

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

Joint Meeting
January 10, 2014

The Juvenile Justice Improvement Committee, Judicial Conference of Indiana, and the Board of Directors, Indiana Council of Juvenile and Family Court Judges, held a joint meeting on Friday, January 10, 2014 at the Indiana Judicial Center at 12:00 noon.

1. Members present. James N. Fox, Daniel G. Heath, A. Christopher Lee, Bruce A. MacTavish, Lori K. Morgan, Charles F. Pratt, Loretta H. Rush, Carl H. Taul, Juvenile Justice Improvement Committee; Christopher L. Burnham, Roger L. Duvall, Mary G. Willis, Juvenile Justice Improvement Committee and the Board of Directors of the Indiana Council of Juvenile and Family Court Judges; and Vicki Carmichael, Darrin M. Dolehanty, Nancy Gettinger, James D. Humphrey and John Potter, Board of Directors of the Indiana Council of Juvenile and Family Court Judges were present.
2. Staff present. Jeffrey Bercovitz, Anne Jordan, Angela Reid-Brown, and Jane Seigel, Indiana Judicial Center; and Mike Commons, Division of State Court Administration were also present.
3. Guests present. Judge Patricia Macias (Ret.) TX; Barry Salovitz, Casey Family Programs, and Christopher Wu, Senior Director, Judicial Engagement Team at Casey Family Programs were also present.
4. Minutes approved. The minutes for the meeting of the committee on December 13, 2013 were approved.
5. Treasurer's Rpt. Judge Carmichael, Treasurer, Indiana Council of Juvenile and Family Court Judges gave a report on members who had paid either their Indiana or National Council dues.
6. Juvenile Detention Center Standards. Judge Carmichael gave a presentation on the final draft of the juvenile detention center standards. She said the finalized draft was distributed to juvenile detention center directors for comment by the end of the month. Fiscal impact information was requested from them. She reported the proposed education standards, which require educational programs six (6) hours a day and medical assessments for juveniles with stays over seven (7) days may have the greatest fiscal impact on some agencies.
7. Recent legislation. Jeffrey Bercovitz discussed SB 19 which would open paternity records, SB 27, which would prohibit adoption while an appeal is pending in the underlying termination of parental rights case for a child. He also distributed Senate Bills 12, 19, 27, 28, 100, 237 and House Bills 1010, 1016 and 1110 to members of the committee.
8. Casey Family Programs presentation.
 - a. Judge Patricia Macias (Ret.) Texas, gave a presentation on the judicial engagement program by Casey Family Programs. She said this was a new program in eight (8) states. She

discussed a mission statement, year 2020 strategy and reduction of the number of children in foster care, consulting, selection criteria and goals of the engagement program. She noted judicial engagement programs in Florida, Arizona, Missouri, Colorado, Michigan and other states. Committee members discussed potential issues which could be addressed with assistance from Casey.

b. Committee members discussed whether or not to participate in the judicial engagement program offered by Casey. Judge Willis moved to explore ideas and continue discussion with Casey on judicial engagement. Judge Duvall suggested amending the motion to enthusiastically explore and define the relationship with Casey. Judge Potter seconded the motion as amended. The motion was passed. Judge Willis agreed to send a letter to Casey with the joint decision of the Board of Directors of the Indiana Council of Juvenile and Family Court Judges and the Juvenile Justice Improvement Committee.

9. Appointment of counsel for juveniles. Jeffrey Bercovitz distributed amended Criminal Rule 25, which will require counsel for juveniles and is effective January 1, 2015. Committee members discussed the new rule. Justice Rush noted the Supreme Court is open to suggestions about the new rule. Members of the committee agreed to distribute the new rule in advance of the juvenile court judicial conference in June 2014, ask for questions in advance of the meeting, and have a session to discuss the questions.

10. Medicaid suspension for juveniles in detention. Judge Heath distributed a proposed letter and resolution to urge Congress to exempt juvenile from the Medicaid provision which prohibits reimbursement if an individual is an “inmate in a public institution.” The Medicaid monies are lost for juveniles for post adjudication detention. Judge Willis agreed to contact the National Council of Juvenile and Family Courts to determine what efforts have been made nationally on this issue.

