

Juvenile Justice Improvement Committee
Judicial Conference of Indiana

Minutes

January 9, 2009

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana met at the Indiana Judicial Center on Friday, January 9, 2009 from 12:00 noon until 3:50 p.m.

1. Members present. Vicki L. Carmichael, Roger L. Duvall, James D. Humphrey, Marilyn A. Moores, Brett J. Niemeier, Loretta H. Rush, Frank Sullivan, Jr., Carl H. Taul, and Stephen M. Sims, Chair Pro Tem.
2. Staff present. Jane Seigel, Jeffrey Bercovitz, Anne Jordan and Angela Reid-Brown provided the committee with staff assistance.
3. Minutes approved. The minutes for the meeting on November 7, 2008 were approved.
4. Guests present. James Payne, Director, Department of Child Services and Kellie Whitcomb, Executive Director of Juvenile Services, Indiana Department of Correction was also present.
5. HEA 1001.
 - a. Judge Sims reported the Indiana Council of Juvenile and Family Court Judges Board of Directors voted to place CHINS and Delinquency Benchbook forms and dialogues on the Indiana Judicial Center's website.
 - b. Anne Jordan reviewed the Judicial Center's HEA 1001 website with members of the committee. Jeffrey Bercovitz distributed a handout of the website to the committee members.
 - c. Jeffrey Bercovitz distributed the new appellate rule on expedited appeals in juvenile cases and gave a brief overview of the rule.
 - d. Jane Seigel gave an update on HEA 1001. She reported juvenile benchbook orders were being followed without change in some cases, with changes but not effecting the core requirements of HEA 1001, and with many changes. The following was placed on the Judicial Center's website: (1) a list of all Title IV-E eligible placements has been posted, (2) links for probation officers to forward documents to DCS, and (3) questions and answers from the regional training meetings. She noted questions under consideration about the confidentiality of probation redisclosing information that was disclosed under a 42 C.F.R. release. Committee members indicated they liked the emails to them with updates of the website and/or new procedures for HEA 1001.
 - e. Committee members discussed HEA 1001 questions submitted to the Judicial Center.
6. Recent legislation.
 - a. Members of the committee discussed Senate Bills 37, 205, 280, 287, 303, 365, and 367.

b. Judge Rush moved to oppose the repeal of Ind. Code 31-34-1-6, the “CHINS 6” category from the juvenile code, contained in Senate Bill 365. Judge Moores and Judge Taul seconded the motion. The motion passed unanimously.

7. Introduction of Kellie Whitcomb.

a. Kellie Whitcomb, new Executive Director of Juvenile Services, Indiana Department of Correction, was introduced to the committee. She reported funding for juveniles in community corrections/transition programs is administered by a different division at DOC, headed by Randy Koester.

b. Kellie Whitcomb agreed to:

(1) Provide a roster of committing counties and the number of juveniles committed.

(2) Find out more about the removal of medication from juveniles upon admission of a child at Logansport.

(3) Analyze the length of stay at DOC including whether the stays are increasing or decreasing, and whether this is tied to the risk/needs level of the juvenile;

(4) Look at recidivism rates to both juvenile and adult DOC facilities;

(5) Consider using both electronic and written notification to inform a court ten (10) days before a juvenile is released;

(6) Provide the DOC risk level of a juvenile sex offender to the court upon the release of the offender back to the court; and

(7) Review procedures used when a court provides intake information to the DOC Reception Diagnostic Center electronically, so this information follows the child wherever the child ends up at DOC.

She agreed to return to a future meeting with this information.

8. Presentation by James Payne.

a. James Payne, Director, Department of Child Services, discussed HEA 1001 implementation issues with committee members. Areas discussed included placements executed before December 31, 2008; how to get probationers on Medicaid; Regional Service Consultants approving categories of placements and the delineation of these categories; approval of dispositional orders with alternative placements in case the first placement is unavailable by the time of disposition; dispositional orders permitting the level of care to be stepped down as a child is returned to the home; the administration of disrupted placements; payment for investigative drug screens; payment for preadjudicative drug assessments or psychological evaluations whether or not the juvenile is in a detention or in home detention; updates on budget by county and category of expenses; response to orders not using the “safe harbor” language from the juvenile benchbook; and the administration of orders written a few days after the court hearing occurs. He noted the budgets for the regions for the first six months of 2009 reflect the fact that no payments were made in January 2009.

