UPDATE ON

Evidence-based PRETRIAL PRACTICES

Profile on DCS Director Terry Stigdon

Celebrating Adoption Day in Indiana Courts
In 2016, eleven counties committed to participate in local criminal justice reform initiatives through Indiana’s Evidence-Based Decision Making (EBDM) Initiative in collaboration with the Indiana EBDM policy team (state team).

Since then, all eleven counties, under the leadership of their local EBDM policy teams and guided by the state team, have launched pretrial pilot programs that follow best practices in pretrial release and supervision. The pilot sites have implemented evidence-based practices in the following areas:

- **Indiana Risk Assessment System – Pretrial Assessment Tool (IRAS-PAT) results used to guide pretrial release and supervision decisions**
- **Defense counsel and a deputy counsel available at initial hearings so the court can quickly review release decisions and conditions for persons not released prior to initial hearing**
- **Locally established procedures for determining pretrial release conditions and responses to pretrial violations**
- **Text or telephone notification systems that remind defendants of court dates from one to several days in advance of the hearing date**
- **Data collection to evaluate pretrial outcomes to determine pretrial court appearance rates and safety rates (the percentage of pretrial defendants not rearrested during the pretrial period)**
Monroe County Pretrial Reform highlights

Since implementing their pretrial pilot project, Monroe County Assistant Chief Probation Officer Troy Hatfield and Pretrial Director Becca Streit have worked diligently to collect data documenting pretrial outcomes.

In Monroe County, all arrestees are assessed using the IRAS-PAT. In addition to the IRAS-PAT, pretrial officers obtain collateral information from sources such as Odyssey, Doxpop, probation and pretrial case files, the National Crime Information Center, and other verified sources, such as employers.

Pretrial officers use this information, along with information on the instant arrest, to complete a pretrial release recommendation that is provided to the court, prosecutor, and defense attorney. All parties, including a pretrial probation officer, attend initial hearings, which are held daily at 1:30 PM. All defendants released pretrial receive reminders of court hearings 24-48 hours in advance of the hearing.

Defendants may also be ordered to one of three pretrial monitoring levels that include face-to-face meetings with a pretrial probation officer and periodic records checks. The court may also order other conditions on a case-by-case basis, such as chemical testing or day reporting.

In November 2018, Indiana University–Purdue University Indianapolis School of Public and Environmental Affairs completed Monroe County’s initial IRAS-PAT validation. The study included 562 pretrial defendants who were arrested and whose case went to disposition between October 1, 2016 and September 30, 2017.

The sample characteristics were:

- An average age of 29.82 years (range: 18 to 77)
- Primarily male (75.8%)
- Primarily Caucasian (79.4%)
- African American (14.8%)

Knowing this information, pilots are better able to improve pretrial practices and gain confidence in using assessment results along with other critical information to make release decisions.

Judge Mary Ellen Diekhoff, chair of Monroe County’s EBDM policy team, is pleased with the county’s progress. “After working through a few minor issues starting out, our process has gained acceptance and confidence and has become everyday practice.”

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Monroe County’s commitment to system improvement has provided valuable information to guide local criminal justice decisions. Judge Diekhoff observed: “The recent validation study has provided confirmation of what our local data has been informing us, which is that the IRAS-PAT is appropriately measuring a defendant’s risk for failing to appear and risk of re-arrest while a case is pending. We look forward to collecting additional data and learning more so we can adjust our practices to achieve greater success and better outcomes.”

What’s next in 2019

In December 2018, the National Institute of Corrections awarded the Indiana EBDM policy team ongoing technical assistance to develop a strategic plan to expand and sustain Indiana’s Evidence-Based Decision Making Initiative. Strategic planning activities will commence in January 2019 and extend through September 2019.

David Powell, Executive Director of the Indiana Prosecuting Attorneys Council, supports Indiana’s continued involvement in EBDM: “As vice chair of the State Evidence-Based Decision Making team, I have had the privilege of collaborating with criminal justice stakeholders from all branches of local and state government. “Our focus has been a safer and healthier Indiana. Work sessions have been challenging, enlightening, and respectful. We have identified and targeted areas to study and improve. One of our biggest challenges and goals is to produce objective data that will allow all of us with confidence to measure and test our programs and practices.

