

**Probate Committee  
Judicial Conference of Indiana**

**March 1, 2019  
Minutes**

1. Attendance: The following members participated in the meeting: Russell Bailey (via conference call), Steven Eichholtz, Peter Foley, Steven Hagen (via conference call), Phillip Houk (via conference call), J. Terrence Cody, chair.
2. Guest: Erica Costello, Indiana Office of Court Services; LaJuan Epperson, Trial Court Technology.
3. Staff Assistance: The committee received staff assistance from Michelle Goodman and Kyle Hunter.
4. Approval of minutes: The committee approved the November 2018 meeting minutes.
5. Adult Guardianship Office Update: Erica Costello reported 18 VASIA grant applications were approved adding seven more counties to the program, bringing the total up to 49 counties. Adult Guardianship Symposium is scheduled for May 9 and will focus on elder abuse, financial exploitation, and least restrictive alternatives. The conference will provide 6 hours of CLE. She also reported on the status of WINGS and efforts regarding Supportive Decision Making. SB 380 will formalize Supportive Decision Making and require guardianship petitions to outline least restrictive alternatives. Indiana University Maurer Law School Clinic will be participating with Supportive Decision Making and the Lawrence County training on Supportive Decision Making is complete.
6. Guardianship Registry Update: The Guardianship Registry includes 67 counties. The committee reviewed a draft form to follow upon past due accountings. The committee revised the form and requested it be formatted as a notice with an event to Odyssey. The committee discussed the status of the remaining counties and most are coming on with Odyssey deployments. Staff is also looking to bring on existing Odyssey courts who are not yet on the registry.

The committee also discussed best practice guidance regarding process of minor guardianship cases and related juvenile cases. The committee approved the guidance with a minor amendment and approved distribution of the final text.

The committee also approved the following updates and revisions to the registry: adjusting the information flow from the registry to Odyssey rather than bi-directional communication; adding a flag regarding incapacity for minors that will continue past age 18; adjusting letter dates to be associated with each guardian rather than the protected person; adding expiration date to the letters for temporary guardianships; and affirmed requirement for letters even in minor guardianship cases. The committee also discussed the exceptions to use the guardianship registry under IC 29-3-4, which is being considered for new case type designation. The committee requested tip sheets and overview of the changes be distributed.

The committee briefly discussed the process on restricted accounts for minors and the interaction with the guardianship requirements if the compromise is over \$10,000. The committee agreed to discuss this at the next meeting.

7. Review of Memo on letters: The committee reviewed the best practice guidance regarding issuing letters in guardianship cases. The committee approved the text without revision and requested the information be distributed.
8. Update on State Bar Section: The committee received the minutes from the State Bar Section meeting for review.
9. 2019 Legislation: The committee received a list of the current probate bills pending during this portion of the session. More information will be provided in the final legislative update from IOCS.
10. Other business: The committee received a brief update on the MyINA project. The committee also discussed education session topics related to probate area.
11. 2019 meeting dates:

June 14

August 23

November 22

All meetings will take place from 1:30 – 3:30 p.m. at IOCS, 251 N. Illinois Street, Indianapolis.

Respectfully submitted,

Michelle C. Goodman  
Staff Attorney

**Probate Committee  
Judicial Conference of Indiana**

**August 23, 2019  
Minutes**

1. Attendance: The following members participated in the meeting: Jason Cichowicz, Steven Eichholtz, Peter Foley, Bob Freese, Trent Meltzer, Bob Witham (via conference call), J. Terrence Cody, chair.
2. Guest: Erica Costello, Indiana Office of Court Services.
3. Staff Assistance: The committee received staff assistance from Kyle Hunter, with Michelle Goodman appearing by conference call.
4. Welcome of New Members: Judge Cody welcomed the new members: Judges Cichowicz, Freese, Meltzer, Witham, and Lett. Judge Cody also thanked Judge Davis for his service on the committee.
5. Approval of minutes: The committee approved the March 2019 meeting minutes.
6. Adult Guardianship Office Update: Erica Costello reported on the Adult Guardianship Symposium in May. Judge Foley appreciated the diversity of the attendees and liked the national speaker. Erica updated the committee on the VASIA grant application calendar and numbers and encouraged participation.
7. Update on State Bar Section: The committee received the minutes from the State Bar Section meeting for review. Judge Cody encouraged everyone to become involved with the bar section and get on the probate and guardianship listservs.
8. Restricted Accounts: Multiple members of the committee expressed concern that larger banks were reluctant to follow court orders. Discussion included whether an increase of \$10,000 threshold would be helpful, and the exercise of discretion when deciding which expenditures to allow and how to encourage parties to provide documentation. Several committee members described accountings in these cases as discretionary under I.C. §§ 29-3-9-6, 6.5. Some committee members thought the topic of restricted accounts should be looked at further.
9. 2019 Legislative Update: Erica reported on the supportive decision-making amendment. Kyle gave an overview of new laws and amendments that may affect the area of probate.
10. Electronic Estate Planning Document Registry: Michelle reported IOCS management is looking into the feasibility of this project. Several committee members expressed significant concern about this possibly putting more work on already-busy court staff.
11. Probate Code Study Committee: Michelle reported on the first meeting of the study committee. She discussed the provided agenda, provided an overview of the meeting discussion, and noted the focus on individual cases in the discussion, and reported that MyINA had been discussed in a positive light. Michelle and Judge Cody will continue to give updates from future meetings.

