

Minutes
Juvenile Benchbook Committee
January 24, 2020

1. **Attendees:** Mag. Ang, Judge Cates, Judge Graham, Mag. Gruett, Mag. Hartzler, Judge Kiracofe, Judge Kitts, Mag. Lueck, Mag. Pappas, Mag. Polando, Mag. Yonally.
Guest: Kim Spindler from Department of Child Services (partial attendance)
Staff: Amanda Wishin
2. **Minutes:** The Committee approved the minutes from October 25, 2019
3. **Updates to the Delinquency Benchbook**
 - a. Because of *KS v. State*, 114 N.E.3d 849 (Ind. Ct. App. 2018), the Committee approved adding the phrase, “Child has/has not been identified as a dual status child.” to form D-11.03. [Note: post-meeting Judge Graham suggested adding this phrase to D-14.07 and D-14.08, which was approved through email by the Committee.]. Amanda will post the updates to these forms immediately.
 - b. Mag. Pappas suggested making a change regarding OWI in section I.A.2. This change was approved by the Committee. Amanda will make this change and post immediately.
 - c. Mag. Pappas also suggested a change to Chapter 16.01 regarding post-adjudication suspension, including the addition of a practice note. This was approved by the Committee and Amanda will make this change and post immediately.
4. **Notice of Jurisdiction – Collaboration with DR Committee Update:** Mag. Ang and Mag. Hartzler that the subcommittee is close to a final draft on a confidential notice of jurisdiction and a notice of case closure. These forms would still allow each county to use their own procedures. The subcommittee meets next on February 11, 2020.
5. **Family First Prevention Services Act:** Judge Graham and Judge Hanlon drafted an Order on Review of Placement in Qualified Residential Treatment Program (QRTP), Order for Placement in QRTP, and QRTP Assessment Report Form. These are still in rough form as there are many questions that still remain unanswered. Kim Spindler, DCS, joined the meeting and provided the Committee with her draft proposed QRTP findings. DCS is still working through issues as well.
6. **Service of Process Documentation Update:** Mag. Lueck provided a draft Summons that is shorter than the one normally used by DCS. The Committee approved posting this Summons on the CHINS Benchbook forms webpage.
7. **CHINS Benchbook Review:** The Committee approved the changes suggested by Judge Kiracofe to Detention and Custody Decisions (formerly chapter 5), Mag. Lueck’s ICWA and Resources chapters. The Committee also reviewed and approved Mag. Polando’s section on intervention, which was added to the Parties & Participants chapter. Because the Parties and Participants chapter includes new information about foster parents, the Committee approved publishing this chapter on InCite prior to the publication of the new CHINS benchbook; this publication is to be included in the Wednesday email to inform the judiciary. The Committee also approved publishing the Foster Parent Reporting Form on the CHINS benchbook forms public webpage under the Misc. category.

The current status of the CHINS Benchbook is as follows:

Chapter 1: Policy and Purpose of Juvenile Code (Graham)

Chapter x: Mental Health and Competency (Kiracofe)

Chapter 2: Parties and Participants (Lueck/Yonally) – Approved

Chapter x: Constitutional and Statutory Rights (Lueck/Yonally) – Approved

Chapter x: Initial Investigation, PI, Intake (Graham)

Chapter x: Petition and Initial Hearing (MacTavish) – Approved
Chapter 3: Jurisdiction, Venue, Change of Judge (Pappas) - Approved
Chapter 4: Informal Adjustments (Gruett) - Approved
Chapter 5: Detention and Custody Decisions (Kiracofe) – Approved
Chapter x: Records, Confidentiality, Expungement (Yonally) – Approved.
Chapter x: Disposition (Cates) – Approved.
Chapter x: Post-Disposition (Love)
Chapter 8: Fact Finding (Polando/Ang/Hanlon) – Approved
Chapter x: Court Orders to Parents (Hartzler/Nikirk)
Chapter x: Collaborative Care (MacTavish) - Approved
Chapter x: ICWA (Lueck) - Approved
Chapter x: Dual Status (Kitts)
Chapter x: Resources (Lueck) - Approved
Chapter x: Dialogues (Lueck)

- 8. Dialogues:** The Committee requested that all judicial dialogues that have been posted on the juvenile benchbook forms website pages be moved to their appropriate places on the Benchbook Application in Incite.