“We know we have a long way to go to achieve the change targets we have identified. However, I am confident that decision making based upon evidence and data will lead to lasting improvements in the criminal justice system.”

Bernice Corley, Executive Director of the Indiana Public Defender Council, expressed similar support for Indiana’s participation in EBDM, and specifically the pretrial pilot project: “If the presumption of innocence is to have any meaning at all, it is essential that the pretrial detention of people be reduced.”

“Cash bonds have been a barrier to indigent people, who are over-represented in the criminal system, being released pretrial. The cash bond system benefits only those who can afford to pay for their release, while those who cannot remain in custody until the case is resolved.

11 counties participating in a pretrial release pilot project

**Pilot counties**
1. Allen
2. Bartholomew
3. Grant
4. Hamilton
5. Hendricks
6. Jefferson
7. Monroe
8. Porter
9. St. Joseph
10. Starke
11. Tipton

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Bernice Corley, Executive Director, Indiana Public Defender Council
The Indiana Office of Court Services is available to provide information, resources, and technical assistance to courts interested in learning more about EBDM. Contact Samantha Goodson, IOCS EBDM/Pretrial Coordinator at samantha.goodson@courts.in.gov for more information or to schedule a site visit to your county.

“EBDM pretrial data tools shift judicial resources from consideration of money for release to practices that correlate more closely to ensuring appearance and reducing recidivism. EBDM has resulted in more people being released pretrial. EBDM is a framework that can move Indiana's criminal system toward the justice that encourages citizen confidence.”

Other highlights coming in 2019:

- Dr. Bradley Ray and the research team will begin IRAS-PAT validation studies in the remaining pilot sites, starting with Allen and Hamilton counties. Results from those counties will be available in mid-2019.

- Allen, Hamilton, Hendricks, and Monroe counties will work with Dr. Ray and Dr. Evan Lowder to conduct a multi-site analysis comparing pretrial outcomes in cases where risk assessment is used to inform decisions to outcomes in cases when it is not.

- On April 9-12, 2019, the Indiana EBDM policy team will host a pretrial orientation for local criminal justice stakeholders interested in learning more about evidence based pretrial practices.

One of our biggest challenges and goals is to produce objective data that will allow all of us with confidence to measure and test our programs and practices."

David Powell, Executive Director, Prosecuting Attorneys Council

ONLINE
Read part one of this series indianacourts.us/times/2018/06/pretrial-part1/

Learn more about Pretrial Release courts.in.gov/iocs/3721.htm
Technology update

Court records and documents online

Today, we can do everything online from paying bills to accessing our medical records and scheduling our next appointment with our doctor. We can even buy a car online and have it delivered to our door!

Courts and clerks make every effort to keep up with the times. Since 2007, court records have been available online at mycase.in.gov. Today, court documents are now available on that same website. There have been approximately 60,000 visits per day and over 6 million court documents downloaded since May of 2017 when documents became available. We can pay a traffic ticket or apply for a marriage license online. And now, Trial Court Technology staff is working with circuit court clerks to make Judgment Docket information available on the Internet.

Requirement to maintain a Judgment Docket

The requirement to maintain a Judgment Docket can be traced back to 1843. Under the record keeping duties prescribed by statute, every circuit court clerk is required to maintain a ‘book’ with information on every judgment entered by a trial court in that county.

How it works

An Index is created weekly from data entered in Odyssey. At the end of each quarter, the weekly Indexes are consolidated into a quarterly Index. At the end of the last quarter of the year, an annual Index is generated. Each Index is searchable. This functionality is critical due to the fact that some case captions entered in Odyssey may be lengthy and a person’s name may not be found easily, e.g., In Re The Estate of John Doe.

Since the Index is in alphabetical order, a searcher could not find ‘Doe’ without the ability to do a word search. Because the Index is a PDF, the user can search for ‘Doe’ and find any case that contains ‘Doe’ within the case caption. Once the case is identified, the searcher can find the entire Chronological Case Summary (court docket) on mycase.in.gov and can review all court activities including any outstanding financial balances.

