

Juvenile Justice Improvement Committee, Judicial Conference of Indiana
Board of Directors, Indiana Council of Juvenile and Family Court Judges

Joint Meeting
January 10, 2014

The Juvenile Justice Improvement Committee, Judicial Conference of Indiana, and the Board of Directors, Indiana Council of Juvenile and Family Court Judges, held a joint meeting on Friday, January 10, 2014 at the Indiana Judicial Center at 12:00 noon.

1. Members present. James N. Fox, Daniel G. Heath, A. Christopher Lee, Bruce A. MacTavish, Lori K. Morgan, Charles F. Pratt, Loretta H. Rush, Carl H. Taul, Juvenile Justice Improvement Committee; Christopher L. Burnham, Roger L. Duvall, Mary G. Willis, Juvenile Justice Improvement Committee and the Board of Directors of the Indiana Council of Juvenile and Family Court Judges; and Vicki Carmichael, Darrin M. Dolehanty, Nancy Gettinger, James D. Humphrey and John Potter, Board of Directors of the Indiana Council of Juvenile and Family Court Judges were present.
2. Staff present. Jeffrey Bercovitz, Anne Jordan, Angela Reid-Brown, and Jane Seigel, Indiana Judicial Center; and Mike Commons, Division of State Court Administration were also present.
3. Guests present. Judge Patricia Macias (Ret.) TX; Barry Salovitz, Casey Family Programs, and Christopher Wu, Senior Director, Judicial Engagement Team at Casey Family Programs were also present.
4. Minutes approved. The minutes for the meeting of the committee on December 13, 2013 were approved.
5. Treasurer's Rpt. Judge Carmichael, Treasurer, Indiana Council of Juvenile and Family Court Judges gave a report on members who had paid either their Indiana or National Council dues.
6. Juvenile Detention Center Standards. Judge Carmichael gave a presentation on the final draft of the juvenile detention center standards. She said the finalized draft was distributed to juvenile detention center directors for comment by the end of the month. Fiscal impact information was requested from them. She reported the proposed education standards, which require educational programs six (6) hours a day and medical assessments for juveniles with stays over seven (7) days may have the greatest fiscal impact on some agencies.
7. Recent legislation. Jeffrey Bercovitz discussed SB 19 which would open paternity records, SB 27, which would prohibit adoption while an appeal is pending in the underlying termination of parental rights case for a child. He also distributed Senate Bills 12, 19, 27, 28, 100, 237 and House Bills 1010, 1016 and 1110 to members of the committee.
8. Casey Family Programs presentation.
 - a. Judge Patricia Macias (Ret.) Texas, gave a presentation on the judicial engagement program by Casey Family Programs. She said this was a new program in eight (8) states. She

discussed a mission statement, year 2020 strategy and reduction of the number of children in foster care, consulting, selection criteria and goals of the engagement program. She noted judicial engagement programs in Florida, Arizona, Missouri, Colorado, Michigan and other states. Committee members discussed potential issues which could be addressed with assistance from Casey.

b. Committee members discussed whether or not to participate in the judicial engagement program offered by Casey. Judge Willis moved to explore ideas and continue discussion with Casey on judicial engagement. Judge Duvall suggested amending the motion to enthusiastically explore and define the relationship with Casey. Judge Potter seconded the motion as amended. The motion was passed. Judge Willis agreed to send a letter to Casey with the joint decision of the Board of Directors of the Indiana Council of Juvenile and Family Court Judges and the Juvenile Justice Improvement Committee.

9. Appointment of counsel for juveniles. Jeffrey Bercovitz distributed amended Criminal Rule 25, which will require counsel for juveniles and is effective January 1, 2015. Committee members discussed the new rule. Justice Rush noted the Supreme Court is open to suggestions about the new rule. Members of the committee agreed to distribute the new rule in advance of the juvenile court judicial conference in June 2014, ask for questions in advance of the meeting, and have a session to discuss the questions.

10. Medicaid suspension for juveniles in detention. Judge Heath distributed a proposed letter and resolution to urge Congress to exempt juvenile from the Medicaid provision which prohibits reimbursement if an individual is an “inmate in a public institution.” The Medicaid monies are lost for juveniles for post adjudication detention. Judge Willis agreed to contact the National Council of Juvenile and Family Courts to determine what efforts have been made nationally on this issue.

11. Other. Judge Willis noted Judge Potter is working on increasing state funding for Court Appointed Special Advocates. Judge Potter stated CASA’s want to increase the monies available statewide and change the funding formula. A new formula would guarantee a certain minimum dollar amount to all CASA programs, with additional state monies based on caseloads. Some counties get amounts so low, the program is unable to function.

12. Next meeting. The Juvenile Justice Improvement Committee members agreed to hold their next meeting on Friday, February 7, 2014, but consider cancellation if there is no pressing business. The committee will also meet on March 7, 2014 and May 2, 2014 from 12:00 Noon – 3:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Juvenile Justice Improvement Committee
Judicial Conference of Indiana

Meeting
March 7, 2014

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana met on Friday, March 7, 2014 at the Indiana Judicial Center from 11:30 a.m. – 1:30 p.m.