9. Next meeting dates. Committee members agreed to meet again on the following dates: February 6, 2009, March 6, 2009, May 1, 2009, June 5, 2009, October 2, 2009 and November 6, 2009 all from 12:00 noon – 3:00 p.m. at the offices of the Indiana Judicial Center at 30 South Meridian Street in Indianapolis.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Services

Juvenile Justice Improvement Committee
Judicial Conference of Indiana

Minutes

February 6, 2009

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana met at the Indiana Judicial Center on Friday, February 6, 2009 from 12:00 noon until 3:15 p.m.

1. Members present. Glenn D. Commons, Richard A. Dailey, Deborah A. Dominee, Roger L. Duvall, Marilyn A. Moores, Peter J. Nemeth, Brett J. Niemeier, Loretta H. Rush, Stephen M. Sims, Carl H. Taul, and Charles F. Pratt, Chair.
2. Staff present. Jane Seigel, Jeffrey Bercovitz, Anne Jordan and Angela Reid-Brown provided the committee with staff assistance.
3. Minutes approved. The minutes for the meeting on January 9, 2009 were approved.
4. Guests present. James Payne, Director, Department of Child Services (DCS) and Jason McManus, Assistant Deputy Director, Probation Services (DCS) was also present.
5. HEA 1001.
 - a. James Payne, Director, DCS, discussed SB 365 and amendments to SB 365, which will be heard next week by the Senate Judiciary Committee. He reported the provision to remove Ind. Code 31-34-1-6 and 16 would be removed from the legislation.
 - b. Jane Seigel discussed handout outlining procedures for verification of placements and services paid by DCS. It would require a random audit procedure by the State Board of Accounts. This procedure would be used by DCS until July 2009, when it would be evaluated. Committee members discussed how many cases would be audited under the new procedures. Judge Moores moved to endorse the procedure distributed, with referral to a committee to develop protocols for it. Judge Sims seconded the motion. The motion was passed.
 - c. Jane Seigel distributed a summary of responses from DCS to questions posed last month about the implementation of HEA 1001 and reviewed them with the committee. Members of the committee discussed the responses.
 - (1) Jason McManus agreed to work on criteria and/or questions for a judge to pose before an assessment occurs when a juvenile is in detention. Judge Payne requested when an assessment is requested, DCS have three days to review it.
 - (2) Committee members agreed to ask the new director of DMHA to attend the next meeting to discuss mental health services for juveniles.
 - (3) Judge Sims moved to advocate that Medicaid should pay for services of children in detention who are Medicaid eligible while they are housed in a detention center. Judge Nemeth seconded the motion. The motion was passed.
 - d. James Payne gave a report on the recent Children and Family Services Review in Indiana, noting concerns about lack of Title IV-E language in certain court orders. Indiana may lose federal monies about this and other matters, but his agency planned to appeal some adverse findings. He also reported on the recent Title IV-E Foster Care Review.

e. Committee members agreed to meet to discuss HEA 1001 implementation issues with probation officers, DCS attorneys and DCS central office staff who presented at the November 2008 sessions held on a regional basis. The meeting would be held on Friday, March 6 from 10:00 a.m. – 12:00 noon at the Indiana Judicial Center.

f. James Payne report the new preliminary inquiry, informal adjustment, predisposition report, progress, permanency and modification reports would be coming out soon.

g. Committee members and James Payne agreed it would be permitted to remove inapplicable paragraphs in form orders now used as a “safe harbor” to order services for juveniles.

h. Judge Rush agreed to chair a subcommittee to expand and give more background on questions 4, 5 and 6 distributed by Jane Seigel for the next meeting of the committee. Mag. Glenn Commons, Mag. Deborah Dominee and Judge Charles Pratt agreed to serve on this subcommittee with her.

i. Committee members agreed probation service consultants should monitor delinquents in placement in order to assure that Termination proceedings are filed if the child has been out of the home 15 of the past 22 months.

6. Presentation by Angela Reid-Brown. Angela Reid-Brown, Court Improvement Plan Administrator, gave a presentation on recent Child and Family Services Reviews and Title IV-Foster Care Eligibility Reviews conducted in Indiana. She reported the federal representatives were pleased at the judicial participation in the review process. She distributed two handouts with the Internet sites explaining the purpose of these reviews and where the reviews could be found. Members of the committee discussed concerns with the determination of permanency in a case. They discussed the possibility of a short session on this issue in June or this being a topic of a collaborative conference in 2010.