11. Other. Judge Willis noted Judge Potter is working on increasing state funding for Court Appointed Special Advocates. Judge Potter stated CASA’s want to increase the monies available statewide and change the funding formula. A new formula would guarantee a certain minimum dollar amount to all CASA programs, with additional state monies based on caseloads. Some counties get amounts so low, the program is unable to function.

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

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Juvenile Justice Improvement Committee
Judicial Conference of Indiana

Meeting
March 7, 2014

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana met on Friday, March 7, 2014 at the Indiana Judicial Center from 11:30 a.m. – 1:30 p.m.

1. Members present. Gary K. Chavers, James N. Fox, Stephen R. Galvin, Daniel G. Heath, Bruce A. MacTavish, Lori K. Morgan, Charles F. Pratt, Carl H. Taul, Mary G. Willis, and Christopher L. Burnham, Chair were present.
2. Staff present. Jeffrey Bercovitz and Angela Reid-Brown, Indiana Judicial Center; and Mike Commons and Leslie Dunn, Division of State Court Administration were also present.
3. Guests present. Don Travis, Deputy Director of Juvenile Justice Initiatives and Support and Nancy Wever, Probation Oversight Manager, Department of Child Services were also present.
4. Minutes approved. The minutes for the meeting of the committee on January 10, 2014 were approved.
5. Presentation by Don Travis.
 - a. Don Travis, Deputy Director of Juvenile Justice Initiatives and Support, Department of Child Services reported a recent instance of DCS asking for a call to be made to the Child Abuse Hotline when asked by probation to file a TPR in a delinquency case. The child was out of the home 15 out of the past 22 months. He determined at the same time the DCS policy manual was not up to date with the already existing agreement between the Juvenile Justice Improvement Committee and DCS for filing a TPR petitions for delinquents. He agreed to update the manual to reflect the agreement and state law. Committee members discussed distribution of the policy to judges and probation officers as a reminder.
 - b. Don Travis discussed the step-down policy with committee members. He noted paragraph six (6) permits a juvenile who disrupts a placement to be placed in secure detention and then returned to the placement without DCS permission. The DCS master contract requires probation to ask DCS for permission to return. Members of the committee discussed instances where the step-down policy was used by residential treatment providers for disciplinary purposes. Committee members agreed by consensus for Mr. Travis to study this and other issues concerning the step-down policy (e.g. outdated references, etc.) and return with the results of the study at the May 2 meeting of the committee.
 - c. Don Travis distributed a proposed draft of revisions to the Permanency Roundtable Protocol. Judge Galvin explained a substantive amendment to the protocol would require anyone who participates in Permanency Roundtables must first attend a Permanency Roundtable Orientation. Other amendments were procedural in nature. Members of the committee asked Mr. Travis to come back to the May meeting after the Permanency Roundtable committee had a chance to review the proposed changes. Judge Galvin also noted the committee may wish to seek legislation next year which would do away with the summary roundtables, which are proving to be unproductive.

6. Casey Judicial Engagement. Judge Burnham asked committee members for ideas for statewide systemic issues which would be data driven for technical assistance from Casey Family Programs.

a. Judge Pratt stated one systemic issue is cross-systems issues. He co-chairs the Cross-System Youth Task Force, which is part of the Commission on Improving the Status of Children. The task force is focusing on dual jurisdiction youth and other cross-system issues. He believes Casey could identify and filter national research, send judges to jurisdictions which are addressing cross system issues, and give assistance to the pilots in gathering information in a useful manner.

b. Judge Willis discussed the use of foster beds by the courts. She no longer knows how many foster beds are available for children in her county, what school districts they are in, whether they are for males or females, and how many are therapeutic or not. Judge Taul noted he used to know how many children were in foster placements and much more about the placements in foster care before they were made.

c. Judge Galvin said he would like to know how to safely reduce the number of children in out of home placements. For example, an audit of the "START" program concerning drug treatment of parents might determine if the treatment services were delivered and how this affected out of home placements of those children overtime.

Judge Burnham requested a 1-2 page outline of each proposal be sent by the end of next week to Judge Willis and him (with a copy to Jeff) to be forwarded to the Casey Family Programs. Committee members agreed by consensus to distribute each proposal to the committee once they are shared with Casey.

