

Guardianship Committee

Minutes for Friday, January 12, 2024

Approval of Minutes

- Approved in batch for August, October, and November 2023 meetings (Roesener/Meltzer)

Updates from Judicial Officers and OJA Staff

- Present – Bradley; Meltzer; Osterday; Roesener; Vandermoere
- Staff – Parker, IOCS; Robinson, IOCS

Review of Cases, Trainings, and Resources

- *Hunter v. Hoeller*, 2023 Ind. App. Unpub. LEXIS 967 (August 21, 2023)
- Family Law Taskforce GAL Guidelines
 - Will likely not apply to adult guardianship cases, but have not officially been published yet
- Upcoming Legislative Session
 - Review of bills that might impact adult and minor guardianship in the future
- Adult Guardianship Office Annual Symposium set for Thursday, June 27 (hybrid on Zoom)

Action Items

- Handling minor guardianship issues in the future (including benchbook)
 - Committee assented to plans that would create one “Guardianship Benchbook” and logistical arrangements that might, if approved, affect the scope of the committee overall
- Update on brochures for probate courts
 - Committee approved the mock-up text version of Brochure #1
 - Mock-up to be created and re-shared with the committee in the future
- ACL grant – still forthcoming
 - IOCS staff will have more updates at the next meeting in March
- NGA training materials – attempting to host online

Minutes approved on March 8, 2024.

Guardianship Committee

Minutes for March 8, 2024

Welcome and Introductions

- In Attendance – Bradley; Certo; Meltzer; Osterday; Winkler
- Staff – Nick Parker, IOCS; Shenna Robinson, IOCS; Nick Sprague, IOCT
- Minutes from January 12, 2024 approved by committee vote (unanimous consent).

Updates from Judicial Officers and OJA Staff

- Starting in July 2024, committee will be renamed “Guardianship Committee” and will take on issues involving both minor and adult guardianship, including Registry, benchbooks, case law review, grants, and other topics.

Review of Cases, Trainings, and Resources

- Brief discussion on In the Matter of Guardianship of Ralph W. Laux, Memorandum Decision 23A-GU-403 (Feb. 20, 2024).
- Update on Family Law Taskforce GAL Guidelines (not yet published) – will be prepared to discuss when final recommendations are approved.
- Update on Legislative Session – review of laws possibly affecting guardianship.
- Adult Guardianship Office Annual Symposium set for June 27, 2024 (virtual).

Action Items

- Probate/Guardianship Session at Annual Conference (Wednesday, September 18)
 - Joint session between Guardianship and Probate Committees.
 - Committee approved similar topic (round-robin style; “hot topics”) and format (small judicial panel) to last year’s event.
 - Chairs of both committees will meet to plan out the format, structure, and speakers for this event – update to committee at next meeting.
- Medical Process Working Group
 - Sub-committee is being formed to start “phase one” of this project.
 - Judicial officers (whether on this committee or not) who are interested in discussing statewide usage of Physician’s Reports and determining legal capacity should email Nick Parker (nick.parker@courts.in.gov) to join the sub-committee. Sub-committee will be meeting in April or May 2024.
- Update on Brochures
 - Committee previously approved brochures and seemed generally favorable of the format/structure of the brochure.
 - Adult Guardianship Office will take time to add recommendations from the larger group, including the role of Physician’s Reports / medical incapacity documents.
- Guardianship Benchbook
 - Sub-committee is being formed to handle the initial benchbook discussions.

- Judicial officers (whether on this committee or not) who are interested in discussing the benchbook should email Nick Parker (nick.parker@courts.in.gov) to join the sub-committee. Sub-committee will be meeting in April or May 2024.
- Discussion on ACL Grant (forthcoming – Summer 2024)
 - Committee provided commentary and feedback on the proposals that may be included in the 2024 ACL “Improving Adult Guardianship” grant.
 - Committee also heard ideas for specific grant items, including a Physician’s “Portal” for confidential/secure health documents.
 - Discussion on improvements to Guardianship Registry will be tabled for future meeting agenda.
- Discussion on Issues Affecting Judicial Officers
 - Committee discussed issues related to locating qualified guardians to serve in their jurisdictions, the role of VASIA programs, and resources for guardians or protected persons facing legal issues beyond the guardianship context.

Upcoming Agenda Items

- Email Nick or Judge Bradley if you have inclusions for future agenda items.

Minutes approved on June 28, 2024.

Guardianship Committee

Minutes for June 28, 2024

Welcome and Introductions

- Minutes from March 8, 2024 approved by committee vote (unanimous consent).

Updates from Judicial Officers and OJA Staff

- Sub-Committee on Medical Process
 - Formulating the group, which may involve multiple health networks and staff.
 - Discussion later in the year on the progress of the group and scope/direction.
- Sub-Committee on the Benchbook
 - Splitting up the chapters and reviewing individual portions.
 - Changes to general structure and format for accessibility compliance.

Updates from OJA Staff

- Adult Guardianship Symposium
 - Next event is tentatively Thursday, June 26, 2025 (in-person in Indianapolis).
- ACL Grant on Improving Adult Guardianship
 - Applied for the grant – asked for funds for a “review board” (similar to Maryland/Michigan) and “educational curriculum” (which could eventually lead to mandatory or ongoing education).
 - Only a few states are expected to receive the grant – updates will be given if we are awarded the funds.
 - The Adult Guardianship Office plans to move forward on a review board pilot, even in the absence of funding.
- Update on Guardianship Pamphlets
 - Discovered another resource in the process – committee approved a mock-up of an “accordion style” resource.
- Update on the Guardianship Registry
 - Proposing enhancements to make it easier to use for courts and staff – removing or updating some of the data collection points and removing some of the extra “case management” features (which duplicate Odyssey e-filing system).
 - IOCT and IOCS plan to collaborate on this – we will bring future updates to the committee.

