

# Juvenile Justice Improvement Committee

## Judicial Conference of Indiana

Meeting via Teams  
Minutes  
February 2, 2024

The Juvenile Justice Improvement Committee met on Friday, February 2, 2024, from 12:00 p.m. – 2:00 p.m. remote via Teams.

1. JJIC members: Bridget Foust, Kelsey Hanlon, Holly Harvey, Daniel Kelly, Ryan J. King, Kaarin Lueck, Lori K. Morgan, Aaron Negangard, Dan Pappas, Graham Polando, and Andrea Trevino, Chair.
2. Staff: Jeffrey Bercovitz, Mindy Pickett, Leslie Dunn, Colleen Saylor, Lindsey Pettitt, and Nancy Wever, Indiana Office of Court Services.
3. Guests: Joel McGormley, General Counsel and Kimberly Nightingale, Deputy General Counsel, Department of Child Services; Nancy Gettinger, Jurist in Residence, Judge Dana Kenworthy and Judge Kenton Kiracofe.
4. Minutes approved: The minutes of the meeting on December 8, 2023, were approved.
5. Presentation by DCS.
  - Joel McGormley, DCS General Counsel, reported DCS is contracting with local attorneys in five (5) locations in Indiana. Some were in rural counties and some in counties with turnover or high pressure challenges. He said his agency was looking at the state of DCS attorney practice via a practice model review process and leveraging data to improve practice, consistency, and work on troublesome cases. He noted this was not a pilot program and stated there would be better messaging in the future on this issue.
  - Kimberly Nightingale, DCS Deputy General Counsel, indicated DCS is looking at publication with unknown fathers. Committee members explained concern about publication in a narrow instance to an alleged unknown father in a termination of parental rights case where consent is not required and there is no one in the putative father registry. They also noted the practice of publication to an unknown father by the use of initials, which is not enough information to indicate if it is applicable to a particular person. DCS knows they have a strict view of notice by publication and are examining their position on this issue.
  - Kimberly Nightingale noted use of Title IV-E findings have not been reviewed in a number of years at DCS. The use of “removal” and its definition and the federal and state definitions of “relatives” also need to be examined. Reasonable efforts

language needs to be used in appropriate cases. DCS has considered the use of scenarios to indicate when and where reasonable efforts language should be used. Juvenile Benchbook forms were created as the “safe harbor” to assure the correct language was used consistently and to make sure federal dollars were not lost.

- Joel McGormley reported class action litigation is being challenged in the 7<sup>th</sup> Circuit, which is just a rehash of the earlier dismissed Ashley W. case. DCS is pursuing a motion to dismiss.

6. CFSR review. Lindsey Petitt, Court Improvement Program Administrator, gave an overview of the Child and Family Services Review (CFSR) and Indiana’s scores to members of the committee. She asked for ideas on how Indiana could work on barriers to permanency.

Committee members discussed:

- Publication to parents and use of the DCS Affidavit of Diligent Inquiry when needed should be improved and noted in the record correctly when completed
- All parties should agree on timelines for the case.
- Entering the entire CHINS case file into the record for a TPR often contains hearsay; the portions relevant to elements in the TPR case should be indicated
- DCS should consider calling parents as witnesses in TPR cases to solicit relevant evidence. This can oftentimes occur in a nonadversarial manner.
- DCS attorneys need to focus on what is alleged in the petition, and really use it to prove what is needed in the TPR case. Much of the information can be admitted by the parents – it is not a criminal case.
- The lack of available time to try a TPR case is an issue in a general jurisdiction court
- A chart for use by the judge of the elements of a TPR case and which witness would provide testimony on the element could be useful
- Resources locally are an issue. Some counties would benefit from an ADR program which Marion County had in which ADR was used in TPR cases.
- Availability of counsel is complicated issue in rural counties. May not be able to have an ADR program as noted above if attorneys are lost to it.
- Allen County does permanency mediations and is willing to share the techniques and procedures used. Jurists in Residence can assist in training about this program.
- DCS must really know the elements which must be used in TPR cases
- Senior Judges may take more TPR cases if they are given two (2) extra senior judge days to write their order
- A back to basics or fundamentals overview or training, beginning with making sure the elements of TPR are proven and starting with the parents, having them tell their story, without being too aggressive
- Legal case management improvements, including the update of the DCS dashboard.
- The Juvenile Benchbook Committee is working on a benchcard with many of the procedural issues of notice, publication, and other areas.
- Lack of service providers are an issue in some counties; in others, some service providers will not take referrals; in other counties, there is a high turnover rate with service providers.

