

Juvenile Justice Improvement Committee  
Judicial Conference of Indiana

Remote meeting  
January 8, 2021

The Juvenile Justice Improvement Committee met via Teams on Friday, January 8, 2021 from 12:00 p.m. – 1:45 p.m.

1. JJIC members. Steven David, Faith Graham, Kelsey Hanlon, Holly Harvey, Mark Jones, Bruce Petit, Charles F. Pratt, Thomas P. Stefaniak, Jr., Andrea Trevino and Dana Kenworthy, Chair.
2. Staff. Jeffrey Bercovitz, Pamela Christenberry, Leslie Dunn, Nancy Gettinger, Heather Mollo, Melinda Pickett, Angela Reid-Brown, Nancy Wever, Indiana Office of Court Services.
3. Guests. Rachel Massey, Legislative Services Agency, Julie Whitman, Commission on Improving the Status of Children in Indiana, and Will Young, Department of Child Services
4. Minutes approved. The minutes for the Juvenile Justice Improvement Committee meeting on December 11, 2020 were approved.
5. New DCS drug testing provider. Judge Kenworthy announced DCS selected Cordant Health Solutions as a new drug testing provider. They will replace Abbott/Redwood and Forensic Fluids.
6. Recent legislation. Will Young, Department of Child Services reported DCS legislation included Covid-19 changes about more time to obtain a medical examination for children in foster care and extension of collaborative care services even if someone is aging out of collaborative services. He also discussed SB 66, which would amend the law concerning eligibility for adoption subsidies.  
Julie Whitman reported legislation will be introduced to add two youth members to the Commission on Improving the Status of Children in Indiana, to provide a quorum is a majority of voting members present and to change the title of the Superintendent of Education to Secretary of Education.  
Committee members discussed draft legislation concerning juvenile court jurisdiction for dangerous possession of a firearm. Draft legislation was discussed, along with SB 132. Members of the committee also discussed SB 176, HB 1022, HB 1127, and HB 1198.
7. Permanency outcomes.
  - Judge Kenworthy stated Chief Justice Rush called an emergency meeting to discuss the increase in Indiana's time to adoption. Chief Justice Rush asked the Child

Welfare Improvement Committee and this committee to look for solutions to this problem.

- Judge Stefaniak reported he had a recent meeting with Sr. Judge Gettinger to address permanency concerns.
- Sr. Judge Gettinger reported in addition to meeting with Judge Stefaniak, she had a meeting with Judge Pratt. She also said she and Sr. Judge Mollo observed Judge Moores conduct permanency court in Marion County. She stated getting everyone together on the adoption case was good, the court had great knowledge of the children involved in each case and would order deadlines for next actions to occur.
- Sr. Judge Gettinger also noted a slow down in the process when modifications needed to occur from one parent to another. The Coalition for Court Access [See website, <https://indianalegalhelp.org/>] agreed to develop forms for third party custody.
- Committee members:
  - expressed concern that a public defender appointed to represent parent in one case type would not represent the parents in another case type.
  - stated a court should not have to wait until the child turns age two (2) to discuss receipt of adoption subsidy monies.

8. Drug testing. Judge Kenworthy reported the Indiana Council of Juvenile and Family Court Judges met with Adrienne Meiring to discuss transparency in notice about drug testing issues with the current DCS drug test providers. The Council was developing a notice form and dialog for use by courts. She reported, as did other counties, they had received from DCS notices and motions to correct drug test results which were incorrect. DCS based the notices and motions on an audit by Abbott/Redwood. Committee members discussed

- receipt of these notices after the cases were closed and after the attorney for the parents withdrew
- how some have called for an independent audit of the drug testing by Abbott/Redwood
- whether the notices are new evidence
- some counties are only receiving notices on pending cases
- some larger counties have not received any notices or motions about drug testing

9. Delinquents. Jeffrey Bercovitz reported:

- DMC/RED prerecorded training conference would be posted soon for probation officers
- Marion County Superior Court, Juvenile Division is in the process of conversion from Quest to Odyssey. They requested use of the term detention order rather than the use of warrant in Odyssey when ordering the pick-up of juveniles.

Committee members discussed:

- the cost of converting Odyssey to use the term detention orders rather than warrant

- the need to indicate the reason for the detention order in order to accurately track juveniles and get good statistics on the detention of juveniles
- the need to conform the terminology in Odyssey to the juvenile code
- the need for training to make sure law enforcement officers know how to administer detention orders rather than warrants, especially with turnover in law enforcement officers at this time.
- The need for good data for federal and/or state purposes

10. Remote hearings. The Supreme Court has revisions under consideration for Administrative Rule 17 concerning remote hearings. Committee members discussed concerns in juvenile cases including:

- permitting health professionals, e.g. Riley doctors, and/or teachers to testify remotely, without agreement of the parties if there are no confrontation clause issues
- continuing to permit parents to appear remotely for review and short hearings
- the difficulty of the defense bar in having private communication via Zoom with a juvenile client, rather than meeting in person before a hearing
- considering the increase by parents in appearing in remote CHINS hearings
- more efficient use of time by public defenders with the use of Zoom and contacting their clients in advance of hearings. This is freeing court time to hold 48 hour hearings which otherwise could only be held two days a week.

11. Next meeting. Committee members agreed to hold another joint meeting with the Child Welfare Improvement Committee on February 5, 2021. They agreed to meet again on March 5, May 7, June 24 in connection with the juvenile conference, and October 1, 2021.

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 5, 2021

A Juvenile Justice Improvement Committee and Child Welfare Improvement Committee was held jointly via Teams on Friday, February 5, 2021 from 12:00 p.m. – 1:45 p.m.

