

Juvenile Justice Improvement Committee
Judicial Conference of Indiana

Meeting
February 6, 2015

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana held a meeting on Friday, February 6, 2015 at the Indiana Judicial Center in Indianapolis, Indiana from 12:00 noon - 3:15 p.m.

1. Members present. Gary K. Chavers, Roger L. Duvall, James Nivard Fox, Stephen R. Galvin, A. Christopher Lee, Bruce A. MacTavish, Marilyn A. Moores, Lori K. Morgan, Charles F. Pratt, Mary G. Willis, and Christopher L. Burnham, Chair.
2. Staff present. Jeffrey Bercovitz, Anne Jordan, and Angela Reid-Brown.
3. Guests present. Judge Faith Graham, Tippecanoe Superior Court via speakerphone; Don Travis, Deputy Director, Juvenile Justice Initiatives and Support, Matt Gooding, Probation Consultant Manager and Parvonay Stover, Legislative Director, Indiana Department of Child Services.
4. Minutes approved. The minutes for the meeting of the committee on December 5, 2014 were approved.
5. Presentation by Judge Graham. Judge Graham presented via speakerphone to the committee.
 - a. Judge Graham reported she talked with Parvonay Stover, Legislative Director, DCS about the lack of protection under CHINS 3 for certain 16-17 year olds. DCS recommended gathering more information, including how frequently this occurs, before introducing any legislation. The Juvenile Justice Improvement Committee agreed to wait for more information.
 - b. Judge Graham reported she recently conducted a conference call concerning Criminal Rule 25 regarding whether counsel should be appointed when a child is taken into custody and detention. Those on that conference call agreed Judge Graham should forward her letter to the Chief Justice about their concerns to the Chief Justice. The Committee agreed Judge Graham should forward the letter to the Juvenile Justice Improvement Committee, who will bring the issue to the attention of the Supreme Court because of its statewide implications.
6. Presentation by Jeff Wiese. Jeff Wiese, Director, Trial Court Management, Division of State Court Administration, discussed the following juvenile law questions with the committee.
 - a. He received a question about how long law enforcement should keep evidence in a delinquency case. Committee members agreed law enforcement should talk to their prosecutor about this issue.
 - b. He asked whether law enforcement officers could access the CCS in juvenile cases. Committee members indicated Ind. Code § 31-39-2-6.5 permits the juvenile court to grant access to court records listed in Ind. Code § 31-39-9-1.

c. He asked whether Clerks should make juvenile delinquency records available under Ind. Code § 31-39-2-8. Committee members agreed the better practice is to send those seeking information under this law to the juvenile court who would determine the records to release under the statute.

7. DCS Report.

a. Don Travis:

- Distributed a draft Interagency Agreement, which was reviewed and revised by members of the committee. Judge Duvall agreed to distribute a cover letter recommending juvenile courts sign the agreement.
- Reported DCS is setting up a process for reimbursement of expenses for relative placements who are not licensed foster parents. Members of the committee agreed to distribute this information when Don Travis reports back to the committee.
- Discussed the separate drafts of a revised Step-down Policy and a Disruption Policy. He reported work is continuing on drafts, which would replace the current policy.
- Stated he is working with the Collaborative Communications Committee on implementation of the federal Preventing Sex Trafficking and Strengthening Families Act.
- Reported the DCS is programming their system to record the new requirement that probation visit children in out of home placements each month.
- Stated DCS is working on a Resource Manual for probation officers, which includes probation responsibilities for DCS purposes (e.g. data entry).

b. Parvoney Stover

- Discussed HB 1434 with committee members, which contains provisions to get Indiana into compliance with the federal Preventing Sex Trafficking and Strengthening Families Act and other provisions. She reported DCS will offer an amendment in the Senate to make the duties of probation officers and DCS workers alike for the permanency option of another planned permanency living arrangement. Ms. Stover agreed to forward a summary of the legislation to committee members.
- Reported on HB 1196, which creates a framework for dual jurisdiction youth. DCS thought the bill was premature, but will work with Representative McNamara who wants the legislation to pass.

