

IC 31-12-2

Chapter 2. Establishment of Domestic Relations Counseling Bureau in Certain Counties; Provision of Counseling Services

IC 31-12-2-1

Application of law

Sec. 1. This chapter applies only to the following:

(1) A judicial circuit in which there is located a consolidated city and the judges of the superior court and the judge of the circuit court determine that the social conditions in the county and the number of domestic relations cases in the courts make the procedures provided under this chapter necessary for the full and proper consideration of the cases and the effectuation of the purposes of this chapter.

(2) A county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) in which the judge of the circuit court determines that the social conditions in the county and the number of domestic relations cases in the county's courts make the procedures provided under this chapter necessary for the full and proper consideration of the cases and the effectuation of the purposes of this chapter.

As added by P.L.1-1997, SEC.4.

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Creation

Sec. 2. For:

(1) any judicial circuit in which there is located a consolidated city, the judges described in section 1(1) of this chapter may establish a bureau of the courts; and

(2) a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), the judge of the circuit court may establish a bureau of the court;

known as the "Domestic Relations Counseling Bureau".

As added by P.L.1-1997, SEC.4.

IC 31-12-2-3

Order compelling party to cooperate in counseling services

Sec. 3. A judge may order either or both parties in a domestic relations proceeding to:

(1) report to the domestic relations bureau;

(2) cooperate in counseling; and

(3) furnish the counselor with pertinent information in a party's knowledge.

As added by P.L.1-1997, SEC.4.

IC 31-12-2-4

Actions and proceedings in which counseling services shall be provided; referrals

Sec. 4. (a) A domestic relations counseling bureau shall provide counseling service to the parties in separation, dissolution, or annulment actions, including enforcement, modification, and post-decree proceedings that are:

- (1) filed in a court; and
- (2) referred to the bureau by a judge with the intent to assist in a reconciliation of the parties, in the care and treatment of children, if any, and in the possible solution of any marriage problems or issues in a proceeding, in promotion of the general welfare.

(b) The bureau may receive cases referred to the bureau by attorneys at law, the ministry, or other agencies before a divorce action is filed, and counsel other married couples who seek the bureau's services of their own volition.

As added by P.L.1-1997, SEC.4.

IC 31-12-2-5

Appointment of referees, counselors, assistants, clerks, and other personnel; compensation; expenses

Sec. 5. (a) The judges described in section 1(1) of this chapter and the judge described in section 1(2) of this chapter may appoint:

- (1) one (1) or more professionally qualified domestic relations referees, counselors, and other necessary personnel, including a full-time director; and
- (2) necessary assistants and clerks;

to serve during the pleasure of the appointing judge to staff the domestic relations counseling bureau.

(b) The appointing judge shall fix the compensation and expenses of the personnel appointed under this chapter, which shall be paid out of the county general fund.

As added by P.L.1-1997, SEC.4.

IC 31-12-2-6

Duties of bureau

Sec. 6. The domestic relations counseling bureau shall perform the following duties in domestic relations cases and such other duties as the judges described in section 1(1) of this chapter, the judge described in section 1(2) of this chapter, or a magistrate assigns to the domestic relations counseling bureau:

- (1) The domestic relations counseling bureau shall promptly receive all requests for counseling services for the purpose of disposing of the requests under this chapter.
- (2) Whenever a proceeding is initiated and either party requests counseling or mediation, the domestic relations counseling bureau shall, in the bureau's discretion, interview and counsel each party or confer with both parties jointly for the purpose of reconciling the differences between the parties and making recommendations to the judge of any court upon referral.
- (3) In each case assigned to the bureau in which the custody, support, or welfare of a child is involved, to protect and

conserve the interest of the child, the domestic relations counseling bureau shall investigate and report upon:

- (A) the status and condition of the parties to the cause;
- (B) the status and condition of the child;
- (C) the provisions made or to be made for the protection of the welfare of the child; and
- (D) any other matter pertaining to the marriage that may affect the welfare of the child.

(4) Upon order of the judges described in section 1(1) of this chapter or the judge described in section 1(2) of this chapter, the domestic relations counseling bureau shall:

- (A) make post-divorce studies of problems arising in connection with child custody, support, and parenting time;
- (B) provide assistance to the parties in the enforcement of support orders; and
- (C) cause reports to be made and statistics to be compiled, which records and reports shall be kept as the judges described in section 1(1) of this chapter or the judge described in section 1(2) of this chapter directs.

(5) The domestic relations counseling bureau shall provide supervision in connection with referred cases or other cases as the judges described in section 1(1) of this chapter or the judge described in section 1(2) of this chapter may order.

As added by P.L.1-1997, SEC.4. Amended by P.L.68-2005, SEC.10.

IC 31-12-2-7

Counseling service not condonation of acts constituting grounds for divorce or dissolution of marriage

Sec. 7. The:

- (1) use of counseling service provided under this chapter; and
- (2) action taken that has been recommended by the domestic relations counselor;

is not condonation on the part of either spouse of acts that may constitute grounds for divorce or dissolution of the marriage.

As added by P.L.1-1997, SEC.4.

IC 31-12-2-8

Private counseling proceedings; confidential communications

Sec. 8. (a) All counseling:

- (1) proceedings;
- (2) interviews; and
- (3) conferences;

shall be held in private.

(b) All communications, verbal or written, and any record made as a result of the communications from the parties to the judge, the domestic relations counselor, or other person designated or recommended under this chapter in a counseling or conciliation proceeding:

- (1) are considered to be made in confidence; and
- (2) are not admissible and may not be used for any purpose in:

- (A) any divorce or dissolution of marriage hearing; or
- (B) any other proceeding.

As added by P.L.1-1997, SEC.4.

IC 31-12-2-9

Majority decision of judges

Sec. 9. The judges in carrying out this chapter must act by a majority of all their number.

As added by P.L.1-1997, SEC.4.

IC 31-12-2-10

Rules; special orders

Sec. 10. The judges described in section 1(1) of this chapter and the judge described in section 1(2) of this chapter shall establish uniform rules if applicable and may make special orders and rules as necessary.

As added by P.L.1-1997, SEC.4.

IC 31-12-2-11

Gifts and donations

Sec. 11. The domestic relations counseling bureau may receive gifts and donations from private sources under approval of the judges or the judge to supplement the bureau's budget.

As added by P.L.1-1997, SEC.4.

IC 31-12-2-12

Incorporation of records and property of marriage counseling service into bureau's service

Sec. 12. In a circuit or county that has a marriage counseling service paid for by private money and supervised by a court, the domestic relations counseling bureau may receive all records and property of the existing service and incorporate the records and property into the bureau's service.

As added by P.L.1-1997, SEC.4.