1. JJIC members. Hubert Branstetter, Jr., Steven David, Faith Graham, Kelsey Hanlon, Holly Harvey, Matthew Headley, Mark Jones, Brett J. Niemeier, Charles F. Pratt, Thomas P. Stefaniak, Jr., Andrea Trevino and Dana Kenworthy, Chair.
2. CWIC members. Sally Berish, Chris Daley, Christine Talley Haseman, Jennifer Hubartt, Heather Kestian, Teresa Lyles, Michael Moore, LaTrece Thompson, and Andrew Roesener, Chair
3. Staff. Jeffrey Bercovitz, Angela Reid-Brown, Pamela Christenberry, Leslie Dunn, Mary Kay Hudson, Melinda Pickett, Tara Rochford, Colleen Saylor, Nancy Wever, Indiana Office of Court Services. Nancy Gettinger Jurist in Residence and Heather Mollo, Jurist in Residence.
4. Minutes approved. The minutes for the Juvenile Justice Improvement Committee meeting on January 8, 2021 were approved.
5. Recent legislation. Jeffrey Bercovitz highlighted legislation of interest to judges in the areas of CHINS, Termination and Adoption. He reviewed Senate Bills 66, 209, and 239, and House Bills 1127, 1389, 1391, 1448, 1523, 1531, 1536, and 1562. Judge Kenworthy gave an update on HB 1198 and Senate Bill 368. She noted SB 368 would be narrowed to three (3) areas: juvenile jail removal, juvenile competency, and automatic expungement.
6. Opening remarks.
  - a. Charge - Judge Roesener and Judge Kenworthy said the goal of today's meeting is to establish short term fixes and long-term goals to address the problem of permanency for children. Short term goals would be a quick band-aid to address permanency for children and long-term goals would be systemic changes needed for permanency.
  - b. Short term fixes – Committee members discussed
    - *Statute on restoration of parental rights*. This includes when TPR has occurred, older children may still be reunified with a parent.
    - *Expedited appeals for TPR cases* – This would be studied to help move adoption cases.

- *Bundling of adoptions and guardianships* – Adoptions and guardianships would be bundled with existing CHINS cases
  - *Appointment of attorneys in guardianship and third party custodianship cases* – This would permit the closing of CHINS cases
  - *Facilitation in CHINS and TPR cases*. It could resolve a lot of cases and reduce contested hearings. Collen Saylor is looking at statistics.
- c. Longer term fixes  
*Child Welfare System Reform*. Judicial leaders will schedule a meeting with Director Stigdon and to discuss partnering with DCS on child welfare system reform efforts
- d. Committee discussion and assignments
- *Jurists in Residence* - Sr. Judge Gettinger and Senior Judge Mollo, Jurists in Residence, are continuing their factfinding efforts in various counties to tackle permanency issues in selected counties.
  - *Aging of cases* – one county reported there are many cases that remain open while waiting to transition to Bureau of Developmental Disability Services (BDDS)
  - *Paternity cases* – Paternity cases are being filed differently in different counties. In some counties, paternity is only filed to established paternity. In some counties, Title IV-D will handle paternity establishment and support, but not custody. In other counties, DCS will not file paternity. Once paternity case is opened, the court can enter a custody order. Committee members agreed by consensus to invite representatives at the policy level from Title IV-D, public defenders, CASA and DCS to solve the policy issue of paternity filing to the next joint meeting. Committee members agreed to provide a list of questions in advance to the Juvenile Justice Improvement Committee staff for guests to answer at the next joint meeting.
  - *Improving permanency hearings* – Permanency hearings can be improved. What are the right questions to ask, how often should permanency hearings occur, how can the permanency hearings be done better?
  - *Permanency summit* - CASA, DCS, Public Defender, and judicial officers would be invited to a summit to work together to improve permanency statewide. The Juvenile Justice Improvement Committee agreed to look at the structure of a summit, including the date, follow-up, resources needed, whether it would be held virtually, in person, or both. Multidisciplinary training is needed. Committee members discussed holding the Summit in late fall, in 2022, or in conjunction with the annual the juvenile judicial officers' conference. Because the Families First Prevention Services Act would be effective in the fall of 2021, it would be difficult to hold the summit afterwards. Mary Kay Hudson stated a summit held remotely and in person at the same time presents logistical challenges. Regional meetings were also suggested.
  - *Representation in guardianship cases* – Discussion about whether a public defender can represent a person in guardianship case with the proper waiver. Leslie Dunn noted there is an ethics opinion from many years ago which would permit a public defender to open a guardianship case, with the proper waiver. There are also waiver forms. The Public Defender Commission can only reimburse for certain case types, which would affect funding.
  - *Ethics advisory opinion* – Michael Moore sought assistance in ethics guidance for public defenders. He stated he had previously taken the issue of conflicts to the

disciplinary commission to review and give a response or advisory opinion. He indicated they had written scenarios previously and wanted them reviewed regarding the rules of professional conduct but were not able to get anyone to complete this. He agreed to prepare scenarios about guardianship. Mary Kay Hudson said she would help Mike with this, and specific facts and narrow focus might make them more comfortable. She agreed to assist.

- *CHINS and TPR timeframes* - The Juvenile Justice Improvement Committee discussed looking at CHINS and TPR timeframes. They agreed recent appellate decisions permit the use of trial rules in this area.
7. Next meeting. Committee members agreed:
- The Juvenile Justice Improvement Committee will meet again on Friday, March 5, 2021 from 12:00 noon – 2:00 p.m.
  - The Child Welfare Improvement Committee and the Juvenile Justice Improvement Committee agreed to hold another joint meeting on Friday, April 9, 2020 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  
March 5, 2021

A Juvenile Justice Improvement Committee was held via Teams on Friday, March 5, 2021 from 12:00 p.m. – 2:00 p.m.

1. JJIC members. Steven David, Faith Graham, Kelsey Hanlon, Holly Harvey, Mark Jones, Bruce Petit, Charles F. Pratt, Thomas P. Stefaniak, Jr., Andrea Trevino and Dana Kenworthy, Chair.
2. Staff. Jeffrey Bercovitz, Angela Reid-Brown, Pamela Christenberry, Leslie Dunn, Melinda Pickett, Nancy Wever, Indiana Office of Court Services. Nancy Gettinger and Heather Mollo, Jurists in Residence.
3. Guests. Michael Ross, Director, Behavioral Health Division; Renee White, Compliance Monitor; and Manpreet Kaur, Youth Equity Manager; Indiana Criminal Justice Institute (ICJI); Cam McLean, Legislative Services Agency; Julie Whitman, Executive Director, Commission on Improving the Status of Children in Indiana
4. Minutes approved. The minutes for the Juvenile Justice Improvement Committee meeting on February 5, 2021 were approved.
5. ICJI.
  - a. Michael Ross, Indiana Criminal Justice Institute reviewed the federal Juvenile Jail Removal Act requirements. He noted the Coalition for Juvenile Justice is a contact for advice on how other states are complying with the Jail Removal Act. He stated there is no detailed guidance at this time on implementation of the act which is effective December 21, 2021. He discussed the seven items in the act which must be considered by courts when deciding whether to place a waived or juvenile excluded from juvenile court jurisdiction in an adult jail or juvenile detention. Committee members discussed:
    - The amount of money the ICJI receives to implement the Jail Removal Act
    - How ICJI uses the Juvenile Justice State Advisory Group (JJSAG) and the Three Year Plan required under the federal Juvenile Jail Removal Act to distribute monies the ICJI receives
    - How juvenile detention centers cannot process bond if a waived or excluded juvenile is placed there.
    - How the seven items which courts must consider will be brought to the court for consideration
    - It may be unfair to juveniles in a juvenile detention center to be housed with a waived “adult” juvenile who may harm other juveniles
    - The need for training for juvenile detention staff to handle a more aggressive older juvenile who may harm other juveniles