7. Recent legislation. Jeffrey Bercovitz distributed the following bills to committee members: House Bills 1063, 1115, 1100, 1174, 1208, 1245, 1289, 1302, 1316, 1342, 1388, 1419, 1528, 1536, 1576, 1578, 1599, 1602, 1662, 1680, 1681 and Senate Bills 3, 191, 205, 280, 287, 303, 335, 365, and 367.

8. Next meeting dates. Committee members agreed to meet again on the following dates: March 6, 2009, from 10:00 a.m. – 12:00 Noon in conjunction with the session on an HEA 1001 update and then from 1:00 p.m. – 2:30 p.m.; March 6, 2009, May 1, 2009, June 5, 2009, October 2, 2009 and November 6, 2009 all from 12:00 noon – 3:00 p.m. at the offices of the Indiana Judicial Center at 30 South Meridian Street in Indianapolis.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Services

Juvenile Justice Improvement Committee
Judicial Conference of Indiana

Minutes

March 6, 2009

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana met at the Indiana Judicial Center on Friday, March 6, 2009 from 12:00 noon until 3:00 p.m.

1. Members present. Vicki L. Carmichael, Glenn D. Commons, Richard A. Dailey, Deborah A. Domine, Roger L. Duvall, James D. Humphrey, Marilyn A. Moores, Peter J. Nemeth, Brett J. Niemeier, Loretta H. Rush, Carl H. Taul, and Charles F. Pratt, Chair.
2. Staff present. Jeffrey Bercovitz, Anne Jordan and Angela Reid-Brown provided the committee with staff assistance.
3. Minutes approved. The minutes for the meeting on February 6, 2009 were approved.
4. Guests present. JauNae Hanger, Co-Chair, Stakeholder Coordination Subcommittee, Governor's Commission on Disproportionality in Youth Services was also present.
5. "Stepdown" process. Judge Rush distributed a draft of a step-down process for a juvenile moving from a more to a less restrictive placement as part of a dispositional or modification order without DCS approval for each "stepdown" in the process. Mag. Commons and Mag. Domine assisted in the preparation of this process. Judge Dailey moved to forward this step-down process to DCS with a request it be a published policy that regional service consultants, probation and courts could rely upon. Judge Rush seconded the motion and indicated DCS could consult her or her subcommittee if they had any questions. The motion passed unanimously.
6. Recent legislation. Jeffrey Bercovitz distributed the following bills to committee members: House Bills 1063, 1208, 1289, 1388, 1511, 1536, 1602, 1702, 1728 and Senate Bills 3, 280, 303, and 365.
7. Presentation by JauNae Hanger.
 - a. JauNae distributed the following materials: (1) Indiana Youth Institute, Issue Alert, Jan. 2009 entitled, "Minority Youth: Overrepresented and Underserved in Indiana's System;" Summary of legislation introduced based on efforts of the Commission on Disproportionality in Youth Services; (3) talking points on HB 1289; and (4) letters in support of HB 1536 on suspension of Medicaid services for youth while in detention.
 - b. Judge Moores moved to wholeheartedly endorse HB 1536, concerning suspension not cessation of Medicaid benefits when a child enters secure detention, and urge a hearing on this bill and passage by the Senate. Judge Dailey seconded the motion. The motion was passed unanimously. Judge Pratt agreed to prepare a letter in support of this issue.
 - c. Judge Duvall moved to support HB 1289, which creates a bill for the coordination of programs serving vulnerable populations. Judge Carmichael seconded the motion. The motion passed, 8 yes, 2 abstentions. Judge Duvall amended the motion to indicate, in addition to the parties on the board in the statute at the present time, additional child welfare and juvenile justice

parties should be considered for board membership. The motion to amend passed 9 yes, 1 abstention.

d. JauNae Hanger reported a summit on the final report on the Commission on Disproportionality in Youth Services would be held on August 27, 2009. It would pull together juvenile justice officials. Education, mental health and child services would be represented on panels during the conference.

8. Next meeting dates. Committee members agreed to meet again on the following dates: May 1, 2009, June 5, 2009, October 2, 2009 and November 6, 2009 all from 12:00 noon – 3:00 p.m. at the offices of the Indiana Judicial Center at 30 South Meridian Street in Indianapolis.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Services

Juvenile Justice Improvement Committee
Judicial Conference of Indiana

Minutes
May 1, 2009

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana met at the Indiana Judicial Center on Friday, May 1, 2009 from 12:00 noon until 3:30 p.m.