Where to find it

The new Judgment Book Index search can be found at public.courts.in.gov, the website where information on many court initiatives is made available as a public service.

ONLINE

Access to Court Records
mycase.in.gov
Judgment Book
Index search & more
public.courts.in.gov

Accompanying the book is an alphabetical ‘index’ of the judgments in the book. Many clerks maintain this book and index in an electronic format. This is allowed by current statute. Unfortunately, the only way to access this information was to make a trip to one or more courthouses in Indiana’s 92 counties. Until now.

Trial Court Technology has developed a website to make the electronic Judgment Book Index generated by the Odyssey case management system available online to the public.

Judgment information is critical to financial institutions, title companies and other business entities. The ability to access this information online 24/7 is another feature that clerks are offering to the public, a service that should save many trips to the courthouse.

For additional information on Trial Court Technology please contact Mary DePrez at 317-234-2604 or mary.deprez@courts.in.gov.
Imagine you lost your only source of income and had no ability to pay your bills. Your rent is due, your lights are on the verge of being shut off, your children need school clothes, and your child support obligations must be met. You need a lawyer to lower your support payments or find a way to represent yourself in court. What would you do? How would you access justice?

The new website for the Coalition for Court Access, indianalegalhelp.org, provides legal resources to Hoosiers of limited financial means.

According to Supreme Court statistics, self-represented litigants filed 229,740 of the 1,327,725 total court filings in 2017. If filing trends remain consistent, this number is expected to rise.

indianalegalhelp.org is an important tool the Coalition developed to address this trend. The website helps people looking for civil legal aid for non-criminal issues, including family, housing, consumer, healthcare, benefits, employment, and educational services.

The website provides a variety of self-help forms covering family law and general civil matters, and an interactive map allowing users to find contact information for legal service providers in all 92 Indiana counties.

There are many instances in which hiring an attorney is crucial, therefore legal experts suggest talking to an attorney prior to submitting online forms to a court. The website also includes questions to ask when hiring a lawyer.

The launch of indianalegalhelp.org is a significant step in achieving the Coalition’s access to justice goals. However, the Coalition plans to expand the forms available and will eventually include a section for legal professionals who want to help fellow Hoosiers navigate Indiana’s legal system.

If you do not qualify for free civil legal aid, these resources will help you take the next step in solving your legal problem.

For additional information on indianalegalhelp.org or the Coalition for Court Access, contact Carlton Martin, CCA Attorney, at carlton.martin@courts.in.gov or 317-234-1376.
‘Traffic Court’ and traffic offenses sometimes garner less than full respect from the general public. For an amusing example of public opinion regarding Traffic Court, attention is directed to Episode 16 of the third season of “The Big Bang Theory” in which Sheldon Cooper goes to court for running a red light and ends up in jail for contempt, primarily for noting that Traffic Court is the ‘kiddy table’ for judges.

Cooper makes no effort to hide his disdain for the court process, and the judge is not a paragon of patience and professionalism. Comedic exaggeration sometimes provides legitimate, albeit discomforting, insight into the real world.

Unquestionably, the high volume of traffic offenses processed through the courts requires procedural efficiencies, and no one suggests that traffic infractions merit equal time with all other cases. However, the criminal justice system also must not permit all traffic matters to be considered unimportant merely because some of those offenses are adjudicated through the expedited, civil/quasi-criminal traffic case procedure.

Traffic Related Fatalities: Good News and Bad News

The importance of traffic safety is clear from the annual carnival on our roads. The National Highway Traffic Safety Administration (NHTSA) recently reported that there were 37,133 traffic fatalities nationwide in 2017, a 1.8% decrease from 2016, following a 5.6% increase from 2015 to 2016 and an 8.4% increase from 2014 to 2015.

Twenty-seven states saw a reduction of total traffic fatalities in 2017, but Indiana had the highest increase of traffic fatalities of all states, with a 10.3% increase. Long term trends and statistics provide a more accurate picture than numbers from a single year, but there is nothing positive in having the largest percentage increase in motor vehicle fatalities for 2017.