1. Members present. Gary K. Chavers, James N. Fox, Stephen R. Galvin, Daniel G. Heath, Bruce A. MacTavish, Lori K. Morgan, Charles F. Pratt, Carl H. Taul, Mary G. Willis, and Christopher L. Burnham, Chair were present.
2. Staff present. Jeffrey Bercovitz and Angela Reid-Brown, Indiana Judicial Center; and Mike Commons and Leslie Dunn, Division of State Court Administration were also present.
3. Guests present. Don Travis, Deputy Director of Juvenile Justice Initiatives and Support and Nancy Wever, Probation Oversight Manager, Department of Child Services were also present.
4. Minutes approved. The minutes for the meeting of the committee on January 10, 2014 were approved.
5. Presentation by Don Travis.
 - a. Don Travis, Deputy Director of Juvenile Justice Initiatives and Support, Department of Child Services reported a recent instance of DCS asking for a call to be made to the Child Abuse Hotline when asked by probation to file a TPR in a delinquency case. The child was out of the home 15 out of the past 22 months. He determined at the same time the DCS policy manual was not up to date with the already existing agreement between the Juvenile Justice Improvement Committee and DCS for filing a TPR petitions for delinquents. He agreed to update the manual to reflect the agreement and state law. Committee members discussed distribution of the policy to judges and probation officers as a reminder.
 - b. Don Travis discussed the step-down policy with committee members. He noted paragraph six (6) permits a juvenile who disrupts a placement to be placed in secure detention and then returned to the placement without DCS permission. The DCS master contract requires probation to ask DCS for permission to return. Members of the committee discussed instances where the step-down policy was used by residential treatment providers for disciplinary purposes. Committee members agreed by consensus for Mr. Travis to study this and other issues concerning the step-down policy (e.g. outdated references, etc.) and return with the results of the study at the May 2 meeting of the committee.
 - c. Don Travis distributed a proposed draft of revisions to the Permanency Roundtable Protocol. Judge Galvin explained a substantive amendment to the protocol would require anyone who participates in Permanency Roundtables must first attend a Permanency Roundtable Orientation. Other amendments were procedural in nature. Members of the committee asked Mr. Travis to come back to the May meeting after the Permanency Roundtable committee had a chance to review the proposed changes. Judge Galvin also noted the committee may wish to seek legislation next year which would do away with the summary roundtables, which are proving to be unproductive.

6. Casey Judicial Engagement. Judge Burnham asked committee members for ideas for statewide systemic issues which would be data driven for technical assistance from Casey Family Programs.

a. Judge Pratt stated one systemic issue is cross-systems issues. He co-chairs the Cross-System Youth Task Force, which is part of the Commission on Improving the Status of Children. The task force is focusing on dual jurisdiction youth and other cross-system issues. He believes Casey could identify and filter national research, send judges to jurisdictions which are addressing cross system issues, and give assistance to the pilots in gathering information in a useful manner.

b. Judge Willis discussed the use of foster beds by the courts. She no longer knows how many foster beds are available for children in her county, what school districts they are in, whether they are for males or females, and how many are therapeutic or not. Judge Taul noted he used to know how many children were in foster placements and much more about the placements in foster care before they were made.

c. Judge Galvin said he would like to know how to safely reduce the number of children in out of home placements. For example, an audit of the "START" program concerning drug treatment of parents might determine if the treatment services were delivered and how this affected out of home placements of those children overtime.

Judge Burnham requested a 1-2 page outline of each proposal be sent by the end of next week to Judge Willis and him (with a copy to Jeff) to be forwarded to the Casey Family Programs. Committee members agreed by consensus to distribute each proposal to the committee once they are shared with Casey.

7. Recent legislation.

a. Judge Willis discussed SB 19 which would open paternity records, and SB 27, which would prohibit adoption while an appeal is pending in the underlying termination of parental rights case for a child. Committee members noted there may be concerns about opening up paternity records for cases filed before the effective date of the new law and discussed the need for consistent implementation on a statewide basis. Mr. Bercovitz agreed to contact the ISBA on this topic for guidance.

b. Mr. Bercovitz distributed Senate Bills 28, 43, 80, 170, 227, 248 408 and House Bills 1006, 1110, 1204, 1222, 1268, and 1279 and discussed them with members of the committee.

8. Other.

a. Angela Reid-Brown reported the name and duties of each Task Force of the Commission on Improving the Status of Children. She stated that legislatively abolished DCS Oversight Committee would remain intact and be part of the Commission.

b. Mr. Bercovitz reported on the DMC Definitions Committee had finished the definitions for the federally mandated 9 data collection points. The next meeting is scheduled on May 21 to discuss data collection electronically with the major suppliers of juvenile data services in Indiana.

