

IC 31-21-4

Chapter 4. Communication and Cooperation Between Courts

IC 31-21-4-1

Court communication with a court in another state

Sec. 1. An Indiana court may communicate with a court in another state concerning a proceeding arising under this article.

As added by P.L.138-2007, SEC.45.

IC 31-21-4-2

Party communication

Sec. 2. The court may allow the parties to participate in the communication. If the parties are not able to participate in the communication, the parties must be given the opportunity to present facts and legal arguments before a decision on jurisdiction is made.

As added by P.L.138-2007, SEC.45.

IC 31-21-4-3

Communication between courts

Sec. 3. Communication between courts regarding:

- (1) schedules;
- (2) calendars;
- (3) court records; and
- (4) similar matters;

may occur without informing the parties. A record need not be made of the communication.

As added by P.L.138-2007, SEC.45.

IC 31-21-4-4

Record of communication

Sec. 4. A record must be made of a communication under sections 1 and 2 of this chapter. The parties must be:

- (1) promptly informed of the communication; and
- (2) granted access to the record.

As added by P.L.138-2007, SEC.45.

IC 31-21-4-5

Testimony of a witness located in another state

Sec. 5. In addition to other procedures available to a party, a party to a child custody proceeding may offer testimony of witnesses who are located in another state, including testimony of the parties and the child, by deposition or other means allowable in Indiana for testimony taken in another state. The court on its own motion may:

- (1) order that the testimony of a person be taken in another state; and
- (2) prescribe the manner in which and the terms on which the testimony is taken.

As added by P.L.138-2007, SEC.45.

IC 31-21-4-6**Depositions or testimony of a person residing in another state**

Sec. 6. An Indiana court may permit a person residing in another state to be deposed or to testify by:

- (1) telephone;
- (2) audiovisual means; or
- (3) other electronic means;

before a designated court or another location in that state. An Indiana court shall cooperate with courts in other states in designating an appropriate location for the deposition or testimony.

As added by P.L.138-2007, SEC.45.

IC 31-21-4-7**Documentary evidence from another state**

Sec. 7. Documentary evidence transmitted from another state to an Indiana court by technological means that do not produce an original writing may not be excluded from evidence on an objection based on the means of transmission.

As added by P.L.138-2007, SEC.45.

IC 31-21-4-8**Request by an Indiana court to a court in another state**

Sec. 8. An Indiana court may request the appropriate court of another state to do the following:

- (1) Hold an evidentiary hearing.
- (2) Order a person to produce or give evidence under the procedures of the other state.
- (3) Order that an evaluation be made with respect to the custody of a child involved in a pending proceeding.
- (4) Forward to the Indiana court:
 - (A) a certified copy of the transcript of the record of the hearing;
 - (B) the evidence otherwise presented; and
 - (C) an evaluation prepared in compliance with the request.
- (5) Order:
 - (A) a party to a child custody proceeding; or
 - (B) any person having physical custody of the child; to appear in the proceeding with or without the child.

As added by P.L.138-2007, SEC.45.

IC 31-21-4-9**Request by a court in another state to an Indiana court**

Sec. 9. On the request of a court of another state, an Indiana court may:

- (1) hold a hearing; and
- (2) enter an order described in section 8 of this chapter.

As added by P.L.138-2007, SEC.45.

IC 31-21-4-10**Travel and reasonable expenses**

Sec. 10. Travel and other necessary and reasonable expenses incurred under sections 8 and 9 of this chapter may be assessed against the parties according to Indiana law.

As added by P.L.138-2007, SEC.45.

IC 31-21-4-11**Preservation of court records**

Sec. 11. An Indiana court shall preserve the:

- (1) pleadings;
- (2) orders;
- (3) decrees;
- (4) records of hearings;
- (5) evaluations; and
- (6) other pertinent records;

with respect to a child custody proceeding until the child becomes eighteen (18) years of age. On appropriate request by a court or law enforcement official of another state, the Indiana court shall forward a certified copy of the records to the court of the other state.

As added by P.L.138-2007, SEC.45.