8. Judicial Engagement.

a. Judge Willis reported she recently attended a General Jurisdiction Courts Conference convened by Casey Family Programs in Louisville. She was pleased with the information from the meeting, including information on court mapping tools.

b. Angela Reid-Brown reported she recently attended a meeting in Seattle of the eight (8) Judicial Engagement states (Arizona, California, Colorado, Florida, Indiana, Minnesota, Missouri, and Wisconsin) convened by Casey. She indicated Casey wishes to help states any way they can.

c. Judge Pratt reviewed the progress of Indiana's judicial engagement project on Dual Jurisdiction Youth. He gave an overview of HB 1196, which outlines the treatment of dual jurisdiction youth by courts in Indiana. The committee agreed Judge Pratt and Judge Willis should continue work on this legislation.

9. Recent legislation. Committee members reviewed Senate Bills, 279, 324, 352, 364, 485, and Senate Resolution 3. They also reviewed House Bills 1196, 1216, 1302, 1304, and 1434.

10. Other.

a. Judge Moores gave a report on the increase in CHINS cases in Marion County. She distributed information about this increase. She stated the county will need more monies for services and placements of these juveniles from DCS.

b. Judge Galvin gave a report on the work of the Disproportionate Minority Contact (DMC) Definitions Committee. Jeffrey Bercovitz distributed a draft rule to require courts to collect information required by the Office of Juvenile Justice Delinquency Prevention, U.S. Department of Justice on DMC Definitions, and additional information on waivers and juvenile cases excluded from juvenile court jurisdiction.

c. The next meeting of the Commission on Improving the Status of Children would be held on Wed., Feb. 18, 2015 from 10:00 a.m. – 2:00 p.m. at Indiana Government Center South in Indianapolis.

11. Next meeting. The Juvenile Justice Improvement Committee members agreed to hold their next meeting on March 6, 2015 from 12:00 noon – 3:30 p.m. at the Indiana Judicial Center. They agreed to hold a joint meeting with the ICJFCJ Board of Directors on May 1, 2015 at the Indiana Judicial Center from 12:30 p.m. – 3:30 p.m. They also agreed to meet again on Friday, October 2, and December 4, 2015 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 6, 2015

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana held a meeting on Friday, March 6, 2015 at the Indiana Judicial Center in Indianapolis, Indiana from 12:00 noon - 2:30 p.m.

1. Members present. Gary K. Chavers, Roger L. Duvall, James Nivard Fox, Daniel G. Heath, Thomas R. Lett, Charles F. Pratt, Mary G. Willis, and Christopher L. Burnham, Chair.
2. Staff present. Jeffrey Bercovitz, and Angela Reid-Brown.
3. Guests present. Don Travis, Deputy Director, Juvenile Justice Initiatives and Support, and Parvonay Stover, Legislative Director, Indiana Department of Child Services.
4. Minutes approved. The minutes for the meeting of the committee on February 6, 2015 was approved.
5. Criminal Rule 25. Committee members discussed whether counsel should be appointed when a child is taken into custody and detained under Criminal Rule 25 (B) (4). Committee members agreed unanimously to recommend removal of this particular section of the rule. They believe it will have no effect on the rest of the rule. They also agreed to discuss best practices in connection with this rule at the Juvenile Court judicial conference in June.
6. Commission on Improving the Status of Children. Angela Reid-Brown gave an update about the work of the Commission on Improving the Status of Children. The next meeting of the Commission is scheduled for Wednesday, May 20, 2015 and would focus on mental health and substance abuse and the increase in CHINS cases.
7. Judicial Engagement.
 - a. Judge Willis gave an update on her foster care mapping project with DCS and Henry County. She reported data from DCS is being generated.
 - b. Judge Pratt reviewed the progress of Indiana's judicial engagement project on Dual Jurisdiction Youth. He stated five (5) sites were selected for a pilot, including Allen, Clark, Elkhart, Henry and Tippecanoe Counties.
8. DCS Report.
 - a. The cover memo to the Interagency Agreement and the Interagency Agreement was distributed to committee members. Judge Duvall moved to approve this and forward it to the Justice David for consideration of statewide distribution. Judge Willis seconded the motion. The motion was passed.
 - b. Don Travis distributed separate drafts of a revised Step-Down Policy and a Disruption Policy. He reported he would talk with the Collaborative Communications Committee which

meets on March 17 and bring their suggestions to Mag. Chavers, Judge Duvall, and Judge MacTavish after their review. They would bring both policies as revised to the next meeting of the Juvenile Justice Improvement Committee.

c. Don Travis distributed a request form for use in CHINS and Delinquency cases to get monies for placements of juveniles with unlicensed relatives. He also distributed an illustration of the approval process in CHINS and Delinquency cases. Committee members agreed this information should be included in the Friday Notes as soon as possible.

d. Parvonay Stover discussed an amendment to HB 1434 which would (1) make the duties of probation officers and DCS workers alike for the permanency option of another planned permanency living arrangement, (2) place all fingerprint provisions together in the Indiana Code, (3) permit an exemption for all DCS workers from the social work licensing requirements like for other state agencies, (4) provide for birth certificates for juveniles leaving foster care and (5) permit DCS to conduct a background check on successor guardians. She also discussed HB 1196, which provides for administration of dual jurisdiction youth. She noted concerns which were addressed by Judge Pratt and Judge Willis.