9. Next meetings. The Juvenile Justice Improvement Committee members agreed to hold their next meeting on Friday, May 2, 2014, October 3, 2014 and December 5, 2014 from 12:00 Noon – 3:00 p.m. at the Indiana Judicial Center. Also, they agreed to check with the ICJFCJ to see a meeting was needed on June 13, 2014.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Juvenile Justice Improvement Committee
Judicial Conference of Indiana

Meeting
May 2, 2014

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana met on Friday, May 2, 2014 at the Indiana Judicial Center from 11:30 a.m. – 1:30 p.m.

1. Members present. Gary K. Chavers, Roger L. Duvall, James N. Fox, Stephen R. Galvin, Daniel G. Heath, A. Christopher Lee, Thomas R. Lett, Bruce A. MacTavish, Charles F. Pratt, Loretta H. Rush, Carl H. Taul, Mary G. Willis, and Christopher L. Burnham, Chair were present.
2. Staff present. Jeffrey Bercovitz and Angela Reid-Brown, Indiana Judicial Center; and Mike Commons and Leslie Dunn, Division of State Court Administration were also present.
3. Guests present. Don Travis, Deputy Director of Juvenile Justice Initiatives and Support, Department of Child Services; and Judge Robin Sage, Casey Family Programs, was also present.
4. Minutes approved. The minutes for the meeting of the committee on March 7, 2014 were approved.
5. Presentation by Judge Robin Sage. Judge Robin Sage, Casey Family Programs, Judicial Engagement introduced herself to the committee members. She said Casey has explored all three judicial engagement proposals and will “run them down” to see where Casey could help. She also plans to attend the May 21 meeting of the Children’s Commission. She will meet with Director Bonaventura for input and would get a response back to the committee before the next meeting of the Improvement Committee.
6. Presentation by Judge Willis.
 - a. Judge Willis reported there was a conference call on April 25 to discuss the implementation of SB 19, which opens paternity records. Judge Murray, Chair, Domestic Relations Committee, Judge Burnham, Chair, Juvenile Justice Improvement Committee, Neil Hayes, Chair, ISBA Family and Juvenile Law Section, and Mike Commons were on this call. She stated they wanted to prepare uniform procedures of the implementation of the new law.
 - b. Mike Commons distributed a memorandum on the applicability of the new law on opening paternity cases. Those on the call agreed the statute applied to new paternity cases filed on July 1, 2014 and going forward. Lilia Judson distributed an email this week which concluded that Administrative Rule 9 (I) is the only way to open records of cases which were filed before July 1. Her email also discussed opening portions of records of cases filed before July 1, but which had motions filed after July 1, 2014.
 - c. Judge Burnham said the input of Clerk’s are needed as well as attorneys. Judge Fox expressed concern about paternity records which may be in QUEST and on paper. Judge Burnham asked Mike Commons to report back at the committee’s next meeting on the implementation of the new law.
7. Presentation by Judge Pratt. Judge Pratt reported on the Cross-System Youth Task Force. They held their 2nd meeting and discussed cross-system youth who may not be in the system and

dually adjudicated youth who may be CHINS and Delinquent at the same time. He plans to put together a pilot program for the dually adjudicated children. Justice Rush said the Task Force will report to the full Commission on the Status of Children on a periodic basis to permit agency heads to enact new policies if recommended. Judge Burnham asked Judge Pratt to give the Improvement Committee an update on the work of his Task Force at the next meeting of the committee.

8. Presentation by Don Travis.

a. He reported DCS had updated their policies on filing a TPR in a delinquency case. Committee members agreed to redistribute the court policy on asking DCS to file a TPR petition when the delinquent was out of the home 15 out of the past 22 months.

b. He discussed the current step-down policy and noted some step-down services cost more than the previous placements. Part of the study would have DCS probation consultants look at disrupted placements as they were reapproved. He agreed to share the results of a sixty day study of the current step-down policy with the committee.

c. He stated Administration of Children and Families had changed their policies to provide that 95% rather than 90% of all children in residential care and foster care be seen by a case manager every 30 days effective October 1, 2014. In order to achieve this increased rate, juveniles on probation in out-of-home care would have to be seen every 30 days by a probation officer. The visit could be by a probation officer, not necessarily the juvenile's probation officer, as part of a placement team. Some courts already schedule visits for juveniles in placement every 30 days. He noted relative placements were not included, video conferencing did not apply, a CASA could not conduct the visit, and that two pieces of data were needed after the visit – did the visit occur and was it successful. Reminders for the visits could be sent and records of the visits could be kept in KidsTrack. Judge Burnham asked Don Travis to update the committee at their next meeting with the Indiana Council of Juvenile and Family Court Judges Board of Directors on June 13, 2014.

9. Permanency Roundtable Protocol Revisions. Judge Galvin explained there is no model for the Delinquency Permanency Roundtable Protocol. He said the Protocol already permits the probation department to invite someone to the roundtable and third party participation is vital in some cases, which is not found in other protocols. A requirement for third parties to attend training in advance of their participation would not be helpful. Judge Burnham moved to revise the proposed language on page 2 by noting members of the Juvenile Delinquency Permanency Roundtable Team must first attend an orientation before their participation, and the second sentence to continue to permit probation to invite additional parties to attend as appropriate. Judge Willis seconded the motion. The motion was passed. Judge MacTavish moved to approve the recommended changes on page 3. Judge Duvall seconded the motion. The motion was passed. The Judicial Center agreed to distribute the revised protocol via Friendly Friday Update.

