

**MINUTES**  
Probate Committee  
February 19, 2021  
Meeting via Teams

1. **Attendees:** The following members participated in the meeting: Russell Bailey, Michael Kramer, Trent Meltzer, Steven Eichholtz, Marianne Vorhees, Peter Foley, Bob Witham, Phillip Houk, and Terrence Cody, Chair.
2. **Guests:** Victoria Sovern, Indiana Office of Court Technology, LaJuan Epperson, Indiana Office of Court Technology, and Erica Costello, Indiana Office of Court Services.
3. **Minutes:** The committee reviewed and approved the minutes from the November 20, 2020 virtual meeting.
4. **Update from Adult Guardianship Office:** Erica Costello provided an update reporting that 20 programs in 51 counties across Indiana were awarded VASIA grants. Ms. Costello is currently working on a virtual guardianship symposium.
5. **Guardianship Registry / MyINA project:** LaJuan Epperson reported on the following topics:
  - **Order of Report of Physician:** There is currently a form that orders this report be provided to the court. The Committee approved adding an event to the Registry regarding this order.
  - **Out of state case transfers:** Ms. Epperson inquired about what the process is for out of state case transfers including the 90-day review under Ind. Code 29-3.5-3-2. The committee discussed the difference between registering an out of state order and transferring a case. The Committee agreed to table this topic to allow Judge Cody and Judge Eichholtz to review it further.
  - **Notice of Past Due Inventory:** The Committee was notified that this form has been added to the Registry.
  - **Notice of Expiring Temporary Guardianship:** The Committee approved to add this form to the Registry as a reminder to users.
  - **MYINA update:** Ms. Epperson reported that additional counties are continuing to be added including Jasper County in February. Judge Vorhees expressed interest in adding Delaware County.
6. **Update from State Bar Section:** Judge Cody reported on the probate topics discussed at the January 2021 state bar section meeting.
7. **2021 Legislative Session:** The Committee discussed proposed 2021 legislation and the status of bills, specifically the bill regarding guardianship powers after death.
8. **Discussion on Specific Topics:**
  - **Restricted Accounts:** The Committee reviewed proposed Benchbook language regarding restricted accounts drafted by Judge Vorhees. The Committee suggested adding headings to

the document. The revised document to include headings and form page numbers will be circulated to the Committee via email for final approval. The Committee also reviewed updates to the Order Appointing Guardian for Minor form to include language regarding restricted accounts. The word “bank” was removed and the Committee agreed to approve the updated form.

- Trial Court Administration Manual: The Committee reviewed a document drafted by IOCS staff and Probate Committee sub-committee members regarding guardianships. The document is on a public website but is designed to be guidance for court staff and judges. The Committee provided positive feedback.

9. **Other business:** The Committee discussed discovery in guardianship cases.

**2021 Meeting Dates:** June 18, August 20, and November 19

- All meetings will be held virtually via Teams beginning at 1:30 p.m., unless otherwise specified.

**MINUTES**  
Probate Committee  
June 18, 2021  
Meeting via Teams

1. **Attendees:** The following members participated in the meeting: Kristine Osterday, Trent Meltzer, Marianne Vorhees, Peter Foley, Bob Witham, and Terrence Cody, Chair.
2. **Guests:** ChiQuita Williams, Indiana Office of Court Technology, and Erica Costello, Indiana Office of Court Services.
3. **Minutes:** The committee reviewed and approved the minutes from the February 19, 2021 virtual meeting.
4. **Guardianship Registry / MyINA project:** The Committee was informed of staff changes within court technology and discussed county usage/practices regarding MYINA and accountings.
5. **Update from Adult Guardianship Office:** Erica Costello discussed a research opportunity available to judges. The committee discussed VASIA programs within their respective counties.
6. **Update from State Bar Section:** Judge Cody reported on the following probate topics recently discussed at a state bar section meeting:
  - a. **Probate venue rules – change to voluntary selection and will records maintained by clerk:** The committee discussed how will records are maintained in their respective counties and indicated that on first review were not in favor of voluntary selection for venue. Judge Cody indicated he would get more information on both and pass along to the committee for further discussion.
  - b. **Final accounts – conflict between I.C. 29-1-16-6(b) and I.C. 29-1-16-7:** The committee did not object to the drafted amendment that may be proposed during the next legislative session.
7. **2021 Legislative Session:** The Committee discussed enacted 2021 legislation and agreed that with all the recent changes an adoption training would be beneficial to judges.
8. **Other business:** The committee reviewed the recently published Probate Deskbook and forms and discussed trustee fees. The committee thanked the following members rotating off the committee for their service: Judge Cody, Judge Foley, and Judge Eichholtz.