FUTURE MEETINGS: February 28, 2020
March 27, 2020
May 22, 2020
July 31, 2020
August 28, 2020
October 23, 2020

Minutes
Juvenile Benchbook Committee
February 28, 2020

1. **Attendees:** Mag. Ang, Judge Cates, Judge Graham, Mag. Gruett, Judge Hanlon, Mag. Hartzler, Judge Kitts, Mag. Lueck, Judge Nikirk, Mag. Pappas, Mag. Polando, Judge Sirk.
2. **Minutes:** The minutes from January 24, 2020 were approved by the Committee.
3. **Notice of Jurisdiction – Collaboration with DR Committee Update:** Mag. Ang and Mag. Hartzler reported that the subcommittee formed with Domestic Relations and Probate had approved two forms – Confidential Notice of Jurisdiction and Confidential Notice of Case Closure. They noted that these forms could be modified to fit a county’s procedures. Mag. Ang and Mag. Hartzler will work on a Notice of Confidentiality to go with the forms. Once the notice has been approved, the Committee approved adding the forms to the Miscellaneous section of the CHINS forms.
4. **Case law changes:**
 - a. *In re M.S.* (Ind. Feb. 20, 2020): The Committee began to incorporate this case into the Factfinding chapter of the CHINS Benchbook. Mag. Polando volunteered to review this chapter for the next meeting in light of this case.
 - b. *NF v State*, 126 NE3d 38 (Ind. Ct. App April 2019). In review of the delinquency benchbook, this case point was already included. The Committee asked that the case citation be updated on p. 94.
5. **CHINS Benchbook Review:** The Committee approved the changes to the Court Orders to Parents chapter. Judge Sirk also volunteered to help Judge Love wrap up the Post-Disposition chapter. The Committee would like any references to the Indiana Code throughout the book to use the citation Ind. Code. ***The plan is to wrap up the CHINS Benchbook at the March meeting and make assignments for review of the next benchbook.***

The Committee voted to number the chapters and the current status of the Benchbook is as follows:

- Chapter 1: Policy and Purpose of Juvenile Code (Graham)
- Chapter 2: Parties and Participants (Lueck/Yonally) – Approved**
- Chapter 3: Jurisdiction, Venue, Change of Judge (Pappas) - Approved**
- Chapter 4: Constitutional and Statutory Rights (Lueck/Yonally) – Approved**
- Chapter 5: Mental Health and Competency (Kiracofe)
- Chapter 6: Initial Investigation, PI, Intake (Graham)
- Chapter 7: Informal Adjustments (Gruett) - Approved**
- Chapter 8: Detention and Custody Decisions (Kiracofe) – Approved**
- Chapter 9: Petition and Initial Hearing (MacTavish) – Approved**
- Chapter 10: Fact Finding (Polando/Ang/Hanlon) – Pending (previously approved)*
- Chapter 11: Disposition (Cates) – Approved.**
- Chapter 12: Court Orders to Parents (Hartzler/Nikirk)
- Chapter 13: Post-Disposition (Love/Sirk)
- Chapter 14: Collaborative Care (MacTavish) - Approved**
- Chapter 15: Dual Status (Kitts)
- Chapter 16: ICWA (Lueck) - Approved**
- Chapter 17: Records, Confidentiality, Expungement (Yonally) – Approved.**
- Chapter 18: Resources (Lueck) - Approved**
- Forms - Dialogues (Lueck)

6. **Wrap Up:** The Committee discussed if there is any way to train and inform people about the use of the foster parent reporting form. The Committee discussed that it would be helpful if DCS provided the cause number to the foster parents at the start of the case. Amanda will reach out to Education about including at the Court Reporter & Clerk Conference.

The Committee also reviewed the Summons approved at the last meeting. The Committee removed the word “default” and re-approved the form for positing under CHINS forms.

Judge Kitts will work on getting the Title IV-D Manual for our reference as we review the Paternity Benchbook.

