



Office of Court Services

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Juvenile Probation Standards Workgroup

October 20, 2022

Meeting Minutes

The Juvenile Probation Standards workgroup met on October 16, 2022, 2022, from 1:00 pm to 3:00 p.m. at the Indiana Office of Court Services, Room 873. Magistrate Carolyn Foley chaired the meeting.

1. Members present. The following members of the Committee were present in person:

- Nick Ackerman, Indiana Office of Court Services
- Jenny Bauer, Indiana Office of Court Services
- Shannon Chambers, Johnson County Probation
- Magistrate Carolyn Foley, Allen Superior Court
- Heather Malone, Huntington County Probation
- Joel Wieneke, Indiana Public Defender Council

Members present. The following members of the Committee were present via Zoom:

- Greg Peters, Allen County Probation

Members absent. The following members of the workgroup did not attend the meeting:

- Vicki Becker, Elkhart County Prosecutor
- Judge Mary DeBoer, Porter Circuit Court
- Judge Jill Wesch, Vermillion County Circuit Court

Guests Present: Leslie Dunn

Staff: Angela Reid-Brown (via Zoom), Colleen Saylor

2. Welcome. Magistrate Foley welcomed everyone in person and virtual attendance.

3. Approve September Meeting Minutes: Workgroup members were provided a copy of the Minutes prior to today's meeting. Heather Malone made a motion to approve the minutes; Joel Wieneke seconded the motion. Workgroup members approved the September 16, 2022, meeting minutes unanimously.

4. Sub-Committee Reports. Magistrate Foley shared that all the subcommittees had met since the last meeting and asked for a member of each to report on their progress.

- **Risk Assessment/Conditions of Probation.** This subcommittee has met a couple of times since the last Workgroup meeting and Nick shared that they have a draft started with language for formal probation standards, informal adjustment standards and diversion standards. Members indicated they had honed in on informal adjustments and had discussion around how to incentivize courts to start the IA's at three months while understanding there is a six-month limit. There was discussion regarding the need for longer time frames on specialized cases such as sex offenders and setting a review of the case at three months to determine if more time is needed to complete programming; if the family can access services without the child having to be on an IA the case could be closed out.

It was shared that the draft recommendation is that all 92 counties might have 3-5 standard conditions, but they would craft additional conditions (only those necessary) individually based on the needs of the child in collaboration with the case plan. Informal adjustments would contain only individualized conditions determined by the case plan and needs of the child. There was discussion on the need to be realistic what families could complete within the time frames. This raised the issue of what potential barriers the anticipated grant funding might be able to address. Members discussed what services DCS may be able to pay for and what the case standing requirements for those service may be. Angela recommended the group consider asking David Reed, Deputy Director of Child Welfare Services at DCS, and invite him to present to the group regarding their services and requirements.

Nick shared the group had robust discussion surrounding the desire to propose a clear definition to separate Diversion and Informal Adjustment. Diversion means something different across the state with some counties utilizing it to make a referral to community partners or any program/service accessible without court involvement and no recourse if the program/treatment is not completed. While other counties use the term to refer to a lower level of supervision with the court signing off on it. Joel shared that in discussions that led to the CSG report (Council of State Governments) diversion might have been a larger component of the process, but prosecutors wanted some assurance that the diversion was successful. Given the data reporting requirements that were included, this will require some oversight. The sub-committee discussed that a true diversion might be best limited to 3 months and an IA start with 3 months but allow for 6 months – considering whether legislative change may also be needed. Members discussed how this might also be reflected in case contact standards and may require those be updated as well.

Currently some counties are supervising IAs with the same basic conditions of formal probation with fewer visits with the child. There is no guidance for the intake/probation officer on what characteristics should be weighed to determine if an IA is recommended. To further complicate matters, some counties have all cases go to the prosecutor first to make the decision regarding whether to offer a

diversion or IA or if they are filing a petition. While other counties have all referrals go to the probation department and they recommend to the prosecutor whether to offer a diversion, IA or file a petition.

Jenny shared that she and Nick met with Megan Horton, who co-chairs the diversion workgroup. They discussed including more detail regarding parameters of diversion within something that group may be drafting as guidance rather than include such detail in the probation standards. The group agreed further collaboration with the Diversion group would be helpful in addition to reaching out to the Grants workgroup to make sure a connection to services is not limited to the time frame of the diversion or IA and keep aware of what amount of funding has been allocated and what requirements included.

