

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

**Joint Meeting**  
January 6, 2012

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana and the Board of Directors of the Indiana Council of Juvenile and Family Court Judges met on Friday, January 6, 2012 from 12:00 Noon-3:15 p.m. at the Indiana Judicial Center.

1. Members present. Deborah Domine, A. Christopher Lee, Charles Pratt, Bruce MacTavish, Marilyn A. Moores, Lori K. Morgan, members of the Juvenile Justice Improvement Committee; Christopher Burnham, Gary Chavers, Justice Steven David, members of the committee and Board; Roger Duvall, Brett Niemeier, members of the Board; and Loretta Rush, Chair, Juvenile Justice Improvement Committee and Board were present.
2. Staff present. Anne Jordan, Angela Reid-Brown and Jane Seigel provided the committee with staff assistance.
3. Guest present. Leslie Dunn, State Director, GAL/CASA, Jim Walker, Division of State Court Administration, JauNae Hanger, Chair, Indiana State Bar, Civil Rights of Children Committee, Kim Brooks, Amy Karozos, Larry Landis, Kaarin Lueck; Jason McManus and Dr. Ty Rowilson, Department of Child Services.
4. Minutes. The minutes of the meeting on December 2, 2011 were approved.
5. SB 286: Removal of authority for county payment for placements; shelter care. Judge Rush reported that SB 286 contains the agreement reached by DCS and the judiciary to support the repeal of the statute requiring the county to pay for placements of a juvenile if the DCS is not responsible for the payment. Judge Rush discussed the history and reasoning behind the agreement. Judge Rush reported that the bill contains the entire agreement reached between the judiciary and DCS except for the exigent circumstances proposed by the judiciary in CHINS and TPR cases. The exigent circumstances language was taken out by the bill's sponsor. Judge Burnham reported that the Judges Association's lobbyist will monitor this bill and SB 287, the DCS cleanup bill.

Judge Burnham, Judges Rush, Judge Moores, and Judge Pratt volunteered to testify regarding SB 286. Judge Lee said he would also testify if necessary.

Judge Rush will send committee members talking points on SB 286. Committee members were asked to call juvenile judges to ask for their support for the bill. A phone tree was distributed and the calling assignments are as follows:

District 1-Judge Bonaventura

Districts 2, 3 & 5- Magistrate Domine  
District 4- open  
Districts 6 & 7- Judge Pratt  
Districts 8 & 19- Judge Lee  
District 9- Magistrate Morgan  
Districts 10 & 11- Judge Rush  
Districts 12 & 13- Judge Moores and Magistrate Chavers  
Districts 14 & 15- Judge Pancol  
Districts 16, 17 & 20- Judge Burnham  
District 18- Judge Dolehanty  
Districts 21 & 22- Judge MacTavish  
District 23- Judge Carmichael  
District 24- Judge Duvall  
Districts 25 & 26- Judge Niemeier

6. Juvenile Statistics. James Walker, Division of State Court Administration discussed the Quarterly Juvenile Law Services Report and the Demographic Information form. Mr. Walker reported that the Demographic Information form has recently been updated and distributed to the counties.
7. Presentation by Civil Rights of Children Committee-Right to Counsel Proposed Rule. JauNae Hanger, Chair, Kim Brooks, Amy Karozos, Larry Landis and Kaarin Lueck discussed the ISBA Civil Rights of Children Committee proposed Supreme Court rule to require the appointment of an attorney for all children charged with a delinquent act prior to the detention or initial hearing. The Civil Rights of Children Committee presented the proposed rule to the Supreme Court Rules Committee in December 2011. The Rules Committee made changes to the proposed rule and the Civil Rights of Children Committee are supportive of those changes. The Civil Rights of Children Committee believes the rule will address inconsistencies they have seen around the state regarding the appointment of counsel for juveniles.

Judge Burnham made a motion that the Juvenile Justice Improvement Committee is supportive of the principles behind the rule, however, the Juvenile Justice Improvement committee would like further time to consider the fiscal, logistical and other implementation issues. Judge Moores seconded the motion. The motion passed.

Judge Rush would like the proposed rule distributed to all juvenile judges for their comments or suggestions. Comments and suggestions should be submitted to the Indiana Judicial Center

Judge Moores, Magistrate Chavers, Judge Lee, Judge Duvall and Judge Niemeier agreed to serve on a sub-committee to work on this right to counsel issue. Judge Rush will put this item on the March agenda for further discussion.

8. Presentation by the Department of Child Services. Jason McManus introduced Dr. Ty Rowilson, DCS Clinical Services Manager. Dr. Rowilson gave an overview of the DCS

Clinical Resource Team. The team is available to assist FCM and local offices on CHINS cases. Dr. Rowilson distributed handouts on the DCS Clinical Response Team, Comprehensive Psychological Evaluations, the use of psychotropic medications among children in foster care, and Perspectives on Residential and Community-Based Treatment for Youth and Families.

Jason McManus discussed Residential Placement Review Teams and Permanency Roundtables. Residential Placement Review Teams is a tool used to help keep kids from going into residential placement, or to move them out of residential placement quicker. In CHINS cases, if there a recommendation to place a child in a residential facility, the FCM must first present the case to the Residential Placement Review team before the placement is made. The Residential Placement Review team will assess the case to determine what has already been tried to prevent residential placement and to see if there are other alternatives to the residential placement. In probation cases, the case will be presented to the Residential Placement Review team after the placement has already occurred.

Jason distributed a handout on Permanency Roundtables. In CHINS cases, Permanency Roundtables are highly regimented internal case staffing of stuck cases. The goal is to come up with an action plan that will help expedite legal permanency for the child. The Permanency Roundtable process will be a little different in probation cases.

