

Protection Order Committee  
Judicial Conference of Indiana

**Minutes**

January 31, 2020

The Protection Order Committee met at the Indiana Office of Court Services on Friday, January 31, 2020 from 12:00 noon – 3:30 p.m.

1. Members present. Judith Benckart, Marshelle Broadwell, Sara Arnold, Bill Dawkins, Michael Douglass, Alexis Vazquez Dedelow, Darren Murphy, Jay Phelps, Sara A. Dungan, Danielle P. Gaughan, Mary Margaret Lloyd and Sean M. Persin, Chair.
2. Staff present. Tom Jones, Lisa Manning provided the committee with staff assistance from the Indiana Office of Court Services; La Juan Epperson provided staff assistance from Trial Court Technology.
3. Guests present: Kerry Hyatt Bennett, ICADV.
4. Minutes approved. The minutes for the meeting on October 25, 2019 were approved.
5. Welcome new members. Judge Persin welcomed new member Jay Phelps, Bartholomew County Clerk.
5. Filings with no Respondent address. After discussion, Committee members declined to make Respondent address a required field on the protection order e-filing portal. The Committee also recommended that clerks process petitions that have no Respondent's address for court consideration. The Committee agreed by consensus to add the "commonly known to frequent" location to Odyssey when Respondent address is not listed on the petition.
6. Service of process on subsequent pleadings. The Committee considered a suggestion from the e-filing business committee to build Respondent e-service into the protection order e-filing portal and agreed by consent to include e-service in the portal. Technology will make the changes to the portal to comply with Rule 86.
7. Access to Court Records Rule 5. The Committee reviewed the recent change to A.C.R. Rule 5(C)(2) mandating full names on protection orders and no contact orders. The discussion was tabled for the March meeting.
8. Servicemembers Civil Relief Act forms. Committee members considered a request from Monroe County to develop a form or modify existing forms to comply with the SCRA. The discussion was tabled until the March meeting. Judge Persin will seek additional guidance from an SCRA specialist.

9. Pending legislation. Committee members reviewed and considered SB 47 mandating expungement in denied protection orders. The Committee declined to act in response to SB 47. Upon passage, the Committee will create a form order for court use. The Committee reviewed SB 424 expanding the address confidentiality program.
10. Recent cases. The recent cases of Buford v. State and McGuire v. State were distributed for consideration and including in the bench book if appropriate.
11. Agenda items for future meetings. The Committee will consider the following items in future meetings: collection on service data in the registry, required affidavits on protection order petitions, forms to comply with SCRA, ACR 5(c),

Respectfully submitted,

Lisa Manning  
Family Violence Resource Attorney

Protection Order Committee  
Judicial Conference of Indiana

**Minutes**

February 27-28, 2020

The Protection Order Committee met at the Indiana Office of Court Services on Thursday, February 27 from 12:00 noon – 4:30 p.m. and Friday, February 28, 2020, from 10:00 a.m. - 3:30 p.m.

1. Members present. February 27: Andrew K. Antrim, Marshelle D. Broadwell, William A. Dawkins, Alexis Vasquez Dedelow, Michael T. Douglass, Sara A. Dungan, Danielle P. Gaughan, Holly M. Harvey, Mary Margaret Lloyd, Jay Phelps, and Sean M. Persin, Chair. February 28: Andrew K. Antrim, Marshelle D. Broadwell, Bill Dawkins, Alexis Vasquez Dedelow, Sara A. Dungan, Danielle P. Gaughan, Mary Margaret Lloyd, Darren J. Murphy, and Sean M. Persin, Chair
2. Staff present. Jeffrey Bercovitz and Tom Jones, Indiana Office of Court Services; LaJuan Epperson, Court Technology, provided staff assistance.
3. Minutes approved. The minutes for the meeting on January 31, 2020 were approved.
4. Protection Order Deskbook.
  - a. Judge Persin gave some remarks about the Protection Order Deskbook rewrite.
  - b. Committee members revised Chapter 4, Hearings; Chapter 6, Criminal and Juvenile No Contact Orders; Chapter 8, Enforcement; Chapter 10, Federal and State Firearm laws; and Chapter 11, Full Faith and Credit. The committee began a revision of Chapter 3, Ex Parte Proceedings and Orders.
  - c. Mag. Gaughn agreed to check the CHINS and Delinquency Deskbook to see if there are any conflicts with revised Chapter 6.
  - d. Members of the committee agreed the revised chapters should be distributed to all committee members after the meeting for review.
5. Pending legislation. Committee members agreed to review SB 47 at next meeting, which mandates expungement in denied protection orders petitions.
6. Future meeting dates. The committee agreed to meet again on March 27, 2020, May 22, 2020, June 26, 2020, August 28, 2020, October 23, 2020, January 22, 2021, and February 26, 2021, all from 12:00 noon – 3:30 p.m. They agreed to continue work on Deskbook.

