

MINUTES

Probate Committee

April 21, 2023

Meeting via Teams

1. **Attendees:** The following members participated in the meeting: Geoffrey Bradley, Robert Freese, Phillip Houk, Michael Kramer, Trent Meltzer, Kristine Osterday, Sean Persin, and Russell Bailey, Chair. The meeting was staffed by Mindy Pickett, Indiana Office of Court Services.
2. **Approval of Minutes:** The committee approved the November 18, 2022 meeting minutes.
3. **2023 Legislative Session:** The committee discussed relevant bills, including SB 287, HB 1006, and HB 1560. Judge Freese explained pertinent changes to the mental health code from HB 1006.
4. **Other business:**
 - a. The Committee discussed or reviewed the following:
 - i. A new judicial conference committee on Adult Guardianship will start July 1. The Adult Guardianship committee will take over responsibility for the Registry and MYINA projects. Our committee will retain oversight of minor guardianships for now. The Probate Deskbook for judges will be amended to only contain information related to minor guardianships and the committee will look at revised changes at the July meeting.
 - ii. New guardianship protocols on accounting and well-being from the National Center for State Courts. The group agreed to post these protocols to INCite on the deskbook page.
 - iii. A request from a judicial officer for two forms on appointing a GAL in guardianship cases: Order Appointing GAL with instructions and GAL Oath. The committee agreed this would be a beneficial addition to our forms library. Judge Osterday volunteered to draft these forms.
 - iv. Local rules regarding probate and guardianship cases in each county. Some committee members reported that their counties do not have local rules for these case types.
 - v. Recent case law including: In re Adoption of A.G., 199 N.E.3d 1220 (Ind. App. 2022), B.N. v. Health and Hosp. Corp., 199 N.E.3d 360 (Ind. 2022), In re Guardianship of Weber, 201 N.E.3d 220 (Ind. App. 2022), In re Adoption of E.E., 204 N.E.3d 340 (Ind. App. 2023), In re Adoption of W.K. 22A-AD-2227, Beach v. Spiech 22A-TR-1779, Civil Commitment of A.O. 22A-MH-2396, IMA Newfields v. Hurley 22A-TR-767, In re: Estate of Peters 22A-EU-1664. Judge Bradley volunteered to draft a short synopsis of *B.N.* for the deskbook. In re Adoption of E.E. will also be added as a “see also.”

2023 Meeting Dates: July 21 and October 20

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

MINUTES

Probate Committee

July 21, 2023

Meeting via Teams

1. **Attendees:** The following members participated in the meeting: Russell Bailey (Chair), Geoffrey Bradley, Michael Kramer, Jason McVicker, and Trent Meltzer. The meeting was staffed by Mindy Pickett, Indiana Office of Court Services. Jeff Wiese, Deputy Director of Legal Support, and Nick Parker both from IOCS were guests.
2. **Approval of Minutes:** The committee approved the April 21, 2023 meeting minutes.
3. **Mental Health -Emergency Detention cases:** The committee discussed frequently asked questions pertaining to H.E.A. 1006 (2023) and reviewed feedback regarding the emergency detention mental health application. The committee made updates and revisions to the application.
4. **2023 Legislative Updates to Deskbook:** The following members volunteered to revise the deskbook and forms as a result of recent legislation: Judge Kramer (S.E.A. 287), Judge Meltzer (H.E.A. 1560 and 1570). Judge Persin previously agreed to work on revisions related to H.E.A. 1006.
5. **Other business:**
 - a. The Committee discussed recent case law including H.P. v. G.F., 210 N.E.3d 1286 (Ind. App. 2023) and Matter of Adoption of S.L., 210 N.E.3d 1280 (Ind. 2023). Neither case will be added to the deskbook. Judge Bailey volunteered to look at In re Est. of Bricker, 23A-ES-3, (Ind. App. June 23, 2023) for the next meeting.
 - b. Mindy reported that the Rules Committee and Supreme Court approved the committee's request to revise T.R. 81.1 re: Family and Household Members. The rule was formally amended to indicate that GU cases must keep their "GU" case designation. This change is effective January 1, 2024.

2023 Meeting Dates: October 20

- The meeting will be held virtually via Teams beginning at 1:30 p.m. (eastern).

MINUTES

Probate Committee

October 20, 2023

Meeting via Teams

1. **Attendees:** The following members participated in the meeting: Geoffrey Bradley, Robert Freese, Timothy Hollems, Jason McVicker, Kristine Osterday, Sean Persin, and Russell Bailey, Chair. Jeff Wiese, Deputy Director of Legal Support was a guest. The meeting was staffed by Mindy Pickett, Indiana Office of Court Services.
2. **Approval of Minutes:** The committee approved the July 21, 2023 meeting minutes.
3. **Emergency Detention Process and Form:** The committee local emergency detention processes and reported that courts are continuing to see calls in the middle of the night due to an individual needing to be transferred. Several members expressed concern with the report to court no longer being statutorily required. The committee considered a request to include a final hearing date in the order. This request was denied due to concerns about logistics and adequate notice, and the fact that most of these cases will not result in a commitment. The committee does not plan to revise the emergency detention form again unless there are legislative changes next year.
4. **Benchbook updates:** The committee reviewed and approved Benchbook revisions by Judge Meltzer (H.E.A. 1560 and 1570), Judge Kramer (S.E.A. 287), and Judge Persin (H.E.A. 1006). The mental health forms were revised including adding a law enforcement statement and State Form 2101: Report Requesting Temporary Commitment of Voluntary Patient. The committee wanted additional time to review the Order on Final Hearing. Staff will circulate that order for review and approval via email.
5. **Other business:**
 - a. The Adult Guardianship Committee shared their suggested revisions to the Guardianship Information Sheet that is used in the guardianship registry. The committee had no comment on the revised form.
 - b. Recent case law was reviewed including: K.K. v. Community Health Network, Inc., G.H. v. Richard L. Roudebush Veterans Affairs Med. Ctr., S.C. v. Richmond State Hosp., B.A. v. State, C.P. v. St. Vincent Hosp. and Health Care Ctr., Inc., M.T. v. Community Health Network, and In re Adoption of E.S.J. Judge Persin volunteered to draft a synopsis of *G.H.* and *B.A.* for the benchbook.
 - c. The committee discussed 2024 meeting dates and agreed to keep the meeting time at 1:30pm.

2024 Meeting Dates: February 16, May 17, August 16, and November 15

- All meetings will be held virtually via Teams beginning at 1:30 p.m. (eastern).