

Juvenile Justice Improvement Committee
Judicial Conference of Indiana

Meeting
January 4, 2013

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana met on Friday, January 4, 2013 from 12:00 noon - 2:45 p.m. at the Indiana Judicial Center.

1. Members present. Gary K. Chavers, Stephen R. Galvin, Thomas R. Lett, Bruce A. MacTavish, Marilyn A. Moores, Lori K. Morgan, Loretta H. Rush, and Christopher L. Burnham, Chair
2. Staff present. Jeffrey Bercovitz, Anne Jordan, Angela Reid-Brown and Jane Seigel provided the committee with staff assistance.
3. Guests present. Justice Steven David; Ashley Barnett, Youth Division Director and Tashi Teuschler, Disproportionate Minority Contact Coordinator, Indiana Criminal Justice Institute; Michelle Tennell, Juvenile Detention Alternatives Initiative (JDAI) Statewide Coordinator, Youth Law Team of Indiana; Michael Dempsey, Executive Director, Juvenile Services, and Christine Blessinger, Indiana Department of Correction; and Jeff Weiss, Division of State Court Administration were also present.
4. Minutes. The minutes of the meeting on December 7, 2012 were approved.
5. Juvenile Detention Alternatives Initiative (JDAI)
 - a. Justice David gave an overview of the organization and funding for Indiana's statewide JDAI.
 - b. Michelle Tennell distributed materials and gave a PowerPoint presentation with the timeline, persons involved, and detention statistics for Indiana's statewide JDAI.
 - c. Tashi Teuschler gave a report about Indiana's Disproportionate Minority Contact (DMC) efforts required under the Juvenile Justice Juvenile Delinquency Prevention Act. Jeffrey Bercovitz distributed selected portions of the recent report identifying DMC problems and information from the Indiana Criminal Justice Institute website listing the ten decision points which the Office of Juvenile Delinquency Prevention requires to be reported to them. She noted the need for standardized data for these decision points. Tashi Teuschler reported a follow up study in Allen, LaPorte and Vanderburgh counties to provide additional analysis of the data received in the earlier report.
 - d. Jane Seigel said standard definitions are needed for "referrals" and the other ten (10) decision points. Judge Moores agreed to help with the definitions. Judge Willis and Judge Graham and Rebecca Humphrey, Executive Director, Cary Home for Children, were also mentioned to assist with development of standard definitions.
5. Department of Correction
 - a. Executive Director Michael Dempsey distributed PD 3058 which was the blended sentencing bill from last year. He said there was opposition to the legislation by a legislator

which centered on prosecutors not having the ability to prevent a release from a DOC placement when a juvenile turns eighteen years of age. He stated the bill permits prosecutors to present evidence at the hearing in which blended sentencing is considered and the hearing where a juvenile might be released. One idea to answer this objection was to provide an exception for murder. If one crime was excluded, would others be excluded later? The emphasis should be on prosecutors being heard. It was agreed by consensus the chair should write a letter in support of the legislation. Judge Moores and Magistrate Chavers agreed to testify in favor of the legislation if needed.

b. Michael Dempsey said he does not believe they have any issues concerning the mental health of juveniles in light of the recent federal district court decision concerning inmates at DOC with mental illness.

c. Michael Dempsey said DOC is working on reestablishing juvenile parole, calling workers “reintegration specialists.” He also stated DOC has received about \$75,000 in reimbursements from parents during the past year.

6. Placement Review and Draft Permanency Roundtable Protocol.

a. Judge Galvin distributed the Delinquency Residential Placement Review Protocol, the form used by probation to implement the protocol, and a list of frequently asked questions and suggested answers. Committee members agreed the completed form should be placed in the court and probation file. The committee also agreed by consensus to distribute a list of frequently asked questions in the next Friendly Friday Update.

b. Judge Galvin distributed a revised version of the Delinquency Permanency Roundtable Protocol. He explained there were changes based on additional comments from the Department of Child Services which he supported. One change added was to the summary Permanency Roundtable procedure. If a summary permanency roundtable meeting was held and the child remains in a child-caring institution, a group home or private secure facility at the time of the twelve (12) month jurisdictional review hearing, the case must be referred to a juvenile delinquency permanency roundtable. He also reported probation officers must be recruited and trained for the master practitioner, facilitator and scribe roles in order to conduct the review under the protocol. Judge Moores moved to adopt the protocol as amended and keep the February 1, 2013 effective date. The motion was seconded by Judge Macintosh. The motion was passed by the committee.

7. Juvenile Law Services.

a. Jeffrey Bercovitz distributed an email from Jeff Weiss, Division of State Court Administration about collection of DCS fiscal information as part of the Juvenile Law Services Report required under Ind. Code § 31-31-10-(1&2). Committee members discussed how most probation officers do not have access to this information any longer since DCS is a state agency. Jeffrey Bercovitz explained there is no definition of “juvenile law services.” They agreed to have probation officers look at the statute and suggest information to be gathered. In addition, they requested Legislative Services Agency be asked what fiscal information they would be interested in seeing.

b. Committee members discussed detention costs, attorney fees, the county portion of community corrections (if any), juvenile runaway expenses, GAL’s for orphans, and GAL’s for delinquents. In addition, personnel costs and CASA expenditures could be retrieved from the

Division of State Court Administration, and electronic monitoring costs from the Judicial Center's home detention report.