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Law

Protection Order Committee  
Judicial Conference of Indiana

**Minutes**  
**Conference Call**  
April 17, 2020

The Protection Order Committee met via conference call on Friday, April 17, 2020, from 12:30 p.m. -1:50 p.m.

1. Members present. Andrew K. Antrim, Judith C. Benckart, William A. Dawkins, Alexis v. Dedelow, Michael T. Douglass, Holly M. Harvey, Mary Margaret Lloyd, and Sean M. Persin, Chair.
2. Staff present. Jeffrey Bercovitz, Tom Jones, Ruth Reichard, Indiana Office of Court Services; Mary DePrez and LaJuan Epperson, Court Technology, provided staff assistance.
3. Minutes approved. The minutes for the meeting on February 27-28, 2020 were approved.
4. Protection Orders cases under Coronavirus.
  - a. Committee members described their court practices ruling on and hearing protection order cases at the present time.
  - b. Ruth Reichard, filing in a vacancy as Domestic Violence Resource Attorney, outlined issues about hearing cases under the coronavirus crisis. This included acceptance of paper filings by Clerks and courts and ruling and holding hearings on protection order cases.
  - c. LaJuan Epperson gave statistics which indicated a more than doubling in the number of protection order cases filed electronically via the Protection Order – Electronic Filing Service Provider (PO-EFSP) in the past four (4) weeks.
  - d. Members of the committee discussed whether the Indiana Supreme Court should issue an order on conducting hearings in Protection Order cases; paper filings and/or use of a drop box; filings via email; and automatic extension of protection orders.
  - e. The committee agreed unanimously the Indiana Supreme Court should issue an order concerning paper filings and/or drop box use and hearings in protection order cases. Judge Persin agreed to circulate a draft order for comment and agreed to make any needed edits to the draft. They agreed to recommend the draft order to the Supreme Court for their consideration.

Members of the committee agreed to make no recommendations concerning emailed filings because of security concerns. They also agreed to make no recommendations concerning automatic extensions for protection order orders because of due process and notification concerns, and so few are heard in a year.

5. Future meeting dates. The committee agreed to meet again telephonically if needed, and again on May 22, 2020, June 26, 2020, August 28, 2020, October 23, 2020, January 22, 2021, and February 26, 2021, all from 12:00 noon – 3:30 p.m.

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Law

Protection Order Committee  
Judicial Conference of Indiana

**Minutes**  
**Remote via Teams**  
May 22, 2020

The Protection Order Committee met remotely via Teams on Friday, May 22, 2020, from 12:00 p.m. -1:30 p.m.

1. Members present. Sara J. Arnold, Judith C. Benckart, Marshelle Broadwell, William A. Dawkins, Alexis V. Dedelow, Sara A. Dungan, Danielle Gaughan, Holly M. Harvey, Mary Margaret Lloyd, and Sean M. Persin, Chair.
2. Staff present. Jeffrey Bercovitz, Tom Jones, Ruth Reichard, Indiana Office of Court Services; LaJuan Epperson, Court Technology, provided staff assistance.
3. Guest present. Jay Phelps, Clerk, Bartholomew County, was also present.
4. Minutes approved. The minutes for the meeting on April 17, 2020 were approved.
5. Expungement forms. Committee members reviewed draft revisions to PO-134, PO-135, and PO-136 concerning expungement of protection orders. They agreed to the revisions by consensus and to place the forms back on the website and in the Protection Order Registry.
6. ACR forms. Members of the committee reviewed draft revisions for PNW-0102 and NC-0109 to update references from Administrative Rule 9 to ACR 5 and add a reference to Ind. Code § 34-26-5-7 about address confidentiality. The committee approved the revisions by consensus.
7. Protection Orders cases under Coronavirus. Judge Persin reported the committee recommendation for a Supreme Court order on filings and hearings on protection order cases was revised by the Office of Court Services to guidance in these areas which is under consideration. Committee members discussed procedures they are using to conduct protection order hearings.
8. Translation of Protection Order Forms. Ruth Reichard stated the ICJI approved the use of unused STOP grant money to pay for translation of protection order forms. The forms will be translated into a bilingual format and reviewed by an ATA certified translator. The languages include Spanish, Burmese, and Hakha Chin, the top three needed in Indiana. Committee members agreed by consensus translation of protection order forms would be helpful.
9. Audits by PO Registry. LaJuan Epperson reported each year Court Technology audits active protection orders in some counties. This includes checking to see if