10. Recent legislation. Committee members reviewed House Enrolled Acts 1006, 1110, 1204, 1222, 1268, 1269, 1279 and Senate Enrolled Acts 27, 80, 171, 227, 248 and 408. They discussed the possible update of the presumptive/nonpresumptive waiver statutes if needed.

11. Other.

a. Members of the committee reviewed Judge Graham's question about the order of first removal and took no action.

b. Judge Burnham discussed the tour of Pendleton Juvenile Correctional Facility on Friday, May 16, 2014 from 12:00 Noon – 2:00 p.m. Members of the committee agreed to meet in the facility parking lot before going inside. Mr. Bercovitz said a confirmation would be sent to those who indicated they wished to attend.

c. Justice Loretta Rush reported the names and gave a brief overview of each Task Force of the Commission on Improving the Status of Children, and future topics generally. She stated that the executive committee of the Commission meets on a regular basis. Judge Burnham stated he recently received notice of a meeting of the legislatively abolished DCS Oversight Committee, which did not note the agenda. Justice Rush stated the DCS Oversight Committee is now part of the Commission and the Committee membership remains intact.

d. Mr. Bercovitz reported on the DMC Definitions Committee received federal approval of the definitions for the federally mandated 9 data collection points. The next meeting will discuss data collection electronically in Indiana.

12. Next meetings. The Juvenile Justice Improvement Committee members agreed to hold their next meeting jointly with the Indiana Council of Juvenile and Family Court Judges Board of Directors on Friday, June 13, 2014 from 12:00 Noon – 2:00 p.m. They agreed to hold additional meetings on October 3, 2014, December 5, 2014, January 9, 2015, February 6, 2015, March 6, 2015 and May 1, 2015 from 12:00 Noon – 3:00 p.m. at the Indiana Judicial Center. January 9, 2015 may be cancelled if not needed. April 3, 2015 is Good Friday, but an April meeting date may be needed.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Juvenile Justice Improvement Committee, Judicial Conference of Indiana
Juvenile Benchbook Committee, Judicial Conference of Indiana
Board of Directors, Indiana Council of Juvenile and Family Court Judges

Meeting
June 13, 2014

The Juvenile Justice Improvement Committee, the Juvenile Benchbook Committee of the Judicial Conference of Indiana, and the Board of Directors, Indiana Council of Juvenile and Family Court Judges held a joint meeting on Friday, June 13, 2014 at the Renaissance Hotel in Carmel, Indiana from 12:00 noon - 1:50 p.m.

1. Members present.

a. Juvenile Justice Improvement Committee: Gary K. Chavers, Glenn D. Commons, James Nivard Fox, Stephen R. Galvin, A. Christopher Lee, Bruce A. MacTavish, Lori K. Morgan, and Carl H. Taul;

b. Juvenile Justice Improvement Committee and the Board of Directors of the Indiana Council of Juvenile and Family Court Judges: Christopher L. Burnham, Charles F. Pratt, and Mary G. Willis;

c. Juvenile Benchbook Committee: Robert R. Aylsworth, Sally E. Berish, Diana J. Burleson, Kirk D. Carpenter, Daniel W. Kelly, Jeffrey Miller, Heather Mollo, and Todd Ruetz;

d. Juvenile Benchbook Committee and Board of Directors of the Indiana Council of Juvenile and Family Court Judges: Darrin M. Dolehanty, Nancy L. Gettinger and Dana J. Kenworthy; and

e. Board of Directors of the Indiana Council of Juvenile and Family Court Judges Vicki L. Carmichael; James D. Humphrey, Marilyn A. Moores, Brett J. Niemeier John D. Potter were present.

2. Staff present. Jeffrey Bercovitz, Anne Jordan, Angela Reid-Brown, and Jane Seigel were also present.

3. Guests present. Michael Commons and Lilia Judson, Division of State Court Administration; Don Travis, Department of Child Services were also present.

4. Minutes approved. The minutes for the Joint meeting of the committee on May 2, 2014 were approved.

5. Dept. of Child Services. Don Travis, DCS gave the background and an update on the following:

a. 60 day study of the Step-down policy. DCS has begun looking at approximately 190 step-down cases. Should have suggestions ready for the next meeting of the committee.

b. DCS is working with the Judicial Center on a joint Collaborative Care Committee to develop procedures to permit probation to visit juveniles in out of home care every 30 days to satisfy federal requirements. Members of the joint committee discussed different techniques to satisfy federal requirements that the visits occur and be successful.

