

Juvenile Justice Improvement Committee  
Judicial Conference of Indiana

Meeting via Teams  
January 7, 2022

A meeting of the Juvenile Justice Improvement Committee was held via Teams on Friday, January 7, 2022 from 12:00 p.m. – 2:00 p.m.

1. JJIC members. Hubert Branstetter, Jr., James D. Humphrey, Holly Harvey, Matthew L. Headley, Brett J. Niemeier, Kaarin Lueck, Daniel W. Kelly, Ryan King, Thomas P. Stefaniak, Jr., Andrea R. Trevino and Faith A. Graham, Chair.
2. Staff. Jeffrey Bercovitz, Leslie Dunn, Rae Feller, Joseph Fischer, Angela Reid-Brown, Colleen Saylor, Nancy Wever, Indiana Office of Court Services; Gaye Lynn Strickland and Lisa Thompson, Trial Court Technology also attended the meeting.
3. Guests. Amber Fystro and Jackson Ailstock, Indiana House of Representatives; Judge Stephen R. Galvin; Judge Kent Kiracofe; Senior Judge Heather Mollo, Jurist in Residence; Senior Judge Nancy Gettinger, Jurist in Residence; Kimberly Spindler, Rachel Russell, and Whitney Fritz, Indiana Department of Child Services (DCS) and Julie Whitman, Executive Director, Commission on Improving the Status of Children in Indiana.
4. Minutes approved. The minutes for the Juvenile Justice Improvement Committee on December 3, 2021 were approved as amended.
5. Presentation by DCS. Kimberly Spindler, Rachel Russell, and Whitney Fritz presented information about expungement in CHINS cases. They requested additional detail in expungement orders in cases when the CHINS case was dismissed, a substantiation had occurred, but was not mentioned in the expungement order. The committee agreed by consensus DCS should forward to the Juvenile Benchbook Committee suggested language for orders in this area.
6. Automatic expungement in Delinquency. Jeffrey Bercovitz explained the memorandum to implement automatic expungement prepared last month about Odyssey procedures to report cases eligible for expungement, did not reference discharge of the juvenile as the event which triggers the automatic expungement. Gaye Lynn Strickland and Lisa Thompson, Trial Court Technology, explained information they believed would be helpful to courts when generating a list of juveniles eligible for automatic expungement. Odyssey does not include the discharge date of a juvenile delinquent. Although the SRS system does include the discharge date, there would be a cost to bring the information into Odyssey.

Committee members agreed by consensus Trial Court Technology should build a system to prepare a report from Odyssey which would generate a child's case number, name, DOB, 19<sup>th</sup> birthday, and adjudication date and bring a sample back to the

committee. The committee also agreed by consensus to review the legislative fix prepared by the subcommittee to study this issue.

7. County payment for placements. Committee members discussed a rumor that counties would again have to pay for placements with which DCS does not agree. Committee member did not believe the procedures under Indiana law had changed in this area.

8. Detention center staffing. Committee members discussed staffing at Indiana's juvenile detention centers. They indicated:

- Retention issues are worse now than ever at juvenile detention centers
- Some juvenile detention centers are trying to increase salaries
- A juvenile detention center with a contract price for all the beds does not have enough money to increase salaries. The court is seeking additional monies only to be applied to salaries
- Salaries for part-time employees were increased
- It is difficult to find the right persons for positions at a juvenile detention center
- Supervisors are filling in at some juvenile detention centers
- It is difficult to compete with salaries paid to community corrections and others in the adult area
- A juvenile detention center started paying a shift differential for second and third shifts.
- Juveniles excluded automatically from juvenile court jurisdiction and waived juveniles are a more difficult population for a detention center
- Out of county juveniles are more difficult to handle since the staff does not know them like in-county juveniles.
- One detention center is at or exceeding capacity with out of county juveniles.

