

MINUTES
Juvenile Benchbook Committee
January 29, 2021
Meeting via Teams

1. **Attendees:** Ref. Gouty, Mag. Haughan, Mag. Ang, Mag. Bohn, Judge Hanlon, Mag. Lueck, Judge MacTavish, Mag. Polando, Mag. Yonally, Judge Kitts, Mag. Pappas, Comm. Gruett, Judge Kiracofe, and Mag. Hartzler
2. **Minutes:** The Committee approved the October 23, 2020 minutes.
3. **Mental Health Issues Benchcard Update:** The Committee agreed to table this issue to the next meeting to track legislative changes in session that may arise related to mental health and competency of juveniles.
4. **JJRA Reauthorization: Deinstitutionalization of Status Offenders and Jail Removal – Effective December 21, 2021 – Update Waiver Forms:** The Committee discussed the upcoming implementation date and financial impacts the new requirements may have on counties. Judge Bohn and Judge Kitts volunteered to review existing waiver forms and draft a new form regarding the new hearing type that will be required.
5. **TPR Benchbook:** Mag. Lueck is currently in the process of reviewing and revising the TPR Benchbook. Several Committee members volunteered to assist and review the TPR forms. Judge Hanlon will circulate a list of assignments via email to the Committee with a goal of completion by the May 21, 2021 meeting.
6. **Paternity Benchbook Review:** The Committee reviewed and approved the following chapters subject to amendments as discussed:
 - Chapter 5: Custody, Parenting Time, and Child Support
 - Chapter 6: Enforcement
 - Chapter 7: Modification

The Committee also reviewed commentary from IPAC.

7. **Language in Orders:**
 - **Initial Hearing without Removal/Improper use of IV-E language:** Judge Hanlon reported that judges may be misusing IV-E language especially in orders where a child is not removed. There is particular concern with the language “DCS is responsible for care and placement of child” in the findings. The Committee discussed this is primarily a training issue. Mag. Ang agreed to review the CHINS forms and provide suggested bracketed language guidance in the IV-E findings section.
 - **Out of State Placement:** The Committee discussed I.C. 31-37-19-3 (delinquency) and I.C. 31-34-20-1 (CHINS) regarding out of state placement findings in removal orders. Ms. Pickett updated the CHINS and Delinquency forms to reflect the statutory language. The Committee reviewed the form updates and unanimously approved. There was a question regarding the language “home” in the statutes and whether this language is necessary for out of state placement in a foster/relative home. Ms. Pickett indicated she would get clarification and report back at the next meeting.
 - **Medical Support:** Mag. Lueck reported that prosecutors are not receiving orders for DCS to provide insurance. The Committee discussed the issue and agreed to invite Bill Welch, from IPAC to provide further discuss and clarification to the next Committee meeting in March 2021.

8. Other business:

- a. Matter of Paternity of B.Y., 159 N.E.3d 575 (Ind. 2020), reh'g denied (Dec. 23, 2020): Committee agreed to add note on the case in the Paternity Benchbook.
- b. In re K.E., No. 20A-JC-1348, 2021 WL 116557 (Ind. Ct. App. Jan. 13, 2021): Mag. Lueck reported the case is cited in the TPR Benchbook revisions, and the Committee agreed it should be addressed in the Voluntary TPR dialogue.
- c. I.C. 35-50-8-1 School delinquency and criminal conviction information: Committee discussed the statute and current local practices and agreed to add note to Juvenile Delinquency Benchbook. Ms. Pickett will circulate the updated language for review at the next meeting.
- d. The Committee mourned the loss of colleague and fellow Committee member, Judge Cates, who died in December. The Committee agreed to dedicate at least one of the four Benchbooks drafted by the Committee in his honor.

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

- All meetings to be held remotely at 10 a.m. on Teams unless otherwise indicated.