9. Distribution of Wavier of Rights form. The juvenile waiver of rights form as amended by Justice Sullivan was distributed. Judge Moores moved to accept the changes, Judge MacTavish seconded. The motion passed.
10. Recent Legislation. The committee discussed SB 28-Annual review of restitution orders; SB 32-Extension of guardianship of minor to age 22; SB 190-TPR with alleged perpetrator when parent is victim of rape and SB-287-DCS amendments to the Juvenile Code.
11. Next meeting dates. The committee agreed to meet again on Friday, March 2, May 4, June 1, October 5 and December 7, 2012 from noon-3:00 p.m. at the Indiana Judicial Center. There will be no February meeting because of the Super Bowl in Indianapolis.

Respectfully submitted,

Angela R. Reid-Brown  
Court Improvement Program Administrator

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

**Joint Meeting**  
March 2, 2012

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana and the Board of Directors of the Indiana Council of Juvenile and Family Court Judges met on Friday, March 2, 2012 from 12:00 Noon - 2:50 p.m. at the Indiana Judicial Center.

1. Members present. Deborah Domine, Bruce A. MacTavish, Marilyn A. Moores, Lori K. Morgan, Charles F. Pratt, and Carl H. Taul, members of the Juvenile Justice Improvement Committee; Mary Beth Bonaventura, Christopher L. Burnham, Vicki L. Carmichael, Gary Chavers, Steven H. David, Peter J. Nemeth members of the committee and Indiana Council of Juvenile and Family Court Judges Board; Roger L. Duvall, James D. Humphrey, Brett J. Niemeier, Stephen M. Sims, members of the Board; and Loretta Rush, Chair, Juvenile Justice Improvement Committee and Board member were present.
2. Staff present. Jeffrey Bercovitz, Angela Reid-Brown and Jane Seigel provided the committee with staff assistance.
3. Guests present. Leslie Dunn, State Director, GAL/CASA, and Mike Murphy, Staff Attorney, Trial Court Management, Division of State Court Administration were also present.
4. Minutes. The minutes of the meeting on January 6, 2012 were approved.
5. Appointment of counsel proposed rule. Judge Duvall distributed a proposed Supreme Court rule on appointment of counsel by juvenile courts. Judge Nemeth moved to no action on this issue. The motion failed for lack of a second. Committee members discussed, whether the rule goes too far or far enough, when the juvenile does not wish to have counsel, unintended consequences of the rule, fiscal impact of the rule, and consistency with existing Indiana statutes. Judge Burnham moved to adopt the draft as amended during the committee's discussion. Judge Bonaventura seconded the motion. The motion was passed, 12 yes, 1 no, and 1 abstention. This same motion was also voted on by the Indiana Council of Juvenile and Family Court Judges Board of Directors. The motion was passed, 9 yes, 1 no, and 1 abstention. Judge Rush stated this proposed rule should be distributed to all judges with juvenile court jurisdiction for comment before it is submitted to the Supreme Court Rules Committee. Judge Duvall agreed to prepare a memorandum outlining the background of the development of this rule and an explanation of the proposed rule itself.
6. Waiver of rights form. Committee members reviewed the juvenile Advisement of Rights and Waiver of Rights form. They agreed to revisions concerning appointment based on whether the juvenile could afford counsel and clarification of who could be present when the juvenile talks with the lawyer. Judge Sims moved to adopt the revised advisement of rights form. Judge Burnham seconded the motion. The motion was passed.

7. Legislation.

a. Judge Rush reported SB 286 passed second reading. One provision of the bill removes the authority to make a county pay for juvenile placements if the statutorily required Title IV-E findings are not made and services and another provision decreases the number of days a child may stay in emergency shelter care from 60 to 20 days. In addition, a time limit was added to require the initial hearing in an in-home CHINS case to be held within 10 days after the filing of the petition. Two different interim study committees were added to the legislation. One study committee will look at underserved youth with mental health issues, which will also look at whether prosecutors should be allowed to file a CHINS 6 petition. Committee members agreed to forward cases illustrating problems with the use of CHINS 6 to Judge Rush by the next meeting of the committee. The Chair of the Juvenile Justice Improvement Committee and the President of the ICJFCJ will serve on this study committee. The other interim committee will look at the DCS generally and the child abuse and neglect hotline.

b. Judge Burnham reported the wording of SB 1365 has improved significantly since the bill was introduced. The bill permits adult sentencing court judges to have more sentencing options for waived or juveniles excluded from juvenile court jurisdiction. The adult court can request DOC to place the child in a juvenile facility, but impose an adult sentence.

8. Proposed rule on time frames in juvenile proceedings. Committee members discussed preparing a rule on time frames in CHINS and TPR cases along the lines of Criminal Rule 4. They agreed to (1) keep in mind service of process issues including 90 days for publication; (2) Time starts on Criminal Rule 4 when the person is confined and a similar concept should be considered; (3) A motion of a party should be used to dismiss a TPR, not a court on its own motion; and (4) A delay may occur when there is an ICPC proceeding and Indiana is awaiting action by the other state. Judge Moores, Judge MacTavish and Judge Pratt agreed to serve on a committee to draft a rule in this area. Judge Moores agreed to prepare a draft by the May meeting of the committee.

9. Permanency Roundtables, Placement Review Teams and Collaborative Care. Judge Rush explained these concepts are contained in HB 286. The committee agreed to provide input to DCS on implementation in these areas if passed. They agreed to have the DCS at the next meeting of the committee to present their ideas on these topics.

10. JDAI. Justice David reported the Juvenile Detention Alternatives Initiative (JDAI), which would reduce the numbers of juveniles in detention, is in eight (8) counties and will expand statewide. He said the Annie E. Casey Foundation has chosen Indiana to be a model state initiative for JDAI. He also noted a legislative breakfast was held recently to inform legislators of the initiative.

