

MINUTES

Juvenile Benchbook Committee

January 26, 2024

via Microsoft Teams

1. **Attendees:** Rosanne Ang, Anah Gouty, Amanda Guzmán, Sherry Hartzler, Kent Kiracofe (Chair), Ryan Tanselle, Erica Stallworth, Tricia Thompson, and Mary Welker. The meeting was staffed by Mindy Pickett from IOCS.
2. **Minutes:** The Committee approved the October 27, 2023, meeting minutes.
3. **TPR Benchbook Updates:** Mag. Hartzler presented proposed changes to the TPR Benchbook and forms regarding appointment of counsel in light of two recent cases, *D.C.* and *In re C.C.* The committee reviewed and approved the revisions to the Benchbook, the Voluntary Termination Dialogue, and Initial Hearing on Involuntary Termination Dialogue. The committee also discussed creating a written advisement of rights form for parties to sign at the initial hearing on involuntary termination and creating a TPR checklist for judicial officers. Judge Kiracofe volunteered to draft the TPR checklist, and the committee will review sample advisements provided by committee members at the next meeting.
4. **Waiver of Counsel in Delinquency cases:** Judge Kiracofe updated the Waiver of Counsel form and created a Waiver of Counsel Dialogue. The committee reviewed and approved both to be posted. A notation will be made in the Benchbook that the waiver dialogue exists.
5. **Case law updates to Benchbooks:** Ref. Gouty presented revisions to the Delinquency Benchbook to add T.D. v. State, 219 N.E.3d 719 (Ind. 2023). Ref. Gouty is also going to work on revising the dialogues regarding waiver of counsel for the next meeting. Judge Tanselle volunteered to draft a statewide advisement of rights for delinquency cases. Mag. Ang presented revisions to the CHINS Benchbook to add Matter of Z.H., 219 N.E.3d 187 (Ind. App. 2023). The committee approved both case law updates.
6. **Other business:**
 - a. The Committee discussed the following recent published cases: D.M. v. State, 222 N.E.3d 404 (Ind. App. 2023), Matter of B.M., 223 N.E.3d 1105 (Ind. App. 2023), A.L., 223 N.E.3d 1126 (Ind. App. 2023), D.H. v. A.C., No. 23A-JT-1369, 2023 WL 8817913 (Ind. App. Dec. 21, 2023), and Matter of A.B., No. 23A-JT-901, 2023 WL 9010666 (Ind. App. Dec. 29, 2023). The committee did not recommend adding any of the cases to the benchbooks.
 - b. The committee discussed potential future projects including contempt procedures in juvenile cases, a fee chart, and guidance on a motion to suppress before a waiver hearing. Mag. Hartzler agreed to start working on some guidance regarding contempt. Mindy is going to check the benchbooks to ensure a link to the Indiana Trial Court Fee Manual is included. The guidance on motion to suppress/waiver hearing was tabled for a future meeting.
 - c. Mindy notified the committee that the Delinquency Benchbook has been updated and posted to reflect the criminal rules revisions effective January 1, 2024.

2024 MEETINGS:

March 22 (Microsoft Teams)

June 28 (Microsoft Teams)

August 30 (Microsoft Teams)

October 25 (In-person IOCS Indianapolis)