- Placement of extremely high needs, substantial risk children is an issue, especially when DCS cannot find a placement and a psychological evaluation indicates a secure placement is needed.

7. Recent legislation. Committee members discussed Senate Bills 16 and 171 and House Bills 1051, 1064, 1101, 1310 and 1369.

8. Youth Justice Oversight Committee. Judge Dana Kenworthy gave a report on the Youth Justice Oversight Committee (YJOC). She stated the Indiana Criminal Justice Institute agreed to a rolling grant process, beginning in March 2024. She reported House Bill 1194 removes barriers to reimbursements and will permit better funding. The bill has passed the House. The grants themselves were clarified, the timeline for the grant process improved, and the technology for grant applications is being reviewed.

Judge Kenworthy noted some grant applications were declined, notably for detention staff and treatment services performed by the courts. In addition there will be 6 webinars starting in March on grant applications. There was some confusion about whether a county could apply for all three (3) grants, which can be done. Counties may apply together for a grant. There is work being done to provide prospective grantees with vignettes of successful grant programs. Committee members discussed a session at the joint juvenile and family law conference about the grant program.

9. Other. Members of the committee discussed:

- The value of having a session at a conference about counties who collaborate well with DCS and ideas to improve relationships in counties which are not as successful. Ideas in use by various counties could be highlighted, for example, requiring the local DCS to provide local 311's to the courts, requiring birth certificates at the start of a case, and cooperation between DCS and Title IV-D at the local level.
- After the legislative session, distilling what each legislator was concerned about, and doing some training on these issues and letting the legislator know what courts are doing about the issue.
- Jurists in residence and other judicial officers can provide training to DCS and other attorneys. This training should include all stakeholders.

10. Future meeting dates. The committee agreed to hold their next meeting via Teams on Friday, March 1, 2024, from 12:00 noon – 2:00 p.m. The committee agreed to add a meeting on December 6, 2024 from 12:00 noon – 2:00 p.m. via Teams. Judge Trevino stated, since her term on the committee and as chair ends on June 30, she would leave to the next chair scheduling of an in person meeting.

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Law

# Juvenile Justice Improvement Committee

## Judicial Conference of Indiana

Minutes  
March 1, 2024

The Juvenile Justice Improvement Committee met on Friday, March 1, 2024, from 12:00 p.m. – 2:00 p.m. remote via Teams.

1. JJIC members: Kelsey Hanlon, Daniel Kelly, Ryan J. King, Kaarin Lueck, Lori K. Morgan, Aaron Negangard, Dan Pappas, Graham Polando, Thomas Stefaniak, Jr., and Andrea Trevino, Chair.
2. Staff: Jeffrey Bercovitz, Leslie Dunn, Colleen Saylor, and Nancy Wever, Indiana Office of Court Services.
3. Guests: Christine Reynolds, Research Division Director, Renee White, Youth Program Manager, and Adam Winkler, Research Associate, all from the Indiana Criminal Justice Institute; Sr. Judge Nancy Gettinger and Sr. Judge Heather Mollo, Jurists in Residence; and Judge Dana Kenworthy.
4. Minutes approved: The minutes of the meeting on February 2, 2024, were approved.
5. Presentation by ICJI.
  - Adam Winkler gave a PowerPoint presentation explaining the Juvenile Justice Delinquency Prevention Act and collection of Racial and Ethnic Disparities (RED) data for delinquents in Indiana. He explained the Relative Rate Index and responded to questions about the RED statistics.
  - The RED data can help discussions with law enforcement or schools to identify disparity in referrals.
  - Adam Winkler explained the RED data would be distributed to all juvenile court judges and wanted to know if 30 days would be sufficient time for courts to review the data and ask any questions. Committee members agreed by consensus that 30 days would work for courts to review the data and ask any questions. Adam Winkler agreed to be the point of contact for any questions from the counties.
  - Renee White gave a report on YJOC grants for diversion, community alternatives and behavioral health, which were reopened. The reopened grant application period will run through April 12, 2024.
    - Judge Ryan King asked CJI staff questions about the delays in finalizing contracts and the disbursement of grant funds for the already approved YJOC grant applications. Judge King was approved for a sizeable grant and has already utilized manpower and services in anticipation of the funding but has not yet received any of the awarded grant funds. The delay is causing concern for him and those who have provided services for his program without payment thus far. Renee White explained