The Goal of Traffic Case Adjudication

Traffic crashes may result from equipment problems such as tire or brake failure or from environment-related issues such as slick roads, glare or poor road conditions, but in 94% of crashes, the critical reason for the crash is attributable to drivers.
However, because the majority of traffic offenses adjudicated in court do not involve a crash, injury or death, the system must remain mindful that the primary goal of adjudicating traffic offenses is to enhance traffic safety, NOT raise revenue for government or to fund general law enforcement or criminal justice initiatives.

Traffic cases involve many types of dangerous conduct but the courts have a particularly relevant role to play in addressing the long standing problem of alcohol and drug impaired driving. Although there has been a 50% reduction in impaired driving fatalities since 1982, much remains to be done to confront the ongoing problem.

**JUDICIAL ROLE AND RESOURCES IN TRAFFIC SAFETY**

Too often, society seeks or touts a simple solution to a complex problem, including the cringeworthy suggestion that social ills or undesirable conduct such as impaired driving would go away if judges properly did their jobs and locked up offenders. The misplaced optimism regarding the efficacy of incarceration does not minimize the importance of judges seeking and utilizing resources and educational opportunities to properly perform their duties.

There are a number of excellent traffic related judicial education programs available through the IOCS Education Division and other providers such as the National Judicial College, the American Bar Association, and the National Association of Drug Court Professionals.

For example, a full day ‘Impaired Driving Topics’ session is being developed for presentation at the 2019 Indiana Spring Judicial College. Other upcoming educational opportunities will be available to judges through the National Judicial College, the National Center for DWI Courts, and the National Conference of Specialized Court Judges of the American Bar Association.

In addition to these judicial branch resources and education programs, a number of private entities and government agencies have resources that may benefit judges. Although there are ethical limitations for judges in communicating or collaborating with non-judicial entities and other criminal justice stakeholders, there are opportunities for the judicial branch to benefit from some of these resources.

For example, the Indiana Criminal Justice Institute serves as Indiana’s Office of Highway Safety with the responsibility of supervising a multitude of government funded highway safety programs.

Most of these programs do not pertain to the judiciary, but some government funds and resources are now being directed to the judicial branch as it is realized that the courts are an important component of an effective, broad-based response to traffic safety and impaired driving.

**INDIANA JUDICIAL OUTREACH LIAISON**

One small court-related initiative is the Judicial Outreach Liaison (JOL) Program through which a judicial officer engages and liaises with other traffic safety professionals while also serving as a resource for the judiciary.

As the present Indiana JOL, I look forward to opportunities to provide resources for judges, including presenting a recurring traffic safety/impaired driving column for the Indiana Court Times.

For additional information on this topic, contact the author at earl.penrod@courts.in.gov.
In January 2018, Terry Stigdon came into the role of Director of the Department of Child Services with a mandate to learn from the assessment of DCS which had been ordered by Governor Eric Holcomb. Tasked with leading the agency in the implementation of recommended reforms, one of her first stops was meeting with judges.

Early regular meetings with Wayne County Judge Darrin Dolehanty and Monroe County Judge Steve Galvin helped to build trust and a collaborative spirit between the new director and the leaders of Indiana’s juvenile bench.

Judge Dolehanty explained, “We tried to keep the meetings on a ‘let’s get to know each other’ level and spent very little time discussing business. I think those informal meetings helped foster an overall sense of trust and goodwill.”

Examples of collaboration in her first year on the job include:

- Visits to courts across the state
- Regular meetings with leadership of the Juvenile Justice Improvement Committee and Indiana Council of Juvenile & Family Court Judges
- Assignment of a DCS designee to serve on the Child Welfare Committee of the Regional Judicial Opioid Initiative
- Bringing draft legislation to JJIC/ICJFCJ judges for input
- Assigning staff to collaborate with the Indiana Office of Court Services to support and expand Family Recovery Courts across the state

Grant County Judge Dana Kenworthy, chair of the Juvenile Justice Improvement Committee, said, “Director Stigdon has stated that she wants to be entirely transparent and welcomes input of the judiciary. I have found both to be true in my experience with her.”