- The need of juvenile detention centers for long term programming since waived or juveniles excluded from juvenile court could be in the detention center for six months to a year
- Procedures for the Juvenile Jail Removal Act hearing required by 34 U.S.C. § 11101 et. seq. (amending § 223 (a) (11)) for placement of a waived or excluded juvenile in a jail
- The impact on the Juvenile Detention Alternatives Initiative (JDAI) in a county with juveniles staying a long time in juvenile detention
- The definition of a court “lock-up,” noting the court holding facility without adults in it is secure
- The need for a multi-year collaborative effort in this area
- The repurposing of a portion of a juvenile facility which is not used to house waived or excluded juveniles
- Whether a violation would occur if a juvenile who is excluded from juvenile court jurisdiction is placed in a jail after arrest and pleads guilty before the court can conduct a housing hearing
- Changes in the Three Year Plan to provide funding for Juvenile Jail Removal Act programs
- Training for adult judges about the Juvenile Jail Removal Act
- Use of DOC facilities for waived or excluded juveniles from juvenile court jurisdiction

b. Manpreet Kaur presented Racial and Ethnic Disparities (RED) information to the committee. This included their county RED statistics for the previous year and 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. She requested committee members:

- Encourage all counties to take the RED course developed jointly with the Office of Court Services
- Complete the survey on RED data
- To volunteer to meet with ICJI to discuss ICJI’s RED webpage. Email: [makaur@cji.in.gov](mailto:makaur@cji.in.gov)
- Review your county data and contact her if something does not seem correct

She also noted a survey will be distributed from JDAI about Race Equity and Inclusion. Mag. Domine, Sr. Judge Gettinger, J. Kenworthy and Sr. Judge Mollo agree to meet and assist with data.

c. Michael Ross asked for suggestions via email for additional youth on the Juvenile Justice State Advisory Group, as well as volunteers for a system improvement group of he JJSAG.

d. Judge Kenworthy thought Joel Wieneke has an innovative way to getting youth on the Council of State Government’s Juvenile Justice Reform Task Force via probation youth and use of public service credit.

6. SSN for foster care youth. Members of the committee discussed the need for a form and/or procedures in the Juvenile Benchbook to help courts administer requests for a social security number for a child in foster care.

7. Recent legislation. Judge Kenworthy highlighted legislation of interest to juvenile judges. She reviewed Senate Bills 186, 301, 368, and House Bills 1256, 1531 with the committee. Jeff Bercovitz highlighted House Bill 1448 and 1562.

8. Next meeting. Committee members agreed to meet again jointly with CWIC on April 9. The committee agreed to meet again on May 7, June 24, (time and manner to be determined) October 1, December 3, 2021 from 12:00 noon – 2:00 p.m. via Teams and January 7, 2022 via Teams.

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  
April 9, 2021

A meeting of the Juvenile Justice Improvement Committee and Child Welfare Improvement Committee was held jointly via Teams on Friday, April 9, 2021 from 12:00 p.m. – 2:00 p.m.

1. JJIC members. Hubert Branstetter, Jr., Steven David, Kelsey Hanlon, Holly Harvey, Mark Jones, Bruce Petit, Charles F. Pratt, Thomas P. Stefaniak, Jr and Dana Kenworthy, Chair.
2. CWIC members. Sally Berish, Melinda Jackman-Hanlin, Heather Kestian, Teresa Lyles, Derrick Mason, Michael Moore, LaTrece Thompson, and Andrew Roesener, Chair
3. Staff. Jeffrey Bercovitz, Angela Reid-Brown, Michael Commons, Leslie Dunn, Mary Kay Hudson, Melinda Pickett, Nancy Wever, Indiana Office of Court Services. Nancy Gettinger Jurist in Residence.
4. Guests. Julie Whitman, Director, Commission on Improving the Status of Children in Indiana; Angelica Carter, Sean M. Gorman, Kimberly Spindler, Department of Child Services; and Rachel Winkler, Legislative Services Agency.
5. Minutes approved. The minutes for the Juvenile Justice Improvement Committee meeting on March 5, 2021 were approved.
6. Collaboration between committees.  
Mary Kay Hudson discussed making the most of judicial resources and coordination of efforts in juvenile and family law. Leslie Dunn and Angela Reid-Brown led a discussion by the committees of implementation ideas in the juvenile and family law area including:
  - Listing of roles and responsibilities of all juvenile and family law committees
  - Sharing ideas and concerns with juvenile and family court judicial officers
  - Executive group of committee chairs in related areas to coordinate and prioritize policies
  - Discussion of programs from other states
  - Implementation of innovative programs
  - Communication between the committees, e.g. sharing of minutes
  - Availability of DCS resources for family law cases
  - Being intentional about use of resources among committees
  - Development of a flow chart of existing committees, including brief explanations of their functions and recommendations to an executive group

- Better identification of problems and potential solutions
7. Opening paternity cases at the end of CHINS cases. Judge Kenworthy explained a concern about opening a paternity (JP) case at the end of a CHINS case, which leads to blocking to permanency for some children. Representatives from the Child Support Bureau, Public Defender Council and Public Defender Commission discussed opening a paternity case at the end of a CHINS case, which occurs in some counties, but not all. Committee members agreed to investigate the following areas for their next joint meeting:
- Guidance on best practices to advise clients on JP cases within a CHINS case
  - Use of an electronic application for JP services
  - Prepare a flow-chart between DCS and Title IV-D
  - Invite a representative from the Indiana Prosecuting Attorneys Council to future meetings
  - Whether courts can open paternity case
  - The Attorney General delegation of authority to file a JP case
  - Amending the cooperative agreement between DCS and the prosecutor's Title IV-D offices.
8. Next meeting. Committee members agreed:
- The Juvenile Justice Improvement Committee will meet again on Friday, May 7, 2021 from 12:00 noon – 2:00 p.m.
  - The Child Welfare Improvement Committee and the Juvenile Justice Improvement Committee agreed to hold a joint meeting on Friday, June 4, 2020 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  
May 7, 2021

A Juvenile Justice Improvement Committee was held via Teams on Friday, May 7, 2021 from 12:00 p.m. – 2:00 p.m.

