

January 28, 2022

Format: Remote via Teams

The Protection Order Committee met remotely via Teams on Friday, January 28, 2022, from 12:15 p.m. - 1:00 p.m.

Roll Call and approval of prior meeting minutes

Members present

Mag. Darrin Murphy, Mag. Alexis Dedelow, Hon. Kristina Kantar, Mag. Patricia McMath, Mag. Frank Nardi, Christopher Nancarrow, Mag. Michael Douglass, Hon. Mary Margaret Lloyd, Hon. Kristen McVey, Mag. Danielle Gaughan, Hon. Sean Persin, Chair.

Staff present

Melissa Arvin, Tom Jones, Carl Cowan

Minutes for October 22, 2021 were approved.

Legislative Update

There is only one bill so far related to protection orders. HB 1137 would allow courts to issue indefinite protection orders against sex or violent offenders on behalf of the victims of those offenses.

Recent issues raised by trial court judges with request for Committee discussion:

1. If a hearing on a protection order for harassment only is not held in 30 days, is the respondent entitled to a dismissal of the petition? Discussion was had and the general consensus was that the 30-day requirement was to benefit the petitioner and not for the respondent, however, it was determined that this issue was not one that warranted inclusion in the bench book.
2. Is it common for adults to electronically file petitions on behalf of other adults? How should trial courts address this?
 - a. This is not happening frequently as far as any of the judges are aware. If there is any hint of this, the Committee suggests requiring a hearing and making a record.
3. Should Return of Service Form include a line for signature of Respondent?

- a. Concern was expressed about hostility and respondents being unwilling to cooperate with signature so the committee is not taking any action to amend that form.
- 4. Should PO-0134 (Notice of Petition to Expunge) include language that original Petitioner is not required to appear?
 - a. Committee discussion was that this may be helpful to alleviate issues during expungement hearings. Judge McVey is going to draft some language for the Committee to review.

Benchbook Rewrite:

Final draft will be distributed to Committee via email but there are difficulties with the current draft. IOCS will address formatting; Committee Members to review before next meeting; entire meeting on April 22, 2022 will be devoted to Benchbook.

Meeting dates and times (usually 4th Friday of month):

February 25, 2022 (Benchbook) Teams	12:15 p.m. – 2:00 p.m.	Remote via
March 25, 2022 (tentative)	12:15 p.m. – 2:00 p.m.	Remote via Teams
April 22, 2022	12:15 p.m. – 2:00 p.m.	Remote via Teams
June 24, 2022	12:15 p.m. – 2:00 p.m.	Remote via Teams
August 26, 2022	12:15 p.m. – 2:00 p.m.	Remote via Teams
October 28, 2022	12:15 p.m. – 2:00 p.m.	Remote via Teams

April 22, 2022

Format: Remote via Teams

The Protection Order Committee met remotely via Teams on Friday, April 22, 2022, from 12:30 p.m. - 1:30 p.m.

Roll Call and approval of prior meeting minutes

Members present

Hon. Jonathan Brown, Mag. Alexis Dedelow, Mag. Michael Douglass, Hon. Danielle Gaughan, Hon. Kristina Kantar, Hon. Kristen McVey, Hon. Mary Margaret Lloyd, Christopher Nancarrow, Mag. Frank Nardi, Patty Morris, Shareeta Simpkins

Staff:

Melissa Arvin, IOCS; Tom Jones, IOCS; Carl Cowan, IOCT

Meeting Minutes from January 28, 2022 were approved

Legislative Updates

HB 1137

Discussion was held on the different ways the courts can comply with the new law and what best practices should be, including how the changes would impact electronic filing and IOCT. Judge Brown will be taking point on how the forms should be amended to include the new requirements.

Issues

Changes to PO-134 (Notice of Petition to Expunge):

Judge McVey amended the language on this form to ensure that the original petitioners get notice of the hearing but also have an explanation of the law related to their presence at the hearing. The form with new language was approved.