From her previous career serving high-need children and families at Riley Children’s Hospital, Stigdon intuitively grasped the impact of the various stakeholders on outcomes for vulnerable children. Thanks to the statutory role of the DCS Director as a member of the Commission on Improving the Status of Children, Stigdon was immediately brought into contact with other state leaders.

The Commission meetings are open to the public and showcase the collaborative spirit needed for effective child welfare practice from groups including the courts, DCS, GAL/CASA, mental health and family service providers, schools, communities, and extended families. State leaders welcomed Director Stigdon to the table as all groups continue to work for the best interest of the child.
There’s no doubt Terry Stigdon has a heart for children, a trait that’s shaped her career for more than 25 years. It’s a passion that’s served her as a mother, as a nurse and – most recently – as the new director of the Indiana Department of Child Services, a role she assumed in January 2018.

When Stigdon joined the Department of Child Services, she was uniquely qualified to understand the mission ahead. In her near 20-year career working for Riley Hospital for Children, Stigdon spent countless hours serving people in need. That work took her to the pediatric intensive care unit as well as the emergency medicine and trauma center; there, she saw firsthand what can happen in the most serious cases of child neglect and abuse.

The same drive to help those little ones in the hospital has now carried her to lead the state agency entrusted with their protection. As Stigdon nears the one-year anniversary of taking this post, we asked her to speak on the direction the agency’s headed – and how important the courts are to that mission.

“First and foremost, it’s important to recognize the power of working together to achieve positive outcomes for Hoosier families,” Stigdon said. “Collaboration among the courts and state agencies is critical to ensuring those in the child welfare system receive the assistance they need. The first step toward that goal is acknowledging that these entities cannot operate in silos – they need one another,” she added.

On their journey to permanency – whether that’s reunification with loving families or placement with others who can provide a safe and caring home – children will interact with state agencies, area providers and the courts. Each has an important role to play.

“Each of us within the child welfare system only has so much control over specific parts of the process,” she said. “In order to truly affect positive change, we must lean on each other’s strengths.”

That begins with building relationships but has to go further, Stigdon said; yes, even if it means shedding pride to tackle the problems Hoosiers face.

It’s more than lip service; shortly after joining the agency, Stigdon took opportunities to meet with judges. She wanted to hear about the challenges they see in their courtrooms and learn more about how DCS can bolster the courts’ efforts to provide the best care to families who find themselves before the bench.

She was thankful for kind words but also welcomed criticism where it was warranted, asking court representatives to be open and honest in outlining where DCS excels and where its staff can improve. “Everyone comes to the table with an important perspective, and it’s crucial I listen – really listen – to that input,” she said. “We must lock arms in service of Hoosier families.”

She came away from those meetings encouraged – and with a number of goals: to improve DCS’ relationships with courts across the state; to streamline communication between local DCS staff and judges and ensure procedures are consistent across communities; to make the journey to permanency more efficient for children; and to ensure DCS seeks court intervention for the right children at the right time.

“Removing a child can be traumatic, and we must be confident when we ask the courts to support us in that decision,” she said.

Stigdon is the first to admit she’s still learning – and her door is always open, she added.

“The more we understand each person’s role in the child welfare process, the better service we can provide to those who need it most,” she said. “I’m encouraged, knowing I’m surrounded by so many people who want the best for Hoosier families.”
Historically, two distinct and separate paths were followed in the provision of services to children who came to the attention of the juvenile justice system. The selected path was generally not determined as a result of an assessment of the totality of the child’s circumstances and needs. Rather, the path was determined by the incident or report through which the child was first identified. If a delinquent act was first identified, then the child was placed on the delinquency trajectory. If the child was first seen as a victim of neglect or abuse, the child was a Child in Need of Services (CHINS). Although youth and families often crossed agency lines, workers rarely did. Child serving agencies often operated in silos – even physically and culturally separated from one another. Once labeled, little could be done to address the systemic crossover of a child’s co-occurrence of problematic behaviors and environment.

Over the past decade research informed us that maltreated children commit almost twice as many offenses as children who do not suffer from neglect or abuse. (Widom, C.S, and Maxfield M.G. (2001) United States Department of Justice). A disproportionate number of foster children were placed in secured detention and, of those, there was a significant disproportionality of African American children (Ryan, Hertz, Hernandez, Marshall, (2007) Children and Youth Service Review 29).

