

MINUTES

Juvenile Justice Improvement Committee, Judicial Conference of Indiana *Friday, January 8, 2016*

The Juvenile Justice Improvement committee of the Judicial Conference of Indiana held a meeting on Friday, January 8, 2016, at the Indiana Judicial Center in Indianapolis, Indiana from 12:05-2:45 p.m.

1. Members present: Steve Galvin, Chair; Charles Pratt, Bruce McTavish, Dan Heath, James Fox, Dana Kenworthy, Lori Morgan, Bruce Petit, Mary Willis, Vicki Carmichael, Thomas Lett, Marilyn Moores, Deborah Domine
2. Staff Present. Anne Jordan, Angela Reid-Brown, Matt Hagenbush, Michelle Goodman, Michelle Tennell.
3. Guests Present. Kathleen Casey, Public Defender Commission Attorney; Lisa Thompson, Probation Subject Matter Expert, Court Technology.
4. Minutes approved. The minutes from the meeting on December 11, 2015, were approved.
5. JDAI. Judge Heath explained that his amendment to IC 31-37-5-5 is to allow an intake officer to release a child to an alternative detention program. The committee then reviewed SB 90, which also provides language that permits the intake officer to impose conditions on the release of a child. The committee agreed the bill will accomplish what judges are concerned about and voted to endorse SB 90. Judge Moores will attend the hearing on Tuesday at 10 a.m. and testify.
6. Presentation by Public Defender Commission. Kathleen Casey, attorney for the Public Defender Commission, explained the history of the Commission, up to and including the recent change in caseload standards for CHINS and TPR filings. Public defense in Indiana is 100% a county expense. The Public Defender Commission was created in 1989 primarily for capital expense cases to establish pay parity between public defenders and prosecutors handling the same types of cases, providing training, and establishing case load limits. Originally, CHINS and TPR cases were counted as one case and were weighted the same as murder cases. Effective in the 4th quarter of 2015, the standard was changed to require TPR be reported separately from CHINS. Now both CHINS and TPR are weighted somewhere between level 5 and 6 felony, with CHINS having more weight than TPR. This change will be reviewed by the Commission in June. Ms. Casey indicated they are willing to work with counties having problems with caseload compliance. She explained that the Commission sets the ceiling for the number of cases a PD can handle, but that counties are permitted to set them lower. She also indicated she will ask the Commission for funding to support a comprehensive caseload analysis to review caseload limits.

In JD cases, once a public defender has been appointed to a case, that case is never counted again. Cases are counted by cause number, not by the number of hearings or how long a case is open. The Commission has not taken a position on the impact of CR 25. They would like a better understanding of how cases should be counted. Ms. Casey will attend the presentation by Amy Karozos at the JJIC meeting in February. Ms. Casey agreed to send a list of current Commission membership to the Judicial Center.

7. Increase in CHINS filings. Matthew Hagenbush presented the statistical data that tracks the rise in CHINS filings. The increase began in January, 2014. Only a slight increase in Informal Adjustments and Juvenile Delinquency filings have occurred. Director Mary Beth Bonaventura recently contacted the Judicial Center and asked if the JJIC would discuss a judicial response to the rising caseload. The committee wants to invite Director Bonaventura to the February meeting to collaborate. Prior to that meeting, Judge Moores and Jeff Bercovitz will speak to the Director about how judges can help. The committee discussed a need for more data to support any subsequent requests for more resources. Some of the reasons behind the increase could be attributed to mental health, lack of sufficient numbers of judicial officers, and the revision of the criminal code, which could be having a negative impact on the family.
8. Expungement of juvenile records in Odyssey. Lisa Thompson, Probation Subject Matter Expert, Court Technology, and Michelle Goodman, Indiana Judicial Center, invited members of the committee to address the changes needed in the rule or statutes governing expungement of juvenile records. Judge Petit agreed to help. Judge Moores offered Magistrate Gary Chavers. Jeff Bercovitz will coordinate a meeting date. Issues to be discussed include the impact on data analysis of deleting records, the inability to ever completely delete or remove information in today's society, and the option of treating juvenile records the same as adult. Michelle Goodman was asked to look at what other states are doing.
9. Sharing of PI and PDR across counties. Michelle Goodman stated that the access to PI and PDR documents differ depending on if it is done on paper or electronically. Is IC 31-39-2-2 sufficient to authorize an exchange? Ms. Goodman presented a proposed change to this statute which would add probation departments to the list of who can obtain records. A motion was made and seconded to support this amendment and explore adding it to SB 90. Judge Willis and Judge Pratt will look for a CHINS statute to also carry this change. They also agreed to be ready to testify in support of these changes, as this language will be helpful in the dual jurisdiction cases.
10. The following meeting dates were approved: June 17, 2016, following the juvenile judges' annual meeting at the Renaissance; October 7 and December 9, 2016, at the offices of the Indiana Judicial Center.
11. Recent legislation. The Committee reviewed the following legislation:
 - SB 26 - CHINS if child lives in same house as adult who is charged with or committed certain offenses. Judge Moores said that 1,908 sex offenders in Marion County would qualify under this. Is another CHINS category needed at this time?
 - SB 82 - Rape and termination of parental rights. This came out of a summer study committee and is likely to pass. No action is needed by the JJIC.
 - SB 90 - Juvenile release by intake officers. See item #5.
 - SB 91 - Access to birth records from 1941-1993 unless form prohibiting is signed. This also came from an interim study committee. Judge Hanson plans to attend the senate judiciary hearing but will not testify nor represent the JJIC. The Committee agreed to focus on this bill when it reaches the House.
 - SB 119 - Addition of CHINS for victim of human trafficking. See SB 305, below.
 - SB 131 - Department of child services reporting. Committee will hear from DCS at the February meeting.
 - SB 160 - Disposition of juvenile who is automatically waived -change in the statutory language from "may" to "shall." Committee to explore the reasoning behind this. Most agreed the change is unnecessary and deprives judges of valuable judicial discretion.
 - SB 305 - Human Trafficking as new category of CHINS. It was noted that Judge Dowling is working with DCS on this bill. The Committee agreed that the case law is the bigger problem than the statute.

