

**Probate Committee  
Judicial Conference of Indiana**

**Minutes  
March 20, 2020**

1. **Attendance**: The following members participated in the conference call: Bob Freese, Trent Meltzer, Bob Witham, Pete Foley, Russell Bailey, Philip Houk, Steven Hagen, and Terry Cody, chair.
2. **Guests**: Judge Kristine Osterday, Victoria Sovern, Court Technology, LaJuan Epperson, Court Technology, Erica Costello, IOCS.
3. **Staff assistance**: The committee received staff assistance from Michelle Goodman.
4. **Approval of minutes**: The committee unanimously approved the November 2019 meeting minutes.
5. **Guardianship Registry/MyINA update**: Staff from Court Technology provided the committee with information on the proposed draft template order for minor guardianship cases for use within the Guardianship Registry. The proposed edit to paragraph 1 is to align with the technology changes previously approved by the committee to identify the specific statutory authority for the term of the minor guardianship. The committee discussed the proposed changes and unanimously approved adoption of the edited template. The committee also made note of the MyINA template text and requested this be discussed further along with the text that should be within instructions to guardians.

Next, Court Technology team communicated a request for a template for appointing a successor guardian. The committee reviewed the proposed template and discussed the various sources for forms and the provisions related to transfer of documents, assets, etc. The committee agreed to have staff revise the proposal based on review of other sources for discussion at the next meeting.

The Court Technology team provided updated statistics on the MyINA project and information on trainings. Judge Cody requested training for Clark County on behalf of Judge Carmichael and Judge Adams.

6. **Update from Adult Guardianship Office**: Erica Costello provided an overview of recent grant awards to the VASIA programs, which now includes 20 programs serving about 800 clients within 50 counties. The May Symposium will be moved to a future date and more information will be made available once details are finalized. Ms. Costello also noted that SB 139 on VASIA will not be a substantive for office, but now requires a care plan for guardian services to align with practice standards.
7. **Update from State Bar Section**: There was no official update currently. The next section meeting is scheduled for April 25, 2020.

8. **Report from joint subcommittee with Domestic Relations/Juvenile Benchbook/Probate Committees:** Judge Foley and Judge Witham served on this subcommittee and Judge Witham reported that the intent of the documents is to aid in communication among courts on cases that involve overlapping issues with the juvenile court and other dockets. These forms will be placed in the Juvenile Benchbook. The committee agreed that practice pointer needs to be added to the Probate Benchbook for guardianship and adoption cases. The committee would like a memo to accompany these notices.
9. **2020 Legislative update:** Michelle Goodman reviewed of summary provided on recent legislation. Judge Cody also gave additional information on SEA 50.
10. **2020 meeting dates:** The committee has the following meeting schedule for the rest of the year:
  - June 19
  - August 21
  - November 20All 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**

**Minutes  
June 19, 2020**

1. Attendance: The following members participated in the meeting: Steven Eichholtz, Peter Foley, Robert Freese, Steven Hagen, Trent Meltzer, Bob Witham, and J. Terrence Cody, chair.
2. Guests: Dan Mullin, Marion County Probate Court, Victoria Sovern, Office of Court Technology, LaJuan Epperson, Office of Court Technology, and Erica Costello, Indiana Office of Court Services.
3. Staff Assistance: Michelle Goodman provided staff assistance for the committee.
4. Approval of minutes: The committee amended the March minutes to include Judge Hagen as attending. The committee unanimously approved the amended minutes.
5. Recognize outgoing members: The committee thanked Judge Hagen for his service and thanked Judge Cody as member and chair for his service. Judge Cody noted his request for a term extension is pending as well.
6. Guardianship Registry / MyINA project: The committee discussed the MyINA project and the text the workgroup previously approved for inclusion in the order templates and sample instructions. The committee agreed the text was sufficient as we expand to other counties. The committee was reminded that attorney submitted orders will not contain this text unless the court directs otherwise. LaJuan Epperson and Victoria Sovern provided an update on the use of MyINA and current statistics from the pilot counties. They also reported on some individual remote trainings conducted with attorneys who needed help with the system. The team discussed other counties interested in joining the project. Morgan County has agreed to join already with training now scheduled in August.

Next, the committee discussed template updates. The committee approved staff to make non-substantive changes related to formatting for consistency among the documents. The committee reviewed substantive changes on several templates, including orders appointing guardians by adding appearance information in findings on the order and editing the text of the order, adding expiration date to order and letters for temporary guardianships, and adding additional options of termination reasons; updated text in past due accounting notices. The committee requested the last two items be distributed via email for final approval. All other edits were approved in the meeting.

Office of Court Technology also communicated a request from a county that notices on status reports and accountings do not currently update Odyssey with an event and e-notice. Committee approved implementing this functionality. The Technology Team indicated that all approved changes will be completed and released by October with notification to user of the registry.