Today it is more readily acknowledged that a child’s trauma can impact behavioral choices. Indiana’s experiences with crossover youth and their accompanying system challenges were no different than those occurring nationally.

Although there were pockets on a case-by-case basis where collaboration between child welfare and juvenile probation occurred, there was no legal framework to provide authority for and consistency to the process. To uniformly meet the needs of crossover children it became clear meaningful change to state child welfare and juvenile justice systems was necessary.

Through the work of Casey Family Programs, the Center for Juvenile Justice Reform of Georgetown University Public Policy Institute, and the Robert F. Kennedy National Resource Center of Juvenile Justice, evidence-based practices were developed to guide juvenile courts in meeting the complicated needs of crossover children.

Using the Casey Family Crossover Youth Practice Model, juvenile court judges and representatives of the Department of Child Services (DCS), with the leadership of Representative Wendy McNamara, spearheaded an effort to help Indiana pass legislation for Dual Status children. Following near unanimous support by the state legislature, then-Governor Michael Pence signed the bill into law in 2015. Indiana’s Dual Status law became the first of its kind in the nation.

John Tuell, Executive Director of the Robert F. Kennedy National Resource Center of Juvenile Justice, wrote that the legislation will “serve as an outstanding framework for multiple other states to positively impact dual status outcomes.”

Following the bill’s passage, five pilot counties were selected. Tippecanoe, Elkhart, Allen, Clark, and Henry counties became known as the “TEACH” counties. Under a separate grant, crossover youth services and protocols were developed by Marion County through the Robert F. Kennedy National Resource Center of Juvenile Justice.
Following the evidence-based practice model, the law provides four circumstances through which a child may be identified as a Dual Status (crossover) child: (1) dually identified; (2) dually involved; and (3) dually adjudicated. The fourth category relates to those children who are eligible for release from the Department of Correction but whose parent, guardian or custodian cannot be located or is unwilling to take custody.

Regardless of the door they come through, every child who enters the juvenile system – whether as a delinquent or as a CHINS – must be screened at the initial assessment to determine whether he or she is a Dual Status child.

Dually Identified children are those who are currently involved with the juvenile justice system and alleged to be a CHINS. Conversely, this category also includes children who are currently involved in the child welfare system and are alleged to have committed a delinquent act. "Alleged to be" refers to situations where no case or petition has been filed, but there is information offered sufficient to allege a CHINS condition or the commission of a delinquent act. “Alleged to be” does not require an active case or investigation in both systems to create a Dual Status child.

Dually Involved youth are youth who have concurrent involvement with both juvenile justice and child welfare. That can mean diversion, informal adjustment, formal filing, or a combination of these options. Dually Adjudicated youth are those youth who are currently adjudicated in both the child welfare and juvenile justice systems.

At the Preliminary Inquiry stage, the juvenile court judge must be apprised that the child has been identified as a Dual Status child. Upon review of the factual circumstances of the child’s needs, the court may establish a Dual Status Assessment Team composed of a court appointed facilitator, a representative of the DCS and juvenile probation, and others, including the child’s public defender, Court Appointed Special Advocate, and parents. The assembled Dual Status Assessment Team has the duty to evaluate the path or paths that will best meet the holistic needs of the child.

The Dual Status Assessment Team must meet within ten days. The Team shall make recommendations to the court that may include proceeding with a CHINS case and dismissing the delinquency petition; proceeding with the delinquency petition and dismissing a CHINS; proceeding with both; or dismissing both. Referrals to other agencies and services without court intervention may be suggested. The report should also include recommendation for services or referrals that will serve the child’s best interests. A lead agency – either DCS or Probation – will also be recommended. The lead agency has the primary responsibility for the governance of the Dual Status case. In deciding who the lead agency should be, the Dual Status Assessment Team considers the child’s social and family situation, the child’s prior experience with DCS; any prior adjudications of delinquency; and the needs, strengths, and risks of the child.

As the Dual Status legislation has rolled out a common misconception has been repeated. Oft times it is assumed that once a lead agency