HB 1069 – No contact order against person to refrain from contact with member of foster family home. The Committee does not believe this legislation is necessary, as courts can address behaviors using a NCO.

HB 1073 – Immunity for accepting certain abandoned children. This is a result of discussion at the Commission on Improving the Status of Children in Indiana of the Safe Haven law.

12. Judicial Engagement. Judge Pratt reported that the pilot county training is January 29. At that time, the forms will be finalized. He and Judge Willis will report back in February.

13. Other.

- A report on the Governor’s Task Force on Drug Enforcement, Treatment, and Prevention will be given in February.
- Commission on Improving the Status of Children : Next Meeting Feb. 17, 2016
Website: <http://www.in.gov/children/>
- Indiana Juvenile Court Judicial Officers Annual Meeting: June 16-17, 2016
- National Council of Juvenile and Family Court Judges, March 20-23, 2016 Las Vegas, Nevada; and July 17-20, 2016 in Monterey, California.
- Angela Reid-Brown reported the CFSR will be June 6-10, 2016.

14. Future Meeting Dates: Juvenile Justice Improvement Committee

Fri., Feb. 5, 2016	12:00 noon – 3:00 p.m.	Indiana Judicial Center
Fri., March 4, 2016	12:00 noon – 3:00 p.m.	Indiana Judicial Center
Fri., May 6, 2016	12:00 noon – 3:00 p.m.	Indiana Judicial Center
Fri., June 17, 2016	12:00 noon – 2:00 p.m.	Renaissance Hotel, Carmel
Fri., Oct. 7, 2016	12:00 noon – 3:00 p.m.	Indiana Judicial Center
Fri., Dec. 9, 2016	12:00 noon – 3:00 p.m.	Indiana Judicial Center

Respectfully Submitted,

Anne Jordan,
Education Attorney

**Juvenile Justice Improvement Committee
Judicial Conference of Indiana**

*Minutes
Friday, February 5, 2016*

The Juvenile Justice Improvement committee of the Judicial Conference of Indiana held a meeting on Friday, February 5, 2016, at the Indiana Judicial Center in Indianapolis, Indiana from 12:00-3:30 p.m.

1. Members present: Vicki L. Carmichael, Darrin M. Dolehanty, Deborah A. Domine, Roger L. Duvall, James Nivard Fox, Matthew G. Hanson, Dana J. Kenworthy, Bruce A. MacTavish, Marilyn A. Moores, Lori K. Morgan, Charles F. Pratt and Stephen R. Galvin, Chair.
2. Staff Present. Jeffrey Bercovitz, Anne Jordan, Angela Reid-Brown, Matt Hagenbush, Megan Horton, and Michelle Goodman provided the committee with staff assistance.
3. Guests Present. Judge Mary Willis; Kathleen Casey, Attorney, Public Defender Commission; Mary Beth Bonaventura, Director, Department of Child Services (DCS); Heather Kestian, Collaborative Care Field Director; Don Travis, Deputy Director, Juvenile Justice Initiatives and Support, DCS; Parvonay Stover, Legislative Director, DCS; Wade Hornbacher, Chief Legal Counsel, DCS; Amy Karozos and Jordan Pauluhn, Indiana Public Defender Council.
4. Minutes approved. The minutes for the meeting on January 8, 2016 were approved.
5. JDAI update. Magistrate Domine gave an update on JDAI activities. She distributed information about the number of counties which were part of the initiative (32), the decrease in admissions to secure detention, and new counties joining JDAI.
6. DCS presentation.
 - a. Heather Kestian reported on Indiana's collaborative care statute under Ind. Code § 31-28-5.8, its use with juveniles going off CHINS and Delinquency supervision, and the services available to older youth over 18 years old under this program.
 - b. Don Travis distributed the Collaborative Care Practice Guidance from the DCS Probation Services Manual.
 - c. Don Travis reported all Title IV-E agreements were signed and copies distributed to the Indiana Judicial Center. He also stated a PDF of the agreements signed by Director Bonaventura will be distributed to each county.
 - d. Don Travis distributed the financial policy for Foster Care Placements and Unlicensed Relative Placement with a flowchart illustrating the policy. Committee members agreed by consensus probation officers need to be trained on the implementation of this policy.
 - e. Director Bonaventura reported on the number of juveniles in the Community Mental Health Initiative (CMHI) in 92 counties and funding of CMHI using Title IV-E waiver monies.
 - f. Director Bonaventura stated the I.U. School of Social Work was conducting an evaluation of Title IV-E programs. She wants to include judges in the waiver evaluation and to speak about the waiver in greater detail at the Juvenile Court Judicial Officers Annual Meeting. She also reported a recent evaluation in which judges gave the DCS legal department a high marks.
 - g. A growth chart of the increase in CHINS was distributed by Director Bonaventura. She discussed creative ways to administer this growing caseload with members of the committee, including: additional treatment options; more treatment for opiate addiction; more treatment counselors; more involvement of the DMHA; and, more flexibility in response to areas where CHINS cases were spiking were discussed. Committee members agreed to share any creative