8. Recent legislation.

Judge Burnham mentioned the following Senate Bills of interest to juvenile court judges: SB 28, 53, 171, 105, 148, 153, and 202. Judge Burnham asked if there was signature legislation the committee needed to focus on. The filing of CHINS 6 cases by the prosecutor was mentioned and all bills introduced from the Interim Study Committee on the Department of Child Services. Magistrate Chavis, Judge Galvin, and Judge Moores agreed to testify on behalf of the committee if needed on the bills discussed by the committee.

9. Other business.

Jane Seigel reported discussion with DCS about codification of existing policy agreements between the courts and DCS as part of existing legislation.

10. Future meeting dates. Committee members agreed to meet on Friday, February 8, March 1, May 3, October 4 and December 6, 2013 from 12:00 noon – 3:00 p.m. at the Indiana Judicial Center. Jeffrey Bercovitz mentioned the Annual Meeting of the Juvenile Court Judicial Officers was scheduled early, on June 14, 2013. He suggested moving the June 7 meeting to Friday, June 14. Judge Moores moved to amend the committee schedule and hold the Juvenile Justice Improvement Committee meeting scheduled for June 7 following the conference on Friday, June 14 at 12:00 noon. The motion was seconded by Judge Galvin. The motion was passed.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Juvenile Justice Improvement Committee
Judicial Conference of Indiana

Meeting
February 1, 2013

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana met on Friday, February 1, 2013 from 12:00 noon – 3:00 p.m. at the Indiana Judicial Center.

1. Members present. Mary Beth Bonaventura, Gary K. Chavers, Glenn D. Commons, Deborah A. Domine, Stephen R. Galvin, A. Christopher Lee, Marilyn A. Moores, Lori K. Morgan, Charles F. Pratt, Loretta H. Rush, and Christopher L. Burnham, Chair
2. Staff present. Jeffrey Bercovitz and Angela Reid-Brown provided the committee with staff assistance.
3. Guests present. Amy Karozos, Youth Law Team; Leslie Rogers Dunn, Office of Guardian Ad Litem and Elana Salzman, Staff Attorney, Division of State Court Administration were also present.
4. Minutes. The minutes of the meeting on January 4, 2013 were approved as amended. It was noted Justice Rush, rather than Justice David is the liaison member of the committee.
5. Judge Bonaventura. Committee members congratulated Judge Bonaventura on her recent appointment by Governor Pence as Director of the Department of Child Services.
6. GAL/CASA for Delinquents.
 - a. Amy Karozos distributed an “Overview of Juvenile Delinquency Case and the Role of CASA/GAL Volunteer” and other materials to committee members.
 - b. Amy Karozos explained the Youth Law Team received a CIP grant to train CASA/GAL’s to work in delinquency and cross-over youth cases. She also distributed a list of advisory committee members for their development of training materials. Leslie Rogers Dunn stated the training could be used for training pro bono attorneys for Delinquency cases. Members of the committee discussed the appointment of CASA/GAL’s in selected Delinquency cases, attendance at hearings, whether they report orally or in writing to the court, whether they could file a parental participation order and related matters.
7. CIP Timeliness Measures.
 - a. Judge Pratt distributed information on the federal requirements for Court Improvement Program (CIP) funding, and a proposed amendment to Administrative Rule 1(F) on a requirement to report information on CHINS and TPR cases to the Division of State Court Administration. Judge Pratt reported Indiana receives grant monies under the CIP Program, and that the CIP Program Instruction requires reporting on various timeliness measures on a federal fiscal year basis. Judge Pratt reported he provided the first training on the CIP timeliness measures and more training would be provided. Magistrate Domine was at the training and liked the opportunity to bring staff who put in the required data.

- b. Elana Salzman distributed a chart illustrating the times measured for CIP purposes.
- c. Committee members discussed the proposed rule requiring reporting of CIP timeliness measures to the Division on State Court Administration. Jeffrey Bercovitz agreed to distribute the proposed rule to all members for comment. Members agreed to make any final revisions to the rule at the March 1 meeting and then forward it the Board of Directors of the Judicial Conference of Indiana for their consideration.
8. Recent legislation.
Judge Burnham reviewed the following bills of interest to juvenile court judges: HB 1025, 1029, 1040, 1041, 1042, 1086, 1101, 1108, 1123, 1129, 1142, 1238, 1421, and 1423, and SB 1, 3, 6, 28, 53, 105, 122, 125, 142, 147, 164, 171, 174, 202, 233, 256, 300, 338, 344, 347, 352, 394, 464, 572, and 594. They agreed to provide information to Representative Kabacki at 4:30 on Tues., Feb. 5 about HB 1041, which would require petitioners in guardianship and visitation and custody matters to reveal any CHINS proceedings; agreed to send any thoughts on the SB 125, which combines the DCS oversight committee on Commission on Juveniles into one concept to Judge Burnham or the Judicial Center, and testify about HB 1108, concerning sentencing of juveniles along the lines of previous support for the bill.
9. Other business. Committee members discussed various questions about juvenile law.
10. Future meeting dates. Committee members agreed to meet on Friday, March 1 and May 3, from 12:00 noon until 3:00 p.m. at the Indiana Judicial Center. They agreed to meet on Friday, June 14 at the end of the Juvenile Court Judges Annual Meeting. They also agreed to meet on Friday, October 4 and December 6, 2013 from 12:00 noon – 3:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Juvenile Justice Improvement Committee
Judicial Conference of Indiana

Meeting
March 1, 2013

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana met on Friday, March 1, 2013 from 12:00 noon – 3:00 p.m. at the Indiana Judicial Center.