The committee also discussed a question on temporary guardianship cases and the impact of tolling. The provided guidance to staff and more information will be communicated to judges and registry users to assist with addressing this issue locally.

The committee discussed the need for an order appointing successor guardian and staff was asked to provide a draft for review at the next meeting.

7. Adult Guardianship Office update: Erica Costello reported that the spring Symposium was postponed, and she will be exploring options for a remotely held retreat in the fall.
8. State Bar Section update: Judge Cody reported on the activities of the State Bar section and noted the July meeting will provide more information on the legislative agenda from the section. The section newsletter outlined pending issues as well.

Michelle Goodman reported on a brief discussion on the section list serve as it relates to AR 17 order from May 29<sup>th</sup> and tolling. The committee agreed no further guidance was necessary and local courts should provide information to attorneys based on local resuming operation plans.

9. Discussion on specific topics: The joint subcommittee with Domestic Relations/Juvenile Benchbook/Probate Committees reported they will be meeting on July 21 to prepare recommendation for additions to the benchbook regarding the use of these forms for guardianship and adoption cases. The committee requested restricted accounts remain as a future topic and would not be addressed at this meeting.

There was discussion on creating a sample form order for extension of guardianship cases where the minor has disabilities warranting conversion to a permanent guardianship after becoming an adult. Staff was asked to have a draft for review at the next meeting. In addition, the committee requested an order for extending a temporary guardianship case. Judge Cody agreed to work on this draft.

The committee determined no further action was needed on the topic of bond for estates and guardianship cases. The committee also discussed the development of best practice recommendations at the request of IOCS. Judge Eichholtz volunteered a magistrate from his court to assist in content development.

10. Other business: The committee discussed the style for case caption in will contest at the request of Office of Court Technology. The committee agreed that Petitioner v. Respondent would be the standard caption style.
11. Remaining 2020 meeting dates:

August 21  
November 20

All meetings will take virtually via Teams, unless otherwise specified.

Respectfully submitted,

Michelle Goodman  
Staff Attorney

**Probate Committee  
Judicial Conference of Indiana**

**Minutes  
August 21, 2020**

1. Attendance: The following members participated in the meeting: Russell Bailey, Michael Kramer, Trent Meltzer, Steven Eichholtz, Kristine Osterday, Robert Freese, Marianne Vorhees, Bob Witham, Phillip Houk, and Terrence Cody. Peter Foley acted as chair for the meeting.
2. Guests: Victoria Sovern, Indiana Office of Court Technology, LaJuan Epperson, Indiana Office of Court Technology, and Erica Costello, Indiana Office of Court Services.
3. Staff assistance: Michelle Goodman and Mindy Pickett provided staff assistance for the meeting.
4. Welcome: The committee welcomed three new members, Michael Kramer, Marianne Vorhees, and Kristen Osterday.
5. Approval of Minutes: The committee reviewed and unanimously approved the minutes from the June 19, 2020 virtual meeting.
6. Guardianship Registry / MyINA project: LaJuan Epperson and Judge Foley gave a brief overview of the MyINA project for the new members and reported to the committee that a virtual training will be held in Morgan County. Erica Costello indicated that additional counties are being sought to become a part of the pilot project and to contact anyone on the IOCS team if interested.

The committee reviewed the proposed template for the Guardianship Registry on appointing successor guardians and recommended edits. The committee requested staff circulate the updated template via email for final review and approval.

The committee discussed additional topics to aid courts in managing guardianship cases when using the registry. First, the committee discussed options for standardized CCS entry for minor guardianships regarding when a minor guardianship terminates. The committee approved the following text: "By operation of law, this Guardianship is TERMINATED. This court orders any assets of the Guardianship estate shall be distributed to (name)."

The committee discussed challenges with issuing letters that include all co-guardians and the need for stakeholders to understand shared and separate authority in these situations. The committee approved adding a notation to the letter as follows: "For more information regarding other co-guardian(s) for this guardianship, please visit <https://public.courts.in.gov/GRP/> or contact the court."

The committee reviewed a template orders for extension of temporary guardianship cases and extending minor guardianship cases to permanent status. After recommending edits, the committee requested staff to circulate the updated templates via email for final review and approval.

7. Probate Code Study Commission: Judge Cody provided a description of the Commission and indicated that there are three meetings scheduled in September and October 2020. The topics have not yet been released but the agendas will be distributed to the committee as released for review.