protection orders are removed from the Registry and Odyssey when expired, no contact orders are removed when they are no longer active, and similar issues. They have found some courts have not corrected issues found in the audits. Committee members discussed the importance of audits and agreed by consensus to work with and support the Registry to get courts to respond to the audits.

10. Future meeting dates. The committee agreed to meet again remotely on June 26, 2020, August 28, 2020, October 23, 2020, January 22, 2021, and February 26, 2021, all from 12:00 noon – 3:30 p.m.

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Law

Protection Order Committee  
Judicial Conference of Indiana

**Minutes**  
**Remote via Teams**  
June 26, 2020

The Protection Order Committee met remotely via Teams on Friday, June 26, 2020, from 12:15 p.m. - 2:00 p.m.

1. Members present. Andrew K. Antrim, Sara J. Arnold, Judith C. Benckart, William A. Dawkins, Michael T. Douglass, Sara A. Dungan, Danielle Gaughan, Holly M. Harvey, Mary Margaret Lloyd, Darrin J. Murphy, and Sean M. Persin, Chair.
2. Staff present. Jeffrey Bercovitz and Tom Jones, Indiana Office of Court Services; LaJuan Epperson, Court Technology; provided staff assistance.
3. Guest present. Jay Phelps, Clerk, Bartholomew County, was also present.
4. Minutes approved. The minutes for the meeting on May 22, 2020 were approved.
5. Expungement and notice forms. Committee members reviewed revisions to PO-134, PO-135, and PO-136 concerning expungement of protection orders and PNW-0102 and NC-0109 concerning notice of exclusion of confidential information. Members of the committee agreed to the revisions by consensus and to place the forms on the website and in the Protection Order Registry.
6. Technical changes. Judge Persin explained some forms need amendment for technical reasons only. Committee members agreed the Chair, Court Technology, and staff could approve technical changes to forms. In addition, staff could distribute the forms with technical amendments to the committee for their information.
7. Audits by PO Registry. Judge Persin reported the committee previously agreed to assist the Protection Order Registry to get court cooperation for audits. LaJuan Epperson explained this could be, for example, a pretrial no contact order, which is still active, but the case was dismissed. LaJuan Epperson reported their office now sends an email to the court explaining the audit process and requesting court cooperation. Committee members agreed by consensus, if the Court Technology email was not effective, to send an email to the court, then a letter court, then a phone call in order to secure the cooperation with the audit. The committee will review draft documents at the next meeting.
8. Confidential form. LaJuan Epperson reported a suggestion to include a spot where petitioners could request notifications of hearings in addition to orders on the

Confidential form. Committee members discussed the additional notification but agreed by consensus to wait until Odyssey was in all counties before permitting the form to be changed.

