

MINUTES

Juvenile Benchbook Committee
January 24, 2025
via Microsoft Teams

1. **Attendees:** Michael Bohn, Anah Gouty, Amanda Guzmán, Peter Haughan, Kent Kiracofe (chair), Erika Stallworth, and Tricia Thompson. The meeting was staffed by Mindy Pickett from IOCS.
2. **Minutes:** The Committee approved the October 25, 2025, meeting minutes.
3. **Case Law Updates:** The Committee reviewed and approved two case law updates in the CHINS benchbook drafted by Judge Kiracofe and Referee Gouty:
 - a. Matter of J.M., 246 N.E.3d 303 (Ind. App. 2024) regarding custody modification pre-adjudication.
 - b. Matter of M.H., 244 N.E.3d 966 (Ind. App. 2024) regarding sua sponte motions to continue the fact finding hearing.

The Committee also approved adding a practice guidance note regarding continuances considering the trial rule change effective January 1, 2025.

4. **Recent published case law:** The Committee reviewed the following recent published cases: Matter of J.B., 246 N.E.3d 819 (Ind. App. 2024), Matter of N.K., No. 24A-JC-237 (Ind. App. Oct. 17, 2024), T.W. v. Indiana Dept. of Child Services, 246 N.E.3d 826 (Ind. App. 2024), A.F. v. State, 247 N.E.3d 841 (Ind. App. 2024), In re K.W., 247 N.E.3d 1250 (Ind. App. 2024) and M.S. v. State, No. 24A-JV-715 (Ind. App. Dec. 5, 2024). The committee agreed to add A.F. v. State to the delinquency benchbook. Mindy agreed to keep tabs on T.W. v. DCS since it is pending a petition to transfer.
5. **2025 Legislative Session:** Mindy provided the committee with a non-exhaustive list of relevant juvenile bills that have been filed this session. The committee reviewed and discussed the bills and next steps in the legislative session.

2025 MEETINGS:

March 28 (Microsoft Teams)
June 27 (Microsoft Teams)
August 22 (Microsoft Teams)
October 24 (tentative in-person)

MINUTES

Juvenile Benchbook Committee

March 28, 2025

via Microsoft Teams

1. **Attendees:** Michael Bohn, Anah Gouty, Amanda Guzmán, Peter Haughan, Kent Kiracofe (chair), Steve Kitts, Brittney Long, Erika Stallworth, Tricia Thompson, and Mary Welker. The meeting was staffed by Mindy Pickett from IOCS.
2. **Minutes:** The Committee approved the January 24, 2025, meeting minutes.
3. **Case Law Update:** The Committee reviewed and approved one case law update in the delinquency benchbook drafted by Referee Gouty: A.F. v. State, 247 N.E.3d 841 (Ind. App. 2024) regarding failure to prepare a pre-dispositional report when there is a recommendation to commit the child to the Indiana Department of Correction.
4. **TPR Best Practices & Advisement of Rights:** In early 2024 the committee agreed to revise the Best Practices on TPR document that was drafted by IOCS attorney Jeff Bercovitz in 2019 in coordination with the Juvenile Justice Improvement Committee. The committee had agreed to update it and turn it into a checklist for judicial officers regarding due process in TPR cases. Judge Kiracofe submitted a draft that the committee reviewed and discussed best practices including providing an advisement of rights form in writing, appointment of counsel, and pretrial conferences. Mag. Thompson and Ref. Gouty volunteered to take a look at the document and suggest any additions or revisions. The document will be reviewed again at a future meeting and published later this year.
5. **2025 Legislative Session:** Mindy provided a status update of the bills relevant to juvenile courts this session. The committee will solicit volunteers via email to draft benchbook and forms revisions based on new legislation. The goal will be to have the revisions complete for approval at the June 27, 2025 committee meeting so the forms and benchbooks can be posted on or near July 1.
6. **Future Project:** Mindy explained that at the new juvenile judge orientation it was suggested that a probation violation or modification hearing dialogue would be helpful for delinquency cases. The committee members discussed their current practices and agreed that creating a dialogue is a good future project for later this year.
7. **Recent published case law:** The Committee reviewed the following recent published cases: Matter of Mar.M., No. 24A-JC-2308, (Ind. App. Feb. 28, 2025), Matter of W.H., No. 24A-JC-2241, (Ind. App. Mar. 7, 2025), Brown v. State, 252 N.E.3d 910 (Ind. 2025), JQR v. State, No. 24S-JV-298 (Ind. March 12, 2025), and Matter of E.S., No. 24A-JT-894, (Ind. App. Feb. 28, 2025). The committee agreed to Mindy adding a note in the delinquency benchbook where the jurisdictional gap is discussed regarding *Brown* and that the statute cannot be applied retrospectively.
8. **Other business:** Mindy encouraged committee members to talk to their colleagues about joining Juvenile Benchbook during committee selection. The committee added January 30, 2026 as an additional committee meeting.