MINUTES
Juvenile Benchbook Committee
March 26, 2021
Meeting via Teams

1. **Attendees:** Ref. Gouty, Mag. Haughan, Mag. Ang, Mag. Bohn, Judge Hanlon, Mag. Lueck, Judge MacTavish, Mag. Polando, Mag. Yonally, Judge Kitts, Mag. Pappas, Comm. Gruett, and Judge Kiracofe
2. **Medical Support Orders:** Bill Welch from the Indiana Prosecuting Attorneys Council (IPAC) presented on the importance of including a medical support order in CHINS cases, including cases with zero dollar support orders.
3. **Minutes:** The Committee approved the January 29, 2021 minutes.
4. **Mental Health Issues Benchcard Update:** The Committee agreed to table this issue to continue to track legislative changes in session that may arise related to mental health and competency of juveniles.
5. **JJRA Reauthorization: Deinstitutionalization of Status Offenders and Jail Removal – Effective December 21, 2021 – Update Waiver Forms:** The Committee reviewed a proposed form for the required hearing. The committee unanimously agreed not to post the form to the Delinquency forms website since it will not be utilized in juvenile court. The form will be circulated to staff on the Criminal Benchbook Committee for that committee to review and utilize as it sees fit. The Committee tabled reviewing the existing juvenile waiver forms for a meeting later this year.
6. **Paternity Benchbook Review:** The Committee reviewed and approved the following chapters subject to amendments as discussed:
 - Chapter 4: Genetic Testing
 - Chapter 5: Custody, Parenting Time, and Child Support (*re-approved changes since last meeting)
 - Chapter 9: Putative Father Registry
 - Chapter 10: Vacating the Establishment of Paternity
 - Chapter 11: Surrogacy

The Benchbook review is complete and the chapters will be compiled and formatted for publication.

7. **Language in Orders:** The Committee continued the discussion from the January 2021 meeting regarding misuse of IV-E language especially in orders where a child is not removed. Mag. Ang agreed to review the CHINS forms and provide suggested language based on the Committee's discussion.
8. **TPR Benchbook Review:** The Committee reviewed revisions to the Advisement of Rights and Consent forms and added suggestions. The Committee agreed to table approval of the document until updated TPR dialogues and Benchbook chapters are reviewed at the next meeting.
9. **Other business:**
 - a. I.C. 35-50-8-1 School delinquency and criminal conviction information: The Committee approved adding commentary regarding the statute to the Delinquency Benchbook in both the adjudication and modification sections.
 - b. The Committee denied publishing TPR Benchbook forms on a public website.

2021 MEETINGS: May 21, July 30, Oct. 29

- All meetings to be held remotely at 10 a.m. on Teams unless otherwise indicated.

MINUTES
Juvenile Benchbook Committee
May 21, 2021
Meeting via Teams

1. **Attendees:** Mag. Rosanne Ang, Mag. Michael Bohn, Ref. Anah Gouty, Mag. Matthew Gruett, Hon. Kelsey Hanlon (chair), Mag. Sherry Hartzler, Mag. Peter Haughan, Hon. Stephen Kitts, Mag. Kaarin Lueck, Hon. Bruce MacTavish, Mag. Daniel Pappas, Mag. Graham Polando, Mag. Amanda Yonally
2. **Minutes:** The Committee approved the March 26, 2021 minutes.
3. **Termination of Parental Rights Benchbook Review:** The Committee reviewed and approved the following chapters subject to amendments as discussed:
 - Chapter 1: Purpose, Applicable Law, Jurisdiction, Venue and Change of Judge
 - Chapter 2: Constitutional and Statutory Rights
 - Chapter 3: Voluntary Termination
 - Chapter 4: Involuntary Termination
 - Chapter 5: Post-termination
 - Chapter 6: Indian Child Welfare Act (ICWA)

The Committee reviewed and approved the following forms:

- Petition for Involuntary Termination of Parent-Child Relationship
- Order for Involuntary Termination
- Summons
- Notice by Publication
- Notice of Hearing on Voluntary Termination
- Advisement of Rights and Consent to Termination of Parent-Child Relationship

The Committee tabled the remainder of the termination forms for the next meeting.

4. **Other business:**
 - a. The Committee thanked the following members for their service who are rotating off the committee as of July 1: Judge Hanlon, Mag. Lueck, Mag. Polando, and Judge Love

2021 MEETINGS: July 30, Oct. 29

- All meetings to be held remotely at 10 a.m. on Teams unless otherwise indicated.

