

MINUTES

Juvenile Benchbook Committee

January 28, 2022

Meeting via Teams

1. **Attendees:** Rosanne Ang , Sherry Hartzler, Daniel Pappas, Mary Welker, Amanda Guzman, Matthew Gruett, Peter Haughan, Stephen Kitts, Tricia Thompson, Michael Bohn and Kent Kiracofe (Chair)
2. **Minutes:** The Committee approved the October 29, 2021 meeting minutes.
3. **In-Home CHINS orders:** Magistrate Ang discussed the issues that were occurring with reimbursement for family preservation for in-home CHINS cases. There are some in-home CHINS orders that contained the “DCS is responsible for placement and care” language when they shouldn’t. Magistrate Ang proposed rearranging that language to make it clearer that it is only for out-of-home cases. The committee approved changes to the following orders:
 - a. Order on Initial/Detention Hearing
 - b. Fact-Finding Order
 - c. Dispositional Order
 - d. Order on Periodic Case Review
 - e. Order on Periodic Case Review (APPLA)
 - f. Order Approving Permanency Plan
 - g. Order Approving Permanency Plan (APPLA)

Magistrate Ang indicated that additional orders needed to be revised to rearrange the language. The committee agreed that the additional orders could be updated in accordance with what was already approved and can be posted to the forms website prior to the next meeting.

4. **Removal of Alleged Perpetrator under Ind. Code 31-34-2.3:** The committee discussed this particular statute and whether it is actually being used around the state and that it actually is a “JQ” case type. Currently it is not addressed in the CHINS benchbook and the committee agreed there should be a small section on it. Magistrate Ang agreed to communicate with DCS to get some additional information and draft the benchbook section and report back at the next committee meeting.
5. **QRTP Form: Motion for Residential Placement and Motion to set Hearing:** Judge Kiracofe revised this form and explained the suggested revisions to the committee. The committee approved the updated form and agreed it could be posted to the forms website.
6. **Other business:**
 - a. The committee reviewed the following recent published cases: State v. Dibble, 177 N.E.3d 832 (Ind. Ct. App. 2021) and In Re the Matter of: Paternity of W.M.T., Elizabeth Jackson, Appellant-Respondent, v. Sharon Thomas, Appellee-Intervenor, No. 21A-JP-57, 2021 WL 5313524 (Ind. Ct. App. Nov. 16, 2021).
 - b. The committee discussed relevant juvenile bills pending this legislative session.
 - c. Magistrate Pappas expressed concerns with Ind. Code 31-11-1-7 regarding marriage of under-age individuals including the notice provisions and appointment of a GAL. The concerns will be passed on by IOCS staff to staff for the ICJFCJ.

2022 MEETINGS: March 25, May 13, July 29, and October 28

- March 25 and July 29 meetings to be held remotely at 10 a.m. on Teams.
- May 13 and October 28 tentatively scheduled as in person meetings at IOCS in Indianapolis at 10 a.m.

