affidavit. Further, an executed paternity affidavit can be set aside only one of two ways. First, a man signing a paternity affidavit has 60 days after executing it to request genetic testing through the court and, if he is excluded as the biological father, the trial court may set aside the paternity affidavit. Second, if more than 60 days have passed since the execution of the paternity affidavit, it may be rescinded only if the trial court determines that fraud, dress, or a material mistake of fact existed in the execution of the paternity affidavit and, at the request of the man who signed the paternity affidavit, genetic testing indicates that the man is excluded as the father of the child.

In this case, it was undisputed that Legal Father established paternity by executing a paternity affidavit. Further, more than 60 days had passed since Legal Father executed the paternity affidavit in 2015. Legal Father never requested genetic testing; rather, it was Mother who sought the genetic testing. This foreclosed any possible way to rescind the paternity affidavit directly.

However, the Court of Appeals determined there was another possible avenue for disestablishing Legal Father's paternity. By statute, once paternity is established in one man, doing so indirectly disestablishes paternity in another man. Thus, Biological Father's paternity action could operate to disestablish the paternity of Legal Father.

The Court of Appeals reviewed the particulars of the trial court pleadings of Mother and Biological Father, finding them to be procedurally defective. However, the Court of Appeals expressed concern that the trial court ignored Mother's request to amend her paternity petition. Further, while Indiana law generally provides that an action to establish paternity must be filed within two years of the child's birth, certain statutory exceptions allow for a petition to be filed later. The Court of Appeals concluded that there was a genuine issue of material fact as to whether not such exceptions applied in this case. Therefore, the case was remanded to the trial court for further proceedings.

Judge Baker dissented. His interpretation of Indiana statute was that a paternity affidavit that has already been executed may not be rescinded unless the trial court finds both: (1) fraud, duress, or material mistake of fact existent in the execution of the paternity affidavit, and (2) at the request of the man who executed the paternity affidavit, genetic testing is undertaken which excludes the man as the natural father. Since neither one of those things occurred in this case, Judge Baker concluded that any further relief was unavailable, including via the paternity action statute. He cited to prior case law that provided that "once a mother has signed a paternity affidavit, she may not use the paternity statutes to deprive the legal father of his rights, even if he is not the biological father."

***J.R. v. S.P.*, 89 N.E.3d 438 (Ind. Ct. App. 2017)**

HELD: A biological parent's consent to adoption, followed by a finalized adoption and relinquishment of parental rights, precludes the biological parent from subsequently seeking custody of the child, including pursuant to Indiana Code 31-17-2-3, which otherwise broadly permits a third-party to file a petition seeking custody of a child.

Child was born to Biological Mother in 2003. The day after Child's birth, Biological Mother signed a consent

to adoption, which consented to Mother's adoption of Child, waived notice of all proceedings connected to the adoption, and relinquished all maternal rights. Four days later, Mother and Father filed a petition to adopt Child, which was subsequently finalized and approved. The parties did not enter into any agreement regarding post-adoption contact between Biological Mother and Child.

Thirteen years later, after reconnecting with Child and learning of apparent friction between Child and the adoptive parents, Biological Mother and her husband filed a petition seeking custody of Child. They relied upon Indiana Code 31-17-2-3, which broadly permits a third-party to file a petition seeking custody of a child.

The adoptive parents filed a motion to dismiss Biological Mother's petition for failure to state a claim, which the trial court granted after a hearing. Biological Mother appealed.

The Court of Appeals concluded that, by virtue of executing the consent to adoption, the adoption proceedings that were finalized, and the related relinquishment of maternal rights, Biological Mother was precluded from seeking custody of Child. The Court of Appeals also noted the public policy consideration that allowing Biological Mother's case to move forward would create unnecessary instability and uncertainty in all adoption cases.

The trial court's dismissal of Biological Mother's petition was affirmed.