2025 MEETINGS:

June 27 (Microsoft Teams)
August 22 (Microsoft Teams)
October 24 (tentative in-person)

2026 MEETINGS: January 30 (Microsoft Teams)

MINUTES

Juvenile Benchbook Committee

June 27, 2025

via Microsoft Teams

1. **Attendees:** Michael Bohn, Justin Brown, Anah Gouty, Amanda Guzmán, Kent Kiracofe (chair), Brittney Long, Erika Stallworth and Tricia Thompson. The meeting was staffed by Mindy Pickett from IOCS.
2. **Minutes:** The Committee approved the March 28, 2025, meeting minutes.
3. **2025 Legislative Session:** The committee reviewed and approved the following revisions to the benchbooks and forms:
 - a. CHINS:
 - i. Benchbook updates including dialogues re: SEA 143 (Parental Rights), SEA 80 (Code Publication), HEA 1605 (Juvenile Law Matters), HEA 1099 (Safe Haven Infants and Foster Youth), HEA 1412 (Reporting of Child Abuse and Neglect)
 - ii. Order on Initial/Detention Hearing
 - iii. Order on Periodic Case Review
 - iv. Order Approving Permanency Plan
 - v. Order Granting/Denying Intervention Pursuant to I.C. 31-32-2.5 (new)
 - vi. Order Granting/Denying Intervention Pursuant to T.R. 24 (new)
 - vii. Order Granting/Denying Initial Request for Extension of Reunification Services (new)
 - viii. Order Granting/Denying Subsequent Request for Extension of Reunification Services (new)
 - b. TPR:
 - i. Benchbook updates re: HEA 1605 (Juvenile Law Matters) and HEA 1099 (Safe Haven Infants and Foster Youth)
 - ii. Dialogue for Initial Hearing on Involuntary Termination of the Parent-Child Relationship
 - iii. Order Granting/Denying Intervention Pursuant to I.C. 31-32-2.5 (new)
 - iv. Order Granting/Denying Intervention Pursuant to T.R. 24 (new)
 - v. Order Setting Initial Hearing on Voluntary Termination of the Parent-Child Relationship (new)
 - c. Delinquency:
 - i. Benchbook updates re: SEA 80 (Code Publication), SEA 281 (Expungement) and HEA 1014 (Public Safety)
 - ii. Expungement Petition
 - iii. Expungement Order
4. **Other business:**
 - a. Due to time, the committee tabled a review of recent case law to the next meeting.
 - b. The committee thanked Judge Kiracofe (chair) and Judge Kitts for their service and contributions to the committee they rotate off the committee effective July 1.
 - c. Mindy announced that we would be adding 4 new members to the committee and that Ref. Gouty will be chair effective July 1.

2025 MEETINGS:

August 22 (Microsoft Teams)
October 24 (tentative in-person)

2026 MEETINGS:

January 30 (Microsoft Teams)
April 24 (Microsoft Teams)
June 26 (Microsoft Teams)

