

Juvenile Justice Improvement Committee
Judicial Conference of Indiana

Minutes
March 5, 2010

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana met at the Indiana Judicial Center on Friday, March 5, 2010 from 11:45 a.m. until 3:30 p.m.

1. Members present. Mary Beth Bonaventura, Vicki L. Charmichael, Gary K. Chavers, Deborah A. Domine, Roger L. Duvall, Thomas M. Hakes, James D. Humphrey, A. Christopher Lee, Marilyn A. Moores, Lori Morgan, G. George Pancol, Stephen M. Sims, Carl H. Taul, and Loretta H. Rush, 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 November 6, 2009 were approved.
4. Guests present. James Payne, Director, Department of Child Services; Jason McManus, Assistant Deputy Director, Probation Services (DCS); John Ryan, General Counsel and Doug Weinberg, Chief Financial Officer, DCS were also present.
5. Tour of Child Abuse Hotline Call Center. Committee members were led on a tour of the new Department of Child Services Child Abuse Hotline Call Center which is in use in 10 counties. All reports of abuse and neglect would be made to a central call system in Indianapolis. Members of the committee requested calls screened out go to the county for review.
6. Presentation by DCS.
 - a. Emergency Shelter Care. Director James Payne reported on issues in use of emergency shelter care, including (1) use of emergency shelter care for detention purposes; (2) placement of a delinquent in shelter care without any hearing for 15 days; (3) child placed in emergency shelter care because there was no room in the detention center as noted in order; (4) child removed from detention and placed in emergency shelter care because there were no medical services in detention. Director Payne asked for a policy from the committee. Members of the committee agreed a policy in this area may address the length of stay in emergency shelter care without a court order, placement in shelter care without a hearing, and other areas. Mag. Chavers, Mag. Domine, and Judge Pancol agreed to prepare a draft policy in this area for discussion at the May meeting. Jeffrey Bercovitz agreed to distribute information from judges about the use of emergency shelter care.
 - b. Reimbursements for services. The DCS reimbursement process was reviewed with the committee by Director Payne. John Ryan said \$8 million dollars was budgeted for monies parents were ordered to be paid to DCS for services provided to them. Doug Weinberg reported DCS is trying to maximize social security monies paid to them and will send notices to parents about monies owed. DCS is attempting to address reimbursement issues, including how much should be reimbursed, whether monies should only be sought when a child is in placement, and whether monies should be sought from parents after a child is released from placement. Jeffrey Bercovitz

reported the lack of a statutory mechanism to repay the Department of Correction or the county for services to juveniles.

c. Timely issuance of orders. Director Payne reported DCS was still paying for juvenile placements when court orders were not sent to them in a timely fashion (over 30 days) in 12 -15 counties. He also noted all the forms and language on the Judicial Center's website were up to date. Jason McManus reported Title IV-E data entry is not timely in some counties. Jane Seigel suggested a policy statement sent via email and electronically from the Indiana Judicial Center and the Department of Child Services that (1) all orders for placement of juveniles must be completed in 30 days; (2) after April 15, 2010 DCS will not pay for placements of juveniles if orders are not sent within 30 days of the placement; and (3) DCS will notify the county on April 1 about cases probation has not placed Title IV-E information into the appropriate electronic database, which must occur by May 1, 2010. Judge Moores moved this suggestion be adopted as policy of the committee. Judge Charmichael seconded the motion. The motion was passed.

d. Evaluation of head injuries. Director Payne reported DCS has a contract with I.U. Riley Hospital to evaluate head injuries of children. He explained once a parent determines Riley examined a head injury, they subpoena the records and are asked to appear in court. Riley does not want to sit in court or travel to various counties to attend hearings. Director Payne asked courts to consider telephonic testimony of the physicians at Riley. Various committee members indicate they already conduct testimony in this fashion. John Ryan said they are preparing a new contract with Riley specifically including provisions for testimony.

7. Recent legislation. Jeffrey Bercovitz distributed the following bills to committee members: Senate Bills 149, 140, 178 and House Bill 1193.

8. Education. Anne Jordan reviewed the proposed agenda for the Annual Meeting of Juvenile Court Judicial Officers in Indianapolis on June 24-25, 2010. Judge Moores suggested the Hoosier National Guard Youth Challenge Academy should present information about their program for 16-17 year old youth.