9. Recent legislation. Committee members reviewed Senate Bills, 324, 352, 364, and Senate Resolution 3. They also reviewed House Bills 1196, 1216, 1269, 1302, 1304, and 1434.

10. Other.

a. Judge Pratt reported a Cross-System Youth Conference would be held on Friday, July 24, 2015 and judges should watch for notice.

b. Magistrate Chavers gave a report on the continued increase in CHINS cases in Marion County. He stated the increase is about 40% over last year.

11. Next meeting. The Juvenile Justice Improvement Committee members agreed to hold their next meeting jointly with the ICJFCJ Board of Directors and the Juvenile Benchbook Committee on May 1, 2015 at the Indiana Judicial Center from 12:30 p.m. – 3:30 p.m. The Juvenile Justice Improvement Committee also agreed to meet again on Friday, October 2, and December 4, 2015 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
Juvenile Benchbook Committee, Judicial Conference of Indiana
Board of Directors, Indiana Council of Juvenile and Family Court Judges

Meeting
May 1, 2015

The Juvenile Justice Improvement Committee and the Juvenile Benchbook Committee of the Judicial Conference of Indiana, and the Board of Directors, Indiana Council of Juvenile and Family Court Judges held a joint meeting on Friday, May 1, 2015, at the Indiana Judicial Center in Indianapolis, Indiana from 12:45 - 3:00 p.m.

1. Members present.

- a. Juvenile Justice Improvement Committee: Steven H. David, liaison member, James Nivard Fox, Stephen R. Galvin, Bruce A. MacTavish, Lori K. Morgan and Charles F. Pratt;
- b. Juvenile Justice Improvement Committee and the Board of Directors of the Indiana Council of Juvenile and Family Court Judges: Christopher L. Burnham, Gray K. Chavers, Darrin M. Dolehanty, Roger L. Duvall, and Mary G. Willis;
- c. Juvenile Benchbook Committee: Sally E. Berish, Thomas P. Boyer, Faith A. Graham, Daniel W. Kelly, Heather M. Mollo, Todd Ruetz, and Harry A. Siamas;
- d. Juvenile Benchbook Committee and Board of Directors of the Indiana Council of Juvenile and Family Court Judges: Nancy L. Gettinger and Dana J. Kenworthy; and
- e. Board of Directors of the Indiana Council of Juvenile and Family Court Judges: Vicki L. Carmichael; were present.

2. Staff present. Jeffrey Bercovitz, Anne Jordan, and Angela Reid-Brown.

3. Guests present. Judge Karen Love; Mary Beth Bonaventura, Director; Parvonay Stover, Legislative Director; and Don Travis, Deputy Director, Juvenile Justice Initiatives and Support, Department of Child Services (DCS).

4. Minutes approved. The minutes for the meeting of the committee on March 6, 2015 were approved.

5. DCS Report.

- a. Resources v. Services. Mary Beth Bonaventura, Director, Department of Child Services reported all services are available for CHINS and Delinquency cases. DCS “resources” are for internal use, and are made available to delinquency cases on a case by case basis. These include clinicians, investigators, nurse specialist, and education liaisons.
- b. Case Managers. Mary Beth Bonaventura, Director, distributed information on the recent Deloitte Consulting report on the number of DCS case managers. She explained the caseload standard of 12/17 is based on the Child Welfare League of America standard and is codified by statute. The Indiana General Assembly added \$7.5 million dollars to the DCS budget for 100 new Family Case Managers (FCM), 17 new FCM supervisors, and 17 new administrative positions to support office functions. The 12/17 standard will also be reviewed. In addition, the

DCS is looking at closing case files where the children were returned home, but the file was not closed out to get more accurate caseload numbers.

c. Step-Down and Disruption. Don Travis distributed a revised Step-Down and new Disruption Policy. He reported the Collaborative Communication Committee (CCC) has reviewed and revised the policy which he discussed with committee members. He noted the Disruption Policy had also been reviewed by the CCC members. He noted there are four facilities which provide diagnostics for juveniles other than DOC. He stated the bullet points under the disruption policy may be what a facility may have done before the disruption occurred with the juvenile.