1. Members present. Gary K. Chavers, Glenn D. Commons, Deborah A. Domine, Stephen R. Galvin, A. Christopher Lee, Bruce A. MacTavish, Marilyn A. Moores, Lori K. Morgan, Charles F. Pratt, Carl H. Taul, Mary G. Willis and Christopher L. Burnham, Chair
2. Staff present. Jeffrey Bercovitz, Angela Reid-Brown and Jane Seigel provided the committee with staff assistance.
3. Guests present. Kellie Whitcomb, Indiana Department of Correction (DOC), Laurie Elliott, Youth Law Team; Leslie Rogers Dunn, Office of Guardian Ad Litem and Elana Salzman, Staff Attorney, Division of State Court Administration were also present.
4. Minutes. The minutes of the meeting on February 1, 2013 were approved.
5. DOC Juvenile Detention Standards. Kellie Whitcomb, DOC, reported the Indiana Department of Correction formed a Juvenile Detention Center Standards Advisory Committee to work on revisions to Indiana's current detention center standards. Ms. Whitcomb distributed materials from the advisory committee. An advisory committee developed the original standards, adopted in 1996, which were updated in 2002 and 2008 and are found at 210 IAC Rule 6. Indiana has 23 juvenile detention centers with 1,127 secure beds. Laurie Elliott reported a new proposed standard on mental health, which would require each child in detention more than 14 days to receive a mental health assessment. Committee members discussed use of a required court notification if an assessment needs to be done and/or a reason to conduct the mental health assessment rather than a blanket policy requiring the assessment. Members of the committee also discussed a proposed new requirement for a comprehensive education program for juveniles at all juvenile detention centers rather than only an educational program as required now. Only 15 detention centers are provided with Title I funding for a teacher and special education issues were not explored. Legislation may be needed to implement this proposal.
6. CIP Timeliness Measures.
 - a. Judge Pratt reported additional training sessions were provided on the CIP timeliness measures this past month and more training would be provided in March. He also distributed proposed Administrative Rule 1(F), which would require information on CHINS and TPR cases to be reported to the Division of State Court Administration. Judge Pratt moved this rule be adopted by the committee and forwarded to the Board of Directors of the Judicial Conference for approval and then forwarded to the Supreme Court for adoption. The motion was seconded by Judge Moores. The motion was passed. Judge Pratt discussed the possibility of preparation of a video about the details of the information required, Frequently Asked Questions, and scenarios about what does and does not get measured.

- b. Elana Salzman reported the March training schedule and discussed presentation of this information at the Juvenile Court Judicial Officers conference in June.
7. DMC Definitions Committee. Magistrate Domine report the Disproportionate Minority Contact (DMC) Definitions Committee held their first meeting. Indiana receives money from the Department of Justice to reduce DMC, and must define the 10 decision points (arrest, referral, diversion, detention, petition filed, found delinquent, probation, secure confinement, and waiver to adult court) required for data collection by them. The committee will begin with a definition of referrals.
8. ICPC. Judge Moores distributed a form order to be used in certain limited Interstate Compact on the Placement of Children (ICPC) cases which expedites the placement. The Judicial Center distributed the policy on this from the DCS manual. Judge Moores agreed a magistrate from Marion County will put together a 2-4 page guide on the use of this new procedure for courts and bring it back to the committee at their next meeting on May 3.
9. No Contact Orders for Juveniles. Mr. Bercovitz explained a No Contact Order form for use under IC 31-32-13 was never developed. The Protection Order Committee said because the relief which may be granted is so broad, they were not sure if a form could be drafted. Committee members said orders under this statute are used to place juveniles back in school, to prevent stepparents from disciplining children, to prevent stepparents from giving drugs to children and other areas. Orders in this area may or may not need to go on the protection order registry, but a form which could be used for that purpose would be helpful. They suggested the Protection Order Committee work with the Juvenile Benchbook Committee to develop a form in this area.
10. Recent legislation.
a. Judge Burnham distributed a list of bills on juvenile topics being followed this legislative session. He reviewed the following bills of interest to juvenile court judges with the committee: HB 1001, 1029, 1040, 1041, 1108, 1123, 1423, and 1483 and SB 1, 6, 53, 105, 125, 142, 164, 202, 338, 344, 347, 352, 464, and 572.
b. At the request of DOC, members of the committee discussed revised proposed language to them on HB 1108, concerning alternative sentencing of juveniles in adult court.
11. Other business. Judge Burnham asked committee members to come to the May meeting with suggested topics or issues the committee can focus on for discussion for future meetings.
12. Future meeting dates. Committee members agreed to meet on Friday, May 3, from 12:00 noon until 3:00 p.m. at the Indiana Judicial Center. They agreed to meet again on Friday, June 14 at the end of the Juvenile Court Judges Annual Meeting. They also agreed to meet on Friday, October 4 and December 6, 2013 from 12:00 noon – 3:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Juvenile Justice Improvement Committee
Judicial Conference of Indiana

Meeting
May 3, 2013

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana met on Friday, May 3, 2013 from 12:00 noon – 3:00 p.m. at the Indiana Judicial Center.