MINUTES

Juvenile Benchbook Committee

March 25, 2022

Meeting via Teams

1. **Attendees:** Rosanne Ang, Sherry Hartzler, Daniel Pappas, Mary Welker, Amanda Guzman, Matthew Gruett, Peter Haughan, Stephen Kitts, Michael Bohn, Anah Gouty, Bruce MacTavish, Amanda Yonally and Kent Kiracofe (Chair).
2. **Minutes:** The Committee approved the January 28, 2022 meeting minutes.
3. **Delinquency Automatic Expungement:** The Committee reviewed two sample form orders denying and granting automatic expungement and agreed for the forms to be posted on the Delinquency Benchbook forms website. IOCS staff explained that an Odyssey report to assist courts with complying with the new expungement statute is in development and is expected to be ready by July 1.
4. **Expungement of Department of Child Services (DCS) Records:** DCS submitted a proposed form order for review and approval. The Committee reviewed the order, made revisions, and agreed to post the form order to the CHINS Benchbook forms website.
5. **Other business:**
 - a. **New Case Law:** The Committee discussed the following cases: Matter of K.W., 178 N.E.3d 1199 (Ind. Ct. App. 2021), In re J.S., No. 21A-JT-1632, 2022 WL 588520 (Ind. Ct. App. Feb. 28, 2022), In re I.L., 181 N.E.3d 974 (Ind. 2022) and agreed to include the drafted synopsis on Matter of K.W. by Mag. Yonally in the CHINS Benchbook.
 - b. **2022 Legislative Session:** A list of legislation passed this session was provided to the committee for review and discussion. The Benchbooks will be updated soon with the recent legislation.
 - c. **Removal of Alleged Perpetrator I.C. 31-34-2.3:** This topic was tabled and Mag. Ang agreed to provide an update at the next committee meeting.
 - d. **Future Projects:** The Committee agreed to start a review of the delinquency forms. A list of the forms will be circulated to the members via email seeking volunteers to review and provide suggested edits at a future meeting.

2022 MEETINGS: May 13, July 29, and October 28

- May 13 and October 28 tentatively scheduled as in person meetings at IOCS in Indianapolis at 10 a.m.
- July 29 meeting to be held remotely at 10 a.m. on Teams.

2023 MEETINGS: January 27 and April 28

MINUTES

Juvenile Benchbook Committee

July 29, 2022

Meeting via Teams

1. **Attendees:** Rosanne Ang, Anah Gouty, Amanda Guzman, Sherry Hartzler, Peter Haughan, Stephen Kitts, Bruce MacTavish, Brittney Newland, Dan Pappas, Tricia Thompson, and Kent Kiracofe (Chair).
2. **Welcome:** The Committee welcomed new member Mag. Brittney Newland (Bartholomew County).
3. **Minutes:** The Committee approved the March 25, 2022 meeting minutes.
4. **Removal of Alleged Perpetrator I.C. 31-34-2.3:** Mag. Ang spoke to DCS legal who reported that this statute is not utilized very often. The committee discussed their experiences with this statute in their individual courts. Mag. Ang drafted a paragraph to be added to the CHINS benchbook about this statute that the committee approved.
5. **Juvenile License Suspensions:** Mag. Pappas agreed to review the materials in the juvenile delinquency benchbook to determine if revisions or additions need to be made in this area. Until the review is completed, this item is tabled and will be placed back on the agenda once the review is complete.
6. **Juvenile Delinquency Forms:** The Committee started a comprehensive review of the delinquency court forms. The Committee reviewed and approved the following forms:
 - a. Written Findings, Recommendations, and 48 Hour Order Regarding Probable Cause
 - b. Petition for Detention Hearing
 - c. Writ of Attachment for Failure to Appear
 - d. Intake Information for a Delinquent Child and Prosecutor's Request for Preliminary Inquiry
 - e. Intake Officer's Advice to a Delinquent Child and Parent, Guardian or Custodian
 - f. Consent to Background Investigation and Release (*remove this form*)
 - g. Request to Extend Program of Informal Adjustment
 - h. Program of Informal Adjustment
 - i. Petition for Order of Compliance
 - j. Request for Custody Order
 - k. Order Approving Filing of Delinquency Petition [also includes Status Delinquents]
 - l. Verified Information for Rule to Show Cause
 - m. Order to Show Cause
 - n. Motion for Release from Probation [and Reimbursement of Costs]
 - o. Order on Motion for Release from Probation [and Reimbursement of Costs]
7. **Benchbook/Forms Updates re: Juvenile Legislation 2022:** Committee members volunteered to draft revisions to the benchbooks and forms. The revisions will be reviewed at a future meeting. Drafting of competency juvenile delinquency forms for statutes effective December 2022 was tabled until the October committee meeting. IOCS staff will incorporate a recently published memo regarding juvenile automatic expungement into the already existing materials in the delinquency benchbook.
8. **Other business:**
 - a. The Committee was informed that the Domestic Relations Benchbook is going to eventually take on paternity issues and that this committee will no longer be responsible for a paternity benchbook.
 - b. The Committee agreed to add several recent published cases to our various benchbooks and to add a preface to the CHINS benchbook from Ashley W. v. Holcomb, 34 F.4th 588 (7th Cir. 2022), reh'g