6. Judicial Engagement. Judge Burnham distributed a letter dated June 11, 2014 from Judge Macias on behalf of Casey Family Programs. He explained Casey Family Programs solicited judicial engagement proposals from members of the Board and the Juvenile Justice Improvement Committee. The Board and Committee gave Casey three proposals in March 2014 for their consideration. He was disappointed in the response of Casey to the three proposals. The response to the Cross-Over Youth proposal was to work with Georgetown University and Shay Bilchik. A second letter from Judge Sage, Casey Family Programs, discussed the cost of that response. Judge Pratt stated it would be helpful to have a national data consultant's help with the statistics associated with this project, but too much money was needed. Judge Willis reported the response to juvenile safety proposal was to have the Department of Child Services (DCS) give training on child safety and present it to the judges. The response to geomapping to determine foster care availability was to rely on DCS to tell courts about foster home availability. This Casey response did not permit courts to develop independent knowledge of foster home availability. She was also disappointed with the response.

a. Judge Galvin, Juvenile Justice Improvement Committee, moved to decline any Casey funding or participation in the Casey Family Programs judicial engagement programs. Judge McTavish seconded the motion. The motion was passed.

b. Magistrate Gettinger, Board of Directors, Indiana Council of Juvenile and Family Court Judges moved to decline any Casey funding or participation in the Casey Family Programs judicial engagement programs. Judge Potter seconded the motion. The motion was passed.

Judge Willis agreed to prepare a joint response with Judge Burnham to the Casey letter.

7. Open paternity records. Lilia Judson, Executive Director, Division of State Court Administration, gave the background of the June 10, 2014 amendment of Administrative Rule 9 concerning opening paternity records. Members of the joint committee discussed procedures to open records in paternity cases, including records in cases beginning before July 1, 2014, which would remain partially closed. This discussion included the use of a separate file folder for portions of the record before July 1, 2014 which was still confidential; use the consent form to access otherwise confidential information; use green sheet procedures to keep social security numbers and other information confidential; contacting the prosecutors, Title IV-D Agencies, and Child Support Bureau; provide internet access to the public files (with CCS's on the internet a secondary consideration), prepare a memorandum outlining procedures to go to courts, clerks and attorneys to keep implementation procedures uniform on a statewide basis, and other areas.

8. Legislative proposals.

a. State funding of GAL/CASA's in Marion County, which costs \$3.9 million dollars annually was discussed.

b. Repeal of the statute which requires juvenile courts to report felony type delinquent acts to schools. It is being used by schools to expel students.

9. Other.

a. Judge Galvin discussed parent evaluations which need more forensic information. Judge Humphrey said more parent evaluations are needed after the juvenile is in placement but before returning home. Judge Galvin said a more direct mechanism is needed for DCS to address concerns of courts.

b. Jeff Bercovitz reported the DMC Definitions Committee held a meeting in late May. The four major computer systems should be able to provide DMC information electronically by the end of the year. The next meeting of the DMC Definitions Committee is to see if the systems can run a report to capture this data on accurate basis.

c. Judge Fox reported his idea for a project to compare/contrast data on nonsupport of dependents with CHINS and Delinquency data. He might use Purdue or IU South Bend interns.

d. Judge Dolehanty wanted to know how other counties were having GAL's gather criminal history data on parties in JD and DR cases. Committee members suggested ordering parents to sign a release to get a limited background check from local law enforcement and have the parties give the results to the GAL. The party would pay law enforcement the fee for this service.

10. NCJFCJ. Judge Burnham announced the Annual Meeting of the National Council of Juvenile and Family Court Judges is in Chicago in July 2014.

11. Next meeting. The Juvenile Justice Improvement Committee members agreed to hold their next meeting on October 3, 2014 at the Indiana Judicial Center. The Board of Directors of the Indiana Council of Juvenile and Family Court Judges will meet in conjunction with the Annual Meeting of the Judicial Conference in September 2014. The Juvenile Benchbook Committee agreed to hold their next meeting on August 22, 2014 at the Indiana Judicial Center and agreed to draft a waiver of counsel form under Criminal Rule 25.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Juvenile Justice Improvement Committee
Judicial Conference of Indiana

Meeting
October 3, 2014

The Juvenile Justice Improvement Committee met on Friday, October 3, 2014 at the Indiana Judicial Center in Indianapolis, Indiana from 12:00 noon – 2:45 p.m.