9. Translation of Protection Order Forms. Judge Persin reported translation of the forms into other languages was proceeding. Some technical changes were required because the translators saw the need for them on the forms.
10. Fee for service of Indiana orders in other states. Judge Dungan explained Michigan was charging for service of Indiana's protection orders. Committee members discussed:
  - issuing a court order waiving the fee if the petitioner is indigent
  - use of certified mail
  - asking the local sheriff to contact the Michigan sheriff to ask for service at no charge
  - asking the local prosecutor to call the Michigan prosecutor to ask for service at no charge
  - other options.Judge Persin agreed to draft language for Chapter 2 of the Protection Order Deskbook and Judge Dungan agreed to review the draft.
11. Notification of respondents. Judge Persin reported concerns when a Petition for an Ex Parte Order is denied, and notice of the denial is sent to the respondent. There may be federal law prohibiting disclosure. Committee members discussed the safety of the petitioner, how the respondent would know if Ex Parte Order is denied in order to petition for expungement, and whether the statutory language of the expungement statute may be used to expunge the petition. They agreed to continue discussion of this topic at the next meeting of the committee.
12. Future meeting dates. The committee agreed to meet again remotely via Teams on August 28, 2020, October 23, 2020, January 22, 2021, and February 26, 2021, all from 12:15 p.m. – 2:00 p.m.

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Law

Protection Order Committee  
Judicial Conference of Indiana

**Remote via Teams**  
**Draft Minutes**  
August 28, 2020

The Protection Order Committee met remotely via Teams on Friday, August 28, 2020, from 12:15 p.m. - 2:00 p.m.

1. Members present. Andrew K. Antrim, Sara J. Arnold, Judith C. Benckart, Marshelle Broadwell, Jonathan Brown, William A. Dawkins, Alexis V. Dedelow, Michael T. Douglass, Sara A. Dungan, Danielle Gaughan, Mary Margaret Lloyd, Darrin J. Murphy, Frank M. Nardi and Sean M. Persin, Chair.
2. Staff present. Melissa Arvin, Jeffrey Bercovitz, Pam Christenberry, Mary Kay Hudson, Tom Jones and Jeff Wiese, Indiana Office of Court Services; LaJuan Epperson, Court Technology; provided staff assistance.
3. Guest present. Judge Christina R. Klineman and Judge William J. Hughes were also present.
4. Minutes approved. The minutes for the meeting on June 26, 2020 were approved.
5. Introductions. Judge Persin introduced new members of the committee, Mag. Frank Nardi and Judge Jonathan Brown. He introduced Melissa Arvin, new staff attorney for the committee. He thanked Jeff Bercovitz for his service to the committee.
6. Protection orders forms in other languages. Melissa Arvin showed an example of a form translated into Hakha Chin and English. Committee members discussed:
  - whether interpreters would use a word for word translation
  - whether petitions and rulings be in English
  - the time delay in getting a translation
  - the availability of translators
  - use of the language line for *Ex Parte* orders
  - the need for Spanish language translation because of the volume
  - a large Burmese community in Ft. Wayne which may bring family members to translate
  - Different ways to conduct a pilot of the use of forms in different languages.
7. Review of **Lall** case. Members of the committee reviewed **Lall v. K.M.**, 145 N.E.3d 149, 2020 Ind. App. Unpub. Lexis 369. The trial court did not issue specific findings after a hearing on a protection order as required under T.R. 52 (A) or case law. Members of the committee discussed:
  - Whether the case should be noted in the Protection Order Deskbook
  - How to add more findings than allowed on the present form

- Use of TR 52 in every case would back up courts in order to issue specific findings
- use of oral findings on the record
- concerns with *Ex Parte* cases
- concerns with having too specific findings in a protection order

Mag. Dawkins agreed to conduct research on findings needed for the next meeting.

8. Harassment protection orders. Judge Klineman and Judge Hughes reported they recently discussed the significant amount of time the new harassment protection orders were taking on their docket. Judge Hughes believed a new case type should be created for them to assign a weighted caseload measure properly; Judge Klineman noted these cases are closer to civil tort cases and even mini eviction cases since they do not have to be domestic or family violence. Judge Klineman suggested use of a case type which separates these cases into a “domestic” and a “nondomestic” category. Committee members discussed use of the Clerk to guide filing of domestic and nondomestic cases and use of legislation to limit the statutory requirement of holding hearings in every case, whether serious or not. They agreed to continue their discussion at the next meeting of the committee.
9. Audits by PO Registry. Judge Persin distributed a draft email for the committee to use to assist the Protection Order Registry to get a court’s cooperation when an audit of protection and no contact orders by the Registry. LaJuan Epperson said the Registry will note time frames when dealing with no contact orders entered at sentencing against a person going to DOC and not having a hard deadline when they leave DOC. Committee members agreed by consensus Court Technology should use the committee’s email 30 days after their last contact with the court, and the email should give the court 30 days to cooperate with Court Technology in their protection order audits.
10. Other. Committee members agreed to discuss notification of respondents and federal prohibition of this notification at their next meeting. Judge Persin also discussed that there will need to be a meeting in 2021 to complete the updating of the deskbook.
11. Future meeting dates. The committee agreed to meet again remotely via Teams on October 23, 2020, January 22, 2021, February 26, 2021, and June 25, 2021 all from 12:15 p.m. – 2:00 p.m. They agreed to mark their calendars for March 26, 2021 and May 28, 2021 meeting dates.