- solutions with Director Bonaventura. Members of the committee also discussed inviting the Director of the Division of Mental Health and Addiction to the next meeting in order to discuss their mental health and addiction efforts for children.
- h. Parvonay Stover reviewed House Bills 1064, 1069, 1271, 1369 and Senate Bills 26, 159 and 305 with members of the committee.
7. Funding of counsel in delinquency cases.
Amy Karozos and Jordan Pauluhn, Indiana Public Defender's Council, reported they have a one year strategic planning grant from OJJDP for public defender systems improvement for juvenile delinquents. She explained another grant may be available for implementation of these improvements. The planning grant will address better training for public defenders, reduction in waiver of counsel, increase in post-disposition advocacy for incarcerated and returning youth, disparity in resources for public defenders and other areas. The Public Defender's Council will be asking QUEST and Odyssey for juvenile data and will conduct a survey of juvenile court judges on representation of juveniles. Judge Galvin stated we want to improve the quality of representation for juveniles.
- a. Amy Karozos distributed a draft survey of juvenile court judges on representation of juveniles. Judge Willis moved to approve the survey. Judge Carmichael seconded the motion. The motion was passed.
- b. Amy Karozos discussed site visits to observe juvenile courts, talk with public defenders and prosecutors and with children and families, with deidentification of this data from the observation and talks. She also distributed a form listing data she would be seeking under Administrative Rule 9 for bulk data. Judge Galvin moved to support these site visits. Judge Fox seconded the motion. The motion was approved.
- c. A list of the Advisory Board for this grant was distributed. Amy Karozos stated an invitation was going out to have a larger steering committee for this project. She asked those invited to serve as members of the steering committee.
8. Permanency Roundtables. Judge Galvin distributed revisions to the Permanency Roundtable Protocol. He explained the changes are to permit the summary protocol procedures if the goal is reunification. Judge Pratt moved to approve the revised Permanency Roundtable Protocol. Judge Carmichael seconded the motion. The motion was passed.
9. Dual Status Youth.
- a. Judge Willis reported the Dual Status Kick-off meeting on Jan. 29, 2016 went well. The shared agency input was great, a mock dual status team meeting was held, and children who should be identified as dual status was discussed. An MOU was signed with the TEACH counties and Director Bonaventura. A presentation will be given to JDAI counties next week, another at the Probation Officers Annual Meeting on May 4, and the last at the juvenile court judicial officers meeting in June. Consistent forms and procedures will be implemented. DCS will conduct their own training of case managers. Judge Willis agreed to contact DCS to be included in the DCS training to carry a consistent message about this program to each agency. Some judges indicated they planned to train their local DCS and probation to administer dual status cases. Judge Pratt requested the information from the resource binders be distributed at the juvenile court judicial officer's annual meeting in June.
- b. Michelle Goodman explained the Preliminary Inquiry form needs to be amended to accommodate the dual status screening tool. She distributed a screen shot of the draft changes in INcite to accommodate these changes. Judge Pratt moved to approve these changes. Judge Galvin seconded the motion. The motion was passed.
10. Recent legislation. Members of the committee reviewed Senate Bills, 26, 90, 91, 131, 159, 160 and 305 and House Bills 1064, 1069, 1183, 1271, 1322, and 1369. Committee members

indicated concerns about House Bill 1183, which may exempt some cases from foster care and licensing requirements.

11. Other.

a. Judge Moores announced her court would hold a summit with DCS and placing agencies on Monday, February 22 at 1:30 p.m. to get more placements for the most difficult high need children. She invited committee members to attend.

b. Judge Duvall gave a report on the Governor's Task Force on Drug Enforcement, Treatment, and Prevention. A list of recommendations from December 29, 2015 was distributed.

12. Future Meeting Dates. Members of the committee agreed to meet again on the following dates and times:

Fri., March 4, 2016	12:00 noon – 3:00 p.m.	Indiana Judicial Center
Fri., May 6, 2016	12:00 noon – 3:00 p.m.	Indiana Judicial Center
Fri., June 17, 2016	12:00 noon – 2:00 p.m.	Renaissance Hotel, Carmel
Fri., Oct. 7, 2016	12:00 noon – 3:00 p.m.	Indiana Judicial Center
Fri., Dec. 9, 2016	12:00 noon – 3:00 p.m.	Indiana Judicial Center

Respectfully Submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

**Juvenile Justice Improvement Committee
Judicial Conference of Indiana**

**Minutes
Friday, March 4, 2016**

The Juvenile Justice Improvement committee of the Judicial Conference of Indiana held a meeting on Friday, March 4, 2016, at the Indiana Judicial Center in Indianapolis, Indiana from 12:00-3:00 p.m.