1. Members present. Vicki L. Carmichael, Gary K. Chavers, Glenn D. Commons, Stephen R. Galvin, A. Christopher Lee, Thomas R. Lett, Marilyn A. Moores, Lori K. Morgan, Charles F. Pratt, Loretta H. Rush, Carl H. Taul and Christopher L. Burnham, Chair
2. Staff present. Jeffrey Bercovitz and Anne Jordan provided the committee with staff assistance.
3. Guests present. Mary Beth Bonaventura, Director, Department of Child Services (DCS) and Lisa Rich, Deputy Director of Services and Outcomes, DCS were also present.
4. Minutes. The minutes of the meeting on March 1, 2013 were approved. Judge Moores stated she would email the instructions for the ICPC form mentioned at the last meeting to the Judicial Center.
5. Attorneys for Delinquents.
 - a. Jeffrey Bercovitz distributed the rule on appointment of counsel for delinquents from the Supreme Court Rules Committee. He also distributed a proposed rule developed by the committee last year with related statutes.
 - b. Committee members discussed the proposed appointment of counsel rule. Judge Carmichael moved to send a letter from the Chair of the Improvement Committee to the Supreme Court Rules Committee describing the proposed rule originally submitted by the Juvenile Justice Improvement Committee and its background. The motion was seconded by Judge Moores. The motion was passed.
6. Updates.
 - a. DOC Juvenile Detention Standards. Judge Carmichael, member of the Indiana Department of Correction Juvenile Detention Center Standards Advisory Committee, reported on the progress of the committee's update of Indiana's detention center standards. She said the proposed medical, mental health and education standards will have a fiscal impact on the juvenile detention standards. Members of the committee discussed the impact of new rules on smaller detention facilities. The enforceability of the DOC standards was discussed.
 - b. DMC Definitions Committee. Judge Galvin, member of the Judicial Center's DMC Definitions Committee, reported on the work of the committee to develop Indiana definitions of 10 decision points required to be tracked under federal rules. Definitions have been drafted for referral, diversion, detention, secure confinement, petition filed, found delinquent and probation. Indiana may develop additional definitions to those suggested by the Office of Juvenile Justice Delinquency Prevention. The committee expects to have a draft of all the definitions with commentary by the Annual Meeting for Juvenile Court Judicial Officers in June.

c. CIP Rule adoption. Judge Pratt reported the proposed Court Improvement Program (CIP) rule to gather information on timeliness measures was adopted by the Board of Directors of the Judicial Conference of Indiana and the Indiana Supreme Court. Jeffrey Bercovitz distributed a copy of the new rule and the coversheet, instructions and spreadsheet for statistics under the new rule. Judge Pratt said a video will be developed to train persons to gather information about on timeliness in CHINS and Termination cases as well as Frequently Asked Questions. Justice Rush stated counties may apply for grant monies to hire persons part-time to gather this information.

7. Presentation by DCS.

a. Lisa Rich, Deputy Director of Services and Outcomes, DCS, distributed a handout outlining the CHINS 6 Pilot Project, now named the Children's Mental Health Wraparound Pilot. She explained it is modeled after the CA-PRTF program. Both programs require similar items to qualify, including a certain mental health diagnosis, child's age, CANS 4, 5 or 6 score, certain behaviors, family qualification and supervision issues. She reported on referral sources, reasons juveniles were screened or assessed out of the program and where nonqualifying children were referred. DCS received \$25 million a year for this program.

8. Recent legislation.

a. Judge Burnham distributed a list of bills on juvenile enrolled acts which passed this session. He reviewed the following legislation: Senate Enrolled Acts: 1, 6, 53, 164, 202, 338, 344, 347, 352, 464 and House Enrolled Acts: 1001 § 339, 1006 § 317, 1029, 1108, 1423, and 1483. He reported 6 of 8 bills from the Interim Study Committee on DCS passed. Justice Rush reviewed SEA 125 with committee members.

b. Judge Burnham requested the Criminal Benchbook or another appropriate committee develop forms to implement HEA 1108. This would include forms for (1) the initial sentencing of a waived or excluded juvenile by the criminal court, (2) administration of violations of conditions of the juvenile's placement, (3) DOC's reclassification of the juvenile and (4) the sentencing courts review hearing at age 18 or 19 when the court must decide continued placement of the juvenile.

9. Future meeting dates. Committee members agreed to meet on Friday, June 14 at the end of the Juvenile Court Judges Annual Meeting in conjunction with the Board of Directors of the Indiana Council of Juvenile and Family Court Judges. They also agreed to meet on Friday, October 4 and December 13, 2013 rather than December 7, from 12:00 noon – 3:00 p.m. at the Indiana Judicial Center. In addition, they agreed to meet on Friday, January 10, 2014, from 12:00 Noon – 3:00 p.m., consider cancellation of the Feb. 7 meeting if there is no pressing business, March 7, 2013 from 12:00 Noon – 3:00 p.m. and May 2, 2014 from 12:00 noon – 3:00 p.m.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Juvenile Justice Improvement Committee, Judicial Conference of Indiana
Board of Directors, Indiana Council of Juvenile and Family Court Judges

Joint Meeting
June 14, 2013

The Juvenile Justice Improvement Committee, Judicial Conference of Indiana, and the Board of Directors, Indiana Council of Juvenile and Family Court Judges, held a joint meeting on Friday, June 14, 2013 at the Renaissance Hotel in Carmel Indiana at 12:15 p.m.