9. Recent legislation.

- Representative DeVon requested this committee determine if they supported draft legislation concerning establishment of paternity in CHINS case. Committee members agreed by consensus, as discussed by the subcommittee at the last meeting, the issues concerning the establishment of paternity in CHINS cases needed a deeper review of all the issues surrounding it. Judge Trevino will schedule a meeting of the subcommittee to thoroughly review all issues and draft a recommendation.
- Judge Graham agreed to distribute a list of juvenile court judicial officers who agreed to testify concerning juvenile law and procedures. Judge Humphrey agreed to be added to the list.
- HB 1132 should be reviewed along with other juvenile legislation
- Committee members discussed SB 180 which would require attorneys appointed in all CHINS cases. They discussed the potential lengthening of hearings, the lack of enough attorneys in counties and more rural counties generally, the cost of counsel, the effect of this requirement on existing CASA programs, the need to limit attorneys to older children, and other issues. They agreed by consensus to distribute a list of issues as talking points and a national letter concerning reauthorization of CAPTA as

soon as possible to committee members. The bill is being heard Monday and Judge Graham agreed to testify.

- Draft Juvenile Justice Reform Task Force proposed legislation was distributed to the committee. Julie Whitman, Executive Director, Commission on Improving the Status of Children in Indiana gave some highlights of the legislation, including a statewide oversight commission for juvenile justice data, a requirement of use of juvenile screening tools, statewide juvenile diversion statutes and grant programs, specific probation standards for juveniles, and a minimum age for juvenile detention of 12 with some exceptions. Committee members discussed that transition to this new law, if it passes, may be smoother if the county was already a JDAI county.

10. Other.

- Judge Graham reported she and Judge Humphrey, President, Indiana Council of Juvenile and Family Court Judges meet the first Friday of the month with Director Stigdon, DCS. She asked committee members to contact her if they have topics they wish for her to discuss with Director Stigdon.
- Judge Graham reported there are scholarship monies available to join the National Council of Juvenile and Family Court Judges and noted their upcoming conference dates.
- Senior Judge Mollo asked for volunteers to form a joint committee to discuss potential restoration of parental rights legislation. Judge Graham, Senior Judge Gettinger, and Judge Niemeier volunteered to participate on the committee. Senior Judge Mollo reported Judge Humphrey and Judge Campbell also volunteered.

11. Next meeting. The Juvenile Justice Improvement Committee agreed by consensus to hold their next meeting on Friday, February 4, 2022 from 12:00 noon – 2:00 p.m. with the Child Welfare Improvement Committee. They also agreed to add a meeting to their schedule of Friday, October 7, 2022.

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Law

Juvenile Justice Improvement Committee  
Child Welfare Improvement Committee  
Judicial Conference of Indiana

Joint meeting held remotely via Teams  
February 4, 2022

A meeting of the Juvenile Justice Improvement Committee and Child Welfare Improvement Committee was held jointly via Teams on Friday, February 4, 2022 from 12:00 p.m. – 2:00 p.m.

1. JJIC members. Hubert Branstetter, Jr., Holly M. Harvey, Matthew L. Headley, James D. Humphrey, Daniel W. Kelly, Kaarin M. Lueck, Brett J. Neimeier, Graham C. Polando, Andrea R. Trevino and Faith A. Graham, Chair.
2. CWIC members. Tatiana Alvarez, Christine Haseman, Ashley Krumbach, Joel McGormley, Karen Mikosz, Teresa Lyles, Michael Moore, and Sonya O. Rush.
3. Staff. Jeffrey Bercovitz, Leslie Dunn, Mindy Pickett, Angela Reid-Brown, Colleen Saylor, Nancy Wever, Indiana Office of Court Services.
4. Guests. Jackson Ailstock, Indiana House of Representatives, Nancy Gettinger and Heather Mollo, Jurists in Residence, Judge Stephen R. Galvin; Judge Kenton Kiracofe; Christine Reynolds and Shelby Price, Indiana Criminal Justice Institute; Julie Whitman, Executive Director, Commission on Improving the Status of Children in Indiana.
5. Minutes approved. The minutes for the Juvenile Justice Improvement Committee meeting on January 7, 2022 were approved.
6. Presentation by ICJI.
  - a. Christine Reynolds, Indiana Criminal Justice Institute (ICJI) presented Racial and Ethnic Disparities (RED) information to the committee. This included county RED statistics for the previous year, cover letter, a technical assistance sheet and Frequently Asked questions. The Juvenile Justice Improvement Committee agreed by consensus to have the ICJI distribute this information to all courts via an email list from the Office of Court Services. Christine Reynolds also supplied a link to the most recent Racial and Ethnic Disparities plan and noted it was based on percentage changes and not previously used relative rate index numbers. She encouraged all judicial officers to take the RED course in the judicial training network developed jointly with the Office of Court Services and requested committee members to:
    - assist in more accurate reporting
    - review their county data and contact her if something does not seem correct
  - b. Christine Reynolds reported ICJI received a State Justice Statistics grant for a survey about arrests and referrals to the juvenile justice system in Indiana.