the process is moving forward and the contracts and funds would be distributed as soon as possible.

6. PIP review. Leslie Dunn gave a report of the Program Improvement Plan (PIP) indicating a final draft is due on March 29, 2024. She reported 33 cases will be pulled and reviewed on an item by item basis. DCS is working on four issues in the plan related to courts.

- For children not achieving permanency in 12 months, making changes to the permanency plan, including adoption in a concurrent plan, are not made timely.
- Filing and dismissing termination petitions, which would otherwise not be filed for a compelling reason, is creating unnecessary work for all parties
- There is a lack of understanding about the roles and expectations between DCS and families, probation, and judicial system partners
- DCS lacks reliable data to track the frequency and quality of periodic review and permanency hearings. DCS is hoping to develop a Hearing Quality Project which would focus on permanency.

7. Youth Justice Oversight Committee. Judge Dana Kenworthy gave a report on the Youth Justice Oversight Committee (YJOC). She stated grants were reopened as of March 1, 2024 and the application deadline is April 12, 2024. The Indiana Criminal Justice Institute (ICJI) agreed to host grant webinars every Wednesday at 11:00 a.m. Smaller counties can partner and pool funding with other counties in the region if there is a lack of providers. Any county can ask ICJI about reason(s) if a grant application is denied. Committee members discussed problems with Indiana's Intelligrants program and with reimbursement.

Judge Kenworthy noted discussion about waiting for funds to be distributed after grant approval. An emergency provision was added to HB 1194 to prevent delays in the distribution of grant monies. Judge Kenworthy has asked for specifics for delays in funding in order to bring this to the attention of ICJI and resolve the delays.

8. Recent legislation. Committee members discussed Senate Bills 16 and 171 and House Bills 1051, 1064, 1101, 1123, 1194 (effective upon passage) 1310 (effective upon passage) and 1369. The legislative session may end early on March 7, 2024.

9. Other. Judge Trevino reported she is still experiencing problems with adoption cases finalized in other counties. Jeff Bercovitz reported he is retiring at the end of March.

10. Future meeting dates. The committee agreed to hold their next meeting via Teams on Friday, May 3, 2024, from 12:00 noon – 2:00 p.m. The committee agreed to add a meeting on February 7, 2025 from 12:00 noon – 2:00 p.m. via Teams

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Law

## MINUTES

### Juvenile Justice Improvement Committee (JJIC)

May 3, 2024

via Microsoft Teams

1. **Attendees:**

- a. JJIC Members: Bridget Foust, Holly Harvey, Ryan J. King, Lori K. Morgan, Aaron Negangard, Dan Pappas, Graham Polando, and Andrea Trevino, Chair.
- b. IOCS Staff: Mindy Pickett (committee staff), Lindsey Petitt, and Nancy Wever.
- c. Guests: Kenton Kiracofe, Chair of the Juvenile Benchbook Committee, Hon. Dana Kenworthy, and Lucas White, Indiana House of Representatives.

2. **Minutes:** The minutes of the March 1, 2024, committee meeting were approved.

3. **GAL Guidelines:** Judge Trevino informed the committee that the guidelines were presented at the recent district meetings and were favorably received. She asked members to review the documents that were included with the meeting materials. If there are any concerns committee members should send those to Judge Tavitias and/or Leslie Dunn.