9. Probation rule change. Jane Seigel announced a memorandum on rule changes on probation consolidation would be distributed soon to all judges. Committee members agreed discussion was needed on this item at a future meeting.

10. N.E. v. IDCS. Members of the committee reviewed N.E. v. IDCS, 919 N.E.2d 102, (Ind. 2010) which provides CHINS is a status to the child. Anne Jordan reported Judge Charles Pratt, a member of the Juvenile Benchbook Committee, agreed to talk with Robert Henke, an attorney for DCS about the implications of this case on DCS and the courts. Committee members discussed (1) how they make findings for each parent in a CHINS case, since one of them be a fit parent; (2) some courts take a CHINS case under advisement in order to have a proceeding about the other parent; (3) some reported the need for a very detailed disposition for each parent; and (4) an increase in contested dispositions in CHINS cases. Jeffrey Bercovitz also distributed I.B. v. IDCS, 03A05-0912-JV-676 (Ind. Ct. App., Feb. 17, 2010) concerning the appointment of counsel for appeal in termination cases. He reported this case is still in the time period when transfer to the Supreme Court may be requested.

11. Next meeting dates. Committee members agreed to meet again on Friday, May 7, June 4, October 8 and November 5, 2010 from 12:00 Noon – 3:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Services

Juvenile Justice Improvement Committee
Judicial Conference of Indiana

Minutes
May 7, 2010

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana met at the Indiana Judicial Center on Friday, May 7, 2010 from 12:00 noon until 3:25 p.m.

1. Members present. Vicki L. Carmichael, Gary K. Chavers, Richard A. Dailey, Deborah A. Domine, Roger L. Duvall, James D. Humphrey, Marilyn A. Moores, Lori K. Morgan, Peter J. Nemeth, G. George Pancol, Stephen M. Sims, Carl H. Taul, and Loretta H. Rush, 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 5, 2010 were approved.
4. Guests present. Jason McManus, Assistant Deputy Director, Probation Services, Department of Child Services (DCS); John Ryan, General Counsel, DCS; and Jeff Lozer, Chief Counsel, DCS; Judge Steven Nation; Ashley Barnett, Youth Division Director and Mary Murdock, Deputy Director, Indiana Criminal Justice Institute; were also present.
5. Draft Emergency Shelter Care Policy. Magistrate Chavers and Magistrate Domine distributed a draft emergency shelter care policy to the committee. Committee members agreed by consensus to remove the “7 days,” agreed to the change “30 days” to 30 days without an additional hearing, and that shelter care should not be used lieu of detention. It will be revised and distributed at the next meeting for review.
6. Probation department consolidation.
 - a. Jane Seigel reported a policy on consolidation of probation departments was distributed to the Board of Directors of the Judicial Conference of Indiana for review. Comments so far have included a discussion of an accommodation for probation departments serving in Ohio and Dearborn counties since there is a joint court for this county and the recognition of the St. Joseph Probate Court.
 - b. Judge Sims moved to adopt the following motion: Counties in which the circuit, probate, or superior court has established a separate juvenile probation department as of October 1, 2010 may elect to operate a unified or consolidated adult probation department and a unified or consolidated juvenile probation department. Judge Carmichael seconded the motion. The motion was passed.
7. Videoconferencing in juvenile cases. Judge Moores indicated Rule 14 (B) contemplates videoconference equipment permit counsel will be present in person with the party not in court, which may be an incarcerated parent, and be able to confer privately with the party outside the reach of the camera and microphone. However, it is not possible for most courts to fund the public defenders traveling to meet with their incarcerated parents and administer their caseload. After committee discussion, she agreed to draft a rule in this area. The Judicial Center will circulate the draft rule to the committee for review at their next meeting.

8. Use of benchbook orders. Jane reviewed the correspondence distributed by the Judicial Center about the use by courts of juvenile benchbook orders in delinquency cases, since they have all the necessary language for state and federal reimbursements. She noted a comment that there needs to be some good faith or good cause exception when there is an inadvertent error in the order. Otherwise, a county may be charged for a placement. She agreed to work on some proposed language for use by courts and DCS when an error of this nature occurs.