denied, No. 21-3028, 2022 WL 2165486 (7th Cir. June 15, 2022) citing Nicole K. by next friend Linda R. v. Stigdon, 990 F.3d 534 (7th Cir. 2021), cert. denied, 142 S. Ct. 758, 211 L. Ed. 2d 475 (2022).

c. Additional meeting dates were set for 2023, see below.

2022 MEETINGS: October 28 (in-person)

2023 MEETINGS: January 27 (Microsoft Teams)
 April 28 (Microsoft Teams)
 June 30 (TBD)
 August 25 (TBD)
 October 27 (TBD)

MINUTES

Juvenile Benchbook Committee

October 28, 2022

In-person @ IOCS Indianapolis

1. **Attendees:** Rosanne Ang, Michael Bohn, Anah Gouty, Matthew Gruett, Amanda Guzman, Peter Haughan, Stephen Kitts, Bruce MacTavish, Brittney Newland, Tricia Thompson, Mary Welker and Kent Kiracofe (Chair).
2. **Minutes:** The Committee approved the July 29, 2022 meeting minutes.
3. **Juvenile Delinquency Forms:** The Committee continued the comprehensive review of the delinquency court forms. The Committee reviewed and approved the following forms:
 - a. Written Promise for Appearance of Juvenile
 - b. Notice of Detention of Child
 - c. Notice of Detention Hearing
 - d. Affidavit in Support of Probable Cause
 - e. Fact-Finding Order (not a delinquent child)
 - f. Petition for Parental Participation
 - g. Order of Participation
4. **Benchbook/Forms Updates re: Juvenile Legislation 2022:** The Committee started updating the Benchbooks with 2022 legislation as follows:
 - a. **Juvenile Delinquency Benchbook:** The committee approved adding additional information regarding automatic expungement, that boot camps are no longer permissible, statutory changes from HEA 1359 including detention of children under 12 and informal adjustments and the recent case State v. Neukam.
 - b. **TPR Benchbook:** The committee approved updating and adding language regarding unlicensed caregivers from SEA 410.
 - c. **CHINS Benchbook:** The committee approved a new caveat and preface that included a synopsis from Ashley W. v. Holcomb, statutes from HEA 148 and 410 including filing of paternity actions and unlicensed caregivers, statutes from HEA 1363 including placement changes and the repeal of the parental participation petition(PPP). The committee agreed to remove the PPP CHINS court forms and amend the dispositional order.
5. **Other business:**
 - a. The Committee discussed the following recent published cases: A.V. v. State, 193 N.E.3d 1031 (Ind. App. 2022), A.W. v. State, 192 N.E.3d 227 (Ind. App. 2022), Matter of Z.D., 195 N.E.3d 412, A.R. v. State, 22A-JV-156, 2022 WL 5320152 (Ind. App. Oct. 5, 2022). The committee tabled the discussion of Matter of A.R., 21A-JC-2149, 2022 WL 5315663 (Ind. App. Oct. 6, 2022) and a broader discussion of the UCCJEA for the next meeting.
 - b. Practical guidance on overlap of jurisdiction on DC, JP, GU, etc. case types and reporting delinquent acts to ISP (I.C. 10-13-4-9 and 4-10) were briefly discussed as topics for a future meeting and possible inclusion in Benchbooks.
 - c. IOCS staff will circulate a poll to determine if any of the 2023 meetings will be in person next year.

2023 MEETINGS: January 27 (Microsoft Teams)
 April 28 (TBD)
 June 30 (TBD)
 August 25 (TBD)
 October 27 (TBD)