11. Court performance measures. Judge Pratt distributed the Preliminary Report of Allen County's Court Performance Measures to committee members. He said the Court Improvement Project will require Indiana to collect information on the times from (1) CHINS petition to permanency; (2) filing the CHINS petition to the first permanency hearing; (3) CHINS petition to TPR petition; and (4) filing of the CHINS petition to termination of parental rights. A fifth

measure would be the timeliness of TPR hearings and the issuance of a TPR final order. These timeframes will have to be tracked in all Indiana courts beginning in 2013.

12. Recent legislation. The committee reviewed SB 18, child abuse; SB 32, extension of guardianship of a minor to age 22; SB 190, denial of parental rights to person who committed rape; SB 267, education about child abuse and neglect; SB 287, DCS technical amendments, and SB 312, gang initiatives in education which may impact disproportionate minority contact in courts.

13. Court program showcase. Committee members discussed a court program showcase in connection with the Juvenile Court Judges Annual Meeting on June 21-22, 2012. Various committee members agreed to showcase CHINS Facilitation, Family Group Decision-making, Mental Health Court, Delinquency programs, CHINS mediation, JDAI, Community Transition for Delinquents, and Family Treatment Drug Court and Attendance Court.

14. Next meeting dates. The committee agreed to meet again on Friday, May 4, June 1, October 5 and December 7, 2012 from Noon-3:00 p.m. at the Indiana Judicial Center. The May meeting will not be held jointly with the ICJFCJ.

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Law

Juvenile Justice Improvement Committee  
Judicial Conference of Indiana

**Meeting**  
May 4, 2012

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana met on Friday, May 4, 2012 from 12:00 Noon - 3:00 p.m. at the Indiana Judicial Center.

1. Members present. Christopher L. Burnham, Vicki L. Carmichael, Gary K. Chavers, Glenn D. Commons, Steven H. David, Deborah Domine, Bruce A. MacTavish, Lori K. Morgan, and Loretta Rush, Chair, were present.
2. Staff present. Jeffrey Bercovitz, Angela Reid-Brown and Jane Seigel provided the committee with staff assistance.
3. Guests present. Leslie Dunn, State Director, GAL/CASA, Division of State Court Administration was present.
4. Minutes. The minutes of the meeting on March 2, 2012 were approved.
5. Appointment of counsel proposed rule. Jeff Bercovitz distributed a copy of the memorandum sent to all courts with juvenile jurisdiction on March 9 and comments received on the proposed rule. Judge Rush stated the next meeting of the Supreme Court Rules Committee is scheduled for May 18, 2012 and she forwarded the proposed rule with all comments to Tom Carusillo on behalf of the committee. Committee members revised the proposed rule based on the comments and agreed by consensus to submit the revised proposed rule to the Supreme Court Rules Committee.
6. JDAI. Justice David reported that Indiana was represented at a recent multi-state Juvenile Detention Alternatives Initiative (JDAI) conference in Houston, Texas. He congratulated Jane Seigel on becoming a senior member of the JDAI Applied Leadership Network. Jane Seigel and Tashi Teuschler are both recognized by the Anny E. Casey Foundation as leaders of the JDAI initiative in Indiana. Tashi is also Indiana's Disproportionate Minority Contact coordinator. Justice David also reported that representatives of Indiana's statewide initiative are working on education key legislators about the initiative.
7. Permanency roundtables and placement review.
  - a. Judge Rush announced the formation of a joint committee with DCS on development of protocols for the implementation of permanency roundtables and placement review teams as recently passed in SEA 286. She named the following committee members: Judge Brett Niemeier (Vanderburgh County), Judge Steve Galvin (Monroe County), Magistrate Nancy Gettinger (LaPorte County), Leslie Dunn-GAL/CASA, Don Travis (Howard County)-Juvenile Probation, Kaarin Lueck (Wayne County)-Juvenile Public Defender, Kathryn O'Neall (Jasper County)-Juvenile Prosecutor. The committee will meet informally on Monday, May 14 during lunch at the Roundtable Training. The committee will hold their first meeting with DCS representatives on May 25, 2012 in Indianapolis. The DCS representatives are Brady Brookes, Legislative Director, Melissa Norman, Deputy Director of Practice & Support, Reba James,

Assistant Deputy Director of Permanency and Practice Support, Gina Ashley, Deputy Director of Placement Support and Compliance, Ty Rowilson, Clinical Services Director, Gil Smith, Northern Indiana Executive Manager, and Gini Combs, Regional Manager-Region 16 (Gibson, Knox, Pike, Warrick, Vanderburgh, Posey).

b. Jeffrey Bercovitz distributed an email from Don Travis about the timing of the permanency roundtables and the placement review teams.

8. Annual Meeting.

a. Committee members agreed (1) to distribute an email to all juvenile court judicial officers urging attendance at the Juvenile Court Judicial Officers Annual Meeting June 21-22, 2012 in order to hear about the efforts made on behalf of juvenile court matters during the past year; and (2) give an opening presentation about the endeavors of the juvenile courts during the past year.

b. Angela Reid-Brown also stated courts had registered for the Showcase of juvenile court programs at the Juvenile Court Judicial Officers Annual Meeting on June 21-22, 2012.

9. Waiver of rights form distribution. Jeffrey Bercovitz distributed the Waiver of Rights form on March 21, 2012 requested under *D.M. v. State*, 949 N.E.2d 327 (Ind. 2011) for use by law enforcement agencies. Judge Carmichael reported on the comments received by the Judicial Center. Committee members agreed to place the form on the internet for easy reference and make no changes in the wording. Judge Carmichael agreed to draft a reminder to all courts to distribute the form to their local prosecutor and public defenders for use by law enforcement agencies and to briefly respond to questions posed by the Prosecuting Attorney's Council.