***Marshall v. Marshall*, 92 N.E.3d 1112 (Ind. Ct. App. 2018)**

HELD: Trial court erred when it made a finding that Mother was voluntarily underemployed, but then used her actual income – without any imputation of additional income -- for child support calculation purposes. The trial court also erred when, despite a record establishing that Father consistently earned significant overtime income and there was a reasonable basis to believe overtime income would continue indefinitely, yet the trial court did not include any of Father's overtime income in its support calculation.

CALENDAR OF EVENTS

June 22
Brown Bag Series: Unconsidered Consequences- Failing to Discuss Long Term Care with Clients

August 16
4th Annual Litigation Symposium: Winning Your Case With the Written Word

August 30
ISBA Awards Luncheon

October 10 - 12
ISBA Annual Meeting

REGISTER AT *WWW.INBAR.ORG*

Continued on next page

Mother and Father married in 2005 and had Child in 2008. The parties divorced in 2009. The decree provided for joint legal custody, that Father would have primary physical custody, and that no child support would be due.

A child support dispute subsequently arose between the parties, resulting in a petition to modify support. Before the trial court, two prominent issues were Father's overtime pay, and whether Mother was voluntarily underemployed. The trial court made a finding that Mother was voluntarily underemployed and should be imputed to full-time employment; however, the trial court's child support order used Mother's actual income without any imputation. As to Father's income, though the record contained substantial evidence of Father's regular overtime income, none of it was included in the child support calculation. Father appealed and Mother cross-appealed.

The Court of Appeals concluded as to Mother's income that there was adequate evidence and testimony presented to support the trial court's finding that Mother was voluntarily underemployed. Given that finding, the trial court erred by then using Mother's actual income to calculate child support. The Court of Appeals remanded that issue for further consideration of the amount of additional income that should be imputed to Mother based upon her voluntary underemployment.

As to the issue of Father's overtime income, the record established that Father had received substantial and consistent overtime income and an expectation it would continue had been established. Concluding that the trial court failed to acknowledge the significance and dependability is Father's overtime income, the Court of Appeals determined that the trial court's exclusion of Father's overtime income from the support calculation was erroneous. The trial court's exclusion of overtime income for Father was reversed, and the issue remanded to determine the amount of overtime income that the trial court determines is dependable based upon the evidence and to include that in Father's gross weekly income.

The trial court's child support order was reversed as to both the determination of Mother's gross weekly income and Father's gross weekly income, and remanded for further proceedings to make determinations as to each.

***Wills v. Gregory*, 92 N.E.3d 1133 (Ind. Ct. App. 2018)**

HELD: Mother's stroke warranted modification of primary physical custody from Mother to Father.

Mother gave birth to Child in April 2009. In 2010, paternity was established with Father. By agreed entry, Mother was granted primary physical custody of Child, subject to Father's parenting time schedule.

In 2013, Mother suffered a stroke. Father filed a petition to modify custody of Child in 2016.

At a hearing, the trial court heard evidence regarding Mother's stroke and its impacts on her health and ability to communicate. The trial court then modified custody, giving Father primary physical custody of Child, subject to Mother having parenting time per the 2017 Indiana Parenting Time Guidelines. The trial court stated that, "Mother suffered a stroke approximately three years ago impacting her physical health – including her ability to communicate. As a result, the Mother's ability to serve as the primary physical custodian has been adversely impacted." Mother appealed the custody modification.

After an extensive review of the trial court record, the Court of Appeals viewed Mother's appeal as an invitation to reweigh the custody evidence. Substantial evidence was presented by each side regarding the degree to which Mother's stroke did (or did not) affect Mother. Declining to reweigh the evidence, the Court of Appeals affirmed the custody modification.

Judge Vaidik dissented from the opinion. She believed it was improper for the trial court to modify custody based solely on a parent's disability without a showing as to how that disability specifically and negatively impacted the Child. She concluded modification of custody was not warranted by the evidence presented.

B.S.M. v E.S.F. (In re: B.M.), 2018 Ind. App. LEXIS 53 (Ind. Ct. App. 2018)

HELD: Where a man had strong reason to doubt, or know he was not, the biological father of a child, yet

the man executed a paternity affidavit anyway, he may not, years later, seek to set aside paternity. There was no "fraud, duress, or material mistake of fact" that might warrant setting aside paternity.