1. Members present. Gary K. Chavers, Darrin M. Dolehanty, Roger L. Duvall, Stephen R. Galvin, Daniel G. Heath, Bruce A. MacTavish, Marilyn A. Moores, Lori K. Morgan, Charles F. Pratt, Mary G. Willis and Christopher L. Burnham,
2. Staff present. Jeffrey Bercovitz, Anne Jordan, Angela Reid-Brown, and Jane Seigel were also present.
3. Guests present. Michael Commons and Leslie Rogers-Dunn, Division of State Court Administration; Director Mary Beth Bonaventura, Don Travis, Deputy Director, Juvenile Justice Initiatives and Support, and Wade J. Horbacher, General Counsel, Department of Child Services were also present.
4. Minutes approved. The minutes for the joint meeting of the Juvenile Justice Improvement Committee, Juvenile Benchbook Committee, and the Directors of the Indiana Council of Juvenile and Family Court Judges on June 13, 2014 were approved.
5. Judicial engagement.
 - a. Judge Willis reported Judge Sage and Judge Macias asked Indiana to reconsider not participating in the Casey Family Programs judicial engagement program. Judge Macias, Judge Sage and Barry Salovitz made a presentation on Tues., Sept. 9 in French Lick, Indiana to a small group of judges and noted Casey was interested in a program of statewide applicability. Jeffrey Bercovitz distributed selected materials from that meeting. Judge Willis held a meeting of the Indiana Council of Juvenile and Family Court Judges Board of Directors on Friday, September 12 who agreed to reconsider Casey's proposal. Judge Willis also talked with a judge in Florida who was pleased with Casey's efforts in her state. Judge Galvin noted Indiana's goal is safety of children and helping families, not necessarily reducing the numbers of children in foster care.
 - b. Judge Heath moved to approve signing a memorandum of understanding with Casey Family Programs and moving forward with Casey. Judge MacTavish seconded the motion. The motion passed.
6. Department of Child Services. Don Travis, Deputy Director, Juvenile Justice Initiatives and Support, gave a presentation on the following:
 - a. He reported the results of a 60 day study of step down policy from May 1 – July 1, 2014 for juveniles referred to DCS for placement. 267 were referred, 17 had step-downs, and 6 had steps up to more restrictive care. He distributed draft revisions of the current policy which had been reviewed by the Probation Collaborative Communication Committee.

b. He distributed materials about the new federal policy which requires juveniles in foster care or out of home placement to be seen every 30 days by a probation officer or a family case manager in order to satisfy AFCARS requirements. He answered questions about this new policy.

c. He distributed a revised interagency agreement to the committee. He reported the last agreement, which was signed between DCS and courts and probation in 2002, contained outdated terms. New statutes have effectively changed the require items now required.

d. He reported on a letter sent to probation departments about the numbers of juveniles listed in a foster care or residential care in Kid Tracks. He noted many juveniles had returned home but not yet closed out of Kid Tracks. Don Travis reported DCS would like to send out a request to probation to check the numbers of juveniles in the system on a monthly basis.

e. Director Bonaventura, DCS and Wade Hornbacher, new General Counsel, DCS reported on the Adoption Subsidy class action lawsuit, which was recently settled. \$15.1 million was made available to an administrator to be distributed for prior unpaid subsidies. DCS will distribute subsidy monies on an ongoing basis.

f. Director Bonaventura said proposed legislation was submitted to the governor's office for approval, which can be discussed at the next meeting of the committee. They agreed to return to the December meeting of the committee to discuss the DCS Mental Health Initiative, Step down policy revisions, any interagency agreement revisions and proposed legislation.

g. Magistrate Chavers, Judge Duvall and Judge MacTavish agreed to study the revised draft step-down policy and draft interagency agreement and report back in about 30 days. Jeff Bercovitz agreed to distribute the current step-down policy for comparison.

h. Committee members stated the following:

(1) Judge Moores stated two minor mothers with immigration warrants left two children in Indiana. DCS filed CHINS petitions. Director Bonaventura did not know where other children of this nature were in Indiana. Judge Moores explained no one looked at the homes of these children before DCS stepped in.

(2) Judge Pratt noted problems with timely notice by publication. Fact-finding hearings have to be continued.

7. Interim Committee on Corrections and Criminal Code Judge Willis gave a report on the lengthy meeting of the Interim Study Committee on Corrections and Criminal Code on juvenile issues which met on September 22, 2014. The committee discussed increased funding for public defenders for juveniles, JDAI, interrogation of juveniles in school, Miranda warnings for juveniles and changes in Indiana's waiver laws. They also discussed the lack of data for waiver and direct file cases in Indiana.

8. Other.

a. Jeffrey Bercovitz distributed a juvenile justice blog concerning shackling juveniles in the courtroom. Members of the committee discussed security concerns for some juveniles.

b. Jeffrey Bercovitz distributed a proposal concerning the addition of a public defender and three probation officers to the Regional Service Council statute.

c. Committee members discussed additional monies needed in some counties to implement the new rule, Right to Counsel in Juvenile Delinquency Proceedings, Crim. Procedure Rule 25, effective January 1, 2015. A form for waiver of counsel prepared by the Juvenile Benchbook committee was distributed and reviewed by the committee.

d. A proposal by the Indianapolis Bar Association to change appellate rules for belated appeals in juvenile cases was distributed.

9. Next meeting. The Juvenile Justice Improvement Committee members agreed to hold their next meeting jointly with the Board of Directors of the Indiana Council of Juvenile and Family Court Judges on December 5, 2014 at the Indiana Judicial Center. They agreed to meeting again on January 9, 2015, February 6, 2015, March 6, 2015 and May 1, 2015 all at the Indiana Judicial Center from 12:00 Noon – 3:00 p.m. They noted district meetings would be held on March 6, which may affect attendance at this meeting.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Juvenile Justice Improvement Committee, Judicial Conference of Indiana
Board of Directors, Indiana Council of Juvenile and Family Court Judges

Meeting

December 5, 2014

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana, and the Board of Directors, Indiana Council of Juvenile and Family Court Judges held a joint meeting on Friday, December 5, 2014, at the Indiana Judicial Center in Indianapolis, Indiana from 12:00 noon - 3:00 p.m.