1. Members present: Darrin M. Dolehanty, James Nivard Fox, Matthew G. Hanson, Daniel G. Heath, Dana J. Kenworthy, Bruce A. MacTavish, Marilyn A. Moores, Lori K. Morgan, Bruce E. Petit, Charles F. Pratt and Stephen R. Galvin, Chair.
2. Staff Present. Jeffrey Bercovitz, Angela Reid-Brown and Matt Hagenbush provided the committee with staff assistance.
3. Guests Present. Judge Mary Willis; Kevin Moore, Director, Division of Mental Health and Addiction (DMHA), Family and Social Services Agency; Serrilla Blackmon, Deputy Director, Office of Youth Services, DMHA; and Rebecca Buhner, Assistant Deputy Director, Recovery, Integration, Prevention and Policy, DMHA.
4. Minutes approved. The minutes for the meeting on February 5, 2016 were approved.
5. DMHA presentation.
 - a. Director Kevin Moore, DMHA reported on funding of the adult and juvenile public mental health system. He reported there were 28 beds for juveniles at Evansville Psychiatric Children's Center and 42 beds for juveniles at Larue Carter. He agreed more beds were needed. He discussed access to mental health services in Indiana.
 - b. Rebecca Buhner, DMHA, reviewed the Systems of Care Initiative at the state and local level. She also reviewed: (1) High Fidelity Wraparound Services; (2) a partnership with JDAI about detention in Bartholomew, Elkhart and Wayne Counties; and (3) funding initiatives for young adults, ages 18-24 years old.
 - c. Serrilla Blackmon, DMHA, reported on the Policy Academy, a program which implements policies to keep youth out of the juvenile justice system.
 - d. Kevin Moore stated DMHA had significant collaborations with DCS, DOC/Youth Services Division, the State Department of Health, the Division of Disabilities and Rehabilitation Services, the Department of Education and others.
 - e. Judge Heath asked about funding for an unused portion of his juvenile detention center for treatment of juveniles with mental health issues.
 - f. Judge Moores reported on a summit on February 22 with Indiana's placing agencies to address placements for the most difficult high need children. She noted the need for inpatient treatment of youth with addictions and asked whether DMHA was addressing this issue. Kevin Moore responded there was no answer for this issue.
 - g. Judge Galvin said there was a need to recruit psychiatrists and mental health workers. Kevin Moore said there are thirty (30) counties without any psychiatrists.
 - h. Committee members discussed the lack of DMHA beds for juveniles. They also discussed the need to better understand: (1) admission criteria, (2) the process for admission, and, (3) time frames for admission for DMHA facilities and programs. Kevin Moore said he would get information to the Judicial Center to distribute to committee members in this area.

6. K.D. workgroup update. Judge Willis reported the workgroup continued work on draft legislation to create a noncustodial parent registry. In addition, the workgroup is looking at changes in the Ind. Rules of Trial Procedure 4.1 concerning publication of notice.
7. DMC Definitions update. Judge Willis reported the Disproportionate Minority Contact (DMC) Definitions Committee will seek a recommendation from the Board of Directors of the Judicial Conference of Indiana to adopt a Supreme Court rule requiring DMC Definitions data to be reported to the Division of State Court Administration on a quarterly basis. It is important judges have their own data. The data would be shared with the Indiana Criminal Justice Institute, who will conduct training on the collection of this data. In addition, there will be training at the Probation Officers Annual Meeting in May, Annual Meeting of Juvenile Court Judicial Officers in June, and Court Personnel Conference in July.
8. Dual Status Youth update. Judge Pratt reported the pilot program for the dual status youth statute is underway in Tippecanoe, Elkhart, Allen, Clark and Henry and Marion counties. He noted some resistance from some DCS teams, and some courts using their own forms which may not match statutory requirements. He noted the forms developed for the pilot program and approved by the Juvenile Benchbook Committee should be used by all counties. Judge Graham noted the Children's Justice Act Task Force was trying to investigate gaps generally in DCS training.
9. Expungement of juvenile court records. Judge Petit stated he believes Indiana's juvenile expungement statute must be amended in order to address the concerns of Odyssey about expungement, and to acknowledge the widespread use of computer records for juveniles. He is looking at some kind of hybrid of the adult expungement statute which seals records and the current juvenile expungement statute, which permits destruction of records. The "fresh start" provisions for juvenile expungement should be kept, but the need for Odyssey to keep records for statistical purposes must be acknowledged.
10. Amicus brief. Judge Willis reported the Board of Directors of the Indiana Council of Juvenile and Family Court Judges (ICJFCJ) discussed via email the filing of an amicus brief in a case from Elkhart. A 12 year old was committed to a DMHA facility after she allegedly fatally stabbed her stepmother and allegedly sent the family's apartment on fire. The trial court denied a motion to correct errors by the DMHA who plans to appeal. Policy questions about competency of juveniles are raised by this case. The committee agreed by consensus the ICJFCJ should file an amicus brief.
11. Recent legislation. Members of the committee reviewed Senate Bills 91, 131, 159, 160 and 305 and House Bills 1064, 1069, 1183, 1271, 1322, and 1369. Committee members discussed HB 1064, which permits termination of parental rights in rape cases when a child is born. This new law creates the possibility a mother could file for TPR even if father is found not guilty in a criminal action for rape.
12. Other.
 - a. Angela Reid-Brown distributed a Fact Sheet for Courts on Child and Family Services Reviews and reported on Indiana's upcoming on site review in Marion, Bartholomew and Tippecanoe counties.
 - b. Judge Moores announced her court would hold another meeting of summit agencies March 22, 2016 to get additional placements for the most difficult high need children. She reported progress on solutions from the first meeting on rates for shelter care beds and other areas. She invited committee members to attend.