7. Recent legislation. Committee members reviewed Senate Bills 9, 148, 180, 182, 185, 266, 410 and House Bills 1181, 1247, 1359 and 1363.
8. Restoration of parental rights. Senior Judge Mollo, Jurist in Residence reported the committee on restoration of parental rights was formed and would hold its first meeting soon.
9. Performance measures data. Colleen Saylor, Court Improvement Program, Data Analyst, highlighted findings of the 2021 Court Performance Measures Report. She said the reported noted improvements in permanency times in some areas. It was also noted the filing of a termination of parental rights petition, which affects some time reporting, was beyond the control of courts.
10. Permanency conference. Angela Reid-Brown reported the joint committee recommended a multidisciplinary permanency conference at a meeting in February 2021 to assist in improving permanency outcomes for children. Committee members discussed ideas for the conference and agreed by consensus the permanency conference should be statewide in order to have a consistent message.
11. Other. Committee members discussed encouraging a group of Senior Judges to conduct termination of parental rights hearings only. They could conduct video court trials. Since termination of parental rights trials may be multiple days, and the findings are so important, the Senior Judges should have a full day or two to draft the findings of fact and conclusions of law.
12. Next meeting. The Juvenile Justice Improvement Committee agreed by consensus to hold their next meeting on Friday, March 4, 2022 from 12:00 noon – 2:00 p.m. They also agreed to add a meeting to their schedule on Friday, December 2, 2022.

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Law

Juvenile Justice Improvement Committee  
Judicial Conference of Indiana

Meeting via Teams  
March 4, 2022

The Juvenile Justice Improvement Committee met via Teams on Fri., March 4, 2022 from 12:00 p.m. – 2:00 p.m.

1. JJIC members. Hubert Branstetter, Jr., Holly M. Harvey, James D. Humphrey, Daniel W. Kelly, Ryan J. King, Kaarin M. Lueck, Graham C. Polando, Thomas P. Stefaniak, Jr., Andrea R. Trevino and Faith A. Graham, Chair.
2. Staff. Jeffrey Bercovitz, Leslie Dunn, Noora Al-Nadheri, Mindy Pickett, Angela Reid-Brown, Nancy Wever, Indiana Office of Court Services.
3. Guests. Heather Mollo, Jurists in Residence; Judge Kenton Kiracofe; Gaye Lynn Strickland, Court Technology; Julie Whitman, Executive Director, and Janie Smith, Intern, Commission on Improving the Status of Children in Indiana.
4. Minutes approved. The minutes were approved for a joint meeting of the Juvenile Justice Improvement and Child Welfare Improvement Committees on February 4, 2022.
5. Automatic expungement. Gaye Lynn Strickland explained an Odyssey program under construction giving a court notice a juvenile case may be ready for automatic expungement. She also discussed a memorandum used to implement automatic expungement procedures for Odyssey. In response to questions, she agreed to review whether special judge cases could be included and prepare a cheat sheet on the use of the Odyssey program. Judge Kiracofe agreed to use his county to test this new Odyssey program.  
Committee members agreed by consensus to request education about the implementation of the automatic expungement law and Odyssey program procedures at the Juvenile and Family Court Judicial Officer conference. The committee recommended Quest be included since some counties use it for juvenile cases.
6. Recent legislation. Committee members reviewed Senate Bills 9, 117, 148, 180, 182, 185, 246, 266, 410 and House Bills 1071, 1181, 1247, 1359 and 1363.
7. Other.
  - Committee members discussed concerns with Cordant Health Solutions, the contracted provider for drug testing in CHINS cases, including the availability of sites in the court, lack of staffing and long waits for a test at testing offices.
  - Committee members discussed notice at courthouses to litigants of confidential juvenile hearings.

8. Next meeting. The Juvenile Justice Improvement Committee agreed to hold their next meeting on Friday, May 6, 2022 from 12:00 noon – 2:00 p.m.