1. Members present.

a. Juvenile Justice Improvement Committee: James Nivard Fox, Stephen R. Galvin, Thomas R. Lett, Bruce A. MacTavish, and Lori K. Morgan;

b. Juvenile Justice Improvement Committee and the Board of Directors of the Indiana Council of Juvenile and Family Court Judges: Christopher L. Burnham, Gray K. Chavers, Darrin M. Dolehanty, Roger L. Duvall, Marilyn A. Moores, and Mary G. Willis;

e. Board of Directors of the Indiana Council of Juvenile and Family Court Judges: Nancy L. Gettinger, Dana J. Kenworthy, James D. Humphrey, John D. Potter were present.

2. Staff present. Jeffrey Bercovitz, Anne Jordan, and Angela Reid-Brown, were also present.

3. Guests present. Judge Faith Graham, Tippecanoe Superior Court; Leslie Rogers-Dunn, Division of State Court Administration; Don Travis, Deputy Director, Juvenile Justice Initiatives and Support, Wade J. Hornbacher, General Counsel, and Parvonay Stover, Legislative Director, Indiana Department of Child Services were also present.

4. Minutes approved. The minutes for the meeting of the committee on October 3, 2014 were approved.

5. Step-down policy, Interagency agreement and court placement.

a. Judge Duvall, Magistrate Chavers and Judge MacTavish gave their comments on the DCS proposed draft step-down policy, interagency agreement and protocol for court placements. Judge Duvall believed the policies are simpler and more flexible than the original version. Judge Duvall stated a lot of obligations are noted for probation officers, although this is what probation is obligated to do now under the juvenile code. He noted a separate policy on disruptions was prepared, although the 5 day placement language in secure detention was not included.

b. Judge Duvall distributed a summary of the DCS policy about financial help for an unlicensed relative with a child placement and the DCS policy from their manual. He also distributed form orders he uses in this area. Committee members agreed by consensus to distribute the DCS policy, summary by Judge Duvall, and his form orders with a cover memo from the chair about the use of the policy to all judges.

6. Presentation by Judge Graham. Judge Graham explained she had a case recently concerning a 16 year old girl who was fondled by her father, but not sexually abused. The fondling statute was omitted from list of circumstances in which a CHINS 3 could be filed. She

believes sexual battery should be included in CHINS 3. Committee members agreed by consensus that sexual battery should be added to the list of offenses in CHINS 3 to fix this omission. DCS will be asked to include this in their 2015 legislation.

7. Proposed legislation.

a. Judge Willis reported there are two adoption concepts reported for legislative purposes. One was from the Indianapolis Bar Association to change appellate rules to permit belated appeals in adoption. The Indiana Council of Juvenile and Family Court Judges oppose it. The Interim Study Committee on Courts and the Judiciary also heard a proposal to expand the law to permit the use of abandonment of the pregnant birth mother by a father before a child is born as grounds for not requiring his consent to an adoption. The ICJFCJ expressed concerns with notice and due process about this proposal. Judge Potter reported other states with similar laws provide father the right to counsel and the right to a full trial and hearing on the issue of abandonment. The Interim Study Committee took no action on the bill.

b. Public Defenders had several proposals for the Interim Committee on Corrections and Criminal Code. These included recording interrogations of juveniles, elimination of the valid court ordered exception in Indiana, prohibiting waivers of certain underage children, and gathering statistics on direct file and waiver cases. Committee members discussed the need for statistics on direct file and waiver cases. Judge Willis moved that the Division of State Court Administration be requested to require statistical data on the following children on direct file or presumptive or nonpresumptive waiver, in coordination with the DMC Definitions Committee, to include the following information: age, race, gender, offense charged, and disposition. Judge Duvall seconded the motion. The motion was passed.

8. Department of Child Services. Don Travis, DCS, asked for feedback on the proposed step-down policy, Interagency Agreement and Disruption policy.

a. Judge Duvall reported he was generally pleased with the proposed revisions to the policies and their simplicity, which will allow for flexibility. He stated there needs to be language about the five (5) day placement in secure detention for a disruption in the step-down policy as there is in the current policy. In addition, this should include whether a detention hearing is needed when the child is returned to a placement and whether probation or the residential placement must enter information to let DCS know the child is returning to placement. Judge Duvall indicated the proposed requirement for case plan preparation in seven (7) days should be changed back to 60 days as indicated under Indiana law. Don Travis agreed to make these revisions and return them to the Judicial Center for Judge Duvall, Magistrate Chavers, and Judge MacTavish for review. Also, Don Travis agreed to forward Attachment D to the Interagency Agreement, concerning Title IV-E and Title IV-A/EA information needed for state form 55435 (R/6-14), to members of the subgroup for review.