1. JJIC members. Hubert Branstetter, Jr., Faith Graham, Kelsey Hanlon, Holly Harvey, Brett J. Niemeier, Bruce Petit, Charles F. Pratt, Andrea Trevino and Dana Kenworthy, Chair.
2. Staff. Jeffrey Bercovitz, Angela Reid-Brown, Leslie Dunn, Melinda Pickett, Coleen Saylor, Indiana Office of Court Services. Nancy Gettinger and Heather Mollo, Jurists in Residence.
3. Guests. Donald Travis and David Reed, Department of Child Services; Rachel Massey, Legislative Services Agency; Julie Whitman, Executive Director, Commission on Improving the Status of Children in Indiana
4. Minutes approved. The minutes for the joint meeting of the Juvenile Justice Improvement Committee and Child Welfare Improvement Committee on April 9, 2021 were approved.
5. Retiring member. Judge Pratt stated he appreciated serving on this committee. Judge Kenworthy thanked him for his service on the committee.
6. Department of Child Services.
  - a. Donald Travis reported the Department of Child Services (DCS) approved Cordant Health Solutions as a new drug screen provider for DCS. He said a phased roll out of their services has begun.
  - b. David Reed reported all in-home CHINS cases and informal adjustments were now in Indiana's Families First Preservation Services Act program at DCS. Mr. Reed noted monies are paid to one provider working with the family and DCS is tracking outcomes for these services. The DCS goal is to prevent the child's placement in foster care. Donald Travis reported DCS has a committee working on Indiana Family Preservation Services for juvenile delinquents at risk for placements. Indiana Family Preservation Services are different than the new program under the federal Families First Preservation and Services Act (FFPSA).

In addition, DCS will be opening a new program entitled, Family Reunification Services. The new programs will work with families where the child was placed with relatives or out of the home.
  - c. Donald Travis reported DCS is reviewing the need for approval by DCS for predisposition placements in light of the FFPSA. The federal act requires review of a

recommendation for a residential placement and use of a 30 day assessment. The plan is for a probation officer to make the referral for the 30 day assessment.

d. DCS has reviewed the eligibility for reimbursement under Title IV-E for delinquency versus CHINS cases. DCS found the “contrary to the welfare” language missing in some delinquency orders and missing data on household income. He said this may be explained by some orders being drafted by prosecutors and the income levels for household income not changing since 2008. Angela Reid-Brown noted there will be a session on use of the correct Title IV-E language at the juvenile court judicial officers conference in June.

7. CSG Preliminary Assessment. Judge Kenworthy stated the Council of State Governments (CSG) recently prepared a report entitled, “Preliminary Assessment of Indiana’s Juvenile Justice System,” dated April 2021. She said it was recently reviewed by the Juvenile Justice Task Force of the Commission on Improving the Status of Children in Indiana. She reported the CSG recommended improvements in collection and use of statewide juvenile justice data, the use of data from multiple systems to monitor performance, use of information about the juvenile to guide decisions about the juveniles, matching the juvenile with supervision based on risk of reoffending, limitations on the use of detention, juvenile specific guidelines for services for delinquents, and the use of a more developmental approach for juveniles. Julie Whitman stated there was money appropriated for a deeper data dive and the Task Force was working on data agreements with DCS, DOC, and with the courts to get bulk data.

8. CIP Court Performance Measures Report. Collen Saylor reported key findings of the draft 2020 Court Performance Measures Report. Angela Reid Brown said the Data Advisory Committee had been relaunched and had held their first meeting. County improvements to permanency times, median times to permanency, times to adoption and other statistics were discussed.

Committee members discussed:

- The time needed to complete the TPR hearing and TPR order after the hearing
- The need to engage a local multidisciplinary task force to address the timeframes in TPR cases
- The unwillingness of DCS to move off of permanency in some cases
- Keeping the child in the home at initial hearings in order to help get to permanency quicker
- Whether recovery times of parents in substance abuse cases make these cases more difficult
- Whether better outcomes occur in lengthy cases with eventual reunification

9. Recent legislation. Judge Kenworthy highlighted legislation of interest to juvenile judges. She reviewed Senate Enrolled Acts 259, 301, 368, and House Enrolled Acts 1256 and 1531 with the committee. Jeff Bercovitz highlighted Senate Enrolled Act 1536.

10. NCJFCJ bench cards. Members of the committee agreed by consensus the National Council of Juvenile and Family Court Judges Bench Card Resource Center

<https://ncjfcj.org/bench-card-resource-center/> should be placed with benchbooks.  
Judge Graham noted the bench cards covered broad juvenile and family law areas.

11. Next meeting. Committee members agreed to meet again jointly with CWIC on June 4, 2021. The committee agreed to meet again on October 1, December 3, 2021 from 12:00 noon – 2:00 p.m. and January 7, February 4, March 4, and May 6, 2022 via Teams.

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  
June 4, 2021

A meeting of the Juvenile Justice Improvement Committee and Child Welfare Improvement Committee was held jointly via Teams on Friday, June 4, 2021 from 12:00 p.m. – 2:00 p.m.