10. Attorney GAL training. Leslie Dunn explained Senate Bill 286 requires attorney Guardian Ad Litem training. She distributed the federal legislation which prompted Indiana to amend its law in this area. Committee members discussed the need for this training when the statute becomes effective, whether or not the training can be videotaped for use statewide, the invitation of attorneys to existing CASA training, the monitoring of the training for attorneys, any requirements for the quantity of the training, the use of CIP and/or CAPTA monies for the training, and whether the lack of training will reduce the number of attorneys available to serve as GAL's. The committee members agreed by consensus that Leslie Dunn could write a letter to the twenty (20) counties with no CASA program and who rely on attorney GAL's notifying them of the new training requirements. Judge Carmichael reported she was planning training for GAL's in September.

11. Mental health issues and juveniles.

a. Judge Burnham distributed materials from a case in his county in which the prosecutor filed a CHINS 6 petition on a juvenile with severe mental health issues. The case was filed as a delinquency case. He said a hearing will be held soon on the DCS motion to dismiss. Magistrate Chavers reported a delinquency case which recommended a CHINS petition be filed at the permanency hearing and agreed to forward this as an example to the Judicial Center.

b. Jeffrey Bercovitz distributed materials from Judge Humphrey concerning two delinquency cases which Judge Humphrey believes would more appropriately be filed as a CHINS 6. Committee members agreed to forward additions sample cases.

c. Jeffrey Bercovitz distributed Ind. Code § 31-32-2-2.5 and Ind. Code § 31-37-8-4.5 which provide immunity to juveniles in delinquency cases making statements to mental health



providers. Committee members agreed to distribute the order of Magistrate Domine in this case to members the committee.

12. Recent legislation.

a. Magistrate Morgan gave background on the collaborative care portion of SEA 286 to members of the committee. Magistrate Morgan agreed to serve as liaison to Alesha Hawkins, DCS about implementation of this legislation.

b. Committee members reviewed: SEA 18, the duty to support a child reduced to age 19; SEA 32, Extension of guardianship of child to age 22; SEA 190, Study of TPR in rape cases; SEA 267, educational materials to teach children about reporting of child abuse; SEA 286, County pay; shelter care; summer study comm., collaborative care, CASA/GAL, and other issues; and HB 1365, Sentencing juv. in adult court, which did not pass.

13. Recent Title IV-E review. Angela Reid-Brown gave a review of the federal audit of Indiana's Title IV-E program, which Indiana passed. See Attachment A.

14. Other. Jeffrey Bercovitz distributed a registration form for a conference on August 14, 2012, entitled "For Our Babies" by the Center for Child and Family Studies.

15. Next meeting dates. The committee agreed to meet again on Friday, June 1; September 14 breakfast meeting with the ICJFCJ Board; October 5; December 7, 2012; January 4; February 8; March 1; and May 3, 2013 from 12:00 Noon-3:00 p.m. and at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Law

The Federal Title IV-E Foster Care audit was held April 16-20, 2012. The time period under review was April 1, 2011 through September 30, 2011. Any CHINS or probation case in which at least one IV-E foster care payment was made during the period under review were eligible to be reviewed.

Eighty cases, randomly selected from across the State were reviewed. Of the 80 cases reviewed, 6 were probation cases and 74 were CHINS cases. The tentative findings are as follows:

1. Indiana is found to be in substantial compliance with the IV-E program. To be in substantial compliance, a state must have 4 or fewer error cases. An error case is one in which IV-E payments were made on behalf of a child who was not IV-E eligible (i.e., court order did not contain a required IV-E finding, child was not AFDC eligible at the time of removal, child placed in a non-licensed placement).

There is 1 case pending further review (CHINS case). According to a DCS representative, the court order in question used the Benchbook language, contained the required Reasonable Efforts/Best Interest and contrary to the welfare findings and incorporated the PI by reference to support the determinations; however, the federal reviewer still had questions about the order. A copy of the hearing transcript has been requested. Once the transcript is received, the reviewers will make a final eligibility determination. If it is determined to be ineligible, the case will be classified as an error case.

Depending on the outcome of the pending case, we will either have passed the audit with no error cases or with one error case, either way, we passed the audit!

2. There were 5 cases with ineligible payments. The total amount of ineligible payments was \$23,252.
  - 2 cases with payments made to an ineligible facility (hospital)
  - 2 payments made prior to the reasonable efforts finding
  - 1 payment was made before the required safety checks have been performed.
3. There were 4 cases that had underpayments (the cases were entitled to be reimbursed for more than what the state claimed). The total amount of the underpayments is \$7,600

General court related observations/comments:

#### Strengths

- Custody orders are being made on a timely basis.
- Reasonable efforts findings are generally made in the first order.
- Reasonable efforts to finalize permanency plan findings are made more frequently than every 12 months.

#### Weaknesses/Areas of Concern

- Court orders often do not specify the basis for the reasonable efforts/best interest and contrary to the welfare findings. Although the IV-E regulations do not required specific findings, the reviewers said it is best practice to make specific findings.
- Court orders generally address parent's well-being but often do not address the child's well-being.
- There were a few court orders that were issued more than one year after the hearing date.

The final report will be issued in approximately 30 days.

Angela Reid-Brown  
Court Improvement Program Administrator  
Indiana Judicial Center

Juvenile Justice Improvement Committee  
Judicial Conference of Indiana

**Meeting**  
June 1, 2012

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana met on Friday, June 1, 2012 from 12:00 Noon - 3:00 p.m. at the Indiana Judicial Center.