12. MyINA update: The project is now operational. Two of the three pilot counties have received training. Judge Eichholtz reported on the Marion County training and noted the training was well-received. Next steps and possible expansion into additional pilot counties, especially in committee member counties, was discussed.
13. Other business: The committee received an update of the GM case type available January 1, 2020. The committee was informed that there had been no movement on the Notation of Claims Form and Rule in the Rules Committee. Committee members were also asked to bring their calendars to the November meeting to schedule next year's meetings.
14. 2019 meeting dates:

November 1

All meetings will take place from 1:30 – 3:30 p.m. at IOCS, 251 N. Illinois Street, Indianapolis.

Respectfully submitted,

Kyle Hunter  
Staff Attorney

**Probate Committee  
Judicial Conference of Indiana**

**November 1, 2019  
Minutes**

1. Attendance: The following members participated in the meeting: Russell Bailey (via conference call), Steven Eichholtz, Peter Foley, Steven Hagen, Thomas Lett (via conference call), Trent Meltzer (via conference call), Bob Witham (via conference call), J. Terrence Cody, chair (via conference call).
2. Guest: Erica Costello, Indiana Office of Court Services, and LaJuan Epperson and Victoria Sovern, Trial Court Technology.
3. Staff Assistance: The committee received staff assistance from Kyle Hunter and Michelle Goodman.
4. Approval of minutes: The committee approved the August 2019 meeting minutes.
5. Guardianship Registry Update: LaJuan reported that the URL for GU registry will be added to the bottom of GU letters as the Committee requested. Discussion of adding a seal to the letters like those on e-filing orders, possibly with a county identifier and unique identification number. LaJuan will check with developers to see how difficult this is to accomplish. If it will be easy, then Committee would like to add it to the letters. Committee decided not to include possible reasons for extending a minor guardianship on the Guardian Information Sheet. Judge Foley was assigned to draft a sample order for extending a guardianship that may be generate from the GU registry. Discussion of whether the registry needs the functionality to modify the scope of a guardianship or whether this should be accomplished by canceling the previous guardianship in the registry and issuing a new guardianship reflecting the change in scope. The Committee will discuss this last point further at the March meeting.
6. MyINA Update: Victoria presented a summary of MyINA usage in the pilot counties. Judge Cody requested additional volunteers to participate in an expansion of the pilot counties. Judge Foley, Morgan County, and Judge Lett, Tipton County, expressed interest. Victoria will work with them to prepare for the possibility of introducing MyINA in their counties.
7. Adult Guardianship Office Update: Erica Costello reported that VASIA grants are due November 8 and encourage anyone with questions to contact her.
8. Update from State Bar Section: Judge Cody was not able to attend the most recent meeting; no update available.
9. Restricted Accounts: Further discussion about whether or not accountings are mandatory for restricted accounts. Current practice varies throughout counties with some uniformly requiring accountings on restricted accounts and some doing so rarely as a matter of practice. There was a suggestion that a best-practice recommendation could emphasizing that a court should thoughtfully exercise its discretion. Members will reconsider the language of the statutes,

whether a best-practice recommendation is necessary, and bring any questions to the next meeting. Staff and Trial Court Technology will additionally seek to identify areas where this decision will affect the information collected by IOCS, such as through MyINA.

10. Probate Code Study Committee: This study committee has met three times and approved a draft report on October 21, 2019. The draft report approved much of the SBA's proposed legislation. UGA deferred for study.
11. Report on Joint Subcommittee with Domestic Relations and Juvenile Benchbook Committee: This Joint Subcommittee has met multiple times and have a conference call scheduled for December 11, 2019. Judges Foley and Witham reported that proposed forms are being prepared to communicate intra-county concerning the status of CHINs and other juvenile proceedings. These forms will likely accompany best practice recommendations to ask at hearings whether there are any other cases presently involving the children.
12. Other business: Reminder that GM case type available January 1, 2020. The committee was informed that there had been no movement on the Notation of Claims Form and Rule in the Rules Committee.
13. 2020 meeting dates:

March 20

This meeting will take place from 1:00 – 3:30 p.m. at IOCS, 251 N. Illinois Street, Indianapolis.

June 19

August 21

November 20

Besides March 20, all meetings will take place from 1:30 – 3:30 p.m. at IOCS, 251 N. Illinois Street, Indianapolis.

Respectfully submitted,

Kyle Hunter  
Staff Attorney