MINUTES

Juvenile Benchbook Committee

August 22, 2025

via Microsoft Teams

1. **Attendees:** Mark Cox, Anah Gouty (Chair), Amanda Guzmán, Elizabeth Klees, Erika Stallworth, and Tricia Thompson. Mindy Pickett, IOCS Staff attorney, served as staff for the meeting.
2. **Welcome and Introductions:** The committee welcomed new members in attendance, Mark Cox (Wayne) and Elizabeth Klees (Marion) and new chair Anah Gouty (Lawrence). Two other new members were unable to attend, Bruce MacTavish (Jackson) and Michael Effner (Vigo).
3. **Minutes:** The Committee approved the June 27, 2025, meeting minutes.
4. **TPR Best Practices and Written Advisement of Rights:** Mag. Thompson and Mag. Gouty worked on revising the TPR best practices checklist and creating a new written involuntary termination advisement of rights and editing the existing voluntary advisement of rights. The changes were presented to the committee. The committee members discussed best practices regarding 10-day notices, judicial notice, and findings from certified orders. The committee approved for publication on INcite the checklist, written involuntary advisement of rights, and updated voluntary advisement of rights.
5. **Delinquency Dialogues – D.W. v. State, 263 N.E.3d 151 (Ind. 2025) re: Advisement of Rights:** The committee discussed the recently published Indiana Supreme Court case *D.W. v. State*. Committee members agreed that the advisement of rights and dispositional alternatives should be read to the juvenile and parents. If formal reading is going to be waived, the court must question the juvenile and ensure that their waiver of the formal reading is knowing and voluntary. At the meeting members reviewed the combined initial/detention and admission dialogues and made suggested revisions considering the holding in the case. Mindy will add similar revisions to the initial and detention dialogues and circulate all dialogues to committee members for review via email with a goal is to finalize the dialogues by early to mid-September for publication.
6. **Other business:**
 - a. Recent Case Law
 - i. Tabled from January (pending petition to transfer): T.W. v. Indiana Dept. of Child Services, 246 N.E.3d 826 (Ind. App. 2024). Mag. Thompson agreed to draft a short reminder for both the delinquency and CHINS benchbooks that if a child is sent to DOC and there is a collateral CHINS case, there is no longer jurisdiction in the CHINS case.
 - ii. Tabled from May Meeting: The committee reviewed Matter of B.R., 262 N.E.3d 169 (Ind. App. 2025), K.M. v. Indiana Dept. of Child Services, 255 N.E.3d 1245 (Ind. App. 2025), Matter of J.J., 259 N.E.3d 328 (Ind. App. 2025), Matter of E.K., 260 N.E.3d 901 (Ind. 2025), J.W. v. Indiana Dept. of Child Services, 257 N.E.3d 1 (Ind. App. 2025), J.W., No. 24A-JT-2943 (Ind. App. May 1, 2025), and K.B. v. State, 261 N.E.3d 290 (Ind. App. 2025). Mag. Thompson agreed to draft a summary of *Matter of B.R.* and Mag. Gouty and Comm. Guzmán agreed to work together to revise the benchbook and forms regarding *Matter of E.K.*
 - iii. New Case law: The committee reviewed In re B.W., No. 24A-JC-2557 (Ind. App. July 3, 2025), Matter of O.M., No. 25A-JC-1122 (Ind. App. July 30, 2025), State v. B.H., 260 N.E.3d 953 (Ind. 2025), JJ v. State, No. 25A-JV-481 (Ind. App. July 30, 2025), and In re TPR T.S. and J.V., No. 25A-JT-137 (Ind. App. Aug. 1, 2025). The committee agreed not to include any of the cases in the benchbook but agreed to allow Mindy to draft a reminder regarding T.R. 53.2 and 53.1 in the TPR benchbook on pg. 74.
 - b. Meeting dates – The committee added the remainder of the 2026 meeting dates including June 26, August 28 and October 23. The committee will meet from 10:00am until noon (previously was scheduled 10:00am-12:30pm). The committee agreed to meet in person at IOCS on October 24, 2025.

- c. At the October 2025 meeting the committee will create a probation violation/modification dialogue for delinquency cases. Judge Welker has provided an example to get us started. The committee also discussed reviewing all dialogues for succinctness and reading level. Judge Cox volunteered to review the TPR dialogues and Mag. Gouty is going to ask Judge Brown to review the CHINS dialogues.

2025 MEETINGS:

October 24 (in-person)

2026 MEETINGS:

January 30 (Microsoft Teams)

April 24 (Microsoft Teams)

June 26 (Microsoft Teams)

August 28 (Microsoft Teams)

October 23 (tentative in-person)

All meetings 10:00 am-noon (eastern).

