

MINUTES

Probate Committee

February 16, 2024

Meeting via Teams

1. **Attendees:** The following members participated in the meeting: Geoffrey Bradley, Robert Freese, Timothy Hollems, Phillip Houk, Michael Kramer, Trent Meltzer, Kristine Osterday, Sean Persin, Bob Witham, and Russell Bailey, Chair. Nick Parker, IOCS Adult Guardianship Office was a guest. The meeting was staffed by Mindy Pickett, Indiana Office of Court Services.
2. **Approval of Minutes:** The committee approved the October 20, 2023, meeting minutes.
3. **2024 Legislative Session:** The committee discussed the following current pending bills this session: SB 16, SB 18, HB 1209, and HB 1216. HB 1216 will be effective on passage and will require the committee to update the emergency detention application. If the bill passes, any amendments to the application will be reviewed and approved via email since the next meeting is not until May.
4. **Benchbook updates:** The committee reviewed and approved Benchbook revisions drafted by Judge Persin including adding a section on special conditions (IC 12-26-14-3, *Civil Commitment of G.H. v. Richard L. Roudebush Veterans Affairs Med. Ctr.*, 216 N.E.3d 485, 290 (Ind. Ct. App. 2023) and adding *B.A. v. State*, 219 N.E.3d 134 (Ind. App. 2023).
5. **Appointment of Counsel in Adoption Proceedings:** Currently the benchbook does not address this. The committee agreed to add a section to the Benchbook on appointment of counsel in adoption cases, including adding *In re Adoption of K.W.*, 21 N.E.3d 96 (Ind. App. 2014). Committee members stressed the importance of making the guidance clear that it applies to indigent parents only. Mindy Pickett will draft the revisions based on the committee's discussion and it will be voted on at the next meeting. Judge Osterday would like to discuss how appointment of counsel is handled, i.e. payment, locating attorneys willing to serve, etc. at a future meeting.
6. **Other business:**
 - a. Recent case law was reviewed including: *J.F. v. St. Vincent Hosp. and Health Care Ctr., Inc.*, *In re Adoption of P.J.W.*, and *Perry v. Poindexter*. A petition to transfer has been filed in the *P.J.W.* case. The committee indicated that this case should be included once the case is finalized. Mindy will keep track of the case status.
 - b. Judge Bailey and Judge Bradley informed the committee that the Adult Guardianship Committee has made a request to oversee minor guardianships based on previous conversations and statements made by both committees. The Probate Committee is supportive of the request.
 - c. Mindy Pickett reported on the status of the Benchbook re-format process and requested at the next meeting the committee discuss whether Chapters 3 and 7 of the Benchbook should stay as is.

2024 Meeting Dates: May 17, August 16, and November 15

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