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Law

Juvenile Justice Improvement Committee  
Child Welfare Improvement Committee  
Judicial Conference of Indiana

Joint meeting held remotely via Teams  
May 6, 2022

A meeting of the Juvenile Justice Improvement Committee and Child Welfare Improvement Committee was held jointly via Teams on Friday, May 6, 2022 from 12:00 p.m. – 1:15 p.m.

1. JJIC members. Hubert Branstetter, Jr., James D. Humphrey, Daniel W. Kelly, Ryan J. King, Kaarin M. Lueck, Brett J. Neimeier, Thomas P. Stefaniak, Andrea R. Trevino and Faith A. Graham, Chair.
2. CWIC members. Tatiana Alvarez, Sally Berish, Ashley Colborn, Christine Haseman, Jennifer Hubartt, Ashley Krumbach, Teresa Lyles, Derrick Mason, Michael Moore, and Andrew Roesener, Chair.
3. Staff. Jeffrey Bercovitz, Leslie Dunn, Mindy Pickett, Angela Reid-Brown, Colleen Saylor, Indiana Office of Court Services.
4. Guests. Kimberly Nightingale, DCS; Nancy Gettinger, Jurist in Residence, Judge Stephen R. Galvin; Judge Kenton Kiracofe; and Gaye Lynn Strickland and Lisa Thompson, Court Technology
5. Minutes approved. The minutes for the Juvenile Justice Improvement Committee meeting on March 4, 2022 were approved.
6. Performance measures data. Colleen Saylor, Court Improvement Program, Data Analyst, highlighted 2021 court performance measures data. Committee members discussed the considerable time it takes for adoptions to occur. Leslie Dunn noted attendance at a value stream analysis at DCS about streamlining the adoption process. Kimberly Nightingale noted DCS is working on changes to the eligibility determination and other changes to shorten the time to adoption.
7. Child and family services review. Angela Reid-Brown gave an overview of the Child and Family Services Review (CFSR) federal review process. The process will help the state improve their work with children and families. The CFSR will begin in the fall of 2022. The Court Improvement Program needs to develop a plan for judicial and legal participation in the CFSR process. Stakeholders will include Parent attorneys, DCS legal, judicial officers, Guardians ad litem, public defenders, and others. There will not only be an examination of the timeliness of permanency and review hearings during this CFSR, but the quality of the hearings.



8. Permanency conference. Angela Reid-Brown reported the multidisciplinary permanency conference will be held in Spring 2023, because of scheduling concerns. Committee members discussed:

- Holding the meeting in person
- Regional breakout sessions
- Discussion of the DCS adoption negotiation process and why it is so long in some cases and so short in others
- Whether the paperwork could start for adoption while the TPR is pending
- Why some adoption cases wait until the child is two years old
- How to conduct a good permanency hearing. What questions should a court ask?
- The need for more training for DCS workers
- Access to the adoption petition by DCS workers
- Recognition adoption is not the only permanency plan, and alternatives for adoption
- Clarification about questions on collaborative care
- Use of noncustodial parents as a permanency option

9. Automatic expungement. Gaye Lynn Strickland showed the Odyssey program which would give a court a report a juvenile case may be ready for automatic expungement under Ind. Code 31-39-8-3.5. The report will list information about cases which may be eligible for possible automatic expungement under this law, and the court will have to check their eligibility. She noted even in Quest counties, Odyssey will have to be checked for financial records, which may not be in Quest. A memorandum was distributed about the law drafted by Magistrate Polando and revised by Jeffrey Bercovitz. Gaye Lynn Strickland noted she had prepared a cheat sheet for the new law. Committee members agreed by consensus to distribute information about the new law in a Wednesday message with the memorandum, cheat sheet, Quest information and Benchbook forms. It was clarified these Odyssey procedures to not apply to the statute recently passed on expungement of juvenile arrests and dismissals.

Lisa Thompson noted all juvenile expungement orders need to come to the Court Technology Helpdesk so all INcite applications (e.g. Preliminary Inquiry's, Case plans, assessments, etc.) can be searched for expungement purposes. The committee recommended the Juvenile Benchbook Committee revise their expungement order to note distribution to the helpdesk. Mr. Bercovitz announced there will be a presentation on implementation of the automatic expungement law and Odyssey program procedures at the Joint Juvenile and Family Court Judicial Officer Conference in June.