1. Members present. Glenn D. Commons, Richard A. Dailey, Deborah A. Domine, Roger L. Duvall, Peter J. Nemeth, Brett J. Niemeier, Loretta H. Rush, Stephen M. Sims, and Charles F. Pratt, Chair.
2. Staff present. Jane Seigel, Jeffrey Bercovitz, Anne Jordan and Angela Reid-Brown provided the committee with staff assistance.
3. Minutes approved. The minutes for the meeting on March 6, 2009 were approved.
4. Guests present. James Payne, Director, and Jason McManus, Department of Child Services; Judge Tanya Walton Pratt, Co-Chair, Summit on Assessing Racial Disparities in the Juvenile Justice System: A Bench/Bar Dialogue; JauNae Hanger, Co-Chair, Stakeholder Coordination Subcommittee, Governor's Commission on Disproportionality in Youth Services; and Kevin Moore, Bureau Chief, Child and Adolescent Services, Department of Mental Health and Addictions, were also present.
5. In re T.S. Members of the committee reviewed **Indiana Department of Child Services v. LaPorte Circuit Court (In re T.S.)**, ___ N.E.2d ___, No. 46S04-0904-JV-160 (Ind., April 17, 2009) which determined the "clearly erroneous" standard was to be used for expedited appeals under HEA 1001.
6. Distribution of NCJFCJ Budget Policy Statement. Jeffrey Bercovitz distributed a January 2009 Policy Statement from the National Council of Juvenile and Family Court Judges entitled: "Judicial Responsibility in a Budget Crisis Environment Policy Statement" Judge Rush moved to distribute this at the Annual Meeting of the Indiana Council of Juvenile and Family Court Judges in June. Judge Sims seconded the motion. The motion was passed unanimously. Judge Pratt stated it is an important expression of judicial independence.
7. Factual findings samples; other.
 - a. Various members of the committee distributed sample language for factual findings for Title IV-E purposes. They agreed to compile language from Judge Niemeier, Judge Pratt, Judge Rush and Magistrate Commons.
 - b. Committee members discussed nonconcurrences by DCS to proposed actions by probation in the areas of older youth about to age out of the system, CHINS previously offered a lot of services, and use of aftercare.
 - c. Jane Seigel reported probation officers continue to try to incorporate reasonable efforts findings in the preliminary inquiry and the predisposition report, although the statute does not require it in the predisposition report. The committee agreed by consensus probation officers should continue placing this language in predisposition reports.

8. Presentation by James Payne, Director, DCS.

a. Jeffrey Bercovitz distributed a draft of a process for DCS to pay for assessments of juveniles in secure detention prepared by Jason McManus. Members of the committee discussed the proposed policy. They agreed it should indicate DCS will (1) pay for the assessments, (2) review how a child is selected for a psychiatric assessment, and (3) develop a preferred provider list. Director Payne agreed the process would also cover children in pre and post adjudication detention. Jason agreed to revise the policy for review at the next meeting of the committee.

b. Director Payne addressed the following areas with members of the committee: (1) cases in placement before January 1, 2009; (2) payment for placement in an unlicensed facility; (3) use of Medicaid for wards; (4) placement recommendations by probation officers; (5) Step-down and lateral move policy; (6) drug screens; (7) permanency hearings at one year; (8) court orders; and (9) budgets. Judge Rush and Judge Duvall agreed to work on guidelines for completion of permanency hearings in a timely fashion and reporting to DCS when a delinquent is out of the home 15 out of the past 22 months in order to file a termination proceeding. This filing is not necessary if the court orders placement at DOC or a detention center or the juvenile is not in placement.

c. Jason McManus reported there are cases in which no entries have been made into ICWIS when a juvenile is placed out of the home. DCS wants to develop a process to have the information entered within thirty (30) days of placement or DCS funding would be ended. Director Payne agreed to work with Jane Seigel about a process to ensure information is entered into ICWIS.

d. Director Payne reported there are still orders entered not using the correct language for reimbursement and he would be sending letters to local courts where this is occurring. He also reported the revised PI and PDR forms for CHINS cases initially developed in September 2008 will be piloted in Porter County.

9. Presentation by Kevin Moore, DMHA. Kevin Moore, Bureau Chief, Child and Adolescent Services, Department of Mental Health and Addictions distributed (1) An outline of his remarks, (2) Behavioral health decision model recommendations, and (3) Access sites for the community alternatives to Psychiatric Residential Treatment Facilities Grant. He explained the different levels of mental health services available to juveniles and the use of the Child and Adolescent Needs and Strengths (CANS) instrument on a statewide basis.