1. Members present. Gary K. Chavers, Glenn D. Commons, Deborah A. Domine, Stephen R. Galvin, A. Christopher Lee, Thomas R. Lett, Bruce A. MacTavish, Lori K. Morgan, Juvenile Justice Improvement Committee; Christopher L. Burnham, Vicki L. Carmichael, Charles F. Pratt, Mary G. Willis, Juvenile Justice Improvement Committee and the Board of Directors of the Indiana Council of Juvenile and Family Court Judges; and Darrin M. Dolehanty, Roger L. Duvall, Nancy Gettinger, Dana Kenworthy, James D. Humphrey, and Brett J. Niemeier, Board of Directors of the Indiana Council of Juvenile and Family Court Judges were present.
2. Staff present. Jeffrey Bercovitz, Anne Jordan, Angela Reid-Brown, Robbie Flippen, intern and Jane Seigel were also present.
3. Guests present. Mary DePrez, Director and Counsel, Trial Court Technology, Tracy Beechy-Nufer, Director, Trial Court Management, and Jeff Weise, Trial Court Management, Division of State Court Administration were also present.
4. Minutes approved. The minutes for the meeting of the committee on May 3, 2013 were approved.
5. Proposed rule on waiver of counsel by juveniles. The letter to the Supreme Court Rules Committee from Christopher L. Burnham, Chair, on behalf of the Juvenile Justice Improvement Committee was distributed. It contained comments on the proposed waiver of counsel rule by the Supreme Court Rules Committee.
6. Topics for 2014 legislative session. Judge Burnham distributed comments compiled by Justice Rush for the Commission on Improving the Status of Children for their information. Committee members discussed the following topics for potential legislation in 2014:
 - a. The use of the problem-solving courts weighted caseload minutes for courts participating in the JDAI initiative.
 - b. A statute which prevents DCS from consenting to an adoption while a termination case concerning the same child is pending on appeal; this would prevent problems encountered on a recent case when the underlying termination was overturned on appeal.
 - c. Repeal of the statute which requires DCS approval of placements of juveniles by juvenile courts.
 - d. The need for statutory revisions to match the present DCS practices with the Juvenile Code. For example, DCS no longer approves costs of services ordered by the juvenile court

although the statute requires DCS to do so. Judge Galvin agreed to work with Don Travis and Jane Seigel in this area.

e. The need for DCS to give notice of substantiated or unsubstantiated cases of abuse or neglect to a juvenile court once a child is adjudicated a CHINS. A court should not be surprised in this area. Judge Pratt and Judge Niemeier agreed to draft potential legislation in this area.

f. A delegation should approach Director Bonaventura, DCS, about collaborative efforts including juvenile code changes.

g. Judge Burnham reported he talked with Judge Bonaventura about attending the October meeting of the Juvenile Justice Improvement Committee to discuss areas of mutual concern. Committee members agree to hold another joint meeting on October 4 with the Board of Managers to meet with DCS and to discuss draft legislation.

7. Juvenile Law Services – proposed revision.

a. Jeffrey Bercovitz reported the statute which requires probation departments to report on “juvenile law services” to the Division of State Court Administration did not define the term. The Juvenile Justice Improvement Committee defined the term for use by the Division of State Court Administration many years ago when the counties still paid for services for juveniles.

b. Jeff Weise said only 45% of probation departments reported the costs of services for CHINS. He proposed removal of the requirement that probation report on CHINS cases as part of juvenile law services since the probation departments do not have this financial information.

c. Judge Willis moved the Division of State Court Administration should change their instructions for the juvenile law services report to have probation departments no longer report information on the number, demographics and financial expenditures for services in CHINS cases, since this information is not available to probation departments. Magistrate Commons seconded the motion. The motion was passed by members of the committee and the board.

d. Judge Willis said Ind. Code § 31-31-10-2 (b), the statute requiring this information, is outdated and should be eliminated.

8. Filing curfew violations as ordinance violations.

Tracy Beechy-Nufer, Director, Trial Court Management, reported that a clerk in a city court recently contacted JTAC and asked if their local ordinance violation regarding curfew could be added into Odyssey. I.C. § 34-28-5-1 (c) indicates an ordinance is presumptively valid. This local ordinance is less restrictive in some areas and more restrictive in others than the juvenile curfew statute. Judge Potter suggested that a letter could be sent from Adrienne Meiring to the judge of city court indicating it would be unethical to enforce the curfew ordinance if it violates the juvenile status curfew statute.

9. BMV codes for juveniles; Odyssey interface with Quest.

a. Mary DePrez, Director and Counsel for Trial Court Technology for the State Court Administration, reported that traffic ordinance and infraction violations concerning juveniles are transmitted by electronically by the Court to the BMV. However, Counsel for BMV recently advised that these violations need new computer codes, resulting in a substantial expense to re-program Odyssey and other court service computer information. The BMV research on their new requirement is unclear

b. Mary DePrez reported she was very pleased with a recent meeting with Bill Gottlieb from Quest about development of an Odyssey-Quest interface, allowing Quest to search statewide.

