

MINUTES

Juvenile Benchbook Committee

January 27, 2023

via Microsoft Teams

1. **Attendees:** Rosanne Ang, Michael Bohn, Anah Gouty, Matthew Gruett, Sherry Hartzler, Peter Haughan, Stephen Kitts, Bruce MacTavish, Dan Pappas, Tricia Thompson, Mary Welker and Kent Kiracofe (Chair). The meeting was staffed by Mindy Pickett from IOCS.
2. **Minutes:** The Committee approved the October 28, 2022 meeting minutes.
3. **Juvenile Delinquency Forms:** The Committee has been engaged in a comprehensive review of the court forms. The driving privileges forms were discussed and were tabled until the next meeting for further review.
4. **Juvenile Delinquency Benchbook updates:** The committee reviewed and approved updates from 2022 legislative changes regarding electronic monitoring and status offenses. Ms. Pickett provided an update on the work of the juvenile competency workgroup including a flow chart, recommended evaluation content guidance and court order forms. The committee agreed to add a note to the benchbook under juvenile competency to inform readers about these resources.
5. **Tabled discussion from October 2022 meeting:** Ms. Pickett reported out on available guidance located in various benchbooks regarding the UCCJA/UCCJEA. The committee briefly discussed A.R. v. State, 196 N.E.3d 289 (Ind. App. 2022) which is pending transfer to the Indiana Supreme Court.
6. **2023 Legislative Session:** The committee reviewed proposed bills and discussed the impact on juveniles and juvenile courts. At the next meeting the group will review updates to forms and benchbooks regarding H.E.A. 1359 (2022) that are effective July 1, 2023.
7. **Other business:**
 - a. The Committee discussed the following recent published cases:
 - Delinquency:
 - E.S. v. State, 198 N.E.3d 701 (Ind. App. 2022) ,Kedrowitz v. State, 199 N.E.3d 386 (Ind. App. 2022) (*pending petition for rehearing*) ,L.W. v. State, 22A-JV-1138, 2022 WL 17172059 (Ind. App. Nov. 23, 2022) ,M.H. v. State, 22A-JV-1170, 2022 WL 17347848 (Ind. App. Dec. 1, 2022) ,T.D. v. State, 198 N.E.3d 1197 (Ind. App. 2022) (*pending petition to transfer*),V.R. v. State, 198 N.E.3d 399 (Ind. App. 2022)
 - CHINS:
 - In re N.E., 198 N.E.3d 384 (Ind. App. 2022) ,Matter of A.C., 198 N.E.3d 1 (Ind. App. 2022), reh'g denied (Dec. 22, 2022), Matter of Ar.B., 22A-JC-672, 2022 WL 17257572 (Ind. App. Nov. 29, 2022), Matter of K.V., 22A-JC-987, 2023 WL 177015 (Ind. App. Jan. 13, 2023)
 - TPR:
 - In re P.B., 22A-JT-1397, 2022 WL 17098090 (Ind. App. Nov. 22, 2022) (*pending petition for rehearing*)