Judge MacTavish moved to approve the revised Step-Down and Disruption policies. Judge Galvin seconded the motion. The motion was passed.

Judge Carmichael moved to approve the revised Step-down policy and Disruption policy by the Board of Directors of the Indiana Council of Juvenile and Family Court Judges. Judge Burnham seconded the motion. The motion was passed.

d. Foster care rights. A new Foster Care Rights Policy was distributed by Don Travis. He stated foster care applied to children in out-of-home care under federal law, which Indiana is required to follow. DCS and Probation wanted to have the same policy for CHINS and Delinquents, which must be in place by July 1, 2015. He also explained he is working with Court Technology to have this coupled with the case plan for Delinquency cases and print for signature. Committee members had questions about practical implications of this new policy e.g. providing attorneys in CHINS cases, and pregnant youth provisions. Judge Fox and Judge MacTavish agreed to work with Judge Bonaventura on the policy.

Judge Burnham moved to conditionally approve the Foster Care Rights Policy with Judge Fox and Judge MacTavish as volunteers to resolve questions about practical implications about the policy.

Judge Galvin seconded the motion. The motion was passed.

e. Probation signing on behalf of parent. Don Travis discussed a recent question about the authority of probation officers to sign documents on behalf of parents when parents are not available. Some courts hold a show cause hearing with notice to the parents to appear and sign documents, in order to give the parents a chance to sign. Some judges sign on behalf of the court. Some courts ordering probation to sign the document. Committee members agreed by consensus to have the Juvenile Benchbook Committee revise its orders in this area. The Benchbook order would direct the agency seeking an order for a parental signature when the parent is unavailable, to return to the court to seek an order for actions needed on behalf of the child.

f. Financial assistance to non-licensed relatives. A draft DCS policy on financial assistance to non-licensed relatives was distributed to the committee. Don Travis distributed a flow chart of the process. DCS would need a copy of the court order showing the placement with the non-licensed relative. The process to claim these monies would be the same for FCM's and probation officers. Judge Burnham requested the Juvenile Benchbook Committee work with DCS on incorporating the instructions for this information into the Juvenile Benchbook.

g. Transition plan for delinquents. Don Travis discussed the need for a transition service plan for delinquents. Committee members agreed by consensus the statute, which requires this plan, applies to delinquents in out of home placements including foster care.

h. Friday Note. Members of the committee discussed a recent Friday Note which indicated the need for a child support worksheet to be prepared. Some probation officers believed it

required them to prepare the worksheet. Committee members discussed there was no requirement for probation to prepare the child support worksheet on behalf of the parents.

i. Legislation. Parvonay Stover reported HEA 1434 was signed by the governor yesterday. SB 324 concerning child support and a new version of UIFSA was adopted by the General Assembly. HB 1001 added \$11 million for adoption subsidies and \$7.5 million for additional case managers. Don Travis noted DCS support for dual jurisdiction legislation. Judge Willis thanked DCS for its hard work on legislation this year.

6. Judicial Engagement.

a. Judge Willis reported the foster care mapping project is moving slower than expected, and training is now starting on it.

b. Judge Willis reported HB 1196, dual jurisdiction legislation passed. She and Judge Pratt met telephonically with Casey for assistance. A framework for use of this new law will be available by the June 18-19 juvenile court judicial officer's conference.

c. Judge Willis reported Casey will host a site visit in Henry County on Tues., May 12.

7. Legislation. Committee members discussed [SB 324](#) - Various child support matters; new version of UIFSA, adoption; HB 1196 – CHINS/Delinquents - Dual Jurisdiction; [HB 1216](#) - Missing children and trafficked children; HB 1269 – Juv. leaving DOC to get mental health treatment; [HB 1302](#) – expungement of adult and juvenile records; [HB 1304](#) - Multiple juvenile and criminal law issues; and HB 1434 – DCS amendments for preventing sex trafficking, APPLA, adoption subsidies, and other areas.