10. Other.

- Committee members reviewed summary of recent legislation to see if any juvenile bills were missing.
- Mr. Moore announced a Trial Practice Institute for CHINS/TPR attorneys sponsored by the Public Defender's Council. Some public defenders would not be in court during the training.
- Judge Graham announced Justice Steven David would be Chair of the Oversight Committee for implementation of HEA 1359. Committee members could contact

him or Julie Whitman about serving on one of the task forces as part of this group.

- Jeffrey Bercovitz announced a training on Indiana's new competency for juveniles law on May 31 by the Public Defender's Council

11. Next meeting. The Juvenile Justice Improvement Committee agreed by consensus to cancel their next meeting schedule on June 3, 2022 and hold their next meeting jointly with CWIC on Friday, August 5, 2022 from 12:00 noon – 2:00 p.m.

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Law

Juvenile Justice Improvement Committee  
Judicial Conference of Indiana

Meeting via Teams  
August 5, 2022

The Juvenile Justice Improvement Committee met via Teams on Fri., August 5, 2022 from 12:00 p.m. – 2:00 p.m.

1. JJIC members. Hubert Branstetter, Jr., Faith A. Graham, Kelsey Blake Hanlon, Holly M. Harvey, Daniel W. Kelly, Ryan J. King, Kaarin M. Lueck, Lori K. Morgan, Graham C. Polando, Thomas P. Stefaniak, Jr., and Andrea R. Trevino, Chair.
2. Staff. Jeffrey Bercovitz, Leslie Dunn, Rae Feller, Noora Al-Nadheri, Mindy Pickett, Angela Reid-Brown, Nancy Wever, Indiana Office of Court Services.
3. Guests. Heather Mollo, Jurist in Residence; Judge Kenton W. Kiracofe; Judge Stephen R. Galvin, JauNae Hanger and Sandy Runkle, Juvenile Justice and Cross-System Youth Task Force, Commission on Improving the Status of Children in Indiana; Caden Pociask, Children's Policy Law Initiative intern, Shannon J. O'Toole, public defender, Marion County; and Kayla Skinner, Indiana General Assembly.
4. Minutes approved. The minutes of the meeting on May 6, 2022 were approved.
5. Paternity after CHINS workgroup. Judge Trevino explained she could no longer serve on the Paternity after CHINS workgroup due to time constraints. Judge Trevino asked for volunteers to serve on a successor group to examine this issue and propose solutions. Magistrate Kelly and Judge Hanlon agreed to serve on this workgroup.
6. Minimum age of 12 for juvenile court jurisdiction. JauNae Hanger and Shannon O'Toole gave a presentation advocating for making the minimum age of juvenile court jurisdiction twelve years of age. They reported a high volume of misdemeanors and status delinquents now going to juvenile court. JauNae Hanger stated comprehensive student support services is essential to early intervention and prevent, although there is a deficit now. She said school resources should be expanded. There is an increase in Medicaid reimbursements, which frees up school monies. Concerns were expressed about the loss of judicial discretion to include acts including serious bodily injury and handgun violations.
7. Attorneys in CHINS. Judge Hanlon reported:
  - Title IV-E monies could be used to reimburse counties for CHINS representation of parents and children. The county does not have to be a public defender commission county or use commission standards to get these monies. It was agreed by consensus to distribute a link to the public defender commission program to the committee.
  - There is an ICJFCJ working group on attorneys in CHINS cases. Some concerns discussed include who is responsible for training, who consents to a child having an attorney, the lack of attorneys statewide, whether the parent and/or children have conflicts, client directed vs. best interest representation and other issues.

8. Detention of juveniles. Staff reported receiving calls about the lack of juvenile detention bedspace for 16-17 year-olds and waived juveniles. This may be due to staffing and Covid issues. There is a sample order under in the Criminal Benchbook for a juvenile arrestee less than 18 years of age and charged as an adult (See Ind. Code § 31-30-3-12.) In addition the DOC policy on safekeepers is at the DOC division of youth services website.

9. Competency. Magistrate Lueck reported about information discussed at a conference on competency assessments and competency restoration for juveniles. The conference was conducted by the Public Defender's Council on May 31, 2022. She noted there were no uniform standards to qualify persons for evaluations of the competency of juveniles for court proceedings. Staff reported DCS had an RFP for restoration services out, which was now closed. DCS is evaluating providers who responded.