2023 MEETINGS: April 28 (Microsoft Teams)
June 30 (Microsoft Teams)
August 25 (Microsoft Teams)
October 27 (In-person)

MINUTES

Juvenile Benchbook Committee

April 28, 2023

via Microsoft Teams

1. **Attendees:** Rosanne Ang, Michael Bohn, Anah Gouty, Amanda, Guzman, Matthew Gruett, Sherry Hartzler, Peter Haughan, Bruce MacTavish, Brittney Newland, Dan Pappas, Tricia Thompson, and Kent Kiracofe (Chair). The meeting was staffed by Mindy Pickett from IOCS.
2. **Minutes:** The Committee approved the January 27, 2023 meeting minutes.
3. **HEA 1359 (2022) Updates to Delinquency Benchbook and forms:** Ref. Gouty updated the relevant delinquency forms and sections of the benchbook to reflect changes that take effect July 1, 2023. This includes the provisions regarding risk assessments and fees. Both the forms and deskbook also were updated to reflect specific findings on secure detention for a child under 12 years of age. The committee approved the changes to ten (10) different forms and the benchbook. The revised forms will be posted to the public website around June 1, 2023.
4. **Additional Juvenile Delinquency Benchbook updates:** The committee approved for publication revisions to the three dialogues to include language regarding ICWA for juvenile status cases and additional language regarding use of risk assessments and detention of children under 12. The committee also approved for publication changes to the benchbook regarding juvenile automatic expungement in Title 35 and adding additional commentary regarding juvenile expungements.
5. **Driving Privileges:** The committee reviewed and approved revisions to the benchbook on driving privileges drafted by Mag. Pappas. The committee approved revisions to the Order of Reinstatement of Driving Privileges form drafted by Judge Welker, and Order of Pre-Adjudication Suspension of License drafted by Mag. Pappas and Judge Welker.
6. **2023 Legislative Session:** Ms. Pickett informed the committee that she would provide an updated bill list to the committee via email in the next few weeks and reported that the pilot contract attorneys for DCS did not pass in the budget bill but will likely come back as a summer study.
7. **Other business:**
 - a. The Committee discussed the following recent published cases: R.M. v. Indiana Dept. of Child Services, 203 N.E.3d 559 (Ind. App. 2023) and J.B. v. State, 205 N.E.3d 244 (Ind. App. 2023).
 - b. Diagnostic Assessments: A brief discussion about how often these are conducted and why in local counties was discussed by the committee.
 - c. The Committee agreed to remove the following forms from the CHINS benchbook public website because they are forms submitted and drafted by DCS: Intake Information, Preliminary Inquiry Appointment, Consent to Background Investigation and Release, Request for Approval of IA, Motion for Extension of IA, Progress Report on IA, Written Promise for Appearance of Child, Notice of Detention of Child, Notice of Detention Hearing, Advisement of Legal Rights, Request for Filing, Verified Petition, Motion for Exclusion of Child, and Post-Dispo Notice of Hearing.
 - d. The Committee thanked Mag. Gruett, Mag. Pappas and Judge MacTavish for their service and commitment to this committee. They will rotate off the committee on July 1, 2023.

2023 MEETINGS: June 30 (Microsoft Teams)
August 25 (Microsoft Teams)
October 27 (In-person)

2024 MEETINGS: January 26 (Microsoft Teams)

MINUTES

Juvenile Benchbook Committee

August 25, 2023

via Microsoft Teams

1. **Attendees:** Rosanne Ang, Michael Bohn, Anah Gouty, Amanda Guzmán, Sherry Hartzler, Peter Haughan, Brittney Long, Erica Stallworth, Ryan Tanselle, Tricia Thompson, Mary Welker, and Kent Kiracofe (Chair). The meeting was staffed by Mindy Pickett from IOCS.
2. **Minutes:** The Committee approved the April 28, 2023 meeting minutes.
3. **2023 Legislative Sessions – Updates to Benchbooks:** The Committee reviewed and approved revisions to the CHINS, TPR, and Delinquency benchbooks and the following forms:
 - Dispositional Order (CHINS)
 - Emergency Custody Order (CHINS)
 - Order Granting Modification (CHINS)
 - Finding and Order No Reasonable Efforts Required (CHINS)
 - Expungement Petition (Delinquency)

A new Petition for Involuntary Termination of Safe Haven Infant and Order was created, reviewed, and approved.

4. **Other business:**
 - a. The Committee discussed the following recent published cases: In re T.M., 211 N.E.3d 43 (Ind. App. 2023), M.H. v. State, 207 N.E.3d 412 (Ind. 2023), Matter of L.S., 212 N.E.3d 708 (Ind. App. 2023), Matter of D.P., 22A-JC-2836 (Ind. App. June 30, 2023), R.G. v. State, 212 N.E.3d 720 (Ind. App. 2023), Matter of Meade, 200 N.E.3d 448 (Ind. 2023), and Matter of Day, 206 N.E.3d 371 (Ind. 2023). Judge Kiracofe will draft something regarding L.S. on placement decisions and interlocutory appeals for the benchbook.
 - b. The right to counsel in delinquency cases will be changed to Rule 6.2 (previously C.R. 25) in the Indiana Rules of Criminal Procedure effective January 1, 2024. Mindy Pickett will update the delinquency benchbook at the end of the year to reflect the rule number change.
 - c. Ref. Gouty opened up for discussion recommended best practices regarding appointment of counsel in termination of parental rights proceedings in light of D.C., 201 N.E.3d 660 (Ind. App. 2022). Judge Brown reported that he has been working with DCS on updating the summons to reflect that appointment of counsel in CHINS cases and TPR cases are separate and volunteered to write up a best practice note and provide an update at the next meeting.