9. Presentation by DCS.

- a. Jeff Lozer reported DCS will begin review every six (6) months of all “stuck” cases where permanency is not being achieved. The six months is based on the filing of the TPR petition. Information on these cases will be shared with the courts after DCS reviews the data. He also reported DCS will begin review of all CHINS cases at six (6) months after disposition at a “legal staffing.” Committee members indicated delinquency cases should be reviewed for permanency purposes. Some members wondered if the review should occur at three (3) months. In addition, committee members agreed DCS should watch when parental rights are terminated in delinquency cases, and the services provided to delinquents to achieve permanency, including adoption.
- b. Jeffrey Bercovitz distributed a draft DCS policy brief on kinship care. Committee members agreed to review it and discuss it at the next meeting.
- c. Jason McManus reported the use of juvenile benchbook orders is going well. There are some problems with QUEST counties which should be cleared up soon.
- d. Jason McManus reported Maximus has recently advised DCS the language in the “pick-up” order may need to include Title IV-E language. He agreed to work with Jane to look at this area and prepare information for review at the next meeting.
- e. Jason McManus reported three (3) different letters went to various juvenile courts recently outlining common errors in orders and/or the input of the appropriate data by probation. Committee members stated the letters needed to be specific to the errors in orders from a particular county.
 - (1) Committee requested DCS review errors on a county or regional basis with the court and probation;
 - (2) Judge Rush requested DCS immediately notify each county of non-compliance with requirements with HB 1001 so the county is placed on notice and can make corrective action;
 - (3) In instances when an error in Title IV-E data required is corrected by a call from the Central Eligibility Unit to a probation department, a compilation of the corrections could be kept for training purposes; and
 - (4) information could be shared where data entry is being done correctly and in an expeditious manner.
- f. There was a discussion that DCS may no longer be preparing orders in CHINS cases. Committee members stated (1) this gives DCS an opportunity to get the orders correct, (2) local rules may require the parties to submit proposed orders in civil cases, (3) courts which administer other dockets may not have the time to draft all orders for the parties, and (4) some courts would have to mandate the county for funds to hire additional staff to get these orders prepared. The DCS agreed to bring this issue back to the committee for further discussion at the next meeting after review of potential implications of this change by Jane Seigel and Jason McManus.

10. Presentation by Judge Nation. Judge Nation discussed HEA 1419 from 2009, which requires the Indiana Department of Education to provide rules on positive behavior intervention and support programs. He wanted to give juvenile court judges notice on the implementation of this new law and distributed the statute and draft materials. Committee members agreed to distribute a packet of information at the juvenile judges' conference in June and Jane agreed to make an announcement about it as well.

11. Presentation by ICJI. Ashley Barnett distributed a powerpoint presentation on the Disproportionate Minority Contact program at the Indiana Criminal Justice Institute. She reported on Indiana's efforts to plan to remain in compliance with the OJJDP mandates in this area and data collection efforts.

12. Barriers to permanency. Committee members discussed briefly barriers to permanency including:

- a. children and parents with mental health issues;
- b. lack of adoptive families;
- c. lack of adoption subsidy money;
- d. permanency planning needed for delinquents when probation is not used to thinking about a delinquency case from a permanency planning perspective;
- e. failed guardianships after CHINS cases; and
- f. problems with long waiting lists for the Bureau of Developmental Disabilities services for children with disabilities aging out of the system.

13. Next meeting dates. Committee members agreed to meet again on Friday, June 4, October 8 and November 5, 2010 from 12:00 Noon – 3:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Services

Juvenile Justice Improvement Committee

Judicial Conference of Indiana

Meeting
June 4, 2010

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana met on Friday, June 4, 2010 from 12:00 Noon – 3:00 p.m. at the Indiana Judicial Center.