1. JJIC members. Steven David, Faith Graham, Holly Harvey, Matthew Headley, Mark Jones, Bruce Petit, Thomas P. Stefaniak, Jr., Andrea Trevino and Dana Kenworthy, Chair.
2. CWIC members. John Boyce, Ashley Colborn, Chris Daley, Jennifer Hubartt, Teresa Lyles, Derrick Mason, and Michael Moore.
3. Staff. Jeffrey Bercovitz, Angela Reid-Brown, Leslie Dunn, Colleen Saylor, Nancy Wever, Indiana Office of Court Services.
4. Guests. Sean M. Gorman, Joel McGormley, and Kimberly Spindler, Department of Child Services; and Rachel Massey, Legislative Services Agency; William Welch and Karla Mantia, Indiana Prosecuting Attorneys Council; and Timara Turman, Marion Superior Court 14 Intern.
5. Minutes approved. The minutes for the Juvenile Justice Improvement Committee meeting on May 7, 2021 were approved.
6. Introduction. Mr. Joel McGormley, Chief Legal Counsel, Indiana Department of Child Services, was introduced to the committee.
7. Opening paternity cases at the end of CHINS.  
*Electronic application*. Sean Gorman reported the Child Support Bureau, Department of Child Services, has an online enrollment process for paternity services. See <https://dcswebapps.dcs.in.gov/IVDEnrollmentFormSite/Default> Committee members discussed announcing this at the Juvenile Court Judicial Officers annual meeting, placing this in the paternity benchbook, and getting notice of the website out to public defenders, CASA's, and others. The online application occurs at the state level.  
Justice David indicated a "Top 10" list of this, and other items would be helpful to judicial officers at the Juvenile Court Judicial Officers annual meeting.  
*Flow Chart*. Sean Gorman stated he did not find a flow chart of the paternity application process. He agreed to make sure the CHINS side of DCS communicates with the Title IV-D offices to assure paternity cases are opened. He agreed to work on a flow-chart of a default process which counties could use. It would not affect an existing process to establish paternity cases if working well.

*Amending cooperative agreements.* Sean Gorman reported looking at the cooperative agreements between the Child Support Bureau, Indiana Prosecuting Attorneys Council and Title IV-D prosecutors. He believed general provisions existing in these agreements have clear expectations of what the parties are supposed to be doing.

*Private attorneys.* Michael Moore and Derrick Mason drafted guidance and recommendations on best practices on paternity matters within a CHINS case. Recommendations include: (1) moving paternity matters to the CHINS court when there is a pending CHINS/TPR matter involving the same child and parties, (2) holding hearings on the paternity matter on the same dates and times as the pending CHINS/TPR matter, (3) public defenders who are appointed to represent a parent in a CHINS/TPR matter cannot be required to represent the parents in the paternity matter, but are free to advise their clients of any direct or collateral consequences or benefits of moving forward, agreeing to, or objecting to the establishment of paternity, (4) if a public defender chooses to represent a parent in a paternity matter, that representation will likely be *pro bono* and not covered under the attorney's contract with the court or county, and (5) attorneys who choose to represent a party in a paternity matter being heard at the same time as a CHINS/TPR should be free to file a Temporary or Limited Appearance under Ind. Trial Rule 3.1(I) and representation should not count against Commission caseload limitations if the representation will not be reimbursable. They noted courts may work with self-represented litigants based on Rule 2.2 of the Code of Judicial Conduct and recommended review of comment #5 of this rule.

The Juvenile Justice Improvement Committee agreed to look further at this memorandum. Justice David asked Leslie Dunn to use a Senior Judge to collect practices on holding CHINS and other cases together.

*Attorney General delegation of authority to file paternity case.* Kim Spindler, Department of Child Services, reported she believed the process outlined by Sean Gorman is the more consistent approach. She said DCS field staff will help get paternity cases filed by working with the Title IV-D office.

*Courts opening a paternity case.* Judge Kenworthy reported two approaches to courts opening a paternity case. One would have Ind. Code § 31-30-1-13 (c) amended to clarify when a judge establishes paternity, a court could open a paternity file. The other approach would be to create language elsewhere about opening a paternity case. She said Adrienne Meiring believes it would be easier to edit the current statute.

- Members discussed what pleading would open the paternity case, who would do notice, and whether the judge opening a paternity case at the close of the CHINS case would no longer be perceived as impartial. William Welch suggested language be added to Ind. Code § 31-14-4-1 about who may file a paternity case. In some larger counties, one court administers CHINS cases, but a different court administers paternity cases. This would affect their caseload. How would jurisdiction over the parties be established? Could the jurisdiction in the CHINS case be used for the paternity case? It was agreed a small group from the committee could be formed to come up with a primary and a secondary solution to these questions with a legislative fix if needed.
- Judge Trevino, Justice David, Magistrate Colborn, Michael Moore, and Kim Spindler and/or Joel McGormley agreed to work on a primary and secondary solution.

8. Child Welfare Improvement Committee (CWIC) Report.

- Angela Reid-Brown and Colleen Saylor reported CWIC was asked to examine the appellate process to determine if changes would assist. They reported times it took to appeal a TPR case has decreased significantly since the appeal process was last reviewed in 2008.
- Judge Kenworthy announced a DCS/Court Collaboration to Transform Child Welfare group met on March 19 and May 14, 2021. The DCS is working on a parallel project to improve permanency outcomes.
  - Director Stigdon announced at the March meeting DCS targeted improving the time to permanency, (1) highlighting guardianship as permanency, (2) reducing the number of CHINS in residential facilities to 600 or less, (3) continuing the trend in reducing the number of probation youth in residential facilities, (4) reducing of the time from TPR to adoption, (5) decreasing the number of children nine (9) years old and older waiting for adoption, and (5) use of the Sequential Intercept model for prevention purposes.
  - At the May meeting, (1) an overview was given of the 2020 child welfare court performance measures, (2) a request was made to break down court data by race to identify inequities in the system, (3) the possibility of 30 day review hearings in CHINS cases (as is done in Mississippi) to move CHINS to permanency faster, (4) use of a triage model to move cases to permanency faster and (5) looking at the variation among counties on how Informal Adjustments are administered.

9. Judge Kenworthy discussed the next steps for the committee for their next joint meeting:

- Legislative strategies prepared by the small group
- Preparation of a flow-chart between DCS and Title IV-D by DCS and Sean Gorman
- Closer look at the paper prepared by Michael Moore and Derrick Mason.