7. Recent legislation.

a. Judge Willis discussed SB 19 which would open paternity records, and SB 27, which would prohibit adoption while an appeal is pending in the underlying termination of parental rights case for a child. Committee members noted there may be concerns about opening up paternity records for cases filed before the effective date of the new law and discussed the need for consistent implementation on a statewide basis. Mr. Bercovitz agreed to contact the ISBA on this topic for guidance.

b. Mr. Bercovitz distributed Senate Bills 28, 43, 80, 170, 227, 248 408 and House Bills 1006, 1110, 1204, 1222, 1268, and 1279 and discussed them with members of the committee.

8. Other.

a. Angela Reid-Brown reported the name and duties of each Task Force of the Commission on Improving the Status of Children. She stated that legislatively abolished DCS Oversight Committee would remain intact and be part of the Commission.

b. Mr. Bercovitz reported on the DMC Definitions Committee had finished the definitions for the federally mandated 9 data collection points. The next meeting is scheduled on May 21 to discuss data collection electronically with the major suppliers of juvenile data services in Indiana.

9. Next meetings. The Juvenile Justice Improvement Committee members agreed to hold their next meeting on Friday, May 2, 2014, October 3, 2014 and December 5, 2014 from 12:00 Noon – 3:00 p.m. at the Indiana Judicial Center. Also, they agreed to check with the ICJFCJ to see a meeting was needed on June 13, 2014.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

Juvenile Justice Improvement Committee
Judicial Conference of Indiana

Meeting
May 2, 2014

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana met on Friday, May 2, 2014 at the Indiana Judicial Center from 11:30 a.m. – 1:30 p.m.

1. Members present. Gary K. Chavers, Roger L. Duvall, James N. Fox, Stephen R. Galvin, Daniel G. Heath, A. Christopher Lee, Thomas R. Lett, Bruce A. MacTavish, Charles F. Pratt, Loretta H. Rush, Carl H. Taul, Mary G. Willis, and Christopher L. Burnham, Chair were present.
2. Staff present. Jeffrey Bercovitz and Angela Reid-Brown, Indiana Judicial Center; and Mike Commons and Leslie Dunn, Division of State Court Administration were also present.
3. Guests present. Don Travis, Deputy Director of Juvenile Justice Initiatives and Support, Department of Child Services; and Judge Robin Sage, Casey Family Programs, was also present.
4. Minutes approved. The minutes for the meeting of the committee on March 7, 2014 were approved.
5. Presentation by Judge Robin Sage. Judge Robin Sage, Casey Family Programs, Judicial Engagement introduced herself to the committee members. She said Casey has explored all three judicial engagement proposals and will “run them down” to see where Casey could help. She also plans to attend the May 21 meeting of the Children’s Commission. She will meet with Director Bonaventura for input and would get a response back to the committee before the next meeting of the Improvement Committee.
6. Presentation by Judge Willis.
 - a. Judge Willis reported there was a conference call on April 25 to discuss the implementation of SB 19, which opens paternity records. Judge Murray, Chair, Domestic Relations Committee, Judge Burnham, Chair, Juvenile Justice Improvement Committee, Neil Hayes, Chair, ISBA Family and Juvenile Law Section, and Mike Commons were on this call. She stated they wanted to prepare uniform procedures of the implementation of the new law.
 - b. Mike Commons distributed a memorandum on the applicability of the new law on opening paternity cases. Those on the call agreed the statute applied to new paternity cases filed on July 1, 2014 and going forward. Lilia Judson distributed an email this week which concluded that Administrative Rule 9 (I) is the only way to open records of cases which were filed before July 1. Her email also discussed opening portions of records of cases filed before July 1, but which had motions filed after July 1, 2014.
 - c. Judge Burnham said the input of Clerk’s are needed as well as attorneys. Judge Fox expressed concern about paternity records which may be in QUEST and on paper. Judge Burnham asked Mike Commons to report back at the committee’s next meeting on the implementation of the new law.
7. Presentation by Judge Pratt. Judge Pratt reported on the Cross-System Youth Task Force. They held their 2nd meeting and discussed cross-system youth who may not be in the system and

dually adjudicated youth who may be CHINS and Delinquent at the same time. He plans to put together a pilot program for the dually adjudicated children. Justice Rush said the Task Force will report to the full Commission on the Status of Children on a periodic basis to permit agency heads to enact new policies if recommended. Judge Burnham asked Judge Pratt to give the Improvement Committee an update on the work of his Task Force at the next meeting of the committee.