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Law

Protection Order Committee  
Judicial Conference of Indiana

**Remote via Teams**  
**Draft Minutes**  
October 22, 2020

The Protection Order Committee met remotely via Teams on Friday, October 22, 2020, from 12:15 p.m. - 2:00 p.m.

1. Members present. Andrew K. Antrim, Marshelle Broadwell, Jonathan Brown, William A. Dawkins, Alexis V. Dedelow, Michael T. Douglass, Sara A. Dungan, Danielle Gaughan, Mary Margaret Lloyd, Frank M. Nardi and Sean M. Persin, Chair.
2. Staff present. Melissa Arvin, Tom Jones, Pam Christenberry, and LaJuan Epperson, Court Technology; provided staff assistance.
3. Approval of August 28, 2020 minutes
  - Approved
4. Schedule Protection Order Bench Book rewrite:
  - February 25, 26, or
  - April 22, 23, or
  - May 20, 21 (and then vacate 5/28 meeting)
  - Discussion on the merits of working on the rewrite virtually
  - April and May dates will be best. We will send out a survey to see what dates work best for everyone to have as many people as possible.
  - We will also be looking at the chapter assignments for the bench book rewrite.
5. Vote on request for additional case type for Harassment POs and/or domestic vs. non-domestic POs
  - Further discussion was heard. Marion County and Hamilton County are having a significant increase in neighbor disputes.
  - We are looking at data for the harassment only POs to see how many cases there are.
6. Translation Pilot Update
  - Update on the portal and the process. The proposal is going through the process in IOCS.
7. Technical amendments:
  - PO-0102 Instructions
  - PO-0115 Petition to Modify an Order for Protection
  - PO-0120 Confidential Form for Foreign Protection Orders
  - WV-0100 Instructions for Petitions to Prohibit Workplace Violence

- WV-0106
- All amendments were approved by the committee.

8. Legal updates:

- Lall v. K.M. (specific findings)
- D.L. v. J.H. (specific findings)
- H.H. v. S.H. (expiration date other than 2 years)
- Initial thoughts: Trial Rule 52 says the court needs to make primarily written findings. The issue in the Lall case is that the order was vacated while the court made more specific findings. A concern is expressed for the counties with greater volume and what this means in terms of time.
- An additional box with an “Other” option with the ability to write. Additionally, written findings do not have to be done at the time of the order and can be done later. A drop down box was also discussed to allow for more findings.
- Ms. Epperson says that can happen easily from a technology standpoint.
  - Email with numbers will be sent to the committee.
- Further discussion will be heard in January.

9. Other:

- Livestreaming remote hearings and VAWA
  - Discussion as to best practice and whether the committee needs to intervene and take a position on this issue.
  - Research will be done on and this will be addressed at the January meeting.
- Best practices on juvenile respondents who turn 18 during the pendency of the proceedings/term of the order
  - Usually leave them in adult court, if there is a pending case in juvenile then move them, don’t usually move them to juvenile court unless there is a reason to
  - Doesn’t get transferred back if they turn 18

10. Issue of additional information for the respondent and/or petitioner will be heard in January

- Judge Brown would like more information on the first page of the petition: specifically age and whether they live in the same house

11. Proposed meeting dates and times:

January 22, 2021	12:15 p.m. – 2.00 p.m.	Remote via Teams
February 26, 2021	12:15 p.m. – 2:00 p.m.	Remote via Teams
March 26, 2021	12:15 p.m. – 2:00 p.m.	Remote via Teams
May 28, 2021	12:15 p.m. – 2:00 p.m.	Remote via Teams
June 25, 2021	12:15 p.m. – 2:00 p.m.	Remote via Team