10. Presentation by Judge Tanya Walton Pratt and JauNae Hanger.

a. Judge Tanya Walton Pratt, Co-Chair, Summit on Assessing Racial Disparities in the Juvenile Justice System: A Bench/Bar Dialogue distributed the following to the committee: (1) a draft agenda of the Summit on Assessing Racial Disparities on August 27, 2009 in the Indiana Government Center South in Indianapolis; (2) a draft agenda for a Pre-Summit Law Enforcement Roundtable the day before; and (3) a report entitled, "Minority Youth in the Juvenile Justice System Disproportionate Minority Contact" from the National Conference of State Legislatures. She said race and ethnicity are difficult issues to address and encouraged the judges to attend these important conferences.

b. JauNae Hanger, Co-Chair, Stakeholder Coordination Subcommittee, Governor's Commission on Disproportionality in Youth Services, is also a member of the organizing committee for these conferences. She distributed a list of bills the Commission sponsored which passed the 2009 Indiana General Assembly. She thanked the committee for their letters in support

of HB 1536 about the suspension of Medicaid for delinquent children in detention and HB 1289 about coordination of programs serving vulnerable populations.

11. Recent legislation. Jeffrey Bercovitz distributed the following bills to committee members: House Bills 1063, 1289, 1419, 1511, 1536, 1681, and Senate Bills 16, 102, 280, 303, and 365.

12. Annual meeting of juvenile court judicial officers. Jeffrey Bercovitz reviewed the proposed agenda for the Annual Meeting of Juvenile Court Judicial Officers in Indianapolis on June 18-19, 2009. He reported on-line registration would be used. They agreed 1 ½ hours should be devoted to a HB 1001 update.

13. Next meeting dates. Committee members agreed to meet again on the following dates: June 5, 2009, October 2, 2009 and November 6, 2009 all from 12:00 noon – 3:00 p.m. at the offices of the Indiana Judicial Center at 30 South Meridian Street in Indianapolis.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Services

Juvenile Justice Improvement Committee
Judicial Conference of Indiana

Minutes
June 5, 2009

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana met at the Indiana Judicial Center on Friday, June 5, 2009 from 12:00 noon until 3:00 p.m.

1. Members present. Richard A. Dailey, Roger L. Duvall, Marilyn A. Moores, Peter J. Nemeth, Brett J. Niemeier, Loretta H. Rush, Carl H. Taul, and Stephen M. Sims, Chair Pro Tem
2. Staff present. Jeffrey Bercovitz, Anne Jordan and Angela Reid-Brown provided the committee with staff assistance. Caridad Austin, CLEO intern also attended the meeting.
3. Minutes approved. The minutes for the meeting on May 1, 2009 were approved.
4. Guests present. James Payne, Director, and Jason McManus, Department of Child Services (DCS) was also present.
5. Review for HEA 1001 session. Committee members agreed the following areas should be discussed at the HEA 1001 session during the Annual Meeting of Juvenile Court Judicial Officers on June 18, 2009: (1) expedited appeals; (2) dual status of children both CHINS and Delinquents; (3) Transition out of DOC; (4) Lack of adoption subsidy; and (5) Tracking of Informal Adjustments in CHINS cases.
6. TPR time limits in Delinquency cases. Members of the committee reviewed a draft guideline prepared by Judge Duvall to assist juvenile courts in tracking the time a juvenile is out of the home in placement paid by DCS for 15 out of 22 months. This is to assist courts in notifying DCS when the filing of a termination of parental rights case is required. Judge Duvall agreed to prepare revisions based on the committee's comments and submit them to the Judicial Center. Jeff Bercovitz agreed to circulate these to the committee and at the juvenile court conference in June. Committee members discussed this proposed guideline with James Payne, Director, DCS who agreed to forward any comments to the Center.
7. Proposed step-down policy. Committee members reviewed the revisions to the committee's work on the step-down policy for juveniles in placement which would not require a DCS concurrence. James Payne agreed to revise the policy based on the comments of the committee about: (1) movement of the juvenile in different portions of the placement facility; (2) whether the placement cost is reduced or the same when a child is moved; (3) notice of the move being sent to the local service consultant or DCS office; (4) use of Independent Living services only upon modification, since monies for this are not from the former family and children's fund; and (5) an exception to the master contract with placement providers permitted use of IDOC 14 day diagnostic stay for a disruptive child. DCS agreed the effective date for these revised procedures would be on July 1, 2009.