**2021 Meeting Dates:** August 20, and November 19

- All meetings will be held virtually via Teams beginning at 1:30 p.m., unless otherwise specified.

**MINUTES**  
Probate Committee  
August 20, 2021  
Meeting via Teams

1. **Attendees:** The following members participated in the meeting: Geoffrey Bradley, Jason McVicker, Kristine Osterday, Trent Meltzer, Marianne Vorhees, Michael Kramer, Bob Witham, and Russell Bailey, Chair.
2. **Guests:** Victoria Sovern, Indiana Office of Court Technology, and Erica Costello, Indiana Office of Court Services.
3. **Welcome:** The committee welcomed Judge Geoffrey Bradley, Monroe Circuit Court and Judge Jason McVicker, Grant County as new members to the committee. Judge Russell Bailey was welcomed as the committee's new chair.
4. **Minutes:** The committee reviewed and approved the minutes from the June 18, 2021 virtual meeting.
5. **Guardianship Registry / MyINA project:** Victoria Sovern provided a brief overview of the Registry and MYINA projects for the new committee members. The committee members provided user feedback on MYINA.
6. **Update from Adult Guardianship Office:** Erica Costello provided a brief overview for the new committee members and discussed the upcoming grant season.
7. **Other business:** The committee agreed to review 2021 legislative changes and case law and make suggested updates to the Benchbook. The committee members who volunteered for the assignments will plan to have the updates ready for review at the November committee meeting.

**2021 Meeting Dates:** November 19

- All meetings will be held virtually via Teams beginning at 1:30 p.m., unless otherwise specified.

**MINUTES**  
Probate Committee  
November 19, 2021  
Meeting via Teams

1. **Attendees:** The following members participated in the meeting: Geoffrey Bradley, Jason McVicker, Kristine Osterday, Trent Meltzer, Marianne Vorhees, Michael Kramer, Bob Witham, and Russell Bailey, Chair.
2. **Staff present:** Victoria Sovern, Indiana Office of Court Technology (IOCT), Erica Costello, Mindy Pickett and Jeff Wiese, Indiana Office of Court Services (IOCS).
3. **Minutes:** The committee reviewed and approved the minutes from the August 20, 2021 virtual meeting.
4. **Temporary Guardianships:** Jeff Wiese discussed ongoing issues with the Registry and temporary guardianships. The Committee agreed to maintain current guidance and not make any changes. If a temporary guardianship expires prior to a permanent guardianship being granted, then a new case will need to be opened and the court can consider a fee waiver. The Committee discussed this being a judicial education issue and suggested a Court Times article on the topic. Additionally, Judge Vorhees, Judge Osterday and Judge Witham volunteered to assist IOCS with any questions that come up.
5. **Guardianship Registry / MyINA project:** Victoria Sovern asked for Committee feedback on order dates appointing guardians. The Committee agreed that the date the judge signs the order should be the date for calculating deadlines, expiration date, etc. If there is a programming opportunity to remove the “ordered date” from the system, the Committee agrees to do so. Monroe County has agreed to become a pilot county for the MYINA project. The Committee approved the formation of a MYINA workgroup to include judges from the MYINA pilot counties. Erica Costello will send out further information in the new year to the workgroup.
6. **Update from Adult Guardianship Office:** Erica Costello reported that the grant review process for VASIA programs in 2022 is currently underway.
7. **Probate Code Study Commission:** Mindy Pickett reviewed the proposed legislation discussed at the Fall 2021 Probate Code Study Commission. The Committee discussed the potential for tracking the dollar amount of estates in Odyssey, the upcoming Behavioral Health Summit in 2022 and changes to mental health commitment statutes.
8. **2021 Benchbook Legislative and Case Law Updates:** The Committee reviewed and approved updates to the Benchbook drafted by committee members.
9. **Other business:**
  - a. **Notice to Creditor of Claim Status form:** IOCT received a question about the Odyssey form, which is also the Benchbook form. Judge Vorhees volunteered to look at the form and circulate any recommended updates to the Committee via email for approval.

- b. **2022 Meeting dates:** The Committee agreed to continue to meet virtually from 1:30 p.m. to 3:30 p.m. (eastern) on the following dates in 2022: March 18, June 17, August 19, and November 18.
- c. **Proposed changes to I.C. 29-1-7-1 venue statute:** The Committee agreed not to comment on the proposed legislation.
- d. **Case law:** The Committee reviewed two new published cases: *In the Matter of the Supervised Est. of Larry Blair*, and *Rotert v. Stiles*.

**2022 Meeting Dates: March 18, June 17, August 19 and November 18**

- All meetings will be held virtually via Teams beginning at 1:30 p.m. (eastern).