

MINUTES
Probate Committee
February 21, 2025
Meeting via Microsoft Teams

1. **Attendees:** Geoffrey Bradley, Timothy Hollems, Michael Kramer, Jason McVicker, Trent Meltzer, Chair and Sean Persin. The meeting was staffed by Mindy Pickett, Indiana Office of Court Services.
2. **Approval of Minutes:** The committee approved the August 16, 2024, meeting minutes.
3. **Benchbook Updates:** The committee reviewed and approved for publication a summary on *Salmon v. Tavleski* on tort actions drafted by Judge Meltzer.
4. **Motion/Order to Transfer (MH cases):** The committee discussed adding a new form motion/order to the Benchbook regarding a request to transfer the patient after the initial application is filed. The application currently allows for a judicial officer to order whether the facility must request court approval before transferring the patient. Committee members indicated that they are typically either checking the box that does not require approval, or allowing the facility to “amend” the application by handwriting on the originally filed application. This form came to Mindy from a judge who asked her to review it and said she was willing to share it with the committee. The committee agreed to publish the new form “Request for Transfer of Patient Under Emergency Detention Order” in the benchbook. The committee also agreed this is not a mandatory form since it is a request after the filing of the initial application and will be posted on the Probate Benchbook page on INCite not on the public website. Courts may choose to utilize this request/order.
5. **2025 Legislative Session:** Mindy gave a brief overview of the probate bills this session including SB 505 and HB 1088.
6. **Other business:**
 - a. Recent case law was reviewed and discussed including: H.J. v. Health & Hosp. Corp., 243 N.E.3d 375 (Ind. App. 2024), transfer denied sub nom. Commitment of H.J., 248 N.E.3d 1195 (Ind. 2024), F.L. v. Community Fairbanks Behavioral Health, 245 N.E.3d 1033 (Ind. App. 2024), transfer denied sub nom. Commitment of F.L., 245 N.E.3d 1013 (Ind. 2024), G.W. v. Madison State Hosp., 245 N.E.3d 153 (Ind. App. 2024), J.D. v. Richard L. Roudebush Veterans Affairs Med. Ctr., No. 24A-MH-2876, (Ind. App. Jan. 8, 2025), T.G. v. Community Health Network, No. 24A-MH-1930 (Ind. App. Jan. 9, 2025), In re Adoption of R.G.B., No. 24A-AD-1885 (Ind. App. Dec. 26, 2024), In re Adoption of K.B., 247 N.E.3d 803 (Ind. App. 2024), and In re Adoption of P.J.W., 248 N.E.3d 574 (Ind. 2025). Judge Persin volunteered to draft a summary of *G.W. v. Madison State Hosp.* for review at the next committee meeting.

2025 Meeting Dates: May 16, August 15 and November 21

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

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Probate Committee

May 16, 2025

Meeting via Microsoft Teams

1. **Attendees:** Geoffrey Bradley, David Certo, Timothy Hollems, Jason McVicker, Trent Meltzer, Chair and Sean Persin. The meeting was staffed by Mindy Pickett, Indiana Office of Court Services.
2. **Approval of Minutes:** The committee approved the minutes of the February 21, 2025, meeting.
3. **Benchbook Updates:** The committee reviewed a summary on *G.W. v. Madison State Hospital* on remote proceedings in mental health cases drafted by Judge Persin. The committee agreed to table this case for publication in the benchbook until Administrative Rule 14 is finalized.
4. **2025 Legislative Session – Volunteers for Benchbook Updates:** Mindy briefly reviewed the final legislation relevant to probate. Committee members agreed to allow Mindy to divide up and assign the legislation for review for benchbook updates. The committee will review legislative updates to the benchbook at the next committee meeting.
5. **Other business:**
 - a. Recent case law was reviewed and discussed including: Matter of Est. of May, 254 N.E.3d 1115 (Ind. App. 2025), Tidd v. Est. of Tidd, No. 24A-ES-1395, (Ind. App. Apr. 4, 2025), Civil Commitment of T.M., No. 24A-MH-1437 (Ind. App. April 30, 2025), J.F. v. St. Vincent Hospital– No. 25S-MH-111 (Ind. May 5, 2025) and Matter of Civil Commitment of A.S., 25A-MH-804 (Ind. App. May 7, 2025). Judge Bradley volunteered to draft a summary regarding *Tidd v. Tidd* for the benchbook. The committee agreed to table including *Civil Commitment of T.M.* in the benchbook until Administrative Rule 14 is finalized. Judge Certo volunteered to draft a summary of *Matter of Civil Commitment of A.S.*
 - b. The committee recognized Judge Kramer for his service and contributions to the committee; Judge Kramer passed away on March 28, 2025. The committee also thanked Judge Meltzer and Judge Lett for their contributions to the committee, both members rotate off the committee on July 1, 2025.

2025 Meeting Dates: August 15 and November 21

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