4. **2024 Juvenile Legislation:** Judge Trevino reviewed the following bills: SEA 16, 169, 171 and 282 and HEA 1051, 1064, 1101, 1123, 1194, 1240, 1310 and 1369. Judge Trevino indicated that she intends to hold a meeting with her local school districts regarding SEA 282 on absenteeism and that her court already has a process to receive the attendance reports and is willing to share her process with other committee members if interested. There has been some confusion on what "file with the court" means. Mindy Pickett reported that the Juvenile Benchbook Committee approved forms, dialogues and benchbook revisions regarding HEA 1310 and 1369 yesterday and are now published.

5. **Court Improvement Program (CIP):** Lindsey Petitt highlighted the recent DCS policy changes related to legislation and indicated there are still ongoing conversations regarding the 15 out of 22 TPR filing requirement and whether it may be replaced. She explained that courts are now able to change permanency plans during review hearings. She also reported on the Court Performance Measures annual report and indicated the following:

- The report is shorter because county level data was removed from the report. That data is available on the dashboard.
- Median data points are utilized because that better accounts for case outliers. However, the dashboard is being programmed so that it can toggle between median and average, some federal grants prefer average data points.
- There was an increase in median time to permanency for reunification, but it was nominal, approximately 9 days. However, the number of days to adoption was down, which may reflect the work that was done to speed up the adoption subsidy process.
- The full report has additional data and gives a brief synopsis of the Child and Family Services Review (CFSR).
- The CFSR PIP is still being drafted and will be shared with the committee at a future meeting.

Committee members may reach out to CIP staff with any questions.

6. **JDAI Year in Review:** Nancy Wever presented on 2023 JDAI data and current projects and reported:

- That data is looked at in two ways, impact and momentum. Impact data is from when the county started in JDAI to the current year and momentum is trended since 2017. The executive

committee is currently reviewing whether the baseline should continue to be when a county started with JDAI since that baseline may now be 15 years ago.

- The powerpoint slides will be provided to committee members after the meeting. The data in the slides are aggregate, includes all JDAI counties except Hendricks County.
- There has been a 58% reduction in the average daily rate of population and a 72% reduction in admissions overall to secure detention. However, the average length of stay is up. This may be because the individuals who are detained are an actual risk to the community and are staying longer.
- Counties are looking at their post-disposition use of detention, diversion, and reviewing programming and education that is working in other counties.
- JDAI is conducting facility assessments of the detention centers in the state and are working to collect data for all referrals (not just those in detention).

7. **Youth Justice Oversight Committee (YJOC) report:** Judge Dana Kenworthy gave a report on the YJOC. She indicated that the first round of grant applications has been completed and that they are now in the second round. Those applications are going to be reviewed soon and hope to have awards determined by mid-June. ICJI will have a table at the juvenile judges' conference and anyone considering funding can ask questions about the application process. She also gave a brief update on what the workgroups are doing. The Behavioral Health workgroup is focusing on diagnostic evaluations and discussing how to address the shortage of providers and educating new judges on the process by developing a benchcard. The Screening and Assessment workgroup recently updated the preliminary inquiry (PI) and created a coversheet that can be utilized when a complete PI is unavailable at the initial/detention hearing. The Diversion workgroup created a resource guide that will be posted on the YJOC website and are working on creating a program directory that will outline programs throughout the state. The Data workgroup recently looked at other sources of data including JDAI and CIP data and the possibility of creating a juvenile abstract of judgement. Finally, the Transitional Services workgroup has been conducting zoom focus groups with judges who have had a higher number of DOC commitments to get feedback and has also been looking at national service standards for transitional services.

8. **Other business:**

- a. Future Meeting Dates: The Committee approved March 7, 2025, as an additional meeting date and agreed to cancel the January 10, 2025, meeting.
- b. Thank you: The Committee thanked Judge Trevino and Judge Stefaniak for their service on the committee, their terms end July 1, 2024.

**2024 MEETINGS:** All meetings will be held via Microsoft Teams from 12:00 p.m. until 2:00 p.m. (eastern) unless otherwise noted.