Mother was pregnant at the time she met Father. First Child was born in 2005, at which time Father knew he was not First Child's biological father. Nevertheless, Father executed a paternity affidavit for First Child.

In 2009, Mother gave birth to Second Child. Father also executed the paternity affidavit as to Second Child; however, at the time Father did so, Father suspected he might not be Second Child's biological father. Some months later, during an argument, Mother told Father that he might not be Second Child's biological father.

In 2013, Mother filed petitions to establish child support for both children based upon Father's execution of the paternity affidavits. Father filed motions to set aside paternity as to both children and requesting genetic testing. The genetic testing excluded Father as the biological father of both children; however, the results of that genetic testing were ordered stricken subsequently because the tests were ordered in error.

The trial court denied Fathers motions to set aside paternity. Father appealed.

The Court of Appeals noted that, by statute, a late effort to set aside a paternity affidavit can be granted only if: (1) the affidavit was executed under fraud, duress, or material mistake of fact; and (2) there was court-ordered genetic testing to prove the man was not the biological father. Based upon the fact that Father knew he was not the biological father of First Child, and had good reason to believe he was not the biological father of Second Child, yet never made any effort to set aside paternity, indicated that there was no fraud or mistake involved. The Court of Appeals also considered it significant that Father had no objection to the establishment of his paternity for years and only once Mother requested child support did Father contest paternity.

The trial court's denial but Father's motion to set aside the judgment of paternity as to both children was affirmed.

***J.H. v. S.S.*, 2018 Ind. App. LEXIS 59 (Ind. Ct. App. 2018)**

HELD: Trial court properly granted the adoption of Child by Paternal Grandmother, without Mother's consent, after finding that Mother's consent was not necessary because Mother was an unfit parent who failed to communicate with and support Child for an extended period of time.

Mother and Father married in 2002, and Child was born in 2004. Mother had a significant substance abuse problem that is detailed in the opinion. Mother and Father divorced in 2011, which was followed by hearings and agreed entries that gave Mother supervised parenting time as she continued to struggle with her addiction and related criminal problems.

In 2015, Paternal Grandmother filed a petition to adopt Child, reciting that Mother's consent was unnecessary. At the adoption hearing, the evidence was uncontroverted, by Mother's admission, that Mother was still actively using. Child's therapist testified to the quality of Child's relationship with Paternal Grandmother, and recommended the adoption as being in Child's best interests. The GAL noted that Mother had nine probation violations in the past year, and further concluded that "Mother was not a fit parent" and recommended the adoption.

After the hearing, the trial court granted Paternal Grandmother's adoption, without Mother's consent, finding Mother to be unfit and had failed to communicate with or support Child. Mother appealed.

The Court of Appeals reviewed the statute that determines whether Mother's consent to the adoption was required, noting that a finding that the parent is "unfit" removes the consent requirement. In light of the extensive evidence presented as to Mother's lengthy, profound, and ongoing problems with substance abuse, the Court of Appeals concluded that the trial court did not err in finding Mother to be unfit, and granting the adoption without her consent.

***Goodman v. Goodman*, 2018 Ind. App. LEXIS 86 (Ind. Ct. App. 2018)**

FACTS AND PROCEDURAL HISTORY:

Continued on next page

Husband and Wife married in 1995. They had no children together, but, in 2006, the parties' adopted Child, who was Husband's natural granddaughter. Wife filed a petition for dissolution of marriage in 2012. Fierce litigation of custody and property division followed, which is detailed in the opinion. After seven days of final hearing, the trial court issued its Decree which divided the marital estate 60/40% in Wife's favor, based upon Husband's dissipation and greater income, and awarded Wife sole legal and primary physical custody of Child. Husband appealed.

The Court of Appeals affirmed the 60/40 division of the marital estate in Wife's favor. The record included extensive evidence of Husband's gambling, hiding of money, and non-reporting of cash income. Thus, the trial court's deviation in Wife's favor was not an abuse of discretion.