MINUTES

Juvenile Benchbook Committee

March 22, 2024

via Microsoft Teams

1. **Attendees:** Michael Bohn, Justin Brown, Amanda Guzmán, Peter Haughan, Kent Kiracofe (Chair), Stephen Kitts, Erica Stallworth, and Ryan Tanselle. The meeting was staffed by Mindy Pickett from IOCS.
2. **Minutes:** The Committee approved the January 26, 2024, meeting minutes.
3. **Multi-Language Standardized Video Advisement Project:** Manpreet Kaur, Language Access Coordinator with the Access to Justice Office informed the Committee that the Language Access Committee is working with the National Center for State Courts (NCSC) to create advisement videos in several different languages including English, American Sign Language, Burmese, Spanish, Haitian-Creole, and Punjabi. They are hoping to create initial hearing advisements in CHINS, TPR and delinquency cases. She requested that the Juvenile Benchbook Committee keep her informed if the initial hearing advisements are updated and asked if anyone was willing to volunteer to introduce the videos. The timeline for getting the videos produced is hopefully August/September 2024.
4. **DCS/Probation Interagency Agreement review:** Mindy Pickett explained that this agreement is required for Title IV-E reimbursement and that an agreement already exists between DCS and probation. This version is updated to reflect some feedback that came out of the CFSR reviews, including responsibilities when there is a runaway youth. Mindy reported that the final version will be circulated for signature to all juvenile courts soon. The Committee did not express any concerns with the agreement.
5. **2024 Legislation:** Mindy Pickett outlined the juvenile bills from this legislative session. Mag. Stallworth, Comm. Guzmán, Judge Kiracofe, Ref. Gouty, Mag. Long, and Mag. Thompson volunteered to review bills and update the benchbooks and forms. The Committee agreed to hold a special lunch meeting in May to approve revisions regarding HEA 1310 and 1369 before the Juvenile/Family Conference in June, since those bills are currently in effect. Mindy will circulate a meeting poll to committee members.
6. **Fee manual:** Judge Kiracofe requested that the Trial Court Fee Manual be linked in both the Delinquency and CHINS benchbooks. The Committee reviewed the location of the links and agreed to also add a link to the manual in the appendix of both benchbooks.
7. **Other business:**
 - a. The Committee discussed the following recent published cases: A.V. v. State, No. 23A-JV-1765 (Ind. App. Feb. 9, 2024), Matter of N.E., 228 N.E.3d 457 (Ind. App. 2024), and Matter of Adoption of Baby Girl, No. 23A-AD-1590 (Ind. App. Mar. 6, 2024). The Committee agreed that the cases did not warrant inclusion in the Benchbooks. Matter of A.M.J., No. 23A-JC-2241 (Ind. App. Feb. 16, 2024) was tabled for discussion until the next meeting.
 - b. Mindy inquired whether it might be worth providing some training on IV-E findings to court reporters that are assisting with drafting proposed orders. Committee members agreed that providing some training to help court staff better understand the findings would be helpful and also agreed that Mindy could reformat the findings in the orders to make them more consistent and user friendly.
 - c. Judge Kiracofe reported that long time IOCS staff attorney, Jeff Bercovitz is retiring and the committee thanked him for his service to juvenile/family court judges.
 - d. The committee added January 24, 2025 as a meeting date.
 - e. Future topics:
 - i. TPR Checklist – Judge Kiracofe
 - ii. Written Advisement of Rights at an initial TPR hearing – Mindy will ask Mag. Long if she is willing to discuss this topic.

- iii. Delinquency Advisement of Rights – Judge Tanselle
- iv. Admission Advisement – Delinquency cases – Ref. Gouty
- v. Contempt – Mag. Hartzler

2024 MEETINGS:

June 28 (Microsoft Teams)
August 30 (Microsoft Teams)
October 25 (In-person IOCS Indianapolis)

2025 MEETINGS:

January 24 (Microsoft Teams)

MINUTES

Juvenile Benchbook Committee
Special Lunch Meeting
May 2, 2024
via Microsoft Teams

1. **Attendees:** Rosanne Ang, Justin Brown, Anah Gouty, Amanda Guzmán, Kent Kiracofe (Chair), Brittney Long, and Tricia Thompson. The meeting was staffed by Mindy Pickett from IOCS.
2. **CHINS and TPR Benchbook Updates:** The committee conducted a special lunch meeting to review revisions to the benchbooks and forms regarding HEA 1310 and HEA 1369 that were effective on passage this legislative session. The committee adopted and approved for publication the revisions to both benchbooks and the following forms:
 - Order Approving Permanency Plan (Non-APPLA)
 - Order on Periodic Case Review
 - Dialogue for Dispositional Hearing
 - Dialogue for Initial Hearing on Involuntary Termination of the Parent-Child Relationship
 - Advisement of Rights and Voluntary Relinquishment of Parental Rights
 - Order of Involuntary Termination of Parent-Child Relationship

The committee voted to remove the Verified Petition for Involuntary Termination of the Parent-Child Relationship from the benchbook forms since DCS maintains their own version.

2024 MEETINGS:

June 28 (Microsoft Teams)
August 30 (Microsoft Teams)
October 25 (In-person IOCS Indianapolis)