August 2  
October 4  
December 6

**2025 MEETINGS:**

February 7  
March 7

## MINUTES

### Juvenile Justice Improvement Committee (JJIC)

August 2, 2024

via Microsoft Teams

1. **Attendees:**

- a. JJIC Members: Alicia Gooden, Kelsey Hanlon, Holly Harvey, Lori K. Morgan, Aaron Negangard, Dan Pappas, and Graham Polando, Chair.
- b. IOCS Staff: Mindy Pickett (committee staff), Leslie Dunn, Colleen Saylor, and Nancy Wever.
- c. Guests: Kenton Kiracofe, Chair of the Juvenile Benchbook Committee, Nancy Gettinger, Jurist in Residence, and Michelle Goodman, IOCS.

2. **Minutes:** The minutes of the May 3, 2024, committee meeting were approved.

3. **Juvenile Probation Project:** Michelle Goodman, IOCS, informed the committee that a working group is working to improve and update the delinquency preliminary inquiry, pre-dispositional report, and modification report. The reports need to be updated to reflect statutory changes and may incorporate additional feedback and suggestions from judicial officers, probation officers and other juvenile justice stakeholders. Michelle reported that she would be coming to future meetings to provide updates and answer any questions. Any revisions made will need to be approved by several different judicial conference committees and the Board of Directors in December. The anticipated effective date is July 1, 2025.

4. **Issues Relating to Minor Respondents in Protection Order Cases:** The committee reviewed L.R. b/n/f H.R. v. M.H. b/n/f N.H., 223 N.E.3d 675 (Ind. App. 2023) and discussed the footnote that invites the legislature to consider providing additional guidance to the courts on how the CPOA is applied to minors. The committee discussed how protection order cases between two minors are being handled currently in their communities and courts and how frequently these cases are occurring. Mag. Polando presented statutes from Michigan that include minimum age requirements to file. The committee agreed that this is an issue worth looking into and discussing further. Mag. Polando is going to try to gather information on how much time is being spent on these cases and provide it at a future meeting.

5. **Availability of Automatic Change of Judge in JC and JT Cases:** The committee reviewed existing case law, statutes, and trial rules regarding change of judge in juvenile termination and CHINS cases. The statute and trial rules on this conflict and the trial rule currently prevails which allows for an automatic change of judge. This creates some logistical problems particularly in small communities when a routine change of judge is sought in these cases. A motion to propose a rule change, draft it, and discuss further at the next meeting was made and approved by committee members. Judge Negangard and Mag. Polando volunteered to work on the draft proposal.

6. **Other business:**

- a. Probation Prevention Plan: Colleen Saylor reported that DCS is missing out on federal IV-E dollars for services provided in delinquency cases. To rectify this DCS and IOCS have been collaborating on a Probation Prevention Plan form that will be filled out by the probation officer and submitted to the DCS probation services consultant when requesting services. This form will comply with federal requirements and enable DCS to seek reimbursement for services.



- b. Diagnostic Assessment Benchcard: Leslie Dunn presented a draft benchcard from the YJOC Behavioral Health Workgroup. She explained that the purpose is to assist judicial and probation officers in making decisions surrounding diagnostic assessments, including whether one should be ordered and/or the location of the assessment. The committee provided feedback that it would be helpful to include sample referral questions to the assessors.
- c. JD NICS Reporting: Mindy Pickett explained that for NICS reporting to work in delinquency cases a specific event code must be added to the case, if the event code is not added then the information will not be transmitted to NICS. Court Technology asked if judicial officers would be interested in an automatic reporting method, or another option is to run a report to determine which cases are missing the event code. The Committee agreed that the automatic option would be the most efficient and effective.
- d. Youth Justice Oversight Committee (YJOC) Update: Leslie Dunn provided an update on the YJOC and outlined the various projects that each of the workgroups are working on. More information about the YJOC and the workgroup projects can be found on the YJOC website.
- e. New meeting date: The committee considered meeting on May 2, 2025, in person in Indianapolis. Mag. Pappas suggested that the committee try to meet in person in conjunction with another event, i.e. Juvenile Conference or Spring Conference. The meeting date and location were tabled for a vote at the next meeting to allow for time to explore other options.

**2024 MEETINGS:** All meetings will be held via Microsoft Teams from 12:00 p.m. until 2:00 p.m. (eastern) unless otherwise noted.

