



Indiana Public Defender Council Juvenile Defense Project

Improving Juvenile Defense Services in Indiana

LAST WEEK IN REVIEW: JUVENILE DELINQUENCY NEWS AND UPDATES

February 19, 2018

WTIU Reports on IPDC Juvenile Defense Project's Work with Youth in DOC

Beginning in April of 2017, IPDC's Juvenile Defense Project has been presenting an orientation on legal rights to all youth entering the Indiana Department of Correction/Division of Youth Service and connecting youth to post-disposition services. WTIU reporter Barbara Brosher followed Joel Wieneke, the Project's Post-Disposition Unit Coordinator, as he provided orientation and interviews at Logansport Juvenile Intake Facility.

Read the report and listen to the story at:

<https://indianapublicmedia.org/news/program-kids-legal-lesson-connects-appeals-140999/>

See the video at:

<https://youtube/tVWQX8FgEng>

Learn more about the IPDC Juvenile Defense Project at:

<https://www.in.gov/ipdc/public/2644.htm>

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What is going on with DCS?

CWG status report

[https://
www.in.gov/
dcs/3924.htm](https://www.in.gov/dcs/3924.htm)



Following the dramatic departure of former DCS Director Marybeth Bonaventura in December, Governor Holcomb appointed a new DCS Director, Terry Stigdon, and called for an independent assessment of DCS. The Governor's Office contracted with Child Welfare Policy and Practice Group (CWG), a nonprofit organization based in Alabama, to conduct the assessment.

Reviewers may be coming your way. According to CWG's contract, the review piece of the assessment will include interviews with internal and external stakeholders, shadowing of DCS staff in the field, data and outcomes review, and a review of the budget and resource needs. Although not specified, it can be presumed that public defenders will be part of the stakeholder interviews – "legal partners" are named, including judges and court personnel.

A status report was issued on February 1st. Among other things, the initial findings are that Indiana's number of children in foster care has more than doubled in the last five years, and that our ratio of children removed from their homes is over twice the national average.

CWG began work in January and the final report with recommendations will be released in June. A second status report is expected to be released on March 1st.

2018 KIDS COUNT, JDAI EFFECT, AND INDIANA'S DECREASING JUVENILE CRIME RATE

The JDAI Effect: Lake and Porter Counties

The IYI Kids Count report shows child poverty and juvenile crime have decreased in Lake and Porter Counties.

A NWITimes article highlights the improvements and attributes the fall in delinquency rates to the counties' participation in JDAI (Juvenile Detention Alternatives Initiative).

http://www.nwitimes.com/news/local/crime-and-courts/report-lake-porter-counties-report-declining-rates-of-child-poverty/article_f56a8f24-024c-5c6e-9689-0b81e2fedf83.html

Congrats to all who are working with the initiative in both counties, including juvenile public defender **Joann Price**, Lake County's JDAI coordinator!



Kids Count data—how does your county measure up?

Indiana Youth Institute data released last week shows a marked decrease in juvenile crime in Indiana. The number of juvenile delinquency cases decreased 50 percent statewide between 2006 and 2016, from 27,835 cases to 13,804 cases.

Indiana Youth Institute's annual Kids Count data book provides data regarding childhood well-being in Indiana, including number of delinquency filings, status offense filings, and commitments to Indiana Department of Correction.



What counties are "JDAI" counties?

Download the data book or search data by county at

<https://www.iyi.org/data-library/data-services/kids-count-data-book/>

Currently, 31 counties are JDAI sites:

2006

Marion County

2010-2011

Johnson County

Lake County

Porter County

Tippecanoe County

2011-2012

Clark County

Elkhart County

Howard County

Scott County

Starke County

Steuben County

Wabash County

Whitley County

2013-2014

Allen County

Bartholomew County

Boone County

Delaware County

Henry County

LaGrange County

LaPorte County

Madison County

Monroe County

St. Joseph County

Wayne County

2016

Cass County

Grant County

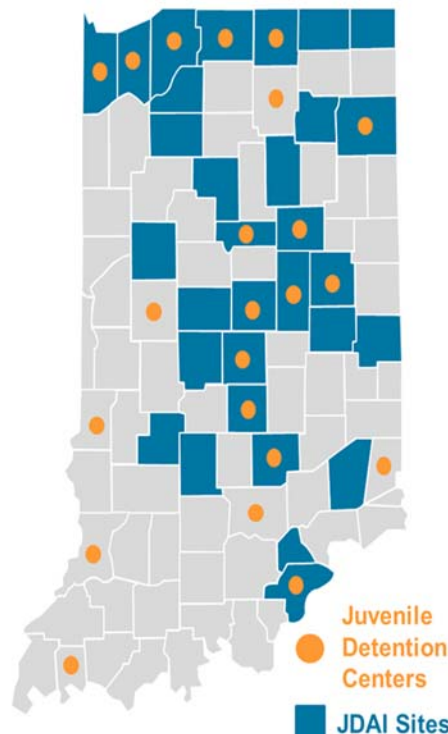
Hamilton County

Hendricks County

Owen County

Pulaski County

Ripley County



CASELAW UPDATE

No delinquency cases last week, but a good published CHINS case holds concerns that a parent needs mental health treatment is not enough to support coercive intervention unless DCS actually proves the CHINS.

In re E.Y., 49A02-1707-JC-1634 (2-19-18)

<http://www.in.gov/judiciary/opinions/pdf/02191801ewn.pdf>

Officer with the behavioral health unit of the Indianapolis Metropolitan Police Department and a mobile crisis specialist with Eskenazi Hospital went to a hotel room where Mother and Child were living and found Mother packing up to leave. Mother told police she was hearing the voice of her former employer through her TV. DCS filed a CHINS Petition alleging Mother was hearing voices and did not have stable housing. Child was removed, and Mother participated in supervised visits but was not cooperative with other recommended services. Prior to the CHINS fact-finding hearing, DCS referred Mother to home-based services. Mother did not return the home-based casemanager's calls and was discharged from that referral for non compliance with the recommended service. A home-based therapist supervised 8 visits before the fact-finding. Mother was caring for Child during the visits, but the therapist observed what she thought were signs of schizophrenia (although the Court noted she was not qualified to give a diagnosis) and recommended that Mother undergo a psychological evaluation. However, the therapist never made a referral. DCS did not present evidence of a medical diagnosis or treatment for Mother.

REVERSED. The Court agreed with Mother that the evidence was insufficient to prove the CHINS under 31-34-1-1. The Court noted the focus of a CHINS adjudication is on the condition of the child, not the parent, and DCS failed to present evidence of the impact of Mother's mental illness on Child's condition. "Indeed, the evidence does not support a reasonable inference that, at the time of the fact-finding hearing, Mother's mental health endangered Child at all, let alone that her mental health *seriously* endangered him." The evidence was also insufficient to show that Mother lacked stable housing.

Barnes, J. Dissented, believing Mother's refusal to cooperate with DCS along with the evidence of conditions at the time of the CHINS filing was sufficient to show the Child was endangered and coercive intervention of the court was needed.