MINUTES

Juvenile Benchbook Committee

June 28, 2024

via Microsoft Teams

1. **Attendees:** Rosanne Ang, Michael Bohn, Justin Brown, Anah Gouty (served as Chair for this meeting), Amanda Guzmán, Sherry Hartzler, Peter Haughan, Ryan Tanselle, and Tricia Thompson. The meeting was staffed by Mindy Pickett from IOCS. Michelle Goodman and Kelly Elliott, IOCS were guests.
2. **Minutes:** The Committee approved the March 22, 2024, and May 2, 2024, meeting minutes.
3. **Juvenile Probation Project:** Michelle Goodman, IOCS Staff Attorney, attended the meeting and explained that the Screening and Assessment YJOC Workgroup is working to get the preliminary inquiry, pre-dispositional report and modification reports in delinquency cases updated to reflect recent changes to the probation standards, legislative changes and any other suggestions. She explained that they will be going to several different committees to receive approval and feedback on the changes. Michelle requested that if anyone has any recommended changes to contact her. The plan is to have changes mapped out and approved by Fall and finalized in December, for training in Spring with a July 1, 2025, effective date.
4. **Juvenile Scripts for Multi Language Advisement Videos:** The committee reviewed the initial hearing scripts for delinquency, CHINS and TPR cases that are going to be utilized in videos played before initial hearings and translated into different languages. Committee members provided feedback that Mindy will pass along to the Language Access Committee.
5. **2024 Legislation:** The remaining updates for the 2024 legislative session drafted by Mag. Long, Ref. Gouty, and Comm. Guzmán were reviewed and approved by the committee:
 - a. CHINS:
 - i. Benchbook updates re: HEA 1051, HEA 1101, and SEA 171
 - ii. Reasonable Efforts Not Required Order
 - b. Delinquency:
 - i. HEA 1240
 - ii. Prosecutor's Motion for Waiver of Juvenile Jurisdiction (Indiana Code 31-30-3-5)
 - iii. Waiver Order (Indiana Code 31-30-3-5)
6. **Contempt:** At the October 2023 committee meeting the committee reviewed a case on contempt in CHINS cases. Mag. Hartzler reviewed that case and current guidance on contempt in the benchbook. The committee agreed to not make any major substantive changes to the benchbook and keep references to other documents that already have extensive guidance. The committee agreed to add a summary and reference to C.E. v. Indiana Department of Child Services (Matter of N.E.), 228 N.E.3d 457 (Ind. Ct. App. 2024).
7. **Admission Dialogue:** Ref. Gouty drafted an admission dialogue in delinquency cases in light of T.D. v. State, 219 N.E.3d 719 (Ind. 2023). The committee reviewed and approved the dialogue for publication. A reference to the dialogue will also be added to the benchbook where *T.D.* is discussed.
8. **Other business:**
 - a. The Committee discussed the following recent published cases: Matter of A.M.J., 228 N.E.3d 1132 (Ind. App. 2024), Matter of R.L. Jr., v. DCS, 23A-JC-923 (Ind. App. June 10, 2024), J.Q.R. v. State, 232 N.E.3d 654 (Ind. App. 2024), A.V. v. State, 228 N.E.3d 504 (Ind. App. 2024), reh'g denied (May 23, 2024), and B.K. v. State, 235 N.E.3d 142 (Ind. 2024). The committee agreed to add *A.M.J.*, *R.L. Jr.* and *B.K.* to the benchbooks.
 - b. Mindy mentioned that she recently received a research request on change of judge in juvenile cases. The guidance on change of judge in the TPR and CHINS Benchbooks appears to be minimal and could

use some updates so that it is consistent with T.R. 76. The committee also had a discussion on change of judge motions filed in their courts and whether a rule change would be beneficial considering the discrepancy between IC 31-32-8-2 and the trial rules. Mag. Thompson agreed to draft some updated guidance for the CHINS and TPR benchbooks.

- c. The committee thanked Mag. Hartzler, Mag. Ang and Judge Sirk for their service to this committee.
- d. The committee briefly reviewed and discussed the delinquency no-contact order recently drafted by the Protection Order Committee regarding no-contact orders issued as a condition of release.
- e. The committee added March 28, 2025, as a meeting date.

2024 MEETINGS:

August 30 (Microsoft Teams)
October 25 (In-person IOCS Indianapolis)

2025 MEETINGS:

January 24 (Microsoft Teams)
March 28 (Microsoft Teams)