Questions presented to Comm:

1. Should bench book address practice of setting hearings without ruling on ex parte orders (question raised by ICADV)?
 - a. ICADV raised safety concerns about the increasing practice of not granting protection orders ex parte but setting them for a hearing, leaving the petitioner

- without protection in a time when respondents would then be aware of the protection order filing.
- b. Discussion was held on the issue and the committee will not be taking a position on best practices, etc. However, there was a willingness to intervene with particular judicial officers if the need arose.
2. Should changes be made to how Petitioners are notified and what they are notified of in the EFSP and POR (question raised by IOCT):
 - a. This discussion was tabled for further communication with IOCS and IOCT.
 3. Is it possible to allow attorneys better access to PO cases without violating VAWA?
 - a. It is believed that there is a mechanism already in place for this. IOCT to confirm.

Benchbook Rewrite tabled

Meeting dates and times (usually 4th Friday of month):

June 24, 2022	12:15 p.m. – 2:00 p.m.	Remote via Teams
August 26, 2022	12:15 p.m. – 2:00 p.m.	Remote via Teams
October 28, 2022	12:15 p.m. – 2:00 p.m.	Remote via Teams

June 24, 2022

Format: Remote via Teams

The Protection Order Committee met remotely via Teams on Friday, June 24, 2022, from 12:15 p.m. - 2:00 p.m.

Roll Call and approval of prior meeting minutes

Members present

Hon. Jonathan Brown, Mag. Patricia McMath, Hon. Kristen McVey, Mag. Frank Nardi, Christopher Nancarrow, Hon. Sean Persin, Chair.

Staff

Melissa Arvin, IOCS; Tom Jones, IOCS; Carl Cowan, IOCT

Meeting minutes from April 22, 2022 were approved

Issues

Forms for HB1137 – indefinite PO for certain sex offenders:

- Judge Brown has potential amended language
- The committee discussed the benefits and challenges of altering the current forms or creating a new form. Committee decided to amend current forms. Language will be incorporated and presented at the next meeting.

Review of Petitions

Many counties across the state are struggling with the issue of how to handle PO petitions when no respondent address is given. The Committee discussed best practices and how each member handles the issue.

Required end date for NCOs in criminal sentences:

- There is a lot of time spent in IOCT on auditing no contact orders in the registry.
- The end date field is not mandatory at the moment but could save a lot of time and auditing hours if the field became mandatory to fill in.
- Committee recommends the field become mandatory but wants input from the Criminal BenchBook or other relevant committee.

Caselaw: B.M. and R.M. v. A.J.

Discussion was had on the meaning and implications of the case moving forward, particularly related to managing time allotted to a particular case.

Request of committee input on recent case:

Judge Brown discussed a recent case and asked for the Committee's guidance as to his handling of the issues.

Benchbook rewrite – Status Report:

The rewrite is still tabled and will be moving forward as Judge Persin transitions out of his role on the committee. Judge Persin will return as a consultant if needed for institutional memory.

Meeting dates and times (usually 4th Friday of month):

August 26, 2022	12:15 p.m. – 2:00 p.m.	Remote via Teams
October 28, 2022	12:15 p.m. – 2:00 p.m.	Remote via Teams
January 27, 2023	12:15 p.m. – 2:00 p.m.	Remote via Teams
February 24, 2023	12:15 p.m. – 2:00 p.m.	Remote via Teams
April 28, 2023	12:15 p.m. – 2:00 p.m.	Remote via Teams
May 26, 2023	12:15 p.m. – 2:00 p.m.	Remote via Teams

August 26, 2022

Format: Remote via Teams

The Protection Order Committee met remotely via Teams on Friday, August 26, 2022, from 12:15 p.m. - 2:15 p.m.