Lake County already has an interface of this nature. Judge Willis said policies concerning statewide searches may have to be reexamined in light of this development.

10. Next meeting. The Juvenile Justice Improvement Committee members agreed to hold their next meeting jointly with the Board of Directors of the Indiana Council of Juvenile and Family Court Judges on Friday, October 4, 2013 from 12:00 Noon – 3:00 p.m. at the Indiana Judicial Center. The Juvenile Justice Improvement Committee agreed to meet again on Friday, December 13, 2013, January 10, 2014, consider cancellation of the February 7 meeting if there is no pressing business, March 7, 2014 and May 2, 2014 from 12:00 Noon – 3:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Juvenile Justice Improvement Committee, Judicial Conference of Indiana
Board of Directors, Indiana Council of Juvenile and Family Court Judges

Joint Meeting
October 4, 2013

The Juvenile Justice Improvement Committee, Judicial Conference of Indiana, and the Board of Directors, Indiana Council of Juvenile and Family Court Judges, held a joint meeting on Friday, October 4, 2013 at the Indiana Judicial Center at 1:00 p.m.

1. Members present. Gary K. Chavers, Glenn D. Commons, Stephen R. Galvin, Lori K. Morgan, Carl H. Taul, Juvenile Justice Improvement Committee; Christopher L. Burnham, Mary G. Willis, Juvenile Justice Improvement Committee and the Board of Directors of the Indiana Council of Juvenile and Family Court Judges; and Vicki Carmichael, Darrin M. Dolehanty, Nancy Gettinger, Dana Kenworthy, and Brett J. Niemeier, John Potter, Board of Directors of the Indiana Council of Juvenile and Family Court Judges were present.
2. Staff present. Jeffrey Bercovitz, Angela Reid-Brown, and Jane Seigel, Indiana Judicial Center; and Leslie Dunn, Mike Commons, and Elana Salzman, Division of State Court Administration were also present.
3. Guests present. Kellie Whitcomb, Indiana Department of Correction; Brady Brookes and Gina Ashley, Department of Child Services; Don Travis, Howard County Probation Department were also present.
4. Minutes approved. The minutes for the meeting of the committee on June 14, 2013 were approved.
5. Child Services Oversight Committee. Judge Burnham gave a report on the Child Services Oversight Commission. Jeffrey Bercovitz distributed the minutes of the commission from July 31, 2013 and attachments. Judge Burnham said the next meeting was scheduled for October 23, 2013. He asked committee members to let him know if there are any recommendations for him to pass on for the commission's report due at the end of October 2013. Committee members discussed high turnover in DCS personnel and its effect on children, and concerns with DCS attorney turnover.
6. CIP Timeliness Measures. Judge Willis reported 70 courts have submitted their July CIP timeliness measures report, 22 counties have not. Training is still available for this report. Next year data will be required on a quarterly basis. She discussed four policy questions with members of the committee, including: (1) How should CIP timeliness measures be published? Committee members agreed by consensus timeliness measures should be published like other data from the Division of State Court Administration, including data county by county. (2) How long should a court take to enter a written order after an oral order terminating DCS wardship is entered by a court? Members of the committee agreed by consensus to recommend indicating the date when the oral order is entered (generally at the end of the hearing) and when the written order is entered. This could be a training issue as well. (3) In some courts a permanency hearing

is held only one time. After this, only a review hearing is held. Can these hearings be held together? The Judicial Center's forms need to be changed to reflect that a permanency hearing and a review hearing may be held at the same time. Also, a memorandum should be forwarded to the courts on this topic so it is clear from the record that either which one or both hearings are being held. (4) Which statutory permanency option should be indicated by courts when a child is placed with the noncustodial parent? Committee members agreed by consensus the "reunification" with a parent option should be used by courts. This information could be in a memorandum distributed to courts.

7. Commission on Status of Children. Justice Loretta Rush gave a report via speakerphone on the work of the Commission on Improving Status of Children in Indiana. She reported it took almost all of the first meeting for the 17 agencies to report on their five priority areas. Mental health of juveniles was most often raised. They will be deciding on an organizational structure at the next meeting. They are looking at geomapping for juvenile services. The next meeting will be held on October 16, 2013. She wants the Juvenile Justice Improvement Committee to have a role.

8. Juvenile Detention Center Standards. Judge Carmichael gave a presentation on the current draft juvenile detention center standards. She said some of the new education standards will have a fiscal impact. Kellie Whitcomb, Indiana Department of Correction, distributed excerpts from the draft, a draft executive summary and other materials. She highlighted education and medical standards which will have a fiscal impact. Judge Carmichael asked judges with detention centers to talk with their detention center directors about the new standards and report any comments back to her before the next meeting of the standards committee on October 15.

9. Presentation by Department of Child Services.

a. Brady Brookes discussed the impact of the new law which permits the prosecutors to file CHINS cases. She said DCS is cooperating with prosecutors and if they file a CHINS case, DCS will handle the case once the court approves the filing of the CHINS petition.

b. Brady Brookes also reported on the new law which requires DCS to share information under seal with courts in guardianship, custody or visitation cases. Committee members asked whether they could get statewide information on a case. DCS responded judges could get the Form 310, Form 311, Informal adjustment, CHINS cause numbers and outcome of a CHINS case. Brady said one judge ordered the DCS record be sent to the probation department, which is not permitted under the statute. One court indicated they will request information in every guardianship case. DCS agreed to bring a template for items requested back to the committee at their next meeting for review.