10. Dual Status Committee. Senior Judge Mollo reported the dual status manual was updated, a large continuing education session on dual status was held last fall, dual status forms were updated, and this topic is covered in new judge and probation officer orientations. The committee was created for implementation, but not to be an oversight committee. Committee members discussed how the Youth Justice Oversight Committee may take over this role. Judge Stefaniak moved to recommend the dual status committee be disbanded. Judge Morgan seconded the motion. The motion was passed.

11. Expungement. Staff reported there are now three (3) different expungement statutes for juveniles. They include (1) expungement under Ind. Code § 31-39-8-2 and 3 with a petition; and (2) under Ind. Code § 31-39-8-3.5 or automatic expungement in the juvenile code. The forms for those expungements are in the Juvenile Benchbook. The new automatic expungement for juvenile arrests and dismissals is in the criminal code at Ind. Code § 35-38-9-1. Committee members discussed the need to check on the automatic expungements under the juvenile code.

12. Next meetings. Judge Trevino, Chair asked committee members to keep Friday afternoons open for in person meetings, which would be held if beneficial to do so. However, winter meetings and meetings with less agenda would continue to be held remotely. The committee agreed to hold their next meeting remotely on Friday, October 7, 2022 from 12:00 noon – 2:00 p.m., since some members will be at another conference that day.

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Law

Juvenile Justice Improvement Committee  
Judicial Conference of Indiana

Meeting via Teams  
October 7, 2022

The Juvenile Justice Improvement Committee met via Teams on Fri., October 7, 2022 from 12:00 p.m. – 2:00 p.m.

1. JJIC members. Faith A. Graham, Kelsey Blake Hanlon, Holly M. Harvey, Daniel W. Kelly, Ryan J. King, Kaarin M. Lueck, Lori K. Morgan, Graham C. Polando, Thomas P. Stefaniak, Jr., and Andrea R. Trevino, Chair.
2. Staff. Jeffrey Bercovitz, Leslie Dunn, Colleen Saylor, Angela Reid-Brown, Indiana Office of Court Services.
3. Guests. Senior Judge Nancy Gettinger, Jurist in Residence; Judge Kenton W. Kiracofe; Jennifer Carroll; Don Travis, Department of Child Services (DCS); and Graham Keller, Indiana House of Representatives
4. Minutes approved. The minutes of the meeting on August 5, 2022 were approved.
5. Adoption subsidy. Jennifer Carroll discussed a new adoption subsidy procedure for DCS. She noted the Central Eligibility Unit is separate from the Negotiations Unit. These two units will be able to communicate with messages via a new SharePoint portal. In addition, all children will be initially offered a 50% subsidy. If accepted there will be no need for financial paperwork to be submitted. Other changes were made to speed up the subsidy process. Adoption consultants will be able to assist FCM's in this new process. Time reduction on cases since July 1, 2022 is 15-17 days less time. It was reported the Child Welfare Improvement Committee invited DCS to share suggestions on how judges can help aid the process.
6. Credit checks. Don Travis, Department of Child Services described the federal requirement for conducting credit checks for CHINS and Delinquent children in foster care or placed out of home. DCS is conducting the credit checks for children 14 years old or older, although the federal mandate is only for children 16 years old and older. Don Travis reported he will be talking with probation about these checks later in the month.  
DCS described the process DCS takes if a child with a CHINS case is found to have a credit report. He asked for guidance on what, if any instructions DCS should give to probation if a child with a delinquency case is found to have a credit report. Committee members discussed reporting identify theft or credit fraud to law enforcement or the prosecutor in CHINS and delinquency cases. The committee agreed to discuss this issue at their next meeting. The committee agreed to bring the

information about the checks back to their county and discuss with their probation office and prosecutor what to do with the credit information once received from DCS.

7. Attorneys in CHINS.

- Judge Hanlon reported Sen. Ford conducted two (2) public meetings in September discussing the use of an attorney for children in all CHINS cases. The second meeting included speakers from 3 states who described how the representation works in their state.
- Judge Hanlon noted one state is implementing this representation over a 6 year period. She stated there was a lot of discussion between stated and best interest representation at the second public meeting. Judge Graham noted there was also discussion of a “legal” interest representation in one state.
- Committee members discussed Sen. Ford will hold another meeting in late October, the lack of attorneys in rural counties, the need for quality representation and caseload standards, a preference of attorneys to represent the children and not the parents, and a meeting soon with the President of the Judges Association and Sen. Ford. Committee members agreed to ask the President to attend the next meeting of this committee to report on his meeting with Sen. Ford.