b. Don Travis reported the new AFCARS reporting has struggled a bit with different software programs but is generally working. He stated he has answered a lot of questions from probation. He can provide data in this area at the next meeting.

c. Wade Hornbacher reported negotiated adoption subsidies are taking about two (2) weeks to pay out and four (4) weeks if there is no negotiated amount. He noted various procedures used by DCS in this area and noted an influx of children in this process. Judge Willis asked if courts could help – and he indicated would be helpful if courts would encourage adoption attorneys to begin the adoption subsidy process earlier. Judge Fox and Judge Willis said it

would aid families to have as many subsidies done before the end of the year in order to take the appropriate child deduction and adoption tax credit.

d. Parvonay Stover distributed information on two sets of legislation from DCS. One area is child support, which includes a new version of UIFSA. The other area is for child welfare including collaborative care eligibility, fingerprint checks for “host homes,” and repeal of duplicative Regional Services Council requirements.

e. Don Travis reported DCS will attend training on December 12 on the new federal law entitled: “Preventing Sex Trafficking and Strengthening Families Act.” Jeffrey Bercovitz distributed the act and an information memorandum from the Administration for Children and Families about the act. Don explained the act has APPLA and permanency implications; human trafficking of juveniles; new reasonable efforts findings and makes changes in other areas. Judge Willis urged interdisciplinary cooperation in development and use of initial screening tools for human trafficking for law enforcement officers and probation, especially in rural areas.

f. Magistrate Gettinger distributed the DCS policy for use of monies for unlicensed relative placements and asked whether it applied to JS/JD children as well as CHINS cases. Don Travis agreed to determine if it does and report back to the committee.

g. Don Travis asked for any feedback on the lists being distributed to probation departments each month to assist in cleaning up errors in KidTracks. He also reported DCS will send emails to probation departments seeking financial information on families at the beginning of the case, not just at the end of the case to permit to be closed.

9. ICJFCJ. Judge Willis distributed a list of members who had paid their dues for the coming year and asked members to pay theirs if they had not already done so.

10. Juvenile right to counsel rule update. Jeff Bercovitz distributed Criminal Rule 25, the juvenile right to counsel rule, which was amended in October 2014 to clarify when counsel was required. In addition, the Juvenile Benchbook Committee form for waiver of counsel and Judge Burnham’s form notice in this area was distributed.

11. Commission on Improving the Status of Children. Angela Reid-Brown reported the Commission met on November 17 and received information on human trafficking from a survivor and from IPATH, a group formed by the Attorney General to address trafficking concerns. The next meeting of the commission is scheduled for February 18 and would include reports from each Task Force of the commission.

12. DCS Oversight Commission. Judge Burnham reported the DCS Oversight Commission plans to meet soon and asked for any ideas for meeting topics. Committee members stated the following:

a. Changing the role of probation consultants from approving placements to (1) resource consultants, (2) JDAI assistance and (3) educational purposes.

b. There is still a problem with CHINS cases showing up as Delinquency cases. The Cross-System Youth Task Force is addressing this issue.

c. Salary increases for DCS attorneys have helped in some areas of the state, but not all.

d. There is a high turnover rate among DCS case managers. There is 20% turnover rate in Morgan County. Attrition is a serious concern. CASA/GAL does not know which DCS case

manager is assigned to a particular case. CASA/GAL does not get notification when a new case manager is assigned to the case also.

- e. The root cause(s) of DCS case manager turnover must be determined and addressed. Some causes may be relationships with supervisors. DCS must do more to retain case managers.
- f. There has been a large increase of CHINS cases statewide. Almost all judicial offices agreed on this was occurring on a statewide basis.

13. DMC Definitions Committee. Judge Humphrey reported the next meeting of the committee would be held on Wednesday, December 17 at 1:30 p.m. He said the committee was working on a rule to require the reporting on juvenile statistics under already approved DMC definitions. Judge Humphrey recommended and the committee agreed that the distribution of the DMC definitions to the Juvenile Justice Improvement Committee would be helpful.

14. Other.

- a. Judge Willis reported a site visit arranged by Casey to a small jurisdiction in Kentucky with her probation department would be conducted in January.
- b. Jeff Bercovitz reported he and Angela Reid-Brown planned to observe a judicial engagement team workgroup meeting in Kansas City on December 17.
- c. Angela Reid-Brown stated Judge Pratt had a conference call with Casey on the Cross-System Youth Task Force earlier today.
- d. Judge Moores asked if other counties had experienced an increase in CHINS cases. Marion County has experienced an increase of over 40%. Most of the committee members indicated an increase occurred in their counties in the past year.

15. Next meeting. The Juvenile Justice Improvement Committee members agreed to cancel the January 9 meeting. They agreed to hold their next meeting February 6, 2015, and other meetings on March 6, 2015 and May 1, 2015 all at the Indiana Judicial Center from 12:00 Noon – 3:00 p.m. They noted the Board of Directors of the Judicial Conference of Indiana planned a meeting at the end of the Annual Meeting of Juvenile Court Judicial Officers on June 19.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law