1. Members present. Christopher L. Burnham, Gary K. Chavers, Bruce A. MacTavish, Marilyn Moores, Lori K. Morgan, Charles F. Pratt, Stephen M. Sims, Carl H. Taul and Loretta Rush, Chair, were present.
2. Staff present. Jeffrey Bercovitz, Angela Reid-Brown, Anne Jordan and Jane Seigel provided the committee with staff assistance.
3. Guests present. Leslie Dunn, State Director, GAL/CASA, Division of State Court Administration; Gina Ashley, Alishea Hawkins, Heather Kestian, and Lisa Rich, Department of Child Services; and Michael Dempsey and Chris Blessinger, Indiana Department of Correction were present.
4. Minutes. The minutes of the meeting on May 4, 2012 were approved.
5. Reports of Judge Rush.
  - a. Judge Rush distributed the proposed waiver of counsel rule prepared at the last meeting to committee members. She stated it was also distributed to Larry Landis, Public Defenders Council, who expressed concern to her, but no specific issues. She reported she also distributed it to the Supreme Court Rules Committee along with comments from juvenile court judicial officers.
  - b. Judge Rush discussed the increase in this use of informal adjustments (IA) by DCS in CHINS cases. Marion County has seen an increased use of informal adjustments, although Allen County noted their IA filings were down. Committee members discussed use of findings if DCS requests dismissal of informal adjustments. They also discussed collection of statistics on how many informal adjustments fail, and how many appear as a CHINS case.
  - c. Judge Rush recently met with Dr. Laskey and discussed the counting and definition of child deaths in Indiana. She said DCS believes a child's death must be a willful act of the parent, vs. counting all child deaths no matter what the reason. She will bring a list of factors to consider when counting child deaths to the next meeting. Judge Rush distributed a recent article from the Miami Herald on child deaths in Florida.
  - d. Jeffrey Bercovitz reported Judge Duvall was a member of a Department of Education implementation team, concerning school reporting of child abuse and neglect by students and child abuse and sexual abuse education. He distributed a draft report of the implementation team and indicated they would meet again on June 22, 2012.
6. Permanency roundtables and placement review.
  - a. Angela Reid-Brown reported the committee formed to develop protocols for the implementation of permanency roundtables and placement review teams recently attended a DCS permanency roundtable orientation on May 14 in Bloomington. DCS is using the permanency roundtables for only the most difficult CHINS cases. She reported Indiana would be the first state to use permanency roundtables in Delinquency cases. Although Indiana's statute is not based on the Casey Foundation model, DCS is now using that model, and the committee agreed by

consensus to pilot that model for delinquency cases. Judge Galvin and Don Travis agreed to pilot that model for delinquency cases in their respective counties. Judge Pratt expressed concern the parents or guardians do not participate in this process. Judge Burnham asked if the protocols would be ready by July 1. Judge Rush and Angela Reid-Brown reported it is unlikely the protocols would be ready by July 1, 2012. Judge Rush reported she has talked with Director Payne and she is attempting to get an agreement with him that the policies will not be ready by July 1, 2012.

7. Attorney GAL training. Leslie Dunn indicated she had received many calls about the required training of attorney Guardian Ad Litem's under Senate Bill 286. She said her office will distribute a primer on CHINS cases and a copy of a book on child development to judges who have attorneys who serve as a GAL before July 1, 2012 when the statute is effective. The statute follows federal law, which does not require certification of the training or the number of hours for the training. The attorneys will have to sign a document acknowledging receipt and review of the materials. She said a one-day conference would follow in the fall, with a work group to assist on the development of the conference. Both CIP and DCS agreed to contribute monies for the educational efforts.

8. Presentation by DCS on Collaborative Care. Regina Ashley, Alishea Hawkins, Heather Kestian, and Lisa Rich, Department of Child Services, gave a presentation on collaborative care. This included a handout of material from today's Friendly Friday Update and a Powerpoint presentation. Collaborative care will be voluntary on the part of the juvenile entering into the program. Although the CHINS and Delinquency case will be closed, the juvenile court will still have jurisdiction over the case. Collaborative Care will be targeted to older youth and include the use of host homes, college dormitories, single and shared apartments and staff supported housing. Judge Pratt mentioned how many juveniles he sees that do not want to continue under DCS jurisdiction past age 18, and how DCS will have to change the culture of these juveniles so they can take advantage of this program. Magistrate Morgan agreed to continue to serve as a liaison between the DCS and the committee on this program. DCS will attend the annual meeting in June and present information on Collaborative Care.

9. Presentation by Department of Correction. Michael Dempsey and Chris Blessinger gave a presentation on behalf of DOC.

a. Michael Dempsey apologized for not getting the juvenile court judges involved in HB 1365 which would have allowed DOC to treat waived children like juveniles at DOC. However, he thanked the committee for their input on revisions made to the legislation before it died in the Senate. No discussion yet on the reintroduction of the proposed legislation.

b. Michael Dempsey reported about \$76,000 has been collected in child support since HEA 1316 passed last year. It would be helpful for DOC to know when a child is committed to DOC, why the court did not order child support to be paid to DOC, e.g., there was lack of parental means to pay. He reported that the transition fund created under this law would receive \$2.5 million from the closing of the South Bend juvenile facility in addition to the support monies. Also, some payments may have been made through ISETS which did not get to DOC.

c. Committee members asked about DOC use or creation of additional facilities along the lines of Hoosier Youth Challenge Academy, including the transition services back to the community for up to one year which they provide. DOC will not close Camp Summit, which is similar but has no transition services. Jane Seigel stated maybe transition monies could be used in a JDAI like diversion program from DOC. DOC also has Ivy Tech on the grounds of the Madison facility for female juveniles.

d. Judge Rush asked if there would be DOC legislation on continuing jurisdiction of juvenile court while a juvenile is at DOC. Michael Dempsey stated he believed an MOU was being worked on with Judge Bonaventura along the lines of her program in this area. Jeffrey Bercovitz reported he was at a meeting where this was discussed. Michael Dempsey said there was no plan for legislation.

e. Judge Rush asked Michael Dempsey to let the Juvenile Justice Improvement Committee know of any proposed legislation in advance.