8. Report from joint subcommittee with Domestic Relations/Juvenile Benchbook/Probate Committees  
Judge Foley and Judge Witham presented the work of the subcommittee regarding practice pointers regarding notices for guardianship cases and adoption cases and memo regarding notices. The committee approved the information be included in the Benchbook with a link to the Juvenile Benchbook forms.
9. Update from Adult Guardianship Office: Erica Costello provided an update regarding grant applications for (VASIA) that will be provided in September and due in November.
10. Update from State Bar Section: Judge Cody reported on the July 24 meeting. He was not in attendance, but indicated the Section finalized the legislative agenda that was provided in committee meeting materials. The next meeting is in October.
11. Discussion on specific topics: Michelle Goodman indicated the topics below are for the committee to have further discussions possibly a subcommittee or workgroup on:
  - a. Restricted accounts: Judge Cody and Judge Vorhees volunteered to assist.
  - b. Best practice recommendations: Judge Eicholtz recommended his commissioner and Judge Foley and Judge Osterday agreed to assist in these areas:
    - i. Requests to reopen expired, terminated or denied cases
    - ii. Guardianship extensions
    - iii. Expiration dates in orders
    - iv. GM cases vs. GU cases
    - v. Staff using alerts to aid in case oversight for court
12. Other business: The committee discussed a question from court staff on whether they need to scan state letters in for personal representatives on estates. The committee agreed with advice from IOCS that this should be done.

The committee also discussed a question regarding appointing a special administrator for wrongful death. Plaintiff wants to appoint someone for limited purpose, but not have anyone in charge of the general estate. A few members of the committee reported that they do this, but do not issue letters of administration. It was suggested that the proper case type is an EU. The committee suggested that this would be an area to provide best practice information in the Benchbook.
13. 2020 meeting dates: The committee has the following meeting date scheduled: November 20 at 1:30 p.m. All meetings will be virtually via Teams, unless otherwise specified.

**Probate Committee  
Judicial Conference of Indiana**

**Minutes  
November 20, 2020**

1. Attendance: The following members participated in the meeting: Michael Kramer, Trent Meltzer, Kristine Osterday, Robert Freese, Marianne Vorhees, Peter Foley and Terrence Cody, Chair.
2. Guests: Victoria Sovern, Indiana Office of Court Technology, LaJuan Epperson, Indiana Office of Court Technology, and Erica Costello, Indiana Office of Court Services.
3. Staff assistance: Mindy Pickett and Michelle Goodman provided staff assistance for the meeting.
4. Approval of Minutes: The committee reviewed and approved the minutes from the August 21, 2020 virtual meeting.
5. Guardianship Registry / MyINA project: LaJuan Epperson reported that court technology is getting numerous requests to re-open dismissed or denied guardianships. The committee agreed that once a case is dismissed or denied, a new pleading should be filed in a new cause number and the original case should not be re-opened. The court can consider waiving the filing fees.

At the last meeting the committee agreed to add language to Odyssey regarding the expiration of guardianships. LaJuan Epperson indicated that similar language could be added for expiration of temporary guardianships. The committee agreed to add an event in Odyssey indicating that a temporary guardianship is expired and agreed to add a statistical closure upon expiration.

The committee discussed accountings in the MYINA project. The committee agreed to add the following statement which users must agree to: "I understand by checking this box, as the guardian, I am responsible for officially filing this report directly with the court." Additionally, the committee approved additional language to assist court users on finalization review.

LaJuan Epperson and Victoria Sovern provided an update on the MYINA project and upcoming MYINA county trainings.

The committee reviewed and approved three templates regarding successor guardians: Order Appointing Successor Guardian (Final Accounting Filed), Order Appointing Successor Guardian (Final Accounting Not Filed), and Order Revoking Letters of Guardianship and Release.

The committee discussed a request to update guardianship orders regarding issues with financial institutions and restricted accounts. IOCS staff will draft proposed language to add and will circulate to the chair and committee for review via email.

6. Update from Adult Guardianship Office: Erica Costello provided an update indicating that grant applications for (VASIA) have been received and currently are being reviewed. A virtual guardianship retreat is set for December 10, 2020 from 1:00-4:15p.m.
7. Probate Code Study Commission/State Bar Section: Judge Cody reported on the various topics discussed during the Fall Probate Code Study Commission.

8. Probate Benchbook revisions: The committee discussed and reviewed statutory and case law update revisions to the Benchbook. The committee approved the proposed changes and agreed to updating all guardianship forms to include all forms approved by the committee. Judge Cody will review the two new chapters on trusts and determine how those should be incorporated into the Benchbook.
9. Other business: Judge Vorhees provided an update on the Restricted Accounts Sub-Committee and agreed to draft proposed Benchbook guidance in this area. Judge Foley and Judge Osterday updated the committee on the Guardianship Best Practices Sub-Committee.

The committee reviewed a request to add language to the Notice to Creditor of Claim Status Form regarding a separate PL case and additional filing fees. The committee denied adding additional language to the form.

10. 2021 meeting dates: The committee has the following meeting dates scheduled:
  - February 19
  - June 18
  - August 20
  - November 19

All meetings will be held virtually via Teams beginning at 1:30 p.m., unless otherwise specified.