10. Legislation.

a. Judge Galvin distributed a proposal to remove statutory requirements no longer adhered to by DCS. Judge Burnham noted there would be no fiscal impact. Committee members revised the proposal. Judge Galvin moved to approve the recommended changes and review the proposal with DCS and seek sponsors for the legislation. Magistrate Commons seconded the motion. The motion was passed.

b. Judge Potter reviewed C.A.B. v. J.D.M., No. 37S03-1303-AD-159 (Ind. Aug. 16, 2013)

concerning the granting of an adoption while an appeal of mother's TPR case was still pending. Committee members revised the proposed language from Judge Potter. Judge Willis moved to not permit courts to grant an adoption while a TPR appeal is pending. Judge Moores seconded the motion. The motion was passed.

c. Judge Willis reported the Indiana State Bar Association recently endorsed a proposal to end the confidentiality of paternity cases. Testimony was given at the Commission on Courts that confidentiality was hurting attorney representation and access to support records. She distributed draft legislation and a draft rule change. Judge Willis moved to have both the committee and the Board of Directors of the Indiana Council of Juvenile and Family Court Judges support this legislation. Judge Moores seconded the motion. The motion was passed.

11. Other.

a. Judge Moores reported on a recent study conducted by the IU Hospital of juveniles in detention, DOC and in the jail. She said the results indicate a high increase in risk of STD and communicable diseases when the juveniles are released from restrictive placements. Judge Burnham asked Judge Moores to share the report with the committee when it is released.

b. Judge Moores reported this summer there were a tremendous amount of juveniles being shot or the juveniles being the shooter in Indianapolis. After a review of their files, it was determined there was a lack of parental accountability. Committee members discussed strengthening Indiana's parental accountability statutes, the need for a summer study committee to look at this issue, reviewing what other states do in this area, advisements to parents given to courts, and the effective use of contempt against the parent.

12. Next meeting. The Juvenile Justice Improvement Committee members agreed to hold their next meeting on Friday, December 13, 2013, January 10, 2014, consider cancellation of the February 7 meeting if there is no pressing business, March 7, 2014 and May 2, 2014 from 12:00 Noon – 3:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Juvenile Justice Improvement Committee
Judicial Conference of Indiana

Meeting
December 13, 2013

The Juvenile Justice Improvement Committee, Judicial Conference of Indiana, held a meeting on Friday, December 13, 2013 at the Indiana Judicial Center from 12:00 noon – 3:00 p.m.

1. Members present. Roger L. Duvall, James N. Fox, Stephen R. Galvin, Daniel G. Heath, Lori K. Morgan, Charles F. Pratt, Loretta H. Rush, Carl H. Taul, Mary G. Willis, and Christopher L. Burnham, Chair were present.
2. Staff present. Jeffrey Bercovitz, Angela Reid-Brown, Anne Jordan and Jane Seigel, Indiana Judicial Center; and Leslie Dunn, Mike Commons, and Elana Salzman, Division of State Court Administration were also present.
3. Guests present. Magistrate Nancy Gettinger and Judge Brett J. Niemeier; Mary Beth Bonaventura, Director, Department of Child Services, Regina Ashley, Brady Brookes, Lisa Rich, Don Travis, and Nancy Weaver, Department of Child Services were also present.
4. Minutes approved. The minutes for the meeting of the committee on October 4, 2013 were approved.
5. New members. Judge Burnham, Chair, welcomed new members Judge Heath and Judge Fox, and welcomed back Judge Duvall as a returning member of the committee.
6. Commission on Status of Children. Justice Loretta Rush gave a report on the work of the Commission on Improving the Status of Children in Indiana. She reported there will be a new Chair from the legislative branch in 2014; an Executive Committee was appointed, and a meeting of the Commission was held on December 11, 2013 which discussed substance abuse and child removals and other areas. Three task forces were created, including Dual Jurisdiction for Cross-Over Youth, Data Sharing and Mapping, Infant Mortality and Child Health. A website was created for the committee at: <http://www.in.gov/children>. The meetings are being broadcast via the Internet live. She stated the Division of State Court Administration and the Indiana Judicial Center are very helpful in staffing the commission.
5. Child Services Oversight Committee. Judge Burnham gave a report on the Child Services Oversight Committee. Jeffrey Bercovitz selected portions of the minutes and handouts from October 23, 2013 and the final report of the commission dated October 2013. Judge Burnham reported the committee discussed local fatality review teams, child abuse hotline data, DCS case manager turnover, child abuse data, children born with drugs in their system, the DCS Children's Mental Health Initiative, DCS Safely Home, Families First program, and Collaborative Care program.
6. Juvenile Detention Center Standards. Jeff Bercovitz reported the draft of juvenile detention standards should be finalized at a meeting of the Juvenile Detention Standards Advisory Committee on December 17, and then will go through the administrative rule-making process. A question was asked in the context of the requirement for a six hour educational program each day

in detention centers about how dropouts would be handled. Jeff Bercovitz agreed to forward the question to the Advisory Committee.