MINUTES

Juvenile Benchbook Committee

August 30, 2024

via Microsoft Teams

1. **Attendees:** Rich Blaiklock, Michael Bohn, Justin Brown, Anah Gouty, Amanda Guzmán, Kent Kiracofe (chair), Stephen Kitts, Erika Stallworth, Ryan Tanselle, and Tricia Thompson. The meeting was staffed by Mindy Pickett from IOCS. Michelle Goodman from IOCS was a guest.
2. **Minutes:** The Committee approved the June 28, 2024, meeting minutes.
3. **Juvenile Probation Project:** Michelle Goodman, IOCS Staff Attorney, attended the meeting and provided a brief overview of the project for new members and those that were unable to attend the last committee meeting. She reported that updates to the PI, PDR, and Modification reports have started. Additional personal info on the youth, i.e. ICWA status, interpreter needs, and additional demographic information will be added. Enhancements include pulling in information from other reports and/or screening tools and adding a section about why an assessment was not completed. A memo with an overview of the changes and the revised documents will be provided soon and committee members can join scheduled office hours to ask questions or receive more information. Michelle will return to our next meeting in October to receive the committee's endorsement of the recommended changes.
4. **Updates to Benchbooks:** The Committee reviewed and approved for publication the following changes to the benchbooks:
 - a. TPR and CHINS Benchbooks – updates to the Change of Judge section drafted by Mag. Thompson
 - b. Case law updates in the CHINS Benchbook: S.J. v. Ind. Dept. of Child Services (Matter of A.M.J.), 228 N.E.3d 1132 (Ind. Ct. App. 2024) drafted by Mag. Hartzler and Matter of R.L., 237 N.E.3d 652 (Ind. App. 2024) drafted by Ref. Gouty
5. **Juvenile Probation Standards:** The Committee reviewed juvenile probation standard 5.2 related to informal adjustments and revised the sample Program of Informal Adjustment form and approved the form for publication. Chair Judge Kiracofe asked committee members to keep an eye on the benchbook and forms and if they notice any additional revisions that need to be made, please inform committee staff.
6. **Other business:**
 - a. Committee members discussed restitution in informal adjustment delinquency cases. The committee discussed best practices on ability to pay findings and issuing separate restitution orders.
 - b. The Committee discussed a recently published case: Matter of I.E., 238 N.E.3d 669 (Ind. App. 2024), reh'g denied (Aug. 19, 2024). A reference to the case was drafted during the meeting and approved for publication in the CHINS deskbook in the permanency options section.
 - c. The Committee added June 27, 2025, as a meeting date.
 - d. At the October meeting the committee agreed to discuss the admission dialogue and waiver of right to appeal.
 - e. The Committee welcomed a new committee member, Judge Blaiklock.

2024 MEETINGS:

October 25 (In-person IOCS Indianapolis)

2025 MEETINGS:

January 24 (Microsoft Teams)

March 28 (Microsoft Teams)

June 27 (Microsoft Teams)

MINUTES

Juvenile Benchbook Committee

October 25, 2024

IOCS - Indianapolis

1. **Attendees:** Michael Bohn, Justin Brown, Anah Gouty, Kent Kiracofe (chair), Stephen Kitts, Erika Stallworth, Ryan Tanselle, and Tricia Thompson. The meeting was staffed by Mindy Pickett from IOCS. Michelle Goodman from IOCS and Lisa Thompson from IOCT attended as guests.
2. **Minutes:** The Committee approved the August 30, 2024, meeting minutes.
3. **Juvenile Probation Project:** Michelle Goodman and Lisa Thompson provided an update on the delinquency report project. The preliminary inquiry, predispositional report and modification report have received some edits after hearing feedback during office hours and various judicial conference committees. There are also minor revisions to the IYAS policy. The committee voted in favor of approving the revisions to the forms and policies. Next steps including approval from other judicial conference committees, final approval from the Board of Directors and then education and training. The new forms and policy are scheduled to be effective July 2025.
4. **Proposed Adoption Legislation:** The committee reviewed a proposed draft from the Indiana Public Defender Council regarding notice of an adoption to juvenile courts. DCS would be responsible for submitting the notice. The committee agreed the notice is a good idea and would like to see the notice include the case number.
5. **Diagnostic Evaluation Guidance/Benchcard Feedback:** Ref. Gouty explained the purpose of the guidance and benchcard document is to educate and that it is a work product of the Behavioral Health Workgroup under the Youth Justice Oversight Committee (YJOC). Committee members expressed that there is sometimes difficulty in locating placement or knowing what to do next with a child who has high behavioral health needs and indicated that this document will assist them in making decisions. The committee will be notified when the document is finalized and approved and can be distributed to judicial and probation officers.
6. **Updates to Benchbooks:** The Committee reviewed and approved for publication the following changes to the benchbooks:
 - a. Case law update in the Delinquency Benchbook: B.K. v. State, 235 N.E. 3d 142 (Ind. 2024) drafted by Judge Tanselle.
 - b. Updates to the Delinquency Benchbook regarding waiver of the pre-dispositional report if there is an admission in a delinquency case.
7. **Other business:**
 - a. The committee briefly discussed home detention in delinquency cases and the right to appeal when there is an admission in a delinquency case. The right to appeal will be discussed further at our January 2025 meeting.
 - b. The Committee reviewed the following recent published cases: Matter of L.A.M., 243 N.E.3d 347 (Ind. App. 2024), Matter of M.H., No. 23A-JC-2959, (Ind. App. Oct. 4, 2024), State v. B.H., No. 24A-JV-1247, (Ind. App. Oct. 7, 2024), and Matter of J.M., No. 24A-JC-202, (Ind. App. Oct. 15, 2024). The committee agreed that *Matter of M.H.* and *Matter of J.M.* should be added to the CHINS benchbook.
 - c. The Committee confirmed the remainder of the 2025 meeting dates: August 22 and October 24.

2025 MEETINGS:

January 24 (Microsoft Teams)

March 28 (Microsoft Teams)

June 27 (Microsoft Teams)
August 22 (Microsoft Teams)
October 24 (tentative in-person)