c. Jeff Bercovitz distributed a recent press release on the Governor's Task Force on Drug Enforcement, Treatment, and Prevention.

13. Future Meeting Dates. Members of the committee agreed to meet again on the following dates and times:

Fri., May 6, 2016	12:00 noon – 3:00 p.m.	Indiana Judicial Center
Fri., June 17, 2016	12:00 noon – 2:00 p.m.	Renaissance Hotel, Carmel
Fri., Oct. 7, 2016	12:00 noon – 3:00 p.m.	Indiana Judicial Center
Fri., Dec. 9, 2016	12:00 noon – 3:00 p.m.	Indiana Judicial Center

Respectfully Submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

**Juvenile Justice Improvement Committee
Judicial Conference of Indiana**

**Minutes
*Friday, May 6, 2016***

The Juvenile Justice Improvement committee of the Judicial Conference of Indiana held a meeting on Friday, May 6, 2016, at the Indiana Judicial Center in Indianapolis, Indiana from 12:00-3:00 p.m.

1. Members present: Deborah A. Domine, James Nivard Fox, Bruce A. MacTavish, Marilyn A. Moores, Lori K. Morgan, Bruce E. Petit, Charles F. Pratt and Stephen R. Galvin, Chair.
2. Staff Present. Jane Seigel, Jeffrey Bercovitz, Angela Reid-Brown, Matt Hagenbush, Michelle Tennell and Mike Commons provided the committee with staff assistance.
3. Guests Present. Judge Mary Willis; Amy Karozos, Kim Tandy and Jordan Pauluhn, Indiana Public Defender's Council; Steve Spaulding, Abbey Smith, Annette Farr and Lou Gerhig, Hoosier Youth ChalleNGe Academy; and Mike Commons, State Court Administration.
4. Minutes approved. The minutes for the meeting on March 4, 2016 were approved.
5. Innovative juvenile programs.
 - a. Jane Seigel gave background on HEA 1369 which requested the Commission on Improving the Status of Children to study and evaluate innovative juvenile justice programs and how funds should be distributed for these programs. The Commission asked this committee to make recommendations to them on this topic.
 - b. Committee members discussed that juvenile community corrections should not look like adult community corrections, monies should be sent to the local counties for their use in addressing local needs, and JDAI could be used in this process.
 - c. Committee members also discussed the difficulties with community corrections programs tied to adult programs, use of the justice reinvestment advisory council with more juvenile justice members to distribute monies to innovative juvenile justice programs, and permitting local counties to receive monies through juvenile community corrections if it exists in the county, JDAI or probation departments. Requests for monies could be regional in nature. They believed JDAI would be best to determine the types of juvenile programs and the costs for these programs.
6. Defense counsel plan for juveniles.
 - a. Amy Karozos, Kim Tandy and Jordan Pouluhn distributed and gave a presentation on a draft "Indiana Juvenile Indigent Defense Improvement Plan." Amy Karozos stated the plan called for a State Juvenile Defense Unit, a social worker/sentencing consultant, a state level appellate division to conduct direct appeals, and public defender training statewide. She said the goals of the draft plan were to reduce the variation in implementation of Criminal Rule 25 and to enhance juvenile data collection. Kim Tandy discussed defense of juveniles in other states.
 - b. Committee members discussed the draft plan, including the reduction in variability in implementation of Criminal Rule 25. Some variability was from the lack of attorneys in rural counties and some may have been caused by lack for funding for hiring defense attorneys. The committee members wanted protection of the rights of juveniles.