FUTURE MEETINGS: May 22, 2020
 July 31, 2020
 August 28, 2020
 October 23, 2020

MINUTES
Juvenile Benchbook Committee
May 22, 2020
Meeting via Teams

1. **Attendees:** Mag. Ang, Judge Cates, Judge Graham, Mag. Gruett, Judge Hanlon, Mag. Hartzler, Judge Kiracofe, Judge Kitts, Mag. Lueck, Judge MacTavish, Judge Nikirk, Mag. Pappas, Mag. Polando, Mag. Yonally.
2. **Minutes:** The minutes from the February 28, 2020 meeting were approved.
3. **Notice of Jurisdiction – Collaboration with DR Committee Update:** Mag. Ang and Mag. Hartzler are still working on a Notice of Confidentiality to go with the previously approved forms.
4. **Waiver Form for Remote Hearings:** The Committee approved two waiver forms – one for CHINS and one for delinquency that were prepared by Judge Hanlon.
5. **CHINS Benchbook Review:** The Committee reviewed and approved:
 - a. Chapter 1: Policy and Purpose of Juvenile Code (Graham)
 - b. Chapter 5: Mental Health and Competency (Kiracofe)
 - c. Chapter 6: Reporting and Investigation of Child Abuse and Neglect (Graham)
 - d. Chapter 10: Fact Finding (Polando/Ang/Hanlon)
 - e. Chapter 15: Dual Status (Kitts)
 - f. Forms - Dialogues (Lueck)

Mag. Lueck volunteered to finalize Chapter 13: Post-Disposition. Mag. Polando and Judge Hanlon will do a second review and the Committee will vote via email. This marks the complete review of the CHINS Benchbook. Amanda will begin to get the book formatted for publication.

6. **TPR Benchbook:** Mag. Lueck volunteered to do a complete review of the TPR Benchbook over the course of the summer.
7. **Paternity Benchbook Review:** Judge Kitts will follow up about getting a copy of the IPAC Title IV-D book. The following chapter assignments were made:

Chapter 1: Introduction - **Hanlon**

Chapter 2: Establishment of Paternity - **Polando**

Chapter 3: Paternity Affidavit - **Polando**

Chapter 4: Genetic Testing – **Nikirk [now Gruett]**

Chapter 5: Custody, Parenting Time, and Child Support - **Kiracofe**

Chapter 6: Enforcement - **Kitts**

Chapter 7: Modification - **Kitts**

Chapter 8: Relocation and Passport Application for a Child - **Cates**

Chapter 9: Putative Father Registry - **Ang**

Chapter 10: Vacating the Establishment of Paternity –**Yonally**

Chapter 11: Surrogacy –**Yonally**

FUTURE MEETINGS: July 31, 2020
August 28, 2020
October 23, 2020

MINUTES
Juvenile Benchbook Committee
July 31, 2020
Meeting via Teams

1. **Attendees:** Ref. Gouty, Mag. Haughan, Mag. Ang, Mag. Bohn, Judge Cates, Judge Hanlon, Mag. Hartzler, Mag. Lueck, Judge MacTavish, Mag. Polando, Mag. Yonally, Judge Kitts
2. **Minutes:** The Committee approved the May 22, 2020 minutes.
3. **Notice of Jurisdiction – Notice of Confidentiality form update:** Mag. Ang and Mag. Hartzler continue to work on the form. The form will be emailed to Committee for review and approval via email.
4. **Mental Health Issues Benchcard Update:** Judge Kiracofe was on vacation. This update was tabled for the next meeting.
5. **Family First Prevention Services Act forms:** There is a tentative October 2020 implementation date for FFPSA. Judge Hanlon has received additional forms for review. Judge Hanlon will email remainder of forms to group for review and approval for lunch meeting on August 3. The Committee reviewed and approved:
 - a. Motion for Preliminary Placement in Residential Treatment Setting (child has not yet been placed)
 - b. Motion for Preliminary Placement in Residential Treatment Setting (child has been placed/requesting to be placed pending hearing)
 - c. Order for Placement in Qualified Residential Treatment Facility Pending Assessment, Order for Assessment, and Order Setting Additional Review (child already removed)
 - d. Order for Placement in Qualified Residential Treatment Facility Pending Assessment, Order for Assessment, and Order Setting Additional Review (child has not yet been removed/includes Title IV-E language)
 - e. Order for Placement in Qualified Residential Treatment Facility Pending Assessment, Order for Assessment, and Order Setting Additional Review (child placed pending hearing/includes Title IV-E language)
 - f. QRTP Assessment Report Form
6. **CHINS Benchbook** – The Committee discussed the questions raised by Judge Cates when drafting the Chapter on Safe Haven Laws. Committee agreed to remove the questions from the Chapter and update in the future if case law provides additional clarification.
7. **Paternity Benchbook Review:** The Committee reviewed and approved:
 - a. Chapter 1: Introduction (Hanlon)
 - b. Chapter 2: Establishment of Paternity (Polando)
 - c. Chapter 3: Paternity Affidavit (Polando)

