

MINUTES
Probate Committee
June 17, 2022
Meeting via Teams

1. **Attendees:** The following members participated in the meeting: Geoffrey Bradley, Jason McVicker, Kristine Osterday, Trent Meltzer, Marianne Vorhees, and Russell Bailey, Chair. The meeting was staffed by Mindy Pickett, Indiana Office of Court Services.
2. **Guests:** Victoria Sovern and Jill Russell, Indiana Office of Court Technology, and Nick Parker, Indiana Office of Court Services.
3. **Guardianship Registry / MyINA project:** Victoria Sovern introduced Jill Russell to the committee, Jill will be overseeing Victoria and the Guardianship Registry/MYINA projects as part of a new reorganization within the Indiana Office of Court Technology. Victoria reported that virtual trainings for the Registry have continued and hopes to see the MYINA project and trainings pick up soon.
4. **Update from Adult Guardianship Office:** Mindy Pickett introduced Nick Parker, the new Adult Guardianship Office attorney at the Indiana Office of Court Services. The National Association for Court Management 2022 Adult Guardianship Guide was circulated to the committee. The committee was reminded of the Indiana Adult Guardianship Symposium taking place next week on June 21, 2022.
5. **2022 Legislative Session:** Judge Vorhees volunteered to update the Deskbook with the legislative changes from this session. The committee discussed the new statute I.C. 29-1-10-15.5 on appointing a special administrator in a wrongful death claim. The committee agreed to a best practice recommendation to treat personal injury claims prior to death (but did not cause the death) similarly to the new statute and recommended the same notice provisions. Judge Vorhees volunteered to draft a recommendation for the Deskbook.
6. **Case Law Updates:** Judge Kramer and Judge Vorhees drafted suggested case law updates to the Deskbook for cases that have been published since the beginning of the year. The committee voted unanimously to post the revisions.
7. **Other business:** The committee reviewed three (3) new recent cases: In re Adoption of I.B., 185 N.E.3d 428 (Ind. Ct. App. 2022), B.A. v. D.D., No. 22A-AD-147, 2022 WL 1671003 (Ind. Ct. App. May 26, 2022) and Hollrah v. Barker, No. 21A-ES-2432, 2022 WL 1742134 (Ind. Ct. App. May 31, 2022). The committee also discussed local practices on emergency detention orders when an individual needs to be moved amongst different facilities.

2022 Meeting Dates: August 19 and November 18

- All meetings will be held virtually via Teams beginning at 1:30 p.m. (eastern), unless otherwise specified.

MINUTES
Probate Committee
August 19, 2022
Meeting via Teams

1. **Attendees:** The following members participated in the meeting: Geoffrey Bradley, Robert Freese, Michael Kramer, Jason McVicker, Kristine Osterday, Trent Meltzer, Marianne Vorhees, Bob Witham, and Russell Bailey, Chair. The meeting was staffed by Mindy Pickett, Indiana Office of Court Services.
2. **Guests:** Jill Russell and Christa Coffey, Indiana Office of Court Technology, and Nick Parker, Indiana Office of Court Services.
3. **Guardianship Registry / MyINA project:** Jill Russell reported that developers are continuing to work on enhancements previously approved by the committee in the Guardianship Registry. Court Technology is looking at ways to interface the Registry with Odyssey so that there is not a need for double entry. Jill indicated that they are hoping in the future to target MYINA to pro-se filers and if grant money is received that may help with that goal.
4. **Update from Adult Guardianship Office:** Nick Parker informed the committee that his office is waiting to hear back on an ACL grant which may provide funding for the Registry, MYINA, and other various guardianship projects. Nick is currently touring VASIA programs throughout the state and talked to the committee about attorney representation for VASIA programs in court.
5. **2022 Deskbook and Forms Updates:** Judge Vorhees drafted revisions to the Deskbook based on 2022 legislative changes. She also drafted a new form, Order to Compel Distribution. The committee unanimously approved publishing the updated Deskbook and new form. The committee tabled adopting revisions to the Affidavit and Order for Transfer of Assets without Administration (Small Estate) until the next meeting in order to compare our affidavit with the sample affidavit on the Coalition for Court Access (CCA) website.
6. **Proposed Rule Amendment to Trial Rule 81.1:** Judge Bailey explained the importance of asking for this rule to be modified so that the integrity and accuracy of the Guardianship Registry can be maintained. The committee is requesting that GU case types maintain their GU case designation and not be consolidated into a common case number when using family procedures. The committee unanimously approved submitting the request to the Rules Committee for consideration and public comment.
7. **Other business:** The committee reviewed three (3) new recent cases: In re Commitment of C.M., No. 22A-MH-218, 2022 WL 2336037 (Ind. Ct. App. June 29, 2022), Matter of Adoption of A.E., No. 21A-AD-2766, 2022 WL 2659646 (Ind. Ct. App. July 11, 2022) and Matter of Adoption of A.F., No. 22A-AD-288, 2022 WL 2525213 (Ind. Ct. App. July 7, 2022). The committee discussed GM vs. GU case types on minor compromises. Mindy Pickett to research whether the \$10,000 amount is at filing or the anticipated amount after distribution and report back at the next meeting.