October 4

December 6

**2025 MEETINGS:**

February 7

March 7

## MINUTES

### Juvenile Justice Improvement Committee (JJIC)

December 6, 2024

via Microsoft Teams

1. **Attendees:**

- a. JJIC Members: Alicia Gooden, Kelsey Hanlon, Holly Harvey, Ryan King, Kaarin Lueck, Lori K. Morgan, Aaron Negangard, Dan Pappas, and Graham Polando, Chair.
- b. IOCS Staff: Mindy Pickett (committee staff), Jamie Devine, Leslie Dunn, Colleen Saylor, and Nancy Wever.
- c. Guests: Steve Galvin, Jurist in Residence, Hon. Dana Kenworthy, Michelle Goodman, IOCS, David Reed and Sarah Sailors, DCS and Kylee Hope, FSSA.

2. **Minutes:** The minutes of the August 2, 2024, committee meeting were approved.

3. **Juvenile Probation Project:** Michelle Goodman, IOCS, updated the committee on the progress in updating the delinquency preliminary inquiry, disposition, and modification reports. She briefly explained the updates since the last meeting. The reports have been approved by several other committees and the next step will be to seek approval from the judicial conference board of directors next week. The committee unanimously endorsed the reports and the corresponding policy updates.

4. **High Acuity Needs Project:** Sarah Sailors and David Reed, DCS, and Kylee Hope, FSSA, gave a presentation on the Children with High Acuity Needs Project. Leaders from the Governor's Office, FSSA, DCS, DOE, and DOC have collaborated on a multi-agency effort to ensure Indiana's system of care is best equipped to meet the needs of high acuity youth. The state and the rapid response team are currently collaborating on four core work streams: cross agency navigator, intensive foster and respite care, gatekeeper process review and youth transitional homes and caregiver coaching. The project has identified improvement opportunities and is utilizing key data metrics to track progress towards goals. Sarah indicated that if probation needs assistance with a high acuity needs child, they should start with their probation services consultant through DCS first. David is also meeting with probation officers across the state to discuss DCS initiatives. Thirty-five children have been staffed through the rapid response team.

5. **Rules Committee request- T.R. 60(B) Juvenile Delinquency cases:** The committee received a request from the Rules Committee to review a proposed revision to T.R. 60 that would add language on relief from juvenile adjudications. The committee discussed the proposal and expressed concerns regarding the standard and timeliness. Members wanted to see data that is available that shows how often post adjudication appeals are happening, including those from DOC commitments. Judge Kenworthy indicated she would be willing to see if there is any data available. The committee agreed to report back to the Rules Committee there are members who are strongly opposed to the changes, regardless of its location in T.R. 60, but consensus that a separate rule for juveniles might be beneficial. The committee is willing to work with the Rules Committee on any further revisions.

6. **Other business:**

- a. Proposed Adoption Legislation: Mag. Polando introduced a proposed bill that would require DCS to file notice in the juvenile court when an adoption petition has been filed. Committee members discussed issues that they have experienced where either the court or DCS had no

knowledge that an adoption was pending in another county. The committee supports notice being provided.

- b. Update on Publication of Unknown Fathers in TPR cases & T.R. 76 proposal: Mindy informed the committee that DCS has made some decisions regarding publication of unknown fathers. DCS will not publish solely on an unnamed alleged father, unless the court requires it. The T.R. 76 proposal regarding change of judge was submitted to the Rules Committee and is currently under review.
- c. Youth Justice Oversight Committee (YJOC) Update: Judge Kenworthy gave an update on each of the workgroups. There has been an increase in grant applications. The data workgroup is working on a data study between IU and OJA to see what data is being collected in Odyssey and Quest. The behavioral health workgroup has focused on diagnostic assessments and has finished a guidance/benchcard document for courts and probation officers. The next step is to get it approved by the YJOC. The transitional services workgroup is putting together an online program directory for counties and the transitional services workgroup is finalizing a best practices document.
- d. 2025 Meeting Dates: The committee tabled approving additional 2025 meeting dates. Dates will be confirmed by poll or email.

## **2025 MEETINGS:**

February 7

March 7