8. DCS payment for Mental Health Assessment for juveniles in detention. DCS reported they will promulgate a policy in this area in about 60 days, after the new Deputy Director for Programs and Services, Lisa Rich, has a chance to prepare and review policy in this area.
9. Repayment for DCS costs; DCS budget; adoption subsidy; other.
 - a. Members of the committee and James Payne, Director discussed areas of concern in ordering repayment for DCS costs for juveniles in placement.
 - b. James Payne, Director, DCS, reported the DCS budget submitted by the governor was \$620 million, which included a 2% cut. They would try to focus on administrative costs cutting if this budget is passed, not placement costs.
 - c. James Payne, Director, DCS, reported Title IV-E eligible children are 50% of the children eligible for an adoption subsidy; children also qualify for Medicaid and post-adoption services. Funding for non Title IV-E children depends on when additional funding is made.
 - d. Indiana did very well on the 2009 CFSR, passing 4 out of 6 indicators and only failing the other 2 by 1%.
10. CIP grants. Angela Reid-Brown reported the application period for CIP grants is now open.
11. Recent legislation. Jeffrey Bercovitz distributed the following bills to committee members: House Bills 1063, 1289, 1343, 1419, 1511, 1536, 1681, and Senate Bills 16, 102, 280, 303, and 365.
12. Next meeting dates. Committee members agreed to meet again on the following dates: October 2, 2009 and November 6, 2009 all from 12:00 noon – 3:00 p.m. at the offices of the Indiana Judicial Center at 30 South Meridian Street in Indianapolis.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Services

Juvenile Justice Improvement Committee
Judicial Conference of Indiana

Minutes
October 2, 2009

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana met at the Indiana Judicial Center on Friday, October 2, 2009 from 12:00 noon until 3:00 p.m.

1. Members present. Mary Beth Bonaventura, Vicki L. Carmichael, Gary K. Chavers, Glenn D. Commons, Deborah A. Domine, A. Christopher Lee, Marilyn A. Moores, Lori K. Morgan, Peter J. Nemeth, G. George Pancol, Loretta H. Rush, Chair

2. Staff present. Jeffrey Bercovitz, Anne Jordan, Angela Reid-Brown and Jane Seigel provided the committee with staff assistance.

3. Minutes approved. The minutes for the meeting on June 5, 2009 were approved.

4. Guests present. James Payne, Director, Jason McManus, and John Ryan, Department of Child Services (DCS) were also present.

5. Out-of-state placements. Committee members discussed HEA 1001, Special Session, 2009, which requires the DCS Director to approve payment for all out-of-state placements of juveniles. This legislation was amended into the budget bill with no notice and no public testimony. Judge Bonaventura moved to seek legislative support for repeal Section 387, paragraph (f) of HEA 1001, Special Session, which requires the approval of the DCS Director for payment for the out-of-state placements of juveniles, and the repeal should be effective upon passage. Judge Moores seconded the motion. The motion was passed unanimously.

6. Regional Service Council Plans. Committee members discussed the recent public hearings conducted for the development of regional service council budgets. They were concerned about the lack of public comment and agreed to recommend: (1) the draft plan should be made available for comment; (2) judges be permitted to submit comments in writing if they were unable to attend the public hearing; (3) the survey conducted by regional managers should be anonymous; and (4) notice of the public hearing should be sent to each regional service council member. Committee members agreed probation should weigh in for needed services.

Judge Bonaventura moved legislation be amended to include a statutory position for a probation officer on the regional services council in addition to the judge. Judge Nemeth seconded the motion. The motion was passed.

7. Mental health assessment for juveniles in detention. James Payne, Director, indicated the Department of Child Services was paying for mental health assessments for juveniles in detention. They were also reviewing requests for assessment to make sure they were being requested in appropriate circumstances. Jason McManus agreed to forward a final draft of this procedure to the committee.

8. CWIC/CIP. Judge Bonaventura, new chair, Child Welfare Improvement Committee, reported the Court Improvement Program recently granted \$272,000 to various applicants. She

also reported scholarship monies are available to judicial officers to attend juvenile educational programs.

9. Suspension of Medicaid for juveniles in detention. Magistrate Domine gave a report on the new law permitting the Division of Family Resources (DFR) to suspend, rather than terminate Medicaid for juveniles in detention. She distributed a half sheet describing when a court must notify the DFR the juvenile has entered detention, and the fax sheet to send them a copy of the order. She also said she has asked probation to send a notice when the juvenile is released from detention.

10. Statewide JDAI expansion.

a. Jeffrey Bercovitz distributed a printout of the website containing the grant applications from the Indiana Criminal Justice Institute about application of monies for the Juvenile Detention Alternatives Initiative (JDAI) on a statewide basis.

b. Judge Moores, on behalf of Marion County which already participates in JDAI, offered assistance to any county applying to the Indiana Criminal Justice Institutes for individual grants.