- c. Judge Moores moved to support the goals and objectives of the draft plan and moved that the committee collaborate with its implementation. Judge MacTavish seconded the motion. The motion was passed.
7. Hoosier Youth ChalleNGe Academy. Steve Spaulding gave a Power Point presentation about the Hoosier Youth ChalleNGe Academy in Knightstown, Indiana. He outlined the requirements for admission, the use of mentors, described the number of juveniles in the program and the dropout rate. Committee members asked whether juveniles who commit felony acts, which would be an offense if committed by an adult, are eligible for the program. He agreed to send their felony exclusion definition to the committee. He noted status offenders are eligible to attend the Academy. He introduced Abbey Smith, Deputy Director and Annette Farr, Recruiting, Mentor and Placement Coordinator. He welcomed referrals to the program.
8. Expungement of juvenile records. Judge Petit reviewed the results of an April 20, 2016 conference call about the expungement of juvenile records. Committee members discussed limited changes to the juvenile expungement statutes. They also agreed by consensus to not have any category of automatic expungement.
- Judge Moores moved Judge Petit continue work on (a) language to indicate juvenile courts have exclusive jurisdiction over juvenile records to prevent conflict with adult statutes, (b) the need to keep some juvenile records for statistics and audit purposes, and (c) standard forms and procedures. Magistrate Domine seconded the motion. The motion was passed. Judge Petit indicated another conference call would be held on May 18.
9. DMC Definitions. Judge Willis reported the DMC Definitions Rule was passed by the Board of Directors of the Judicial Conference of Indiana and is pending at the Indiana Supreme Court. In addition, the DMC definitions were distributed to the committee. Jeff Bercovitz stated the computer program for use in gathering this program was almost complete. There will be a session on the proposed rule at the juvenile judicial officer conference in June.
10. K.D. Workgroup. Judge Willis report the workgroup completed work on draft legislation to create a noncustodial parent registry and a change in the Ind. Rules of Trial Procedure 4.1 concerning electronic publication of notice.
11. CIP timeliness measures. Matt Hagenbush reported the development of five new timeliness measures: Time to Adjudication; Timeliness of Dispositional Hearing; Timeliness of Termination of Parental Rights; Time from Disposition to Termination of Parental Rights; and Time to Disposition. Implementing these measures would only require the gathering of two new data points: the date of adjudication and the date of disposition. Members of the committee agreed by consensus it would be useful to gather this information. He also reported on the use of the CIP data and stated three future goals would be to reduce time to adoption by 5%, assure that permanency hearings are being conducted as permanency hearings, and decrease the time to termination of parental rights by 5%.
12. Other.
- a. A brief CFSR report was given with a distribution of a Quick Reference Items List.
 - b. The committee discussed Senate Enrolled Act 91, about adult children getting information on adoptions and House Enrolled Act 1183, about Safe Families.
 - c. The need for new foster parents was discussed with the possible addition to child care costs for younger children added to the per diem for foster parents.

13. Future Meeting Dates. Members of the committee agreed to meet again on the following dates and times: Fri., June 17, 2016, 12:00 noon – 2:00 p.m., Renaissance Hotel, Carmel; Fri., Oct. 7, 2016 and Fri., Dec. 9, 2016 from 12:00 noon – 3:00 p.m., at the Indiana Judicial Center.

Respectfully Submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Juvenile Justice Improvement Committee, Judicial Conference of Indiana
Juvenile Benchbook Committee, Judicial Conference of Indiana
Board of Directors, Indiana Council of Juvenile and Family Court Judges
Child Welfare Improvement Committee

Joint meeting
June 17, 2016

The Juvenile Justice Improvement Committee, the Juvenile Benchbook Committee, Board of Directors of the Indiana Council of Juvenile and Family Court Judges and the Child Welfare Improvement Committee held a joint meeting at the Renaissance Hotel in Carmel, Indiana on Friday, June 17, 2016. The meeting was convened at 12:35 p.m.

1. Members present.

- a. Juvenile Justice Improvement Committee: Roger L. Duvall, James Nivard Fox, Stephen R. Galvin, Bruce A. MacTavish, Lori K. Morgan, and Bruce E. Petit.
- b. Juvenile Justice Improvement Committee and Board of Directors of the Indiana Council: Darrin M. Dolehanty, Dana Kenworthy, Thomas Lett, Charles F. Pratt, Marilyn A. Moores, and Vicki L. Carmichael, President.
- c. Juvenile Benchbook Committee: Sally E. Berish, Diana Burleson, Kirk Carpenter, Kelsey Hanlon, Kaarin Lueck, Karen Love, John Evans, Daniel W. Kelly, Todd Ruetz, and Harry Siamas.
- d. Juvenile Benchbook Committee and Board of Directors of the Indiana Council of Juvenile and Family Court Judges: Faith A. Graham
- e. Child Welfare Improvement Committee: Heather Mollo and Deborah A. Domine
- f. Board of Directors, Indiana Council of Juvenile and Family Court Judges: Kimberly S. Dowling, James D. Humphrey, and Brett J. Niemeier

2. Staff. Jeffrey Bercovitz, Michael Commons, Justin Forkner, Matthew Hagenbush, Anne Jordan, Angela Reid Brown, Michelle Tennell, and Jane Seigel provided staff assistance.

3. Guests. Charlene Blackmore, Administration for Children and Families, HHS; Gary Chavers, Marion Superior Court, Juv. Div.; Teresa Hollandsworth, Lake Superior Court, Juv. Div.; and Chief Justice Loretta Rush, Indiana Supreme Court, were also present.

4. Minutes approved. The minutes for the meeting of the Juvenile Justice Improvement Committee on May 6, 2016 were approved.