8. Other.

a. Judge Burnham distributed an updated Criminal Rule 25 based on the recommendation of the Juvenile Justice Improvement Committee.

b. Angela Reid-Brown reported the next meeting of the Commission on Improving the Status of Children would be held on May 20, 2015. The substance abuse crises will be the main topic discussed.

c. Judge Willis reported the ICJFCJ used the IJA legislative analyst a lot this year and recommended ICJFCJ should reimburse the IJA for that use. She said a payment of \$5,000 to the Indiana Judges Association for the analyst's assistance for this and previous years was appropriate.

Judge Burnham moved to authorize a payment to the Indiana Judges Association of \$5,000 to defray the cost of the lobbyists' services for the present session and past session of the Indiana General Assembly. Judge Pratt seconded the motion. The motion was passed by the ICJFCJ Board.

d. Magistrate Chavers reported an 80% increase in CHINS cases in Marion County since the first quarter of 2013.

e. Judge MacTavish thanked Judge Mary Willis, outgoing president of the Indiana Council of Juvenile and Family Court Judges, and Judge Christopher Burnham, outgoing Chair, Juvenile Justice Improvement Committee for their service on behalf of Indiana's juveniles. Judge Pratt reported Magistrate Boyer was leaving the juvenile bench after 16 years and thanked him for his service.

9. Next meeting dates. The Juvenile Justice Improvement Committee agreed to meet again on Friday, October 2, and December 11, 2015 (Not December 4 as previously noted) 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
October 2, 2015

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana held a meeting on Friday, October 2, 2015 at the Indiana Judicial Center in Indianapolis, Indiana from 12:00 noon - 3:20 p.m.

1. Members present. Darrin M. Dolehanty, Deborah A. Domine, Roger L. Duvall, James Nivard Fox, Dana J. Kenworthy, Marilyn A. Moores, Lori K. Morgan, Bruce E. Petit, Charles F. Pratt, and Stephen R. Galvin, Chair.
2. Staff present. Jeffrey Bercovitz, Michelle Goodman, Anne Jordan, Angela Reid-Brown and Matthew Hagenbush.
3. Guests present. Judge John Potter; Don Travis, Deputy Director, Juvenile Justice Initiatives and Support, Parvonay Stover, Legislative Director, and Amy Kent, Asst. Legislative Director, and Don Travis, Indiana Department of Child Services; Lisa Thompson and Mary DePrez, Director, Court Technology;
4. Minutes approved. The minutes for the meeting of the committee on May 1, 2015 were approved.
5. New members. Deborah A. Domine, Dana J. Kenworthy, and Bruce E. Petit were introduced as new members of the committee.
6. Expungement. Lisa Thompson asked the committee for assistance in determining policy for expungement of juvenile court records in Incite. Committee members discussed destruction of the records, “hiding” the records for all purposes except those statistical in nature; Ind. Code § 31-39-8 concerning expungement of juvenile records; Odyssey expungement practices; and other areas. Lisa agreed to return to the next meeting of the committee with information on QUEST, CSI and Odyssey expungement practices. The committee agreed to discuss a sense of what should occur, but did not believe they could be relied upon as authority on this issue.
7. DMC Definitions and Rule. Judge Galvin reported the DMC Definitions Committee asked the Improvement Committee to approve a rule requiring courts to report DMC Definitions information. Judge Duvall moved to accept the draft rule distributed and returned to DMC Definitions Committee to determine the date for implementation. Judge Kenworthy seconded the motion. The motion was passed.
8. Judicial Engagement.
 - a. Judge Pratt gave an update on the “TEACH” counties + Marion County [Tippecanoe, Elkhart, Allen, Clark, and Henry] who are piloting implementation of House Enrolled Act 1196 on dual jurisdiction youth. He reported judges from these counties visited Austin, Texas in

conjunction with the National Council of Juvenile and Family Court Judges Annual Meeting and Youngstown, Ohio to look at programs in this area. He stated Casey has helped with staff support, materials and common terminology. He also distributed draft forms and reviewed them with the committee. The TEACH counties would formally launch pilots in December 2015 and training would begin in March, 2016. He stated they would participate in a Casey judicial engagement conference in Seattle, Washington at the end of October. DCS was working with TEACH on forms and an MOU about information sharing.