On the determination of child custody, the Court of Appeals noted the substantial discretion afforded to a trial court making these decisions. The Decree included two dozen findings in support of its custody determination. The Decree's custody order was a well-reasoned decision, and Husband's appeal was viewed as an impermissible invitation to reweigh the evidence presented at trial.

The Court of Appeals also affirmed other aspects of the Decree that were appealed by Husband, including a $25,000 attorney fee award in Wife's favor and a retroactive modification of Husband's child support obligation back to the date Wife filed her petition to modify it.

The Decree was affirmed.

***Burns v. Burns*, 2018 Ind. App. Unpub. LEXIS 267 (memorandum decision)**

This is a memorandum decision that I am including due to the Court's apparent rejection of the "coverture method" for determining the premarital portion of a pension. In its holding, the Court of Appeals reversed the trial court for using the coverture method in excluding the premarital portion of the pension from the marital estate. However, what caught my attention was this language in *dicta*: "No evidence was introduced to establish the value of the pension on the date of the parties' marriage, and Husband failed to present any evidence to support the assertion that one-third of the value of the pension [as determined by coverture method] was acquired before the parties were married." This appears to be a wholesale rejection of the use of the coverture method, in favor of doing a pension valuation as of the date of marriage to determine the premarital portion of a pension. (Judge Bailey, dissenting, believed the evidence of the coverture portion was sufficient to warrant affirming the Decree.)

***J.R.C. v. J.C. (In re: K.A.W.)*, 2018 Ind. App. LEXIS 143 (Ind. Ct. App. 2018)**

HELD: Putative Father's consent to the adoption of Child was irrevocably implied when Putative Father failed to register as a putative father prior to either: (i) 30 days after Child's birth, or (ii) by the time Adoptive Parents filed their petition to adopt Child.

Child was born to Mother in 2014. Putative Father was incarcerated before Child's birth, and periodically after Child's birth. In late 2015, Putative Father filed a petition to establish paternity and for DNA testing. Two months later, Adoptive Parents – with whom Child had lived much of Child's life – filed a petition to adopt Child. The two cases were consolidated. The trial court's order on DNA testing established Putative Father to be Child's biological father. However, Putative Father's paternity action was then stayed by the trial court, since Putative Father had failed to register as a putative father by the statutory deadline (either within 30 days of Child's birth, or prior to Adoptive Parents filing their petition for adoption.)

Having failed to register as a putative father in a timely manner per statute, Putative Father's consent to Child's adoption was deemed irrevocably implied, and the adoption petition by Adoptive Parents was granted. Father appealed.

The Court of Appeals seemed troubled by the equities of this particular case, referring to the feeling of the case as both "nonsensical" and "unjust." Nevertheless, because the plain and ordinary language of the statute required Putative Father to have registered as a putative father timely – and it was uncontroverted that Father did not – the result is that Putative Father's consent to Child's adoption was irrevocably implied.

As such, the trial court's adoption order should be and was affirmed.

***Bessette v. Turflinger (In re: Paternity of S.R.W.)*, 2018 Ind. App. LEXIS 141 (Ind. Ct. App. 2018)**

HELD: In a paternity matter, Mother was not entitled to a change of judge after her successful appeal because the case was remanded with instructions that did not require a new trial, further hearings, or the consideration of additional evidence.

Mother and Father are the parents of Child, who was born in 2001. Paternity was established, along with orders concerning custody, parenting time, and support. Numerous disputes arose between the parents. In 2016, the trial court, having previously found Mother in contempt and having issued a suspended jail sentence, ordered Mother to jail for 30 days. Mother appealed that order, which the Court of Appeals affirmed in part, vacated in part, and remanded to the trial court. The Court of Appeals' order on remand instructed specific changes to clarify the trial court's contempt order.