5. CFSR feedback. Charlene Blackmore, Administration for Children and Families, Health and Human Services, gave an overview of the recently completed Child and Family Services Review (CFSR). A CFSR Quick Reference Items List was distributed. She said the CFSR covers safety, permanency and well-being of children. She reported 65 cases in Marion, Bartholomew and Tippecanoe counties were reviewed. Over 300 persons were interviewed in connection with these cases. She said the stakeholder interviews with probation showed they really care about children in the home. She indicated probation needs the same case plans and permanency plans as DCS. A concern was expressed about how far away residential placements

might occur from the family. She reported Probation really liked the Resource Book recently received from DCS. She stated transition plans are needed in probation cases and perhaps probation and DCS could be trained jointly for this.

6. Innovative juvenile justice programs.

a. Judge Galvin distributed HEA 1369, which asked the Commission on Improving the Status of Children to study and evaluate innovative juvenile justice programs including juvenile community corrections. Judge Galvin gave the background to this legislation. He reported the Juvenile Justice Improvement Committee was asked to make recommendations about innovative juvenile justice programs. They will recommend JDAI study innovative juvenile justice programs and the potential addition of representatives to the Justice Reinvestment Advisory Council (JRAC). Judge Galvin said there was a recommendation to provide monies to innovative juvenile justice programs by receiving applications from local JDAI programs, juvenile community corrections, and juvenile probation departments.

b. Chief Justice Rush stated JRAC could pay for additional juvenile probation officers. There needs to be a study of juvenile probation caseloads like DCS did. DCS has caseload standards of 12 and 17. Juvenile probation has much higher caseloads. In addition, DOC is saving \$15 million a year with reduced numbers of juveniles in their facilities and only has 6 juvenile parole officers in the state. The state may use these saved monies to benefit juvenile probation. JRAC can also pay for various services, e.g. transportation.

c. Judge Galvin said Indiana is not in compliance with Title IV-E for juveniles on probation. We need help from the state for additional probation officers. Judge Fox said more training for probation officers is needed for mental health and education issues. Judge Moores stated Indiana needs to cap caseloads for probation officers. Chief Justice Rush said we need to build the capacity of probation.

7. K.D. Workgroup. Judge Willis distributed a draft Noncustodial Parent (NCP) Registry. She said the draft legislation would create a NCP registry run by the State Department of Health, and requires registration by the NCP. The Paternity Affidavit would be modified to give notice of the registry. She stated under this draft legislation, if the noncustodial parent failed to register, notice in CHINS cases would be waived. The registry would address the due process concerns of parents. Judge Kenworthy reported an amendment to Trial Rule 4.1 is also proposed, which would permit service of process in any manner reasonably calculated to achieve notice. Judge Galvin indicated the registry is a superior way to give service to those who wish to be involved with their children. There was a consensus of the committees to continue work on these statutory and rule changes and introduce them when ready.

8. Proposed expungement statute changes. Judge Petit distributed proposed changes to Indiana's expungement statute. He said the proposed legislation would (1) clarify the juvenile court has exclusive jurisdiction over expungement of juvenile records, and (2) permit electronic information to be saved but not generally accessible in cases of expungement. This would permit data to be used for statistical and research purposes and financial audit purposes. Another change would promote uniformity in expungement petitions. A requirement would be added to require the petitioner to list any other juvenile delinquency charges or adjudications or any subsequent pending adult charges or convictions.

Judge Graham believed 30 days for the prosecutor to respond was too long, especially when the expungement was sought for a person seeking to enter the military. Judge Evans believed courts should be allowed to set their own time frame for responding to notice that an expungement petition was filed. Judge Duvall thought the time frame could be shortened from 30 to another time frame for good cause shown. Judge Petit believed 30 days is reasonable, especially in cases where the prosecutor sought to contact a victim. Judge Petit said since CHINS cases are included in the present statute, notice should be given to DCS if an expungement petition is filed. There was a consensus to continue work on this draft statutory change and introduce it as legislation.

9. NCJFCJ. Judge Carmichael announced the Annual Meeting of the National Council of Juvenile and Family Court Judges in Monterrey, California from July 17-20, 2016. Some judges in Indiana were already planning to attend.

Being no further business, the meeting was adjourned at 1:41 p.m.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Juvenile Justice Improvement Committee
Judicial Conference of Indiana

Meeting
October 7, 2016

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana met at the Indiana Office of Court Services, Suite 9002, on Friday, October 7, 2016 from 12:00 p.m. to 3:00 p.m.