8. Safer Communities Act. Staff discussed new federal legislation which requires a background check for persons 18-21 years of age who purchase firearms. The federal law includes looking for juvenile records, which would indicate the now adult, would be prohibited from purchasing the firearm.

Indiana has a state repository for juvenile history which requires “reportable acts” to be reported the repository. Committee members agreed the old form to make this report should be distributed to the committee and staff should explore reporting this information electronically. The statute should be reviewed to make sure low level acts should not be reported. The juvenile automatic expungement statute should be reviewed to see which acts should be reported. Felonies and gun violations should be reported. It was agreed the juvenile history statute should be reread by the ICJFCJ to see if any amendment was needed.

9. Competency. Judge King reported a workgroup was formed to look at the new statute on competency evaluation and attainment effective on December 31, 2022. He reported the first meeting will be on October 11, 2022. There are unanswered questions concerning the implementation of the new law. Staff reported DCS is waiting for Indiana Department of Administration approval for a provider or providers for competency attainment services under the new law.

10. Adoption. Committee members discussed concerns with implementation of Indiana’s adoption laws. They agreed to draft a memorandum to courts: (1) to assure the adoption petition meets statutory requirements; (2) DCS received notice of adoption petitions as required by law; (3) concurrent plans including adoption be carefully reviewed before implementation; and (4) case law about having cases in different courts for the same family be reviewed. The committee also discussed the filers of the adoption petition informing the CHINS court when an adoption case was pending. Mag.

Lueck agreed to draft the memorandum and Judge Trevino, Judge Hanlon and Judge Morgan agreed to review.

11. Survey by ICJI. The Indiana Criminal Justice Institute (ICJI) asked for review of a survey of juvenile courts about racial and ethnic disparities. Committee members agreed it should be noted the survey would be voluntary, and the results would be confidential and reported in aggregate. They agreed to assist the ICJI in its distribution.

12. Other.

- Please sign up for a tour of the Hoosier Youth Challenge Academy Tour
- Committee members were asked to think about judicial education topics in the juvenile area for general jurisdiction conferences.

13. Next meeting. The committee agreed to hold their next meeting remotely on Friday, December 2, 2022 from 12:00 noon – 2:00 p.m.

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Law

Juvenile Justice Improvement Committee  
Judicial Conference of Indiana

Meeting via Teams  
**December 2, 2022**

The Juvenile Justice Improvement Committee met via Teams on Fri., December 2, 2022 from 12:00 p.m. – 2:00 p.m.

1. JJIC members. Hubert Branstetter, Jr., Faith A. Graham, Kelsey Blake Hanlon, Holly M. Harvey, Daniel W. Kelly, Ryan J. King, Kaarin M. Lueck, Lori K. Morgan, Brett J. Niemeier, Graham C. Polando, Thomas P. Stefaniak, Jr., and Andrea R. Trevino, Chair.
2. Staff. Jeffrey Bercovitz, Leslie Dunn, Rae Feller, Colleen Saylor, Angela Reid-Brown, Nancy Wever, Indiana Office of Court Services.
3. Guests. Judge Kenton W. Kiracofe; Sarah Faulkner, Department of Child Services (DCS); and Graham Keller, Indiana House of Representatives
4. Minutes approved. The minutes of the meeting on October 7, 2022 were approved as revised.
5. DCS legislation. Sarah Faulkner discussed draft DCS legislation, which provides: (1) medical records for foster children may be maintained electronically, (2) release of a child's social security number to a foster parent for income tax purposes, (3) clarifies all information collected by DCS about a family is confidential and may only be released by statute, and (4) substantiation information for a childcare worker if new information becomes available may be distributed. She reported DCS had no legislation about the repeal of CHINS 6.
6. Legislature. Judge Graham discussed legislative testimony by judges with members of the committee. Judge Trevino asked committee members who could give testimony to legislators to contact her about their availability.
7. Juvenile Competency. Judge King, Chair, Juvenile Competency Assessments and Restoration Workgroup, discussed their work to date. He reported a draft Guide to Competency Examination and a Competency Timeline were developed and distributed to the committee. He also stated DCS had contracted with Damar and Syra Health to provide juvenile competency services. Judge King said forms will also be forthcoming. He also gave an overview of the statute, which is effective December 31, 2022.
8. Attorneys in CHINS. Judge Hanlon reported she and Judge Kenworthy met with Sen. Ford to discuss the use of an attorney for children in CHINS cases. She stated Sen. Ford was interested in legislation to create a pilot program in a few counties for attorneys for all children in CHINS cases. The pilot would be evaluated by a university