FUTURE MEETING: August 3 emergency lunch meeting
October 23, 2020

August 3rd special meeting

8. **Attendees:** Ref. Gouty, Mag. Haughan, Mag. Ang, Judge Cates, Judge Hanlon, Mag. Hartzler, Judge MacTavish, Mag. Polando, Mag. Yonally, Mag. Pappas, Judge Kiracofe
9. **Family First Prevention Services Act forms:** The Committee agreed that the juvenile delinquency forms should be stand-alone separate forms regarding QRTP and should mirror the CHINS forms previously

approved by the Committee. The Committee reviewed and approved the following juvenile delinquency form:

- a. Order on Review Of Placement In Qualified Residential Treatment Program (QRTP)

MINUTES
Juvenile Benchbook Committee
October 23, 2020
Meeting via Teams

1. **Attendees:** Ref. Gouty, Mag. Haughan, Mag. Ang, Mag. Bohn, Judge Cates, Judge Hanlon, Mag. Lueck, Judge MacTavish, Mag. Polando, Mag. Yonally, Judge Kitts, Mag. Pappas, Comm. Gruett, Judge Kiracofe
2. **Minutes:** The Committee approved the July 31, 2020 minutes.
3. **Notice of Jurisdiction – Notice of Confidentiality:** Mag. Ang and Mag. Hartzler drafted three forms for committee review. Two forms were previously approved: Confidential Notice of Case Closure and Notice of Jurisdiction. Mag. Ang presented a third form for Committee approval, Notice of Exclusion. The Committee approved the form to be posted to the public website published form page.
4. **Mental Health Issues Benchcard Update (Kiracofe):** This update was tabled for the next meeting.
5. **JJRA Reauthorization: Deinstitutionalization of Status Offenders and Jail Removal – Effective December 21, 2021 – Update Waiver Forms:** This topic was tabled for the next meeting.
6. **BM v. State – Dual Status Issue:** The Committee discussed this recent case and the inconsistencies between the statutes regarding dual status. Prior to the next meeting the Committee will review the current delinquency disposition order forms and the dual status and disposition chapters in the Benchbook and decide if additional practice pointers need to be added.
7. **Paternity Benchbook Review:** The Committee reviewed and approved:
 - Chapter 8: Relocation and Passport Application for a Child
8. **Family First Prevention Services Act Forms:** The Committee reviewed and approved:
 - Order on Request for Residential Treatment at QRTP
 - Motion for Preliminary Placement in QRTP (Not Placed Prior To)
 - Motion for Preliminary Placement in QRTP (Already Placed)
9. **Discussion on specific topics:**
 - a. Recent amendment of IC 31-37-13-5: Delinquent act felony if committed by adult; reporting to OJA/NICS: The memorandum from the July 8, 2020 Weekly Bulletin will be re-distributed to the Committee.
 - b. Matter of K.R.: Supreme Court decision from October 15, 2020, drug screens are business records
 - c. Mag. Lueck provided an update on the status of the revisions to the TPR Benchbook.

2021 MEETINGS: Jan. 29, March 26, May 21, July 30, Oct. 29