1. Members present. Deborah A. Domine, James Nivard Fox, Dana J. Kenworthy, Bruce A. MacTavish, Marilyn A. Moores, Bruce E. Petit, Charles F. Pratt, and Stephen R. Galvin, Chair.
2. Staff. Jeffrey Bercovitz, Angela Reid Brown, Michael Commons, Matthew Hagenbush, Leslie Rogers, Jane Seigel, and Mary G. Willis provided staff assistance.
3. Guests. Don Travis, Deputy Director, Juvenile Justice Initiatives and Support, Department of Child Services was also present.
4. Minutes approved. The minutes for the meeting of the Juvenile Justice Improvement Committee on June 17, 2016 were approved.
5. Federal runaway legislation. Don Travis, Department of Child Services discussed implementation of federal runaway legislation with members of the committee. He stated all children in care who run away from a DCS paid out-of-home placement must be reported to the DCS who will in turn report this to the National Center for Missing and Exploited Children (NCMEC). DCS developed a PDF fillable form for use by probation to report a child. DCS will also need a photo of the child. Committee members discussed a consent to be signed by the parents for use of the photo by NCMEC, possible overlap with Interstate Compact cases, runaways from relative placements, the tracking of JS and JD children, and compilation of statistics by DCS about which Indiana children are running away when inputting data to NCMEC
6. Community corrections for children.
 - a. Judge Pratt distributed draft legislation on community corrections for children. He noted it permits the use of a local juvenile community corrections board. Don Travis reported DOC already spends \$2.2 million on juveniles as part of their adult community corrections program. He noted the proposed statute permits monies to be used for prevention and diversion purposes. He also said the community corrections for children legislation asks for (1) a separate line item for the \$2.2 million already being spent by DOC, and (2) funding at a level of 5% of the community corrections for adults.
 - b. Judge Moores moved we support the concepts contained in the draft legislation, including separate funding of community corrections for children and allocation of existing juvenile community corrections to this legislation without a reduction in adult community corrections. Magistrate Domine seconded the motion. The motion was passed unanimously.

7. Proposed legislation.

a. Judge Petit distributed draft proposed changes to Indiana's expungement statute after revisions based on discussion at the June meeting. He agreed to update references to the Department of Child Services and revise language to permit data to be kept electronically for statistical and research purposes and financial audit purposes.

b. Judge MacTavish moved to seek a sponsor for this proposed legislation. Judge Moores seconded the motion. The motion was passed.

c. Judge Galvin discussed draft Noncustodial Parent (NCP) Registry legislation. He said it could be lengthy to wordsmith the proposal. Jeff Bercovitz reported the Domestic Relations Committee did not understand the proposed draft. Judge Galvin stated he and Judge Carmichael wish to rethink the process in the draft. Judge Willis reported the Supreme Court Rules Committee was looking broader notice language of Rule 4.1, which was one portion of the proposal.

d. Magistrate Domine gave an overview of **J.J. v. Ind. DCS (In re J.B.)**, 55 N.E.3d 903 (Ind. Ct. App. 2016) and **J.B. v. Ind. DCS**, 2016 Ind. App. LEXIS 329 (Ind. Ct. App. Sept. 8, 2016) *on rehearing*, concerning an order entered in a CHINS case and the use of that order in an ongoing paternity case. No action was taken since the time to request transfer had not passed.

8. Adoption status docket. Judge Moores gave an overview of her new adoption subsidy status docket, which she conducts to keep cases with an adoption subsidy moving to completion. She stated the case comes to the adoption status docket 31 days after the termination of parental rights case ends. She distributed a form which includes questions she asks of DCS in order to keep the adoption subsidy process moving. Judge Moores also explained many potential reasons the process may slow or stop, e.g. the need for a placement and an adoption waiver if a criminal history is involved or a CANS determination which may reduce the foster care subsidy in advance of the adoption subsidy negotiation. Permitting the adoption attorney to appear via phone helps speed the process. She started this new docket to get over 1000 adoption subsidy cases moving. Committee members thanked Judge Moores for bringing this information to the committee.

9. Increase in CHINS cases.

a. Committee members discussed the recent increase in the numbers of CHINS cases. Members of the committee believe factors related to and included in the increase including the:

- (1) additional stress on judicial officers;
- (2) increase in the severity of CHINS cases;
- (3) increased difficulty in closing CHINS cases;
- (4) inability for courts to cover the CHINS docket;
- (5) inability to schedule cases within statutory time frames;
- (6) inability of attorneys to cover cases in multiple courtrooms at the same time;
- (7) influence on a court to just become a case manager on a case; and
- (8) need to gather the correct data to document the breadth and severity of the increase.

b. Judge Willis proposed a team or (SWAT) approach to the increase in CHINS cases which include: Support to the emotional toll these cases take, the increase in Workload of these cases and Technology and Tips needed for best practices (SWAT) to assist courts. Judge Willis said a more creative approach to these cases is needed, which may include sorting cases by low, medium and high risk. Judge Pratt moved to support the SWAT team concept outlined by Judge Willis. Judge Moores seconded the motion. The motion was passed unanimously.

10. CIP update.

a. Angela Reid-Brown reported the Commission on Improving the Status of Children (CISC) had recently discussed four priorities at 2 (two) strategic planning sessions including: (1) child safety and services; (2) juvenile justice and cross-system youth; (3) mental health and substance abuse; and (4) educational outcomes.

b. Angela Reid-Brown noted Congress has not reauthorized funding for the Court Improvement Program (CIP) and stopgap funding in a continuing resolution only included the original CIP grant. If the CIP program is not funded in the future; Indiana will have to review statewide CIP efforts.

11. Future meeting dates: Committee members agreed to meet again on the following dates: December 9, 2016, January 6, 2017, February 3, 2017, March 3, 2017, and May 25, 2017 all from 12:00 noon to 3:00 p.m. The January 6 meeting will be held if needed and the May 25 meeting would be held in conjunction with the juvenile court judicial officers conference that day.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law