With the case back before the trial court, Father filed a host of new pleadings. Mother filed a motion for change of venue from the judge, citing Trial Rule 76(C)(3), which permits a change of judge when a case is remanded after appeal. (Mother had previously used her one post-paternity Decree change of judge that is permitted under Trial Rule 76(B).) However, a change of judge under Trial Rule 76(C)(3) is not permitted after every appeal, but only when a new trial is ordered, or the hearing of new evidence is required. Since Mother's successful appeal required neither on remand, Mother's request for a change of judge was denied by the trial court. Mother appealed the denial of her request for a change of judge.

The Court of Appeals agreed with the trial court. "[N]othing in our opinion required the trial court to conduct a new hearing. . . it was unnecessary for the trial court to conduct further hearings." Trial Rule 76(C)(3) allows a change of judge only where a new trial is ordered or the trial court is required to reconsider some or all of the issues heard during the earlier trial. Since Mother's successful appeal resulted in a remand with specific instructions that required no further evidence or consideration of this type, Mother was not entitled to a change of judge.

The trial court's order denying Mother's request for a change of judge was affirmed.

***Masters v. Masters*, 2018 Ind. App. LEXIS 132 (Ind. Ct. App. 2018)**

HELD: An indemnification provision for violations of the parties' arbitrated Decree permitted Wife to recover appellate attorney's fees from Husband when Husband elected not to comply with a term of the Decree and instead pursue an appeal of it.

A dissolution of Husband and Wife's marriage commenced in 2012. The parties agreed to participate in arbitration per Ind. Code 34-57-5-1. The arbitrator's final order determined custody, parenting time, child support, division of the marital estate, and all other ancillary issues of the dissolution of marriage. The arbitrated Decree also included a $95,000 attorney fee award against Husband, in favor of Wife.

Instead of paying the $95,000, Husband appealed the attorney fee award. Husband's appeal went to the Indiana Supreme Court, where it was affirmed.

After Wife's successful defense of Husband's appeal of the attorney fee award, Wife filed a motion to recover all of her appellate and post-decree attorney fees incurred in defending and pursuing the $95,000 attorney fee award. Wife asserted that Husband's failure to pay the $95,000 timely and without appeal was a violation of the indemnification clause of the arbitrated Decree. That clause provided as follows: "[E]ach party is ORDERED to indemnify the other party from any violation of the terms and conditions of this Decree, including costs and reasonable attorney fees." Wife argued that, by choosing not to pay the $95,000 attorney fee award, Husband was in violation of the Decree. The trial court agreed with Wife and issued an additional attorney fee award in the amount of $75,000 against Husband. Husband appealed.

The Court of Appeals noted that indemnification provisions are in the nature of contract, and because the parties both consented to arbitration, then, by extension, they both consented to the indemnification clause that arose from arbitration.

Continued on next page

Next, the Court of Appeals concluded that the order that Husband pay $95,000 of attorney's fees to Wife was a "term" of the Decree, thus making it subject to the indemnification clause that covered violations of "terms" of the Decree. "Husband . . . violated the Decree by failing to immediately pay Wife's attorney fees and costs in the amount of $95,000, the indemnity clause was triggered when Wife defended herself in Husband's appeal . . . [a]s such, we conclude that the trial court did not err in granting Wife's motion for indemnification."

The trial court's order was affirmed.

***J.W. v. D.F. (In re: E.B.F.)*, 2018 Ind. LEXIS 224 (Ind. 2018)**

HELD: In a 3-2 decision, the Indiana Supreme Court held that Mother's good faith efforts to recover from substance abuse problems, coupled with Father's and Stepmother's efforts to frustrate Mother's communication with Child, justified Mother's failure to communicate with Child for a period of one-year. Therefore, in Stepmother's action to adopt Child, Mother's consent was required.

A genetic parent's consent is generally required before an adoption petition may be granted. An exception to that rule is: "if for the period of at least one . . . year the parent . . . fails without justifiable cause to communicate significantly with the children when able to do so[.]"

Here, Mother and Father had Child in 2003 and never married. Mother was Child's primary custodian for Child's first 10 years of life.