1. Members present. Mary Beth Bonaventura, Vickie L. Carmichael, Gary K. Chavers, Richard A. Dailey, Deborah A. Domine, James D. Humphrey, Marilyn A. Moores, Lori K. Morgan, Peter J. Nemeth, G. George Pancol, Stephen M. Sims, and Loretta H. Rush, Chair.
2. Staff present. Jeffrey Bercovitz, Anne Jordan, Angela Reid-Brown, and Jane Seigel provided the committee with staff assistance.
3. Guests present. Laurie Elliott, Indiana Youth Law Team; Jason McManus, James W. Payne, and John Ryan, Department of Child Services, were also present.
4. Minutes. The minutes of the meeting on May 7, 2010 were approved.
5. Probation consolidation. Judge Sims discussed probation consolidation with the members of the committee. He stated an amendment to proposed Rule 18 to (1) include the Probate Court (2) provide if a court had a separate juvenile probation department on January 1, 2010, they may elect to operate as a unified or a separate juvenile probation department. In addition, a separate juvenile probation department was defined to include a separate chief probation officer and include only the supervision of juveniles. He also reported Rule 18 would give judges a forum in a county to get together and function as a board if they wished.
6. JDAI. Jane Seigel reported on her recent trip with others from Indiana to view New Jersey's statewide Juvenile Detention Alternatives Initiative, which includes 13 of 22 counties in that state. The Indiana Criminal Justice Institute is working on a similar program for Indiana, which now includes Marion, Clark, Porter, and Tippecanoe counties.
7. NCJFCJ. Judge Moores distributed Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases, to members of the committee. She noted the very useful benchcards at the back of the book.
8. Presentation by DCS.
 - a. Jason McManus discussed how DCS conducts the background checks through the Indiana State Police for placements of delinquents outside the home. For most disqualifying offenses, the subject of the background check can seek a waiver from DCS from the disqualifying offense. However, DCS guidelines for criminal history are more stringent than the statute. The committee agreed DCS should send the results of the

criminal history check, along with any substantiated reports of abuse from DCS to the court, for a court determination of a waiver.

- b. Jason McManus reported DCS researched pick-up orders after the last meeting and concluded they are not considered orders of first removal.
- c. Director James Payne reported the draft kinship care policy distributed at the last meeting was not final. However, the policy is still under consideration and will be distributed for comment when completed.
- d. Director James Payne reported DCS will continue to prepare proposed orders in CHINS cases. Committee members agreed DCS should not prepare orders in Delinquency cases.
- e. Jason McManus distributed a proposed shelter care policy with revisions from DCS. Director Payne reported that through their efforts, the use of emergency shelter care has been reduced, with an increased of in-home CHINS or relative foster care. Jason reported the fiscal burden of shelter care has been shifted to DCS. He said that in one year there were about 1,600 emergency shelter care requests. Committee members indicated funding for shelter care has been moved from the counties to the state. The use of shelter care is crucial since not all children belong in detention. Director Payne said DCS is looking at changing emergency shelter care in licensing from 60 to 8 days and an emergency placement would be 30 days or less. He explained federal rule defines emergency as 8 days or less and anything over 8 days as a placement.

Committee members agreed by consensus in paragraph 2 to change “Probation Officer” to “Intake Officer,” and agreed to keep the new last sentence in paragraph 3, which was probably Indiana law anyway. Committee members agreed to look at the number of days in the first paragraph (which were reduced from 60 to 30) and DCS agreed to look at the language in the first paragraph which was removed (“situations where detention is necessary but the age, maturity, or risk level of a child make secure detention dangerous to the well-being of that child”) and prepare revisions. Committee members agreed to get their comments to the subcommittee that drafted the proposal, Mag. Chavers, Mag. Domine, and Judge Pancol. They would return the revised wording considering any comments to the Judicial Center. The Center would exchange comments with DCS within 30 days.

- f. Judge Rush stated DCS should give counties notice, as soon as possible, of whether or not individual courts are in compliance with all requirements needed to receive state funding for services or placements for delinquents. A court should not have to find out many months after a placement is made language was missing from an order which would cause the county to have to pay for a placement, rather than the state. Jason McManus reported if a deficient order is found, DCS will send out a letter pointing out the problem. He reported they are looking at all orders. Director Payne noted a special judge, pro tem, or senior judge could make a wrong order.

- g. Jason McManus reported, as previously announced, starting on June 1, 2010, probation officers will have 30 days to accurately input Title IV-E data on delinquency cases. This policy will be delayed until July 1. During this 30 day period, DCS will provide as much information as possible to the local judge on who did or did not enter the data accurately.
- 9. Presentation by Laurie Elliott, Youth Law Team.
 - a. Laurie Elliott distributed materials explaining the federal valid court order (VCO) exception.
 - b. Laurie Elliott explained legislation is pending in the U.S. Congress to phase out the valid court order exception over a three year period. During the three years, additional limits on the use of the VCO would be put in place. In addition, if a child is being tried as an adult, whether waived or excluded from juvenile court jurisdiction, they would not be permitted to be held pretrial in a jail.
- 10. Recent legislation. Committee members reviewed SEA 140, 163, 178, 224, 340 and HEA 1193.
- 11. DMC data points. Jeffrey Bercovitz distributed Disproportionate Minority Contact data points which are as part of the core protections of the Juvenile Justice Delinquency Protection Act of 2002 from the Indiana Criminal Justice Institute.
- 12. Next meeting dates. Members of the committee agreed to meet again on Friday, October 8, 2010 and Friday, November 5, 2010, 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 8, 2010