8. Presentation by Don Travis.

a. He reported DCS had updated their policies on filing a TPR in a delinquency case. Committee members agreed to redistribute the court policy on asking DCS to file a TPR petition when the delinquent was out of the home 15 out of the past 22 months.

b. He discussed the current step-down policy and noted some step-down services cost more than the previous placements. Part of the study would have DCS probation consultants look at disrupted placements as they were reapproved. He agreed to share the results of a sixty day study of the current step-down policy with the committee.

c. He stated Administration of Children and Families had changed their policies to provide that 95% rather than 90% of all children in residential care and foster care be seen by a case manager every 30 days effective October 1, 2014. In order to achieve this increased rate, juveniles on probation in out-of-home care would have to be seen every 30 days by a probation officer. The visit could be by a probation officer, not necessarily the juvenile's probation officer, as part of a placement team. Some courts already schedule visits for juveniles in placement every 30 days. He noted relative placements were not included, video conferencing did not apply, a CASA could not conduct the visit, and that two pieces of data were needed after the visit – did the visit occur and was it successful. Reminders for the visits could be sent and records of the visits could be kept in KidsTrack. Judge Burnham asked Don Travis to update the committee at their next meeting with the Indiana Council of Juvenile and Family Court Judges Board of Directors on June 13, 2014.

9. Permanency Roundtable Protocol Revisions. Judge Galvin explained there is no model for the Delinquency Permanency Roundtable Protocol. He said the Protocol already permits the probation department to invite someone to the roundtable and third party participation is vital in some cases, which is not found in other protocols. A requirement for third parties to attend training in advance of their participation would not be helpful. Judge Burnham moved to revise the proposed language on page 2 by noting members of the Juvenile Delinquency Permanency Roundtable Team must first attend an orientation before their participation, and the second sentence to continue to permit probation to invite additional parties to attend as appropriate. Judge Willis seconded the motion. The motion was passed. Judge MacTavish moved to approve the recommended changes on page 3. Judge Duvall seconded the motion. The motion was passed. The Judicial Center agreed to distribute the revised protocol via Friendly Friday Update.

10. Recent legislation. Committee members reviewed House Enrolled Acts 1006, 1110, 1204, 1222, 1268, 1269, 1279 and Senate Enrolled Acts 27, 80, 171, 227, 248 and 408. They discussed the possible update of the presumptive/nonpresumptive waiver statutes if needed.

11. Other.

a. Members of the committee reviewed Judge Graham's question about the order of first removal and took no action.

b. Judge Burnham discussed the tour of Pendleton Juvenile Correctional Facility on Friday, May 16, 2014 from 12:00 Noon – 2:00 p.m. Members of the committee agreed to meet in the facility parking lot before going inside. Mr. Bercovitz said a confirmation would be sent to those who indicated they wished to attend.

c. Justice Loretta Rush reported the names and gave a brief overview of each Task Force of the Commission on Improving the Status of Children, and future topics generally. She stated that the executive committee of the Commission meets on a regular basis. Judge Burnham stated he recently received notice of a meeting of the legislatively abolished DCS Oversight Committee, which did not note the agenda. Justice Rush stated the DCS Oversight Committee is now part of the Commission and the Committee membership remains intact.

d. Mr. Bercovitz reported on the DMC Definitions Committee received federal approval of the definitions for the federally mandated 9 data collection points. The next meeting will discuss data collection electronically in Indiana.

12. Next meetings. The Juvenile Justice Improvement Committee members agreed to hold their next meeting jointly with the Indiana Council of Juvenile and Family Court Judges Board of Directors on Friday, June 13, 2014 from 12:00 Noon – 2:00 p.m. They agreed to hold additional meetings on October 3, 2014, December 5, 2014, January 9, 2015, February 6, 2015, March 6, 2015 and May 1, 2015 from 12:00 Noon – 3:00 p.m. at the Indiana Judicial Center. January 9, 2015 may be cancelled if not needed. April 3, 2015 is Good Friday, but an April meeting date may be needed.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law