10. Dual jurisdiction. Judge Pratt distributed a draft of proposed legislation on dual jurisdiction juveniles and related materials and discussed various dual jurisdiction models.

11. SEA 18. Jeffrey Bercovitz distributed SEA 18, which lowers the responsibility to support a child in paternity and support cases from age 21 to 19. He also distributed a draft memorandum which outlines the efforts of the Child Support Bureau, the Prosecuting Attorney's Council and the Division of State Court Administration to implement the new law.

12. Mental health issues and juveniles.

a. Jeffrey Bercovitz distributed the May 23 minutes of the Legislative Council. Judge Burnham noted the interim study committee in SEA 286 to study mental health issues of juveniles in CHINS 6 was not set up in the manner indicated in the statute but was assigned to the Commission on Mental Health for study. The other interim committee set up to study DCS was set up in the manner indicated in the statute.

b. Judge Burnham reported he received a letter from Senator Steele about concerns with DCS and the child abuse hotline. Committee members agreed by consensus to send a letter jointly from the Indiana Council of Juvenile and Family Court Judges and the Juvenile Justice Improvement Committee offering assistance and indicating involvement on these issues.

13. Draft rule on CHINS/TPR deadlines. Judge Moores distributed a draft rule for the Supreme Court Rules Committee on CHINS and TPR deadlines. Committee members agreed to forward comments to her about the draft rule in advance of the next meeting. Judge Pratt suggested review of the court performance study in connection with this draft rule.

14. Court practices: *In re K.D.*, 962 N.E.2d 1249 (Ind. 2012). Members of the committee discussed court practices based on this recent case decision.

15. Next meeting dates. The committee agreed to meet again jointly with the Indiana Council of Juvenile and Family Court Judges Board on Friday, June 22 at lunch; September 14 breakfast meeting with the ICJFCJ Board; October 5; December 7, 2012; January 4; February 8; March 1; and May 3, 2013 from 12:00 Noon - 3:00 p.m. and at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Law

Juvenile Justice Improvement Committee  
Judicial Conference of Indiana

**Meeting**  
October 5, 2012

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana met on Friday, October 5, 2012 from 12:30 p.m. - 3:00 p.m. at the Indiana Judicial Center.

1. Members present. Mary Beth Bonaventura, Gary K. Chavers, Glenn D. Commons, Steven H. David, Stephen R. Galvin, Thomas R. Lett, Bruce A. MacTavish, Marilyn A. Moores, Lori K. Morgan, Charles F. Pratt, Loretta H. Rush, Carl H. Taul and Christopher L. Burnham, Chair, were present.
2. Staff present. Jeffrey Bercovitz, Angela Reid-Brown, Anne Jordan and Jane Seigel provided the committee with staff assistance.
3. Guests present. Mary Willis, Henry Circuit Court; John Ryan, Director, Brady Brookes and Lisa Rich, Department of Child Services; and Michael Dempsey, Executive Director, Chris Blessinger and Kellie Whitcomb, Indiana Department of Correction were present.
4. Minutes. The minutes of the meeting on June 1, 2012 were approved.
5. New members. Judge Burnham introduced Judge Galvin and Judge Lett, as new members of the committee. He announced that Judge Willis, Vice President of the Indiana Council of Juvenile and Family Court Judges, will become president when Judge Rush is sworn in as a Justice of the Indiana Supreme Court.
6. Reports on required CIP data. Judge Pratt reported on the collection requirements for CIP timeliness measures. He distributed a handout explaining the four CHINS and Termination areas to be measured. Judge Pratt explained this data is needed for federal and state court purposes in CHINS and Termination areas. He stated the statistics are case specific which would permit a court to review the case further if a problem is found, rather than summary in nature like DCS. He moved to have the committee endorse the collection of CIP data first from QUEST, then from Odyssey, and then from an InCite application if needed for the remaining counties. Judge Rush seconded the motion. Jane Seigel noted there are other efforts to gather more comprehensive data on juveniles in courts which may slow this effort down. The motion was passed.
7. Department of Child Services Interim Study Committee. Judge Rush reported on the Department of Child Services Interim Study Committee meeting. She said a conference call will be held with Representative Noe about judicial concerns. She asked for items to discuss with Representative Noe. The following were discussed by the committee:
  - DCS has a policy which requires the DCS call center to have a full assessment (investigation) if a call is made by the judges, prosecutors or law enforcement. Probation, schools and medical professionals should be added to this listing.

- There is a need for a juvenile judge's commission.
- In presentations by DCS to the Interim Committee, there is a disconnect between the central office and the field.
- Juvenile courts should be able to commit juveniles to mental health facilities.
- Juvenile courts should have available an approved course to ameliorate juveniles who are not competent to stand trial.
- Judge Pratt said juvenile courts should have the authority to decide whether a child should be a CHINS or Delinquent.
- A standing commission on the oversight of the Department of Child Services should be created along the lines of the Department of Child Services Interim Study Committee. Probation should be represented, it should be a permanent commission, and the ombudsman should report directly to the commission.
- DCS launches new programs and commits resources to "their" kids. Judges should be allowed to access resources to launch new programs for delinquents.
- The statutory composition of regional services councils should be changed to not have such a majority held by DCS and have probation representation.
- A need exists to reinstitute child protection teams in the counties.
- In-home CHINS cases should be supervised by the judiciary.
- If DCS receives a report of abuse or neglect on any child already in care or an existing CHINS case, the information by statute must be given to the CASA/GAL and the juvenile court.
- All abuse and neglect reports made to the centralized hotline, if not acted upon by DCS, should be given from the hotline to the county prosecutor each day for investigation, not just to the local DCS director one time a week.
- Remove the stigma of a CHINS finding. Have courts make a substantiation of abuse or neglect in mental health cases to prevent a "black mark" on a parents' record.
- Restore CHINS 6 authority.
- Place status delinquents and CHINS 6 in a new category called "at-risk" youth. Have the prosecutor file these cases, have probation enter Title IV-E information, and use DCS monies to treat and have DCS supervise these youth.
- Restore the original HEA 1001 (2008) out-of-state placement language to the juvenile code. The grant of this placement authority solely to the DCS Director was done without any legislative hearing or input of any kind.