MINUTES

Juvenile Benchbook Committee

October 24, 2025

IOCS Indianapolis

1. **Attendees:** Michael Bohn, Justin Brown, Mark Cox, Matthew Effner, Anah Gouty (Chair), Amanda Guzmán, Elizabeth Klees, Brittney Long, Erika Stallworth, Tricia Thompson and Mary Welker. Mindy Pickett, IOCS Staff attorney, served as staff for the meeting. Leslie Dunn, IOCS Director of Children and Families, was a guest.
2. **Minutes:** The Committee approved the August 22, 2025, meeting minutes.
3. **CIP Direct Representation Pilot:** Leslie Dunn informed committee members that the Court Improvement Program (CIP) is planning to create a direct representation pilot in which the judicial officer would maintain discretion in appointing counsel for a child. It may be a referral process where DCS or GAL/CASA could ask for counsel to be appointed. The focus will likely be on older youth who are at risk of bad outcomes or not having stable permanency. CIP is hoping to get 3 counties to participate and there have been have stakeholder focus groups. The attorneys will be sourced from a pool of attorneys that CASA currently uses or from word of mouth. The attorneys will be required to be trained so they understand this area of the law and older youth. Leslie asked committee members to complete a survey that will provide feedback on the scope of the project.
4. **Case Law Updates to Benchbooks:** The committee reviewed and approved the following benchbook updates for publication:
 - a. Delinquency Benchbook: T.W. v. Indiana Dept. of Child Services, 246 N.E.3d 826 (Ind. App. 2024)
 - b. CHINS Benchbook:
 - i. T.W. v. Indiana Dept. of Child Services, 246 N.E.3d 826 (Ind. App. 2024)
 - ii. Matter of B.R., 262 N.E.3d 169 (Ind. App. 2025)
 - iii. Matter of E.K., 260 N.E.3d 901 (Ind. 2025)
 1. Order on Fact Finding on CHINS Petition
 2. Order Setting Initial Hearing on Petition
 3. Order on Initial/Detention Hearing
5. **Delinquency Modification Dialogue:** There is not a sample modification dialogue currently available in the benchbook. Judge Welker volunteered to share her dialogue. The Committee reviewed, edited and revised the dialogue. Mindy will clean the document up to ensure the language is consistent. The committee will review the dialogue again at our next meeting. There was also a suggestion to look at the initial hearing dialogue to confirm it has victim notification requirements.
6. **Best Practices Video Advisements:** The Language Access Committee recently posted English and Spanish video advisements for initial hearings in juvenile cases. The committee agreed that the videos are a helpful tool but should not be used as a substitute for judicial officers advising of rights and dispositional alternatives on the record. The committee declined to add best practices regarding these videos in the benchbook and judicial officers should use them at their own discretion.
7. **Other business:**
 - a. Recent Case Law: The committee reviewed recently published cases including Matter of J.N., No. 25A-JC-657 (Ind. App. Aug. 18, 2025), Matter of P.R., No. 25A-JC-825 (Ind. App. Aug. 18, 2025), Matter of P.F., No. 25A-JC-10 (Ind. App. Aug. 25, 2025), Matter of E.K., No. 25A-JC-703 (Ind. App. Oct. 16, 2025) and In re E.P., No. 25A-JT-84 (Ind. App. Aug. 27, 2025). Mag. Thompson volunteered to draft a summary of *P.F.* for the benchbook. *Matter of J.N.* and *In re E.P.* both have pending petitions to transfer filed and *Matter of E.K.* (Oct. 2025) may get transferred. Mindy will keep track of those cases and place them back on the agenda once transfer has been decided.

- b. Due to time constraints review of the CHINS dialogues and TPR dialogues was tabled until the next meeting in January 2026.

2026 MEETINGS: January 30 (Microsoft Teams)
 April 24 (Microsoft Teams)
 June 26 (Microsoft Teams)
 August 28 (Microsoft Teams)
 October 23 (tentative in-person)

All meetings 10:00 am-noon (eastern).