

Juvenile Justice Improvement Committee
Judicial Conference of Indiana

Meeting via Teams
January 7, 2022

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

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

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

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

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

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

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

9. Recent legislation.

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

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

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

10. Other.

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

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

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

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

Joint meeting held remotely via Teams
February 4, 2022

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

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

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

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Juvenile Justice Improvement Committee
Judicial Conference of Indiana

Meeting via Teams
March 4, 2022

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

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

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

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

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

Joint meeting held remotely via Teams
May 6, 2022

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

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

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

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

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

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

10. Other.

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

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

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

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

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Juvenile Justice Improvement Committee
Judicial Conference of Indiana

Meeting via Teams
August 5, 2022

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

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

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

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

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

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

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

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law