8. Legislative agenda development. Jane Seigel reported current statutes must be amended to incorporate agreements between the judiciary and DCS. For example, these include (1) the step-down policy, (2) the mental health assessments of juveniles in detention, and (3) the DCS agreement that only placements must be approved by DCS in advance, not services and programs already paid for by DCS and recommended by probation.

9. Presentation by John Ryan, Director, DCS.

a. John Ryan, the new Director of the Department of Child Services, said he wanted to accomplish the following in the next three (3) months:

- (1) Focus on improving the billing process with providers to pay them sooner;
- (2) Try to get the IARCCA lawsuit behind them;



- (3) Try to get the CHINS 6 pilot programs up and running and maybe loosen up on the filing of CHINS 6 cases; and
- (4) Improve the MAGIC computer system.
- b. Lisa Rich distributed a PowerPoint printout of the Mental Health Services pilot program and explained it to the committee. The pilot permits the use of needs based criteria to access services through local mental health centers.
- c. John Ryan indicated they would not be introducing a legislative package. There might be bills generated by the Department of Child Services interim study committee. Brady Brookes said there will be one very minor technical corrections bill. She distributed a list of community mental health centers.

10. Presentation by Michael Dempsey, DOC.

- a. Michael Dempsey reported a committee had been formed to review DOC Juvenile Detention Standards in light of the JDAI initiative. Kellie Whitcomb explained the 22 detention centers in Indiana range from 9 to 144 beds. Some are private, some run by sheriffs, and the majority are run by courts. She said they will look at the draft ACA standards and the JDAI conditions of confinement during the revision process to the existing rules. Judge Sims and Judge Carmichael and Jane Seigel are on the committee to review the standards.
- b. Michael Dempsey distributed HB 1365 concerning juvenile blended sentencing which failed to pass last year. They want the judges to introduce it this year and they would follow it on behalf of the courts. Committee members wanted to know why there was opposition in the Senate last year after the bill passed the committee and Mr. Dempsey would see if could find out more about it. The Juvenile Justice Improvement Committee agreed to endorse the legislation and seek permission from the Board of Directors to do so. The Indiana Council of Juvenile and Family Court Judges agreed to meet jointly with the Juvenile Justice Improvement Committee at their next meeting to also endorse the legislation.
- c. Michael Dempsey said DOC would ask for \$5,000,000 to implement JDAI funding and juvenile alternatives. They were also working on a plan to reestablish juvenile parole and have juvenile reintegration services.

11. Placement Review and Draft Permanency Roundtable Protocol.

- a. Judge Galvin distributed the Delinquency Residential Placement Review Protocol to the committee members. He moved it be approved by the committee. Magistrate Commons seconded the motion. The motion was passed. A form to record the information under the protocol was also distributed.
- b. Judge Galvin distributed the draft Delinquency Permanency Roundtable Protocol. He said the protocol had summary procedures for delinquents whose permanency plan was to return home. Additional procedures for delinquents whose permanency plan was not to return home were discussed, which were modeled after the DCS protocol for CHINS cases and Casey Foundation suggestions. He said training for probation officers and some technology for recording the roundtable suggestions would be needed. Angela Reid-Brown also noted these procedures called for those outside the region to provide a fresh look at a case were encountering resistance in Lake and Marion counties. Judge Bonaventura indicated there would be cooperation with these procedures in Lake County. Judge Burnham said electronic communication should be permitted to be used if needed. Judge Galvin said contiguous counties would be used to permit meeting together as much as possible. Committee members agreed by

consensus to distribute the draft protocol to DCS for comment.

c. Judge Galvin reported the CASA/GAL protocol for Permanency Roundtables was distributed for their information.

12. Other business. Judge Pratt mentioned the new statute requiring GAL training requires abuse and neglect and child and adolescent development training has been given in six (6) hour sessions. He wondered whether the statute requires six hours, or could each topic be given in a one hour segment.

13. Future meeting dates. Committee members agreed to meet jointly with the Board of Directors of the Indiana Council of Juvenile and Family Court Judges on Friday, December 7, 2012 from 12:00 Noon to 3:00 p.m. The Juvenile Justice Improvement Committee also agreed to meet on Friday, January 4, February 8, March 1, May 3, June 7, October 4 and December 6, 2013 from 12:00 noon – 3:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Law

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

**Meeting**  
December 7, 2012

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana met jointly with the Board of Directors of the Indiana Council of Juvenile and Family Court Judges on Friday, December 7, 2012 from 12:00 noon - 3:00 p.m. at the Indiana Judicial Center.