to get good data. Judge Hanlon said she and Judge Kenworthy discussed what client centered representation means and suggested the attorneys in the pilot be assigned to juveniles at least 14 years old, since this age is used in the juvenile code for consent to adoption.

9. Safer Communities Act. Staff discussed the federal Safer Communities Act, which requires a background check for persons 18-21 years of age. The background check is looking for act while under age 18, the person committed certain acts under federal law which would prevent the purchase or transfer of a firearm. The federal law has provisions which require contact with a state's "criminal history or juvenile justice information system" to find disqualifying juvenile records.

Indiana has a state repository administered by the Indiana State Police for juvenile "reportable acts" to be reported the repository. It was noted there was poor reporting and follow up to the state repository. Staff noted a small group in house has convened to examine how to improve the reporting process under Indiana law and how Indiana can create a juvenile justice information system which would be helpful for federal background check purposes.

Committee members discussed use of the Youth Justice Oversight Commission to assist in this process. It was also noted the Indiana State Police at the repository should seal the records of a juvenile when the juvenile becomes twenty-two (22) years old.

10. Juvenile expungement.

Judge Trevino reviewed concerns about unintended consequences of Indiana's new expungement law.

- Waived juvenile cases – if the juvenile case is waived, there is still a need for the underlying juvenile record which needs to be accessible
- Cases dismissed by plea - In some cases, the state needs these expunged files to argue escalating patterns or behavior. The state would have to file a motion on every one of these cases to keep them from being expunged.
- Child placements are paid by DCS, and they have to concur; There may be a need to prove prior services for rehabilitation, which cannot occur if cases are expunged.
- IYAS – how to score correctly on prior acts if some cases are expunged
- Victim's rights act – how to notify victims per requirements if case is automatically expunged and staff cannot access the case
- Expungement procedure – it is unclear how juvenile records are to be expunged, since the statutes use different terms, including sealing, redaction, or complete destruction.
- Judge Graham shared she has had the same issue already with waiver cases. Another issue in QUEST is for coding purposes, a child comes in on JD and they do an Informal Adjustment (IA). While the IA is open, the case may be expunged and disappears.
- Mag. Polando echoed same issue on waivers. The statute indicates the case will either be dismissed or adjudicated but does not contemplate other scenarios. When there are multiple cases, and some are dismissed, he did not feel automatic

expungement applies, as “all” cases have not been dismissed as indicated in the statute.

Committee members agreed to talk with others in their county (e.g. prosecutors and others) and bring back additional concerns and take a more comprehensive look at this issue at the next meeting.

11. Youth Justice Oversight Committee. Leslie Dunn, Deputy Director, Children and Families Division, Indiana Office of Court Services, reported on the work of the Youth Justice Oversight Committee. She reported Senior Judge Steven David is Chair, and Judge Broadwell, Judge Carmichael, Judge Dolehanty, Magistrate Foley and Judge Graham are on the committee. There are work groups in these areas: Behavioral Health, Data, Diversion, Grants Process, Screening and Assessment and Juvenile Probation Standards. The Grants Work Group report is due on January 1, 2023 and all other workgroup reports are due July 1, 2023. She said the work groups are meeting monthly and there are minutes and more information available at the Committee’s website: <https://www.in.gov/youthjustice/>

12. Other.

- The Hoosier Youth Challenge Academy will give a presentation at the January meeting.
- Members of the committee agreed to discuss juvenile blended sentencing at the next meeting.
- Committee members may bring judicial education topics in the juvenile area for discussion at the next meeting.

13. Next meeting. The committee agreed to hold their next meeting remotely on Friday, January 6, 2023 from 12:00 noon – 2:00 p.m.

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Law