In 2013, Father initiated a paternity action. As part of those proceedings, Father assumed primary physical custody of Child. Mother was given parenting time "at such times and upon such conditions as the parties are able to mutually agree." After seeing Child on Christmas Day of 2013, Mother withdrew from Child, apparently due to Mother's opioid dependency and other personal problems. Just over a year later, Father's wife of nine years ("Stepmother") initiated a step-parent adoption of Child. After a hearing, the trial court concluded that, based upon Mother's absence for a year, Mother's consent was not required to proceed with the adoption and, later, the trial court granted Stepmother's adoption of Child. Mother appealed.

The Indiana Court of Appeals affirmed the trial court's decision.

The Indiana Supreme Court granted transfer. The central issue on appeal was whether Mother's failure to communicate with Child for a period of one year was justified, or not. Reviewing Mother's situation during this period, the Court was sympathetic that much of Mother's absence from Child's life stemmed from Mother's own recognition that it was not in Child's best interests to be living with her, or to spend parenting time with her, given her substance abuse problems and related efforts at recovery. As a matter of first impression, the Supreme Court concluded that a failure to communicate with a child, due to the parent's efforts at drug recovery, may constitute a justification for not communicating with a child under the adoption consent statute. The Supreme Court also noted that the parenting time order in place during the subject period was indefinite and non-specific, and Father and Stepmother "thwarted the few attempts Mother made at communication" with Child.

Mother's failure to communicate with Child for a period of one year, having been justified, did not dispose of the need for Mother's consent to Stepmother's adoption of Child. The trial court's approval of Stepmother's adoption was reversed and remanded.

Justice Slaughter, joined by Justice Massa, dissented. On the issue of whether Father and Stepmother impeded Mother's efforts to communicate with Child, Justice Slaughter believed that this was a fact-finding exercise of the trial court that should have been afforded deference, as the Court of Appeals had done. As to the issue of Mother's recovery from substance abuse and whether it justified her failure to communicate with Child, the dissent noted this issue was raised *sua sponte* by the majority, was not raised by Mother below, and the issue was never briefed. Based upon the existing briefing and record, the dissent believed reversal based upon those circumstances was not warranted.

Congratulations to Judge Andrea Trevino

Submitted by Ashley N. Hand
Beckman Lawson, LLP
201 W. Wayne Street
Fort Wayne, Indiana 46802

The Family Law Section of the Indiana State Bar Association congratulates Judge Andrea Trevino on her appointment as the newest Allen County Superior Court Judge. Judge Trevino was appointed by Governor Eric Holcomb and sworn in on March 21, 2018. She will hear family and juvenile matters and oversee the Allen County Juvenile Center, a secure detention facility for juveniles.

Prior to being appointed to the bench, Judge Trevino was Magistrate in the Allen Circuit Court, having been appointed to the position in 2013 by Judge Thomas J. Felts. She presided primarily over the Allen Circuit Court IV-D Division, but also heard criminal, civil, and family relations matters.

We look forward to Judge Trevino's work at the Allen County Juvenile Center.

Congratulations to the New Magistrate Judges

Submitted by Ashley N. Hand
Beckman Lawson, LLP
201 W. Wayne Street
Fort Wayne, Indiana 46802

The Family Law Section of the Indiana State Bar Association congratulates and welcomes the newest magistrate judges to the bench. Magistrate Carolyn Foley was sworn in on March 29, 2018 and will be working with Judge Trevino at the Allen County Juvenile Center.

Magistrate Steven Godfrey was appointed to the Allen Circuit Court by Judge Felts. Magistrate Godfrey was sworn in on May 14, 2018.

We look forward to working with Magistrates Foley and Godfrey.

Nominations for the Gale M. Phelps Award are due June 29.

Nominate at *inbar.org*.

Family Matters

A publication of the
FAMILY & JUVENILE LAW SECTION
Indiana State Bar Association

Indiana State Bar Association
One Indiana Square, Ste. 530
Indianapolis, IN 46204

Phone: 317-639-5465 or 1-800-266-2581
Fax: 317-266-2588

Staff Liaison: Leah Baker
lbaker@inbar.org

Annual Section Dues $25*

New Lawyers – 0-3 years of practice are free.