10. Next meeting. The Child Welfare Improvement Committee and the Juvenile Justice Improvement Committee agreed by consensus to hold a joint meeting on Friday, August 6, 2021 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  
August 6, 2021

A meeting of the Juvenile Justice Improvement Committee and Child Welfare Improvement Committee was held jointly via Teams on Friday, August 6, 2021 from 12:00 p.m. – 2:00 p.m.

1. JJIC members. Steven David, Holly Harvey, James D. Humphrey, Mark Jones, Daniel W. Kelly, Ryan King, Kaarin M. Lueck, Brett J. Niemeier, Graham C. Polando, Thomas P. Stefaniak, Jr., Andrea Trevino and Faith A. Graham, Chair.
2. CWIC members. Tatiana Alvarez, Sally Berish, Ashley Colborn, Chris Daley, Christine Haseman, Jennifer Hubartt, Melinda Jackman-Hanlin, Heather Kestian, Ashley Krumbach, Joel McGormley, Derrick Mason, Michael Moore, Sonya O. Rush, LaTrece Thompson, and Andrew S. Roesener, Chair
3. Staff. Jeffrey Bercovitz, Rae Feller, Mindy Pickett, Angela Reid-Brown, Leslie Dunn, Nancy Wever, Indiana Office of Court Services; Gaye Lynn Strickland and Lisa Thompson, Court Technology; Nancy Gettinger and Heather Mollo, Jurists in Residence.
4. Guests. Bill Gottlieb, Gottlieb and Wertz; Angelica Carter, Sean M. Gorman, Kimberly Spindler, Department of Child Services; and Kaylee Koehlinger, Legislative Services Agency; and 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 June 4, 2021 were approved.
6. Introduction. Ms. Rae Feller, new GAL/CASA State Director, Indiana Office of Child Services, was introduced to the committee.
7. New members. Ryan J. King, Daniel W. Kelly, Kaarin M. Lueck, and Graham C. Polando were introduced as new members of the Juvenile Justice Improvement Committee.
8. Proposed form changes. Senior Judge Mollo reported on changes coming to embed the dual status screening tool into the Preliminary Inquiry, Predispositional Report and Modification forms. This will improve reporting and tracking dual status youth. The amended forms are expected to be implemented in January 2022. Consideration will be given about what would occur if the predispositional report was not completed.

9. Automatic expungement.

a. Gaye Lynn Strickland discussed automatic expungement of juvenile misdemeanor cases via Odyssey under Ind. Code § 31-39-8-3.5. A list of expungement dates will be generated for use by the court on cases where a charge and disposition are entered.

b. Lisa Thompson distributed a memorandum of current expungement procedures developed previously with the Juvenile Justice Improvement Committee.

c. Bill Gottlieb explained to the committee how automatic expungements are administered in Quest.

d. Committee members discussed:

- In Odyssey, a court could have the list generated daily, weekly on some other basis, as set by the local court
- Whether language in the dispositional order would assist in the expungement process
- Whether additional training could help Clerk and court staff to place the charge and disposition of each juvenile case in Odyssey
- Whether reference to expungement in criminal cases would help in the automatic expungement of juvenile cases under the new statute
- How to handle expungement when a juvenile case included a felony (not subject to automatic expungement) and a misdemeanor (subject to automatic expungement)

It was agreed by consensus Judge Trevino, Mag. Polando, Gaye Lynn Strickland, Lisa Thompson and Bill Gottlieb would prepare best practice guidelines to assist courts in these areas.

10. Representation of children in CHINS. Judge Graham, Chair, discussed recent efforts to require an attorney to represent children in abuse and neglect cases. Leslie Dunn, Rae Feller, Nancy Gettinger, Judge Haseman and Mag. Lueck agreed to study this issue further.

11. CHINS IV-D process flow and paternity website. Sean Gorman reviewed and explained a CHINS/IV-D Process flow chart for paternity services with members of the committee. Staff agreed to distribute it to committee members. Sean Gorman also displayed Child Support Bureau websites for an online enrollment application process for paternity services. He agreed to revise a memorandum to be distributed to all judges about applying online for paternity services.

12. Memorandum on public defenders in Paternity cases. Michael Moore reviewed a draft memorandum about representation of clients in paternity cases. Committee members discussed:

- Moving paternity cases could affect caseload allocations
- Holding paternity and CHINS hearings in the same court might not work in all courts
- Representation by an attorney at the end of a CHINS case may extend to collateral issues in a Paternity case
- Distinguishing between Public Defender Commission and non-Commission counties when discussing appointment of counsel

- Handling of confidential findings in a CHINS case, which if they are in the last order, might be placed in a paternity case, which is public
- The draft memo indicates Lake County does participate in the Commission's reimbursement program. Judge Stefaniak, Lake Superior Court, Juvenile Division reported he tells public defenders, who are hired directly by the juvenile court, to do what they need to do in juvenile cases. Their office has training and sends public defenders to state training. They have looked into the Public Defender reimbursement program and found it would cost \$400,000 to \$600,000 more annually to his county than the present system. His county also uses an outside vendor for the establishment of paternity.
- Reorganization of the draft memo with separate recommendations for courts, public defenders, and the legislature

It was agreed by consensus to bring a revised memorandum to the committee for further discussion.

13. Report by subcommittee on paternity after CHINS. Judge Trevino reported on the joint subcommittee looking at the opening of a paternity case for placement of the final order in a CHINS case. She reported the subcommittee discussed:

- Greater access to enroll in Title IV-D, preferably at the initiation of the parties
- Facilitation of enrolling by having Title IV-D fund kiosks outside the courtroom to enroll on-line
- Permitting courts to directly order DCS to open JP cases with court follow-up
- Legislative authority for courts to open paternity cases
- Legislative authority for the Child Support Bureau to open paternity cases with a paternity affidavit. This would be similar to a Michigan statute which permits this procedure.
- Consideration of Title IV-D metrics by courts, e.g. deferring a child support order and parenting time if possible in a newly opened paternity case
- Making sure Clerks get the necessary information to get child support to a third party for the child(ren)

August and September meetings are set for the subcommittee.

14. Next meeting.

The Child Welfare Improvement Committee and the Juvenile Justice Improvement Committee agreed by consensus to hold a joint meeting on Friday, October 1, 2021 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  
October 1, 2021

A meeting of the Juvenile Justice Improvement Committee and Child Welfare Improvement Committee was held jointly via Teams on Friday, October 1, 2021 from 12:00 p.m. – 2:00 p.m.