2023 MEETINGS: October 27 (In-person)

2024 MEETINGS: January 26 (Microsoft Teams)
March 22 (TBD)
June 28 (TBD)
August 30 (TBD)
October 25 (TBD)

MINUTES

Juvenile Benchbook Committee

October 27, 2023

In-person @ IOCS Indianapolis

1. **Attendees:** Rosanne Ang, Michael Bohn, Justin Brown, Anah Gouty, Amanda Guzmán, Sherry Hartzler, Peter Haughan, Stephen Kitts, Brittney Long, Ryan Tanselle, Tricia Thompson, Mary Welker, and Kent Kiracofe (Chair). The meeting was staffed by Mindy Pickett from IOCS. Leslie Dunn, IOCS Deputy Director of Children and Families Division, was a guest.
2. **Minutes:** The Committee approved the August 25, 2023, meeting minutes.
3. **Grant Opportunities:** Leslie Dunn spoke to the committee about grants available through the ICJI including Diversion, Community Alternatives and Behavioral Health Grants. These grants are available because of legislation and recommendations from the YJOC. Rural counties are specifically encouraged to apply, and applications are due November 20, 2023.
4. **2023 Legislation -Updates to Benchbooks:** The Committee reviewed and approved revisions to the CHINS and Delinquency Benchbooks regarding H.E.A. 1493, Elimination of Costs & Fees and S.E.A. 464, Jurisdiction. The Committee reviewed H.E.A. 1287 on Home Detention and determined that it did not impact juveniles. The financial obligation orders for both case types were updated and approved by the committee.
5. **Appointment of Counsel in TPR cases:** The committee continued the discussion from the last meeting on appointment of counsel and reviewed two cases: D.C., 201 N.E.3d 660 (Ind. App. 2022) and In re C.C., No. 23A-JT-848, 2023 WL 6979258 (Ind. App. Oct. 24, 2023). The TPR benchbook was updated to add a recommendation that counsel should be appointed for all named parents. Mag. Hartzler volunteered to work on additional updates to the benchbook regarding this topic, including dialogues.
6. **Other business:**
 - a. The committee approved a statutory citation correction to the Order Approving Permanency Plan form for CHINS cases.
 - b. The Committee discussed the following recent published cases: K.W. v. State, 216 N.E.3d 505 (Ind. App. 2023), Q.H. v. State, 216 N.E.3d 1197 (Ind. App. 2023), B.T. v. State, No. 23A-XP-636, 2023 WL 6281509 (Ind. App. Sept. 27, 2023), T.D. v. State, No. 23S-JV-110, 2023 WL 6531045 (Ind. Oct. 6, 2023), Matter of Z.H., No. 23A-JC-1120, 2023 WL 6282762 (Ind. App. Sept. 27, 2023), and Matter of A.T., No. 22A-JC-3051, 2023 WL 5425149 (Ind. App. Aug. 23, 2023). Ref. Gouty agreed to summarize *T.D.* and Mag. Ang agreed to summarize *Z.H.* for the benchbooks.
 - c. The committee discussed appointment of counsel and advisement of rights in delinquency cases and discussed as future potential projects a fee chart and coming up with additional guidance on contempt procedures.

2024 MEETINGS: January 26 (Microsoft Teams)
 March 22 (Microsoft Teams)
 June 28 (Microsoft Teams)
 August 30 (Microsoft Teams)
 October 25 (In-person IOCS Indianapolis)