9. Alerts for CHINS who run from placement. Judge Potter discussed a recent case where a 15 year old incest victim left a placement to be with her attacker, her biological father. No Amber Alert was issued when the juvenile ran from the placement. Father and daughter were found in Kentucky and returned to Indiana. He stated there were no common set of criteria for alerting other agencies when a CHINS runs from placements. Committee members discussed notification of the court by either the placement and/or DCS when a child runs from a placement and reporting the child as a missing child. A CHINS in placement is already a vulnerable child who needs to be found as soon as possible. Judge Moores agreed to research the federal Amber Alert statute for the next meeting of the committee; Judge Potter agreed to research what other states do in this area before seeking any administrative changes in the Amber Alert process in Indiana.

10. DCS legislation.

a. Parvonay Stover, Legislative Director, DCS discussed generally four DCS proposals: (1) Human Trafficking as a newly defined CHINS category; (2) Sexual battery is missing from the CHINS 3 category and will be added; (3) Informal adjustments when a child is already removed from the home; and (4) income withholding order adjustment when a child is emancipated and there a multiple children.

b. Members of the committee discussed CHINS crowding out Delinquents and the need for delinquency beds to address criminogenic behavior of Delinquents with Don Travis. He agreed to attend the next meeting of the committee with additional information.

11. In re K.D. Judge Dolehanty discussed recent correspondence between the Indiana Council of Juvenile and Family Court Judges and Chief Justice Rush concerning **In re K.D.**, 962 N.E.2d 1249 (Ind. 2012). He reported Judge Carmichael is putting together a group of judges and DCS representatives to explore solutions to this problem. He agreed the next meeting of the ICJFCJ should be held jointly with the Improvement Committee on December 11 and will contact Judge Carmichael about doing so.

12. DCS policy: Financial Assistance. Judge Kenworthy gave a brief report on financial assistance to non-licensed relatives and indicated the Juvenile Benchbook Committee is working with DCS on a policy in this area.

13. Delinquency increase. Judge Moores stated with JDAI there was initial success in reducing juveniles in detention. Marion County recently has seen an increase in delinquent activity. Delinquency beds are backing up due to increases in CHINS. Members of the committee discussed a range of items they are seeing at the local level including the level of brutality of juvenile crime is up, there are more armed robberies related to drug dealing, more

16-17 year olds going to adult court, many of these juveniles have a CHINS background, waivers are up, and no increases seen in some counties.

14. Other.

a. Judge Duvall distributed a fact sheet about the Governor's Task Force on Drug Enforcement, Treatment and Prevention and discussed the work of the Task Force.

b. Jeffrey Bercovitz distributed a technical assistance bulletin on the ADA and the DCS and Courts Protecting the Rights of Parents with Disabilities.

15. Next meeting dates. The Juvenile Justice Improvement Committee members agreed to hold their next meeting jointly with the ICJFCJ Board of Directors December 11, 2015 at the Indiana Judicial Center from 12:00 noon – 3:00 p.m. The Juvenile Justice Improvement Committee also agreed to meet again on Friday, January 8, 2016, February 5, 2016, March 4, 2016, and May 6, 2016 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 11, 2015

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana held a meeting on Friday, December 11, 2015 at the Indiana Judicial Center in Indianapolis, Indiana from 12:15 p.m. - 3:40 p.m.

1. Members present.

a. Juvenile Justice Improvement Committee: James Nivard Fox, Daniel G. Heath, Bruce A. MacTavish, Thomas R. Lett, Bruce E. Petit and Stephen R. Galvin, Chair

b. Juvenile Justice Improvement Committee and the Board of Directors of the Indiana Council of Juvenile and Family Court Judges: Darrin M. Dolehanty, Matthew G. Hanson, Dana J. Kenworthy, Charles F. Pratt and Vicki L. Carmichael, President;

c. Board of Directors of the Indiana Council of Juvenile and Family Court Judges: Kimberly S. Dowling, James D. Humphrey, Brett J. Niemeier and Mary G. Willis and were present.

2. Staff present. Jeffrey Bercovitz, Michelle Goodman, Anne Jordan, Angela Reid-Brown, Matthew Hagenbush and Michelle Tennell.

3. Guests present. Mary Beth Bonaventura, Director, Department of Child Services (DCS); Don Travis, Deputy Director, Juvenile Justice Initiatives and Support, DCS; Parvonay Stover, Legislative Director, DCS; Wade Hornbacher, Chief Legal Counsel, DCS; Michael Commons, Attorney, Division of State Court Administration; Leslie Dunn, State Director, GAL/CASA; Jeff Wiese, Director, Trial Court Management; and Lisa Thompson, Probation Subject Matter Expert, Court Technology.