11. Presentation by James Payne, Director, DCS. James Payne, Director, Department of Child Services:

a. Agreed to have Jason McManus send over a final draft assessment for juveniles in detention for review by the committee. He said he will continue to pay for the assessments so long as it is not abused.

b. Explained the regional service plans include a budget submitted to the central office for review. He stated the regional service councils would give local priorities to the central office. He agreed judicial officers could attend the regional service council meetings and comment there on a draft plan. In addition, judges could respond anonymously to the surveys distributed by the regional managers. He reported on attendance at the public hearings on the plan at regional service council meetings.

c. Distributed a report on juvenile commitments to the Indiana Department of Correction and noted no particular increases since HEA 1001 took effect. Judge Rush requested that diagnostic admissions should be indicated separately from all other admissions.

d. Explained the DCS philosophy on out-of-state commitments is to a practice model which keeps children close to home. He said states are trying to reduce these commitments. When Indiana tax monies are sent out-of-state to pay for these commitments, it is prevented from being spent in state seven (7) times. It is best to treat juveniles close to home.

John Ryan, reported DCS was examining rates of all juvenile service providers, whether in state or out-of-state. He said out-of-state provider's per diem rates are lower. He also noted there was a cost to sending family case managers out-of-state to visit and the managers are out-of-service for two (2) days.

Judge Carmichael said it is closer to use Louisville than in-state providers. Judge Moores said there were not good services for children if parental rights have been terminated. Judge Nemeth said Indiana providers needed to be inspected and audited. John Ryan reported there is a contract unit at DCS with an audit function.

e. Magistrate Commons asked about a protocol for an appeal procedure for adoption subsidy. He reported adoption cases have to be continued 1, 2 and 3 times because the subsidy process is not completed. James Payne said adoptions are reviewed on a monthly basis. John Ryan said there is a process, which works better in some counties than others. James Payne said Indiana has the 4th highest foster care per diem and 4th highest adoption subsidy in the country. He also said

Indiana has a list of post adoption services available which includes respite care. John Ryan stated he did not know if there was a procedure to appeal a DCS determination as to an adoption subsidy.

f. Judge Rush would like to continue collaboration with DCS. James Payne asked for appointment of a subcommittee to discuss out-of-state placement issues. Judge Moores, Judge Nemeth, Judge Carmichael and Judge Bonaventura volunteered for this committee which Judge Bonaventura agreed to lead.

12. Next meeting.

a. Committee members agreed to (1) review the notice which must be sent to schools when a child commits a delinquent act; (2) review whether a DCS caseworker can waive the rights of a child if they are a ward of DCS and being questioned; (3) get more information about the Judicial Center's risk assessment program; (4) bring in nonconcurrency language at the next meeting; and (5) receive an update from the out-of-state placement subcommittee.

b. Committee members agreed to meet again on the following date: November 6, 2009. Jeffrey Bercovitz proposed the following dates: January 8, February 5, March 5, May 7, June 4 and October 1, 2010, all from 12:00 noon – 3:00 p.m. at the offices of the Indiana Judicial Center at 30 South Meridian Street in Indianapolis.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Services

Juvenile Justice Improvement Committee
Judicial Conference of Indiana

Minutes
November 6, 2009

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana met at the Indiana Judicial Center on Friday, November 6, 2009 from 12:00 noon until 3:00 p.m.