1. JJIC members. Matthew L. Headley, James D. Humphrey, Daniel W. Kelly, Ryan King, Kaarin M. Lueck, Graham C. Polando, Thomas P. Stefaniak, Jr., Andrea R. Trevino and Faith A. Graham, Chair.
2. CWIC members. Tatiana Alvarez, Sally Berish, Ashley Colborn, Christine Haseman, Heather Kestian, Ashley Krumbach, Michael Moore, and Sonya O. Rush
3. Staff. Jeffrey Bercovitz, Mindy Pickett, Angela Reid-Brown, Colleen Saylor, Nancy Wever, Indiana Office of Court Services.
4. Guests. Amber Fystro, Indiana House of Representatives; Judge Dana Kenworthy, Judge Stephen R. Galvin; Sarah Faulkner, Karen Mikosz, Kimberly Nightingale, William Young, Department of Child Services; and Julia Stevens, Public Defender's Council.
5. Minutes approved. The minutes for the Juvenile Justice Improvement Committee meeting on August 6, 2021 were approved.
6. Juvenile Jail Removal. Judge Kenworthy gave a report from the Juvenile Jail Removal (JJR) committee looking at SEA 368. She reported topics addressed by the committee, reporting:
  - DOC posted the counties which accept waived or excluded juveniles from other counties in their juvenile detention centers. DOC juvenile safekeeper policies and per diem were also posted. See <https://www.in.gov/idoc/dys/juvenile-detention-centers/>
  - Discussion of financial factors for a county when placing a waived or excluded juvenile in detention vs. jail
  - Processing questions, including representation of a juvenile when the juvenile may be placed in a county far away
  - Posting questions to judicial officers to determine: (1) What challenges are you experiencing in implementation of SB 368 Juvenile Jail Removal provisions? (2) What processes have you implemented in response to SB 368 JJR provisions? (3) What questions do you have about SB 368 JJR provisions? and (4) What training and/or other guidance would be helpful for the new statute?

7. Depositions of child victims. Judge Graham reported Sawyer v. State, 171 N.E.3d 1010 (Ind. Ct. App. 2021) is awaiting a decision on transfer. This case held the new statute on depositions of child victims in sex offense cases conflicted with Indiana's Trial Rules.

8. Testimony about new legislation. Committee members discussed updating information about availability to testify about items of interest to all juvenile court judicial officers.

9. Automatic expungement subcommittee. Magistrate Graham Polando reported the Automatic Expungement Subcommittee held its first meeting. The subcommittee was formed to discuss and guide courts in the implementation of Ind. Code § 31-39-8-3.5. Issues raised include:

- Whether cases be set for a hearing which include a felony (not qualified for an automatic expungement) and a misdemeanor (qualified for an automatic expungement)
- Whether a case which includes a felony (not qualified for an automatic expungement) and a misdemeanor (qualified for an automatic expungement) can be expunged
- How often should the court be reminded automatic expungement cases need to be reviewed – daily, weekly, etc...
- The lack of complete information in Odyssey, which may prevent automatic reminders, for reviews of automatic expungement cases
- Difficulty in advising or giving notice to juveniles of automatic expungement or the denial of automatic expungement after a lengthy period of time may have passed since the juvenile completed his/her time under court supervision
- New expungement order forms for use with the new statute
- New statutory language for dispositional orders indicating the delinquent act will be expunged unless certain actions occur
- How the courts would know the “needs of the child” in the statute to not automatically expunge a case without information and / or a hearing
- Committee members discussed looking at other states which have similar statutes to see how they addressed these questions

10. Restoration of parental rights. Magistrate Sally Berish reported the Child Welfare Improvement Committee (CWIC) was proposing legislation on restoring parental rights in certain cases where parental rights were terminated. She reported this would assist on permanency for children. She noted 24 states have similar restoration legislation. Indiana's proposal only applies when parental rights were terminated, and the child is still a CHINS. The DCS, CASA, or a child over 14 years of age can file a petition for this restoration. Judge Graham asked that comments be forwarded to Judge Roesener, chair, CWIC.

11. CAPTA renewal and representation of children in CHINS. A national letter from CASA/GAL supporting CAPTA reauthorization was distributed to the committee. The committee agreed to discuss this at their next meeting.

12. Other legislation. Members of the committee discussed potential legislation concerning guardianships created as a permanency option in a CHINS case and challenges by parents to the guardianship.

13. Paternity after CHINS. Magistrate Colborn and Judge Trevino reported on the Paternity after CHINS subcommittee. They reported the memo from the Child Support Bureau online enrollment into Title IV-D services, preferably by parents, should be distributed by mid-October in a Wednesday message. This will speed up the opening of paternity cases and has already done so in Tippecanoe County. The committee discussed how some public defenders were opening paternity cases on a *pro bono* basis. The subcommittee also discussed potential legislative changes for the last statute in a CHINS case to provide for custody.

14. Proposed DCS legislation. William Young, DCS, reviewed proposed legislation with committee members including elimination of parental participation petitions, change of placement statute flexibility with foster parents, DCS employee defense for possession of child pornography in the line of duty, and permitting the intercept of child support when wagering on sports via a mobile device.

15. QRTP update. Heather Kestian gave an update on Indiana's implementation of the rollout by DCS of the Qualified Residential Treatment Plan (QRTP). She noted what Title IV-E covers, the QRTP requirements, Maximus being hired to conduct 30 day assessments required under the QRTP in CHINS cases. Probation consultants are conducting the assessments in delinquency cases.

16. Next meeting. The Juvenile Justice Improvement Committee agreed by consensus to hold their next meeting on Friday, December 3, 2021 from 12:00 noon – 2:00 p.m. Judge Graham reminded all committee members that joint meetings with the Child Welfare Improvement Committee (CWIC) would focus on permanency for children. She noted every other meeting would be a joint meeting with CWIC.

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Law

Juvenile Justice Improvement Committee  
Judicial Conference of Indiana

Meeting via Teams  
December 3, 2021

A meeting of the Juvenile Justice Improvement Committee was held via Teams on Friday, December 3, 2021 from 12:00 p.m. – 2:00 p.m.