2022 Meeting Dates: November 18

- All meetings will be held virtually via Teams beginning at 1:30 p.m. (eastern), unless otherwise specified.

MINUTES

Probate Committee

November 18, 2022

Meeting via Teams

1. **Attendees:** The following members participated in the meeting: Geoffrey Bradley, Robert Freese, Michael Kramer, Jason McVicker, Trent Meltzer, Sean Persin, Marianne Vorhees, Bob Witham, and Russell Bailey, Chair. The meeting was staffed by Mindy Pickett, Indiana Office of Court Services.
2. **Guests:** Jill Russell, Victoria Sovern and Nick Sprague, Indiana Office of Court Technology, and Nick Parker, Indiana Office of Court Services.
3. **Approval of Minutes:** The committee approved the August 19, 2022 meeting minutes.
4. **Guardianship Registry:** Victoria Sovern reported that developers are working on implementing two previously approved changes by the Committee to the Registry including notice of expiring temporary guardianship 30 days prior to expiration and removing duplicate order date lines.
5. **Update from Adult Guardianship Office:** Nick Parker reported that VASIA applications were received and are currently being reviewed. The Guardianship office is working on the next Guardianship Symposium and standardizing recruitment and procedures for VASIA programs. Mr. Parker indicated that he is reviewing the Guardianship Information Sheet for possible updates and asked the Committee to approve removing the certified guardian checkbox from the form, this request was approved.
6. **GU/GM Case Type and Minor Compromises:** At the last meeting there was a brief discussion on whether the \$10,000 limit for GM case types was at the time of filing or not. Mindy Pickett attempted to research the issue and was unable to find a clear answer, however, believed the intent was at the time of filing. Judge Vorhees indicated she also interprets the amount to be at time of filing.
7. **Small Estates Affidavit Form:** The Committee compared its form with the Coalition for Court Access form. The content appears to be the same with different formatting. The Committee agreed to keep our form, update the dollar amounts and publish the deskbook form.
8. **Interim Probate Code Study Commission 2022:** The Committee discussed the proposed bills that passed out of the Commission this year.
9. **Other business:**
 - a. Committee members discussed issues they are seeing in their counties including what to do when you can't find a guardian/incapacitated person and issues with civil commitments. The Committee may look at revising civil commitment forms in the future.
 - b. The Committee received an update that the proposed amendment to Trial Rule 81.1, guardianship case types and case consolidation passed through the Rules Committee.
 - c. The Committee thanked Judge Vorhees who is retiring at the end of the year for all of her contributions to this Committee.

2023 Meeting Dates: January 20, April 21, July 21, and October 20

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