7. CIP Performance Measures. Judge Willis and Judge Pratt discussed policy implications of adding a sixth permanency option which would indicate a placement with the noncustodial parent. Committee members agreed by consensus not to add a new category. Members of the committee agreed by consensus to amend the current CIP Performance Measures Rule (Admin. Rule 1 (F)) to require quarterly rather than annual reporting, to shorten the data collection form to 5 or 6 subsequent permanency hearings, and to fit the form on letter size paper.

8. Presentation by Department of Child Services.

a. Lisa Rich discussed new DCS services based on evidence based practices. This includes Family Centered Treatment, Motivational Interviewing, and Trauma-Based Cognitive Behavioral Theory; all which will be offered on a state-wide basis. Other initiatives included Child Parent Psychotherapy, Functional Family Therapy, Homebuilders, Applied Behavioral Analysis, and Alternatives for Families – A Cognitive Behavioral Therapy. She noted the IYAS will be linked via mapping to these services.

b. Director Bonaventura stated it would be premature to remove the DCS approval required by statute for services. She noted the Probation Consultant could be used as more of a resource for to assist in getting to the appropriate DCS services.

c. Brady Brookes discussed a summary distributed for proposed legislation which would correct an IAC reference, harmonize DNR and DCS license suspension procedures for unpaid child support, amend Indiana's immediate income withholding statute to match the federal statute in this area, provide a fee for collection of support arrearage amounts under \$500, only require placement review committees for delinquents when DCS and probation does not agree, revise the definition of "related" in the juvenile code to make it part of "relative" and make the use of "relative" consistent in the juvenile code, making a technical correction, and permitting DCS to share an assessment with providers of child services in certain cases.

d. Director Bonaventura requested that the Juvenile Benchbook Committee add forms with information and language which, if used when a child is first removed from the home, could aid efforts if an adoption assistance subsidy is later sought. Magistrate Gettinger, Chair, Juvenile Benchbook Committee, agreed to work with DCS to revise Juvenile Benchbook forms.

e. Lisa Rich distributed information on the Children's Mental Health Initiative, noting 290 referrals have been made and 110 juveniles have received services so far. Most referrals are coming from schools. Probation can make referrals before a case is opened.

f. Lisa Rich reported since June 2013, Family Evaluations can be conducted on families after a call to the child abuse hotline. These Family Evaluations are done primarily for juveniles with Developmental Disabilities. Referrals may be made to Community Partners, Medicaid Services, and local Multi-Disciplinary Teams. They are tracking these juveniles.

g. Jeff Bercovitz asked committee members if there were any delays of juveniles in placement awaiting transfer to a placement facility out of state under the ICPC. Members of the Committee did not report any delays. Gina Ashley reported the Form 100A and Court Order with appropriate language for the Interstate Compact on the Placement of Children (ICPC) must be used for ICPC placements of delinquents across state lines.

h. Director Bonaventura reported more DCS case managers are needed. She said there has been an increase in CHINS cases opened and assessments conducted. In addition, the formula mandated by law for caseloads has not been adjusted for specialists now used by DCS, who are still counted as case managers. The reported need received a sympathetic hearing at the recent meeting of the State Budget Committee and DCS is working to add additional case managers. The Child Services Oversight Committee was asked to look at the staffing ratios.

i. Gina Ashley asked judges to report any quality, program concerns, or treatment gaps in residential treatment facilities from probation to DCS in order to be addressed by DCS.

9. Legislation.

a. Judge Willis distributed draft legislation which would prevent an adoption from being finalized while a termination of parental rights case involving the child was pending. This would address the problem noted in **C.A.B. v. J.D.M.**, No. 37S03-1303-AD-159 (Ind. Aug. 16, 2013). The Commission On Courts endorsed the legislation.

b. Judge Willis distributed draft legislation which would end the confidentiality of paternity cases. She reported the Domestic Relations Committee agrees in principal with this legislation. The members of the committee agreed by consensus to have Judge Willis be flexible with this legislation, continuing to work with the Domestic Relations Committee and the General Assembly to assure its passage.

10. Topics: Juvenile Court Judicial Officer Conference in June 2014. Anne Jordan discussed a June meeting of Juvenile Court Judicial Officers devoted to study of one topic in depth versus the reports generally given at the conference. Committee members expressed interest in an in depth session on trauma informed care, and the impact of family violence on children and/or the impact of family violence on the brain development of children, and vicarious trauma.

11. Other. Judge Heath reported under § 1905i, Medicaid cannot be used to pay for medical services for juveniles in detention. When these children use up their psychotropic medication, they become extremely difficult to handle. He has approached a federal lawmaker about an exemption for juveniles under this statute. The legislator also suggested statewide organizations may assist in getting a hearing for this matter. Judge Heath said with reductions in staff, it is difficult to get juveniles back on Medicaid when their “suspension” under Indiana law ends. He agreed to draft a resolution with the assistance of Jeff Bercovitz for the next meeting of the committee to seek this exemption, to be passed by this committee and the Indiana Council of Juvenile and Family Court Judges. A suggestion was made to seek endorsement by other groups too.

12. Next meeting. The Juvenile Justice Improvement Committee members will hold their next meeting on Friday, January 10, 2014; will consider cancellation of the February 7 meeting if there is no pressing business; and will meet on March 7, 2014 and May 2, 2014 from 12:00 Noon – 3:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
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