1. JJIC members. Matthew L. Headley, James D. Humphrey, Daniel W. Kelly, Ryan 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, Joseph Fischer, Mindy Pickett, Colleen Saylor, Nancy Wever, Indiana Office of Court Services.
3. Guests. Amber Fystro, Indiana House of Representatives; Judge Darrin Dolehanty; Judge Stephen R. Galvin; Judge Kent Kiracofe; Senior Judge Heather Mollo, Jurist in Residence; Senior Judge Nancy Gettinger, Jurist in Residence; and Julie Whitman, Executive Director, Commission on Improving the Status of Children in Indiana.
4. Minutes approved. The minutes for the joint Juvenile Justice Improvement Committee and Child Welfare Improvement Committee on October 1, 2021 were approved.
5. Restoration of parental rights. Senior Judge Heather Mollo, Jurist in Residence reported the background of draft proposal on restoration of parental rights. This concept developed from a small but significant number of legal orphans seen by juvenile courts. She noted 25 states have some restoration of parental rights law, which was reviewed by a small working group of the Child Welfare Improvement Committee (CWIC).  
Judge Humphrey proposed this draft legislation be referred to a smaller committee of judicial officers with representatives from this committee, CWIC, and the Indiana Council of Juvenile and Family Court Judges (ICJFCJ) and be proposed at the legislative session in 2023. Committee members agreed by consensus with this proposal. Senior Judge Mollo agreed to chair a working group from the committees. Mag. Kelly volunteered to serve on this group. Judge Humphrey agreed to see if anyone from the ICJFCJ Board would participate.
6. Juvenile Justice Reform Task Force. Judge Graham and Judge Kiracofe discussed recommendations for delinquents by the Juvenile Justice Task Force of the Commission on Improving the Status of Children in Indiana. Judge Graham reported DCS had questions and concerns, especially in the financial area. She also noted some data was from Quest counties only. Judge Kiracofe said the community transition

program proposed for juveniles was similar to the one with adults, which he believed would be helpful.

Julie Whitman reported the recommendations include specific standards for juvenile probation, an age floor of 12 for the use of secure detention, how to use more front-end services for juveniles, and more consistent use of juvenile risk and needs assessments. The Task Force will meet on December 14 to finalize these proposals and the full Commission on Improving the Status of Children will meet on December 15 to vote on each proposal. Judge Humphrey stated courts need to watch for limits on judicial discretion.

#### 7. Automatic Expungement in Delinquency.

- A memorandum about the need to prepare Odyssey counties for implementation of a new law about expungement of certain juvenile cases was distributed to the committee. Committee members agreed by consensus this memo should be distributed as soon as possible to all juvenile courts.
- The Juvenile Benchbook dispositional order was distributed to the committee. Mag. Polando indicated this order contained language about the new automatic expungement statute. It was noted the italicized language in the order was a direction to the court and did not need to be included in each order. Committee members agreed all juvenile courts should be reminded about the availability of this order.
- Magistrate Polando sought an Odyssey County volunteer to assist the subcommittee in looking at implementation issues with this new law. Mag. Lueck agreed to join the subcommittee.
- Magistrate Polando showed the committee proposed legislative language to fix two concerns in the original legislation. The amendments would (1) clarify automatic expungement should occur on case by case basis, not by and individual charge; and (2) require a hearing on the judicial override of any automatic expungement. Committee members agreed by consensus to approve this legislative proposal. Judge Humphrey agreed to see if the proposal could be supported by the ICJFCJ Board of Directors.

#### 8. Paternity after CHINS

- An excerpt from the October 27, 2021 Wednesday message was distributed to the committee. The excerpt included information from the Child Support Bureau, Indiana Department of Child Services about obtaining JP cause numbers for use at the end of a CHINS, including the use of an online Title IV-D enrollment form.
- Judge Trevino reported the subcommittee was making progress on ideas for placement of the last custody order in a CHINS case. The concept of use of a "bridge order" as is used other was explored, but not ready yet. Subcommittee members had discussed the need for a day session to complete a draft proposal in this area.
- Michael Moore, Indiana Public Defender Council, drafted proposed legislation for introduction by Representative Dale DeVon, contrary to the recommendation of the subcommittee.

9. Interim Committee on Corrections and Criminal Code. Judge Headley, a member of the Interim Committee on Corrections and Criminal Code, reported the committee discussed fees and costs for juveniles and abandonment of life without parole for juveniles. He reported the Public Defenders Council wanted Indiana to remove life without parole for juveniles, as has occurred in other states. He also reported on discussions of the interim committee about collections of fees and costs for juveniles. He noted his county's experiences in this area including charging small amounts parents could afford to pay for various costs. Other members discussed not charging for detention and the need for consistency in addressing fees and costs for juveniles across the state. Judge Graham noted the NCJFCJ position that no costs or fees should be paid for juveniles.

Judge Headley also reported Representative McNamara will probably seek legislation to permit prosecution of a person who committed a sex offense before the age of 18 and be prosecuted after they turn age 21, when the crime is first discovered after the person turns age 21.

10. Other

It was reported:

- The Child Services Oversight Committee heard testimony about the lack of staffing for residential services, the reduction in the availability of beds and other matters.
- The Interim Committee on Child Services heard testimony on the need to standardize child fatality reporting at the state and county level.
- Indiana asked for Seventh Circuit Court of Appeals to review a lawsuit noting children in the foster care system were in "serious and unconstitutional danger."
- The lawsuit to require an attorney to represent children in abuse and neglect cases was seeking transfer to the United States Supreme Court. In addition, an amendment was being sought in CAPTA to require attorney representation in CHINS cases. Sen. Braun filed an amendment about the costs to counties in order to pay for attorney representation.
- A recent case, **J.J. et al. v. C.B.**, 20A-AD-2102, (Ind. Oct. 19, 2021) transfer was denied by the Indiana Supreme Court. Parents' consents were not required for adoption when a CHINS case still pending, and the primary permanency plan was reunification, and the secondary plan was adoption.

11. Next meeting. The Juvenile Justice Improvement Committee agreed by consensus to hold their next meeting on Friday, January 7, 2022 from 12:00 noon – 2:00 p.m. Committee members agreed by consensus hold joint meetings with the Child Welfare Improvement Committee (CWIC) on February 4, May 6, and August 5, 2022.

Respectfully submitted,

Jeffrey Bercovitz, Director

## Juvenile and Family Law