1. Members present. Gary K. Chavers, Glenn D. Commons, Richard A. Dailey, Deborah A. Domine, Roger L. Duvall, Thomas M. Hakes, James D. Humphrey, A. Christopher Lee, Marilyn A. Moores, G. George Pancol, Carl H. Taul, and Loretta H. Rush, Chair
2. Staff present. Jeffrey Bercovitz, Michelle Goodman, and Angela Reid-Brown provided the committee with staff assistance.
3. Minutes approved. The minutes for the meeting on October 2, 2009 were approved.
4. Guests present. JauNae Hanger, Civil Rights of Children Committee, ISBA was also present.
5. Delinquency notice sent to schools.
 - a. Jeffrey Bercovitz distributed Ind. Code § 35-50-8-1 which requires a notice of certain felony delinquency adjudications to be sent to schools.
 - b. Committee members discussed how the notice was sent in their counties. Some courts instruct probation departments to send the notice.
6. DCS waiving rights of ward in delinquency.
 - a. Jeffrey Bercovitz distributed Ind. Code § 31-9-2-134.5, definition of wardship; Ind. Code 31-33-8-7 concerning examination of a child in CHINS; and Ind. Code § 31-37-8-4 concerning child interview advisements for delinquents.
 - b. Marion and Lake Counties reported they limit the ability of DCS to consent to juveniles being questioned who are wards. This limitation is permitted in the wardship definition statute. Members of the committee agreed if wardship orders were limited, law enforcement, GAL/CASA and probation should be informed as to who is authorized to give consent to questioning. Committee members agreed to share the wording of these orders and recommend the language be included in the juvenile benchbooks.
7. Out-of-state placements. The final report of the Commission on Courts was distributed which indicated approval of a recommendation to repeal that portion of HEA 1001, Special Session, 2009, which requires the DCS Director to approve payment for all out-of-state placements of juveniles.
8. Assessment for juveniles in detention. Committee members reviewed a revised draft of a procedure to pay for mental health assessments for juveniles in detention. They agreed to return it to DCS for final approval.

9. Central call system for reports of abuse. Judge Duvall reported DCS was planning to implement a centralized call system in Indianapolis for reports of abuse and neglect. He explained all reports of abuse and neglect would be made to a central call system in Indianapolis. Members of the committee expressed concern about how persons who walk in to local offices would be directed to make reports to a central office; how instances when a mother appears intoxicated in the courtroom would be administered; and how reports would be returned to local offices for investigation. They agreed however a central call system may bring statewide uniformity to reporting and screen out policies.

10. Regional budgets. Judge Duvall reported on the regional budget process in his region and the importance of judicial participation in this process. Concerns were expressed that if numbers of placements were down since the implementation of HEA 1001, the new DCS regional budgets could be artificially low.

11. Study of emergency shelter care.

a. Jeffrey Bercovitz distributed a letter from DCS, previously distributed in June 2009, announcing a study of emergency shelter care and the lack of uniformity in its use statewide.

b. Committee members agreed to send to the Judicial Center good examples of use of emergency shelter care at the present time.

12. Sample emergency findings. Sample emergency findings based on nonconcurrence by DCS were distributed to committee members.

13. Juvenile risk assessment instruments. Michelle Goodman gave a report on the juvenile risk assessment instruments recently developed with the Indiana Department of Correction, parole, probation, problem-solving courts, court alcohol and drug programs. She explained how the assessment tools were developed by a group from the University of Cincinnati and validated in 22 counties in Indiana. She reported that the Board of Directors would determine the implementation of these instruments, including whether their use by courts would be recommended or required.

14. Report on Third National Judicial Leadership Summit on Protection of Children.

a. Judge Rush distributed an action plan for Indiana developed at the Third National Judicial Leadership Summit on the Protection of Children.

b. She highlighted the main points of the plan including court performance measures, engaging fathers effectively, establishment of a Supreme Court Commission on Children, development of a statewide protocol for dealing with cross-over children, educational stability in order to keep children in school, and reduction of disproportionate number of minority children in the system, with a summit focusing on CHINS. Judge Moores moved to have Judge Rush and Bonaventura to meet with the chief justice to discuss the broad based commission on youth. They will recommend the Supreme Court think about establishing a commission on youth or take the lead in coordination with the already statutorily created Board for the Coordination of Programs Serving Vulnerable Individuals under Ind. Code § 4-23-30.2.

15. Presentation by JauNae Hanger. JauNae Hanger reported as a consequence of the Summit on Racial Disparities Conference in August, 2009, legislation was needed to focus on training law enforcement, school police and educators to reduce racial disparities on school discipline, referrals and arrests. She distributed draft legislation, and talking points about this initiative. Committee

members agreed to give input on the draft to Ms. Hanger, and let her know if juvenile court judges are behind this issue when legislation is introduced.

16. Next meeting.

a. Committee members agreed to (1) share language limiting the authority of DCS to consent to custodial interrogations, and not moving juveniles without permission of the court, and asking the juvenile benchbook committee to make this available in the benchbook to all juvenile courts; (2) distribute contact information for JauNae Hanger with committee members in order to share feedback on her proposed legislation and (3) receive an update from the out-of-state placement subcommittee.

b. Committee members agreed to meet again on the following dates: January 8, February 5, March 5, May 7, June 4 October 8 and November 5, 2010, all from 12:00 noon – 3:00 p.m. at the offices of the Indiana Judicial Center at 30 South Meridian Street in Indianapolis.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Services