MINUTES
Juvenile Benchbook Committee
July 30, 2021
Meeting via Teams

1. **Attendees:** Mag. Rosanne Ang, Mag. Michael Bohn, Ref. Anah Gouty, Mag. Matthew Gruett, Mag. Sherry Hartzler, Hon. Bruce MacTavish, Mag. Daniel Pappas, Mag. Amanda Yonally, Mag. Tricia Thompson, Judge Mary Welker, Comm. Amanda Guzman, and Judge Kent Kiracofe (Chair)
2. **Minutes:** The Committee approved the May 21, 2021 minutes.
3. **Termination of Parental Rights Benchbook Review:** The Committee reviewed and approved the following forms:
 - Dialogue – Voluntary TPR
 - Dialogue – Initial hearing for Involuntary TPR
 - Verified Petition for Voluntary Termination (both parents consenting)
 - Order for Voluntary Termination (both parents appearing)
 - Order for Voluntary Termination (one parent appears, one files consent)
 - Order for Voluntary Termination (both parents sign consents)
 - Verified Petition for Voluntary Termination (one consent, one unlocated parent)
 - Order for Voluntary Termination (one appears, one unlocated parent)
 - Order for Voluntary Termination (one consent, one unlocated parent)
 - Acknowledgement of Service of Summons
 - Order Dismissing Involuntary TPR Petition
 - Order for Involuntary Termination

This completes the review of the Termination of Parental Rights Benchbook and Forms.

4. **Juvenile Automatic Expungement – Dispositional Order:** The Committee discussed and approved updates to the Juvenile Delinquency Dispositional Order to include a new section regarding automatic expungement.
5. **Medical Support Orders:** The Committee previously discussed medical support orders during its March 2021 meeting. Judge Kiracofe will follow up with Bill Welch at IPAC to see if there are any suggestions about language that should be added to CHINS orders.
6. **In-home CHINS language in orders:** Mag. Ang explained the issue that can be caused with “responsibility for placement and care” language in In-Home CHINS orders and agreed to work on the existing forms and possibly add clarifying language to be reviewed at the next Committee meeting.
7. **Other business:**
 - a. The Committee agreed on 2022 meeting dates.
 - b. The Committee agreed to update the Benchbooks with 2021 legislation and recent case law. Judge Kiracofe will review the materials and ask for volunteers or assign the materials to committee members.

2021 MEETINGS: Oct. 29

2022 MEETINGS: January 28, March 25, May 13, July 29, and October 28

- The October 29, 2021, meeting to be held remotely at 10 a.m. on Teams.
- 2022 Meetings tentatively scheduled to be held in-person at IOCS in Indianapolis

MINUTES
Juvenile Benchbook Committee
October 29 2021
Meeting via Teams

1. **Attendees:** Rosanne Ang , Anah Gouty, Sherry Hartzler, Bruce MacTavish, Daniel Pappas, Amanda Yonally, Mary Welker, Amanda Guzman, and Judge Kent Kiracofe (Chair)
2. **Minutes:** The Committee approved amended July 30, 2021 minutes.
3. **Benchbook Updates:** The Committee reviewed and approved legislative changes and case law updates to the following Benchbooks:
 - CHINS Benchbook
 - TPR Benchbook
 - Paternity Benchbook
 - Delinquency Benchbook
4. **QRTP Update:** The Committee discussed the implementation of the Qualified Residential Treatment Program (QRTP) process. Judge Kiracofe agreed to review the Motion for Residential Placement and Motion to Set Hearing- Delinquency form and circulate updates to the Committee to review at the next meeting. The Committee was informed that a QRTP “timeline/cheatsheet” is currently being drafted and will be circulated to the Committee via email to approve and include in the CHINS and Delinquency Benchbooks.
5. **Automatic Expungement- Delinquency:** The Committee discussed the automatic expungement process and Judge Kiracofe agreed to draft an Order Granting and Order Denying Automatic Expungement to be reviewed by the Committee at the next meeting.
6. **Other business:**
 - a. The Committee reviewed recent published cases: Ellenburg v. Kropp (added to the Paternity Benchbook), In the Matter of T.o.R. (Child in Need of Servs. – declined to add to Benchbook), and In re I.L. (TPR – added to the Termination Benchbook)
 - b. The Committee discussed the 2022 meeting dates and agreed to have two in-person meetings on May 13 and October 28, 2022. A remote option will also be provided.
 - c. The Committee discussed possible projects for 2022 and agreed to review older CHINS and Delinquency forms. IOCS staff and Chair will review list of forms and circulate a list to the Committee to volunteer for updates and review at future meetings.

2022 MEETINGS: January 28, March 25, May 13, July 29, and October 28

- January 28, March 25, and July 29 meetings to be held remotely at 10 a.m. on Teams.
- May 13 and October 28 tentatively scheduled as in person meetings at IOCS in Indianapolis at 10 a.m.