- **Case Planning.** This subcommittee met October 17, 2022.

Jenny shared that she started a draft for this sub-committee based on evidence-based research available. There are 10-12 items, and the members will continue to review and make edits. The statute is asking for the probation standards to include guidelines for informal adjustments which will also require guidelines for diversion to make it clear they are two separate things. Again, more flexible language was used. Members discussed having a descriptor at the start of each section to clarify at what point in the process they apply (modification/disposition, etc.). Members discussed the need to separate out a juvenile section of the standards and Jenny indicated this could be done fairly easily with the supervision section once we establish what all we are going to include. The remaining standards still apply to both. Members discussed having clarification on the section regarding the PI and PDR to include paragraphs providing guidance to include the youth and family in drafting specific individualized trauma informed, evidence-based conditions being recommended for that case.

The probation standards were updated a year or two ago to include language to meet IV-E federal requirements and these sections need to remain; 3.4, 3.6, 4.4, 4.6, 4.12, 4.25.

Jenny indicated she plans to have a draft to share with the group before the 11/10 YJOC meeting.

Out-of-Home Placement/DOC Commitment. This subcommittee met October 18, 2022.

Magistrate Foley and Joel met and reviewed the draft which had been provided to members at the last workgroup meeting. They only made one change.

- e. When making recommendations for services in response to probation violations or violations of disposition decrees, the nature of the violations should primarily guide the level of services recommended using the considerations in “d.” above. If a recommendation for out-of-home placement, especially confinement in a secure facility

or commitment to the department of corrections, was not warranted by the initial offense, and is not warranted by the violations, it ~~should~~ **may** not be warranted just because the child has violated probation or terms of the disposition decree. However, a pattern of conduct can be used to inform the recommendation for services in response to violations, especially where it demonstrates a concern for the safety and welfare of the child or safety of the community.

This addressed the need for judicial discretion on particularly difficult cases where the youth has exhausted all other options and continues to be unmanageable in a way that endangers himself or others but still provide guidance.

Leslie shared that the behavioral health workgroup has had discussions surround this population of youth who have been discharged from treatment facilities for behavior issues and other facilities will not accept them.

5. Review of timeline for deliverables.

Jenny shared that the Probation Committee met last week, and the Board of Directors for the Judicial Conference meets 12/8/22. Magistrate Foley will attend the 12/8/22 meeting and give them an update and possibly provide any drafts that are ready. They are aware this work is happening, but it is helpful to give them as much information in advance as possible. There is currently a Board of Directors meeting set for 4/17/23 and they are aware of the need to schedule one in June to finalize approval of recommendations. Members agreed it would be helpful to share the drafts with ICJFCJ and JJIC to allow more judges to provide input.

6. Additional Discussion:

Magistrate Foley reminded the group that judicial officers will be reviewing the recommendations and likely have edits and changes. Keeping the wording flexible to be careful of diminishing judicial discretion is helpful. Joel pointed out the standards also need to be written to convey that the risk assessment tools have been validated and should be trusted. There may be youth with low risk to re-offend but high need, that doesn't change their risk to re-offend, which is what the tool is measuring.

Members discussed providing a couple of recommendations on the formatting of the additional standards 1. Keep the adult and juvenile combined but reference the areas that apply to only one population 2. Provide two separate standards with much of the financial and policy sections the same.

Members also wanted to ensure the final document is readable and PO's can readily find what they are looking for if they have a question.

As drafts continued to be reviewed members need to consider them in light of the QRTP requirements and FFPSA. As that subject matter expert in that area, Angela agreed to review the drafts for these specific areas and get back to Magistrate Foley with any edits.

7. **Schedule Subsequent Meetings.** There was discussion around having the January or February meeting virtual only depending on weather but otherwise continue with the hybrid set up. The meetings will continue to be at the Indiana Office of Court Services.

Juvenile Probation Standards Work Group Meetings:

November 10, 2022	1:00 – 3:00 PM
December 8, 2022	1:00 – 3:00 PM
January 19, 2023	1:00 – 3:00 PM
February 16, 2023	1:00 – 3:00 PM
March 9, 2023	1:00 – 3:00 PM
April 20, 2023	1:00 – 3:00 PM
May 11, 2023	1:00 – 3:00 PM
June 8, 2023	1:00 – 3:00 PM