Review of Cases, Trainings, and Resources

- Family Law Taskforce GAL Guidelines
 - Delayed rollout until January 2025.
 - Will invite IOCS to come discuss the guidelines as they pertain to minor guardianship.

Action Items

- Panel Discussion at Judicial Training (September 18 @ 3pm)
 - Collaboration with Probate Committee – 4 to 5 topics of general interest.
 - One potential topic is “intersection of guardianship/estate cases after protected person has passed away.”

- Any other ideas for topics should be sent to Nick Parker by July 1.
- Virtual Symposium
 - The Adult Guardianship Office sees value in having an ongoing virtual discussion, especially since the Symposium will return to in-person training in June 2025.
 - Is there interest for a virtual session in December 2024?
 - Topics could include: considerations in initial petition filing; guardianship review (inventory, accounting, and reporting); or legal notice standards.
 - If you have an idea for a session, please let Nick Parker know.
- Case Caps for Guardians – Best Practice
 - Committee discussion – possible solution to problematic guardians with hundreds of cases in various counties across Indiana. Chief Justice was potentially interested in feedback from the committee about a “best interest” case cap.
 - Committee would like to consider this at a future date, possibly including this cap in the benchbook.
- Ending the MyINA Project
 - Due to changes in software and overall non-usage of the system, the Adult Guardianship Office has proposed termination of the pilot project after 12/31/24.
 - As an alternative, the Adult Guardianship Office would like to host a form that can be downloaded from the IOCS website and/or Indiana Legal Help.

Upcoming Agenda Items

- Email Nick or Judge Bradley if you have inclusions for future agenda items.

Minutes approved by email vote on January 2, 2025.

Guardianship Committee

Minutes for September 13, 2024

Welcome and Introductions

- In Attendance – Bradley; Meltzer; Roesener; Winkler.
- Staff – Nick Parker, IOCS.
- Approval of minutes for June 28 meeting postponed to December 20 meeting.

Updates from Judicial Officers and OJA Staff

- Chief Justice COSCA/CCJ Conference
 - General themes were (1) usage of technology; (2) better materials for the public; and (3) innovations to prevent future issues.
 - Proposed next steps – Nick Parker to learn more from the Indiana Bar Foundation about having public-facing materials on Indiana Legal Help.
 - Committee would like to see how other states handle this, as well as possible information on a guided interview for Indiana Legal Help.
- Annual Judicial Panel Discussion (September 18 @ 3pm ET)
 - Judge Bradley, Judge Meltzer, and Judge Persin (Probate).
- Sub-Committee on the Benchbook
 - Next meeting on Friday, October 18 @ 12pm ET.
 - The previous version of the benchbook is back up on InCite.

Updates from OJA Staff

- Winter Workshop – Friday, December 13 (Renaissance Carmel, Indianapolis, IN)
 - Guardianship and elder justice selected as half-day themes.
 - Judge Bradley, Judge Persin, and Magistrate Houk were selected as judicial panelists.
 - Nick Parker, Erica Costello, and Kristen LaEace will be doing the other panel.
- Adult Guardianship Symposium
 - Next event is tentatively Thursday, June 26, 2025 (in-person in Indianapolis).

Review of Cases, Trainings, and Resources

- Family Law Taskforce GAL Guidelines
 - Delayed rollout until January 2025.
 - Will invite IOCS to come discuss the guidelines as they pertain to minor guardianship.

Action Items

- Ending MyINA
 - The committee had ideas for additions to the form, including:
 - Whether the incapacity is ongoing or not, and if it is temporary.
 - Who is evaluating the person? When? Attending physician/network?
 - An updated copy will be provided once it is approved by IOCT.
- Virtual Symposium

- The idea was endorsed by the committee; however, due to the Winter Workshop, it was proposed that this start in December 2025 instead.
- Case Caps for Guardians
 - Data will be gathered at the September 18 training to see how judicial officers feel about it.

Upcoming Agenda Items

- Email Nick or Judge Bradley if you have inclusions for future agenda items.

Minutes approved by email vote on January 2, 2025.

Guardianship Committee

Minutes for Friday, December 20, 2024

Approval of Minutes (June and September)

- Present: Bradley, Nugent
 - Staff: Parker, Dunn, Robinson
- Absent: Certo, Winkler, Houk, Meltzer, Roesner

Updates from OJA Staff

- Guardianship Oversight Task Force
 - Discussed the scope/duration and purpose as well as how the Task Force differs from the Guardianship Committee.
 - First meeting will be on January 10, 2025.

Review of Cases, Trainings, and Resources

- Family Law Task Force GAL Guidelines – Leslie Dunn
 - Leslie Dunn (IOCS) came to speak about GAL guidelines – materials will be sent out to the Committee by email.
- Other Trainings / Local Bar / CLEs
 - ICLEF Adult Guardianship Training (December 6)
 - Winter Workshop (December 13)
 - Materials available on Moodle

Action Items

- Ending MyINA
 - Motion for Email Vote – Authorize the Wind-Down of MyINA
 - Proposal for MyINA to end on June 30, 2025
 - Judicial officers should send feedback by January 31, 2025
- 2025 Meeting Dates – 12pm ET to 2pm ET
 - Friday, February 28
 - Friday, April 25
 - Friday, June 27
 - Friday, August 29
 - Friday, October 31

Upcoming Agenda Items

- Please email ideas to Nick Parker or Judge Bradley.

Minutes approved by email vote on January 2, 2025.