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana met on Friday, October 8, 2010 from 12:00 Noon – 2:40 p.m. at the Indiana Judicial Center.

1. Members present. Vickie L. Carmichael, Gary K. Chavers, Glenn D. Commons, Deborah A. Domine, Roger L. Duvall, James D. Humphrey, A. Christopher Lee, Lori K. Morgan, Peter J. Nemeth, G. George Pancol, and 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. The minutes of the meeting on June 4, 2010 were approved.
4. Proposed DCS regulations.
 - a. Members of the committee discussed proposed DCS regulations on child placing agencies and residential treatment providers. They agreed: (1) the use of the CANS by DCS to provide services rather than a court order entered after consideration of witness testimony and reports was problematic; (2) the DCS should have sought collaboration with the committee during the preparation of the proposed regulations; (3) the DCS should inform the committee proposed legislative initiatives in advance; (4) there is concern from members that DCS may be limiting or eliminating services necessary for families, and the committee wishes to work with DCS to prevent this; (5) because of the economy, monies available for children and families will be reduced and we would like to work with DCS to keep services available; and (6) there have been some good collaborative efforts with education areas and new policies, e.g. step down.
 - b. Committee members agreed the ICJFCJ should distribute their joint letter dated September 22, 2010 to all judges, asking judges with juvenile jurisdiction to talk with their legislators and county council about the issues raised in it.
 - c. Members of the committee agreed a strategy should be developed to handle the inevitable missed deadline, use of inappropriate wording in an order, or something that would otherwise cause a county to pay for a service normally paid for by DCS.
5. Shelter care policy. Committee members reviewed a recently received draft shelter care policy from DCS and agreed on changes which should be forwarded back to DCS for review.
6. DMC study. Jeffrey Bercovitz gave a brief report on the disproportionate minority contact study being conducted by the Indiana Criminal Justice Institute. There will be a full report at the next meeting of the committee.
7. Record checks. Jeffrey Bercovitz reported the DCS will pay for record checks for relative placements and any nonrelatives if living in the home with a relative. He noted there is a cost of \$39.50 for a record check of a placement with a nonrelative.

8. Permanency and the Courts. Jeffrey Bercovitz reported the Indiana Judicial Center and the DCS would hold training sessions entitled, “Permanency and the Courts” on November 4, 9, 10, and 18, 2010. Committee members agreed to host at various sites, and gave comments on various permanency issues.

9. Other.

a. Judge Rush, Chair, asked committee members to bring in samples of evidenced based programming, printed materials and funding at the state and federal levels for the November meeting.

b. Judge Nemeth distributed a proposed amendment to the Juvenile Probation Services fund to members of the committee.

c. Judge Lee requested use of Skype capability for meetings when it is difficult to attend at a long distance.

d. Jeffrey Bercovitz asked how courts administer cases when there are no parents and medical care is needed for the child, and the child is under the “placement and care” of the probation department. Most courts would require a probation officer to get a court order for medical procedures.

10. Next meeting dates. Members of the committee agreed to meet again on Friday, November 5, 2010, January 7, 2011, February 4, 2011, March 4, 2011, May 6, 2011, June 3, 2011, October 7, 2011 and November 4, 2011 all 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
November 5, 2010

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana met on Friday, November 5, 2010 from 12:00 Noon – 2:50 p.m. at the Indiana Judicial Center.