4. Minutes approved. The minutes for the meeting of the committee on October 2, 2015, were approved.

5. In Re K.D. workgroup. Judge Carmichael reported the K.D. workgroup discussed In Re K.D., 962 N.E.2d 1249 (Ind. 2012) and its effect on the administration of CHINS proceedings. She reported the workgroup discussed creation of a non-custodial parent registry for notice purposes. She noted discussion of solving delays for a child in a CHINS proceeding caused by trying to find absent parents and the length of time needed for notice by publication. The committee also discussed Michigan's Absent Parent Protocol. Judge Fox agreed to investigate the use of Michigan's protocol further. The workgroup agreed to meet again on February 5, 2016.

6. DCS presentation.

a. Mary Beth Bonaventura, Director, Department of Child Services distributed a handout which indicated the number of children in placement. She reported the following:

- Statewide turnover of case managers is 24%;
- DCS started an Employee Assistance Program (EAP) in house, which is staffed 24 hours a day, 7 days a week and offered to all employees without regard to insurance coverage;
- DCS enhanced supervisor training;

- Indiana received a National Child Workforce Improvement Grant of \$750,000 to help retain staff;
 - DCS continues to partner with the I.U. Dean of Social Work and also provide a Masters degree program;
 - DCS is expanding training for all case managers on drug use and domestic violence; and
 - DCS has 2300 case managers. DCS trains 50-65 new case managers each month and is constantly hiring new ones.
- b. Wade Hornbacher reported:
- the adoption subsidy is funded and all subsidy monies are negotiated with attorneys from the central office. It takes up to 60 days to determine eligibility for a subsidy and 30 days to negotiate a subsidy. It may help to begin the subsidy process when the termination petition is filed to speed the process. However, the attorney for the parents will not be paid until the termination case ends;
 - DCS has increased the number of attorneys. Their caseload is about 100 cases each; and
 - DCS has partnered with the National Institute for Trial Attorneys (NITA) for training of DCS attorneys. They receive a week of substantive juvenile law training and a week of trial skills training. DCS will provide dates so committee can volunteer for a day to be a judge at this training.
- c. Don Travis reported:
- DCS has contracted with Redwood Toxicology Labs to be the sole provider of drug screens for DCS. This helps with accountability and collection of information. He reviewed various start up problems with the committee;
 - Only 9 counties have not signed the Interagency Agreement. DCS will continue to get all county agreements executed;
 - No concerns were noted with the new step-down policy implemented last year;
 - About 95% of juveniles on probation placed out of home were visited every 30 days. DCS is sending a report the 20th of the month to remind counties of needed visits. The child must be visited within the month, not every 30 days; and
 - The DCS Resource Manual will be online soon for probation officers.
- d. Parvonay Stover stated DCS will be involved in legislation which adds human trafficking of juveniles as a potential CHINS case.
- e. Director Bonaventura mentioned an idea from prosecutors about making “sexting” a status offense. Committee members believe no new statutes are needed in this area. Prosecutors are doing a good job of going after offenses in this area appropriately.

7. DMC Definitions and Rule.

- a. Judge Humphrey gave an overview of the federal requirements for the reporting of Disproportionate Minority Contact by courts. The DMC Definitions Committee prepared DMC definitions tailored for Indiana based on the federal model which will be used to gather this information in Indiana in a useful manner. The rule would require reporting through an INCite application without additional burden on current staff. It is modeled after the CIP Timeliness Measures reporting tool. The rule requires courts to report on a quarterly basis on the juvenile decision points in Indiana’s DMC definition. The information would be taken directly from Odyssey, QUEST, CSI or PBS, depending on the computer system in use in the county. The reporting under the rule would begin on July 1, 2016. Lisa Thompson reported approval of a grant to develop an INCite program to collect this data. She explained the Indiana Criminal Justice

Institute would provide training on the use of the local case management system to get the information.

b. Judge Carmichael moved the rule be recommended to the Board of Directors of the Judicial Conference of Indiana for approval by the Indiana Supreme Court. Judge MacTavish seconded the motion. The motion was passed by the Juvenile Justice Improvement Committee.

c. Judge Carmichael moved the rule be recommended to the Board of Directors of the Judicial Conference of Indiana for approval by the Indiana Supreme Court. Judge Pratt seconded the motion. The motion was passed by the Indiana Council of Juvenile and Family Court Judges.