Roll Call and approval of prior meeting minutes

Members present

Hon. Jonathan Brown, Mag. Michael Douglass, Hon. Danielle Gaughan, Mag. Melinda Jackman-Hanlin, Hon. Kristina Kantar, Mag. Darren Murphy, Christopher Nancarrow, Mag. Frank Nardi, Mag. Julie Verheye, Hon. Mary Margaret Lloyd, Chair.

Staff:

Melissa Arvin, IOCS; Carl Cowan, IOCT; Tom Jones, IOCS

Meeting Minutes for June 24, 2022 were approved

Issues

Amendment of PO petitions and orders on indefinite PO for victims of sex offenders

- Judge Brown has some proposed language for the petitions.
- Discussion was had from the committee as to where to put this language as well as we likely don't need language in the order because the orders are all automatically generated from the registry. Instructions will need to be changed along with the Word documents online. EFSP and POR will need to be amended also.
- Magistrate Nardi will work on the petitions and instructions. IOCT will work on the POR development.

Required end date for NCOs in criminal sentences

- Per Judge Persin's instructions, conversations were initiated within IOCS to ensure that this committee coordinated with any relevant criminal law committees on the issue of making NCO end dates for probation and executed sentences mandatory.
- Everyone is in agreement that the mandatory end dates make sense and will alleviate a lot of time and effort for IOCT.

Question regarding judges having a policy of never granting ex parte orders

Question regarding the sending of school notice from Judge Brown

Notice read with ex parte order might be confusing because looks like may issue the order after the school is notified. Lawyers are weighing in.

Benchbook rewrite – Status Report:

Committee discussed additional and final changes to the benchbook.

Meeting dates and times (usually 4th Friday of month):

October 28, 2022	12:15 p.m. – 2:00 p.m.	Remote via Teams
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October 28, 2022

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Members present

Hon. Jonathan Brown; Mag. Alexis Dedelow; Mag. Michael Douglass;; Mag. Melinda Jackman-Hanlin; Hon. Mary Margaret Lloyd, Chair; Mag. Patricia McMath; Hon. Kristen McVey; Mag. Darren Murphy; Christopher Nancarrow; Mag. Frank Nardi; Mag. Julie Verheye.

Staff:

Melissa Arvin, Carl Cowan

Meeting minutes for August 26 were approved

Issues

New Form Language on Lifetime PO

Discussion was held by the committee.

- Language submitted by Magistrate Nardi is good and can be put into the petition as a new paragraph for both types of petitions as a new paragraph 5.
- The petitions on behalf of a child will include "The child is" in lieu of the language of "I."
- Instructions will also be amended on p. 3-4 which talks about the definitions of sex offenses: include language on the indefinite order and explain the indefinite order.
- Language on page 5 will also be updated to talk about relief which can be granted without a hearing.

Update on school notice issue

Judge Brown is working on the procedures for Hamilton County which include notice sent pursuant to the statute and an informal email to the attorneys for the schools which results in a faster turnaround. Information on the documents was provided to the committee.

Human Trafficking in Civil PO statute:

Information was provided to the committee that the Commercial Sexual Exploitation Committee may be seeking to include human trafficking as a basis for the petition. Trafficking is included in 10 state statutes already and examples of those statutes are with IOCS.

Judicial Conference of Indiana
Protection Order Committee

Meeting Minutes

New Caselaw J.L. v. M.M. and S.D. v. G.D.

- Discussion was held with the committee as to the decisions on these two cases.
- The committee is requesting a check box for the permanent orders that the order does not interfere with parenting time like there is in the ex parte orders.

Strategic Planning Committee meeting

- Judge Lloyd and Melissa met with members of the strategic planning committee regarding the PO processing between clerks and judges.
- The strategic planning committee has drafted some information already but the PO committee will now include a link in the bench book as to the various ways assignment of PO cases are handled to assist with streamlining the process.
- This discussion will continue at the January meeting.

Benchbook rewrite

Chapter 3 review is finished and changes will be made for the final draft.

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