1. Members present. Christopher L. Burnham, Gary K. Chavers, Glenn D. Commons, Roger L. Duvall, James D. Humphrey, A. Christopher Lee, Lori K. Morgan, G. George Pancol, and Loretta H. Rush, Chair.
2. Staff present. Jeffrey Bercovitz, Anne Jordan, Angela Reid-Brown, and Jane Seigel provided the committee with staff assistance.
3. Guests present. Professor Roger Jarjoura, IUPUI; Tashi Johnson, DMC Coordinator, Indiana Criminal Justice Institute; and Robert Rath, Director, Appellate Technology, Division of State Court Administration was also present.
4. Minutes. The minutes of the meeting on October 8, 2010 were approved.
5. Evidence-based programming. Judge Rush distributed brochures on evidenced-based programming in her county entitled: (1) pregnancy resources and (2) Evidence-based Juvenile Programming. Magistrate Chavers distributed (1) a chart entitled “Pretrial Release Continuum” and (2) EBP Progress Report dated October 2010. She asked other committee members to bring in information on evidence-based programming to the next meeting.
6. Disproportionate Minority Contact. Professor Roger Jarjoura gave a report on the survey of counties for purposes of disproportionate minority contact on behalf of the Indiana Criminal Justice Institute (ICJI). The Office of Juvenile Justice Delinquency Prevention (OJJDP) required five (5) years of data on DMC in Indiana’s counties and the ICJI was threatened with sanctions for noncompliance. The data will be on Referral, Diversion, Detention, Petition filing, Delinquency adjudication, Probation, Secure Confinement and Waiver to Adult Court. He discussed the data gathering process, the relative rate index of DMC, and the potential next steps with the committee. Committee members requested to see the data on their counties before the ICJI sends it to OJJDP.
7. Dual jurisdiction legislation. Proposed legislation on dual jurisdiction juveniles was distributed to the committee. Magistrate Commons moved to table this proposed legislation. Judge Burnham seconded the motion. The motion was passed.
8. Meeting with DCS.
 - a. Judge Burnham reported on a meeting with DCS Director James Payne held the morning of the Juvenile Justice Improvement Committee meeting. Judge Rush and Judge Bonaventura attended via speakerphone. Jane Seigel and Jeffrey Bercovitz were also in attendance. Director

Payne reported DCS was under constraint to promulgate rules because of the federal lawsuit filed about rates paid by DCS to providers. Judge Burnham reported there will be another hearing in the proposed rules on Monday, November 15. They expect to publish a final set of rules by the end of the year.

b. It was agreed the final rules on provider reimbursements be sent out to all courts. DCS agreed to give the Judicial Center the “redline” version of the rules indicating the various amendments from the draft. It was also agreed to send out a summary of the morning meeting.

c. Judge Burnham reported DCS agreed to provide some advance notice of broad rule changes and proposed legislation in the future. DCS also indicated a willingness to discuss a guideline to permit a warning to a court in advance if the order from a court does not meet Indiana law and the county will be charged for the cost of the placement ordered. It was noted this has not occurred yet, but various courts have been notified of deficiencies in their orders. Judge Rush agreed to discuss a time frame for notices to courts if their county is about to be charged for costs of placement because of orders that do not follow Indiana statutes.

d. Committee members discussed additional training for courts and probation officers about the time frames and requirements for orders and procedures under HEA 1001. Jane Seigel indicated DCS is working to develop a probation program that will not accept incorrect information for DCS payment purposes.

9. Shelter care policy. DCS indicated they would not accept the changes in the shelter care policy agreed upon by the Juvenile Justice Improvement Committee at the October meeting. Judge Burnham moved not to approve the shelter care policy. Magistrate Chavers seconded the motion. The motion was passed.

10. Permanency and the Courts. Magistrate Chavers, Judge Humphrey, and Judge Lee reported on the Judicial Center and DCS joint training sessions entitled, “Permanency and the Courts” on November 4, 2010. Jeffrey Bercovitz noted additional sessions were scheduled on November 9, 10, and 18, 2010.

11. Other.

a. Jeffrey Bercovitz distributed materials on the paternity affidavit. He noted it requires a social security number from each parent, which has been a statutory requirement for a few years. He indicated there is a federal lawsuit pending on the requirement of the social security number. Committee members reported no issues in this area.

b. Judge Burnham reported he could not find the U.S. Congress had advanced the repeal of the valid court order (VCO) exception any further since the June meeting.

12. Next meeting dates. Members of the committee agreed to meet again on Friday, January 7, 2011, February 4, 2011, March 4, 2011, May 6, 2011, June 3, 2011, October 7, 2011 and November 4, 2011 all from 12:00 noon – 3:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law