1. Members present. Glenn D. Commons, Deborah A. Domine, Stephen R. Galvin, Lori K. Morgan, Charles F. Pratt, Loretta H. Rush, Carl H. Taul, members of the Improvement Committee; Christopher L. Burnham, Vicki L. Carmichael, and Gary K. Chavers, members of the Board of Directors and the Improvement Committee; and Darrin M. Dolehanty, Roger L. Duvall, James D. Humphrey, Brett J. Niemeier, and John D. Potter, members of the Board of Directors of the Indiana Council only.
2. Staff present. Jeffrey Bercovitz, Anne Jordan and Jane Seigel provided the committee with staff assistance.
3. Guests present. LaJuan Epperson and Mary DePrez, Judicial Technology and Automation Committee; Gina Ashley, Joseph Combs, Brady Brookes, Reba James, Lisa Rich, Nancy Wever, Department of Child Services; and Leslie Dunn, Division of State Court Administration were present.
4. Minutes. The minutes of the meeting on October 5, 2012 were approved with the corrected spelling for the first name of Magistrate Commons.
5. Department of Correction. Judge Burnham stated Executive Director Michael Dempsey cannot attend. He said there was opposition to HB 1365; juvenile blended sentencing, because the prosecutors would not have a veto on the juvenile's placement. He stated the committee would watch the bill to see how DOC addresses this issue.
6. Juvenile information.
  - a. Mary DePrez, Judicial Technology and Automation Committee (JTAC) discussed a question of whether DCS attorneys and staff should be provided secure public access for CHINS and Termination cases. This would require User ID and passwords for these users which would take Odyssey resources to provide. Judge Burnham asked about the fiscal impact to JTAC of DCS secure public access. Mary DePrez said there is a cost for training DCS staff and help desk response staff which will be needed. The committee recommended allowing access to only DCS attorneys. DCS should be willing to assist JTAC with funding via a MOU, in-kind support like equipment and/or training, or support of JTAC generally at the legislature.
  - b. Judge Pratt explained his handout on the requirements for CIP timeliness measures in CHINS and Termination cases. He said he conducted a pilot for collection of CIP data for Quest. He stated the CIP data is needed for federal and state court purposes in CHINS and Termination areas. LaJuan Epperson asked about the CIP measure from the time from filing the

original CHINS petition to permanency. Committee members agreed Permanency is defined for this purpose as the order closing the wardship in the CHINS case. Committee members wanted to know if this includes only children in foster care or for all removals. Ms. Epperson agreed to clarify this with Judge Willis who is piloting CIP data collection for Odyssey. Judge Pratt did not believe a trial home visit would count. Judge Burnham requested LaJuan deal directly with Judge Willis and Judge Pratt on CIP data collection questions, coming to the Juvenile Justice Improvement Committee for discussion on policy questions if needed.

7. ICJFCJ Election of officers. The recent elevation of Justice Loretta Rush left a vacancy in the officers of the Board of Directors of the Indiana Council of Juvenile and Family Court Judges. Judge Willis became President, Judge Duvall became Vice President and Judge Vicki Carmichael moved to become Treasurer. Judge Duvall nominated and moved that Darrin M. Dolehanty become Secretary. The motion was seconded by Judge Burnham. The motion was passed.

8. Department of Child Services Interim Study Committee. Judge reported on the last meeting of the Department of Child Services Interim Study Committee and distributed a final report. He discussed the final recommendations, including the following proposed draft legislation: an outline of legislation adding personnel to the central hotline and making the hotline more like a 911 call center with screening done by the local DCS offices; Proposed Draft (PD) 3640, a DCS oversight committee; PD 3592, a commission on the status of children; PD 3586, concerning modifications of custody and parenting time; PD 3325, which returns authority to prosecutors to file CHINS 6 and other CHINS cases; and PD 3438, concerning child fatality reviews. PD 3438 was not agreed to by the legislators on the committee, as this needed further study. Committee members agreed to monitor this legislation.

9. Placement Review and Draft Permanency Roundtable Protocol.

a. Judge Galvin distributed the Delinquency Residential Placement Review Protocol as approved last month to the committee members. He explained it included additional comments from DCS. The committee agreed by consensus to remove the parenthesis from Membership, 3. Family Case Manager. Committee members approved the final draft and agreed to distribute it next Friday in the Friendly Friday Update, and implement it immediately.

b. Judge Galvin distributed the draft Delinquency Permanency Roundtable Protocol. He explained the two tier system, the summary procedures for delinquents whose permanency plan was to return home and other procedures for delinquents in placement, which were modeled after the DCS protocol for CHINS cases and Casey Family Programs. Gina Ashley explained the DCS Permanency Roundtable is more like an internal staffing. In the delinquency protocol, the probation department can invite others to attend. Gina Ashley and Jane Seigel said training by DCS can be arranged. The Master Practitioner, facilitator and scribe can be a fresh set of eyes on the case, and could be from within the probation department. Judge Galvin moved to adopt this protocol with a February 1, 2013 effective date. The motion was seconded and passed by the committee. Judge Galvin thanked Don Travis for his hard work on these proposals.

c. Lisa Rich, DCS, gave a report on the CHINS 6 pilot project. She distributed a PowerPoint printout of the pilot program and explained who will qualify for the program. Juveniles not eligible for Medicaid and those not already involved in a CHINS or Delinquency case are eligible. The pilot permits the use of needs based criteria to access services through

local mental health centers. She said there have been 9 referrals so far, with 2 not screened and 4 screened out. The screen outs were for a child on Medicaid, one already on probation, one was a CHINS and one parent would not participate. Lisa Rich said the roll out would continue at Oaklawn soon, including St. Joseph and Elkhart counties. Judge Humphrey expressed concern that the criteria for admission to the program will prevent too many children from being served, e.g. children with autism. She agreed to return at the March 1 meeting to give a further update on the pilot project and give more specific information about who is being served in the program.

d. Brady Brookes reported DCS will introduce no legislation this year, but will follow all the bills proposed from the DCS Interim Study Committee. Jane Seigel discussed DCS areas where practice deviates from statute, which may be included as part of legislation.

10. Other business. Magistrate Commons discussed children eligible for CHINS 6 services but their parents will not take them for services. Judge Humphrey mentioned whether it is time to advocate for a third tier of CHINS, and Judge Burnham said the DCS oversight committee or the Commission on Children could be a vehicle for this new category.

11. Future meeting dates. Committee members agreed to meet on Friday, January 4, February 8, March 1, May 3, June 7, October 4 and December 6, 2013 from 12:00 noon – 3:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Law