8. JDAI. Magistrate Domine distributed a chart indicating which counties were participating in Juvenile Delinquency Alternatives Initiative (JDAI) and those expecting to join soon. She also distributed a chart of JDAI and non-JDAI counties and their DOC admissions and delinquency referrals. Committee members discussed whether more information is needed on the increase in CHINS filings. Judge Heath described the need for better information generally on detention center use now and in the future. Judge Willis discussed the need to see if residential, foster care and shelter care use is increasing in JDAI and non-JDAI counties. CHINS data is also needed. Judge Petit noted with the increase of dual status youth, the need to track CHINS and Delinquents is increasing.

Michelle Tennell, Director, Juvenile Detention Alternatives Initiative, distributed a report from a recent National Center for State Court's conference on Juvenile Justice Reform attended by 10 states, including Indiana. The report for Indiana reviewed various goals for reform in Indiana, which she highlighted. She also mentioned the work of Indiana's Initiative to get data with partners from other agencies and work on a probation sanctions grid.

9. Expungement. Lisa Thompson distributed the results of a survey of Odyssey, QUEST, CSI and PBS on juvenile expungement practices. She reported almost no system destroys the data, but each hides it in various ways. Committee members discussed expungement under Ind. Code § 31-39, which means destruction or handing paper records to the person requesting expungement; however, records for financial and statistical records should be kept. Committee members asked Ms. Thompson to return to the next meeting of the committee with a draft of rule which addresses these issues.

10. JM case type. Jeff Wiese, Director, Trial Court Management, discussed the use of the Juvenile Miscellaneous (JM) case type.

a. One question was whether or not to use the JM case type when a juvenile is first detained, but the prosecutor has not filed charges. Committee members agreed no case type should be assigned at this early stage.

b. Another question was whether, when a delinquency petition was filed and a JD case type used, if the disposition was an informal adjustment, should a JM case number be used. Members of the committee agreed by consensus, if an informal adjustment occurs as a disposition of a JD case, the JD should be dismissed and a JM filed. If the JM informal adjustment is not successfully completed, then the JD can be refilled.

11. Missing Children. The publication "Children Missing From Care: The Law-Enforcement Response" was distributed to the committee on behalf of Judge Potter. It is the follow up to the concerns raised at the last meeting of the committee about runaway children.

12. Judicial Engagement. Judge Willis reported a training session for the pilot “TEACH” counties [Tippecanoe, Elkhart, Allen, Clark, and Henry] + Marion County for dual jurisdiction youth under H.E.A. 1196 will be held on January 29, 2016 in Indianapolis. She noted a draft screening tool report, an order appointing a dual status team, a team report, and an order either adopting or rejecting the recommendations of the team will be piloted. Judge Pratt said this statute will allow courts to do more with individual families and restore judicial discretion back to juvenile court.

13. Information Sharing Guidebook. Mike Commons reported a Juvenile Information Sharing Guidebook is being drafted as part of the activities of the Commission on Improving the Status of Children in Indiana. It gives an overview of how to legally get information about children. It would answer question including the typical records which are sought from juvenile court and how to deal with these requests.

14. DOJ and disabilities. Leslie Dunn distributed a summary of the U.S. Department of Justice technical assistance about the rights of parent with disabilities in court and child welfare proceedings. Jeffrey Bercovitz distributed a technical assistance bulletin on the ADA and the DCS and Courts Protecting the Rights of Parents with Disabilities. Leslie Dunn indicated services should be tailored to individuals with mental health problems and disabilities. Brenda Rodeheffer, Division of State Court Administration can be contacted for more information.

15. Proposed legislation. Committee members discussed PD 3792 about creation of a CHINS category for juveniles in sex trafficking cases and PD 3265 about the release of identifying adoption information.

16. Other.

a. Jeffrey Bercovitz distributed a fact sheet about the Governor’s Task Force on Drug Enforcement, Treatment and Prevention and discussed the work of the Task Force.

b. Judge Heath reported that when a juvenile is brought to intake, the juvenile code permits release with a promise to appear or placement in detention. This may not reflect the alternatives used by JDAI counties. Judge Fox, Judge Heath and Judge MacTavish agreed to prepare draft legislation to fix this concern.

17. Next meeting dates. The Juvenile Justice Improvement Committee members agreed to hold their next meeting at the Indiana Judicial Center from 12:00 noon – 3:00 p.m. on Friday, January 8, 2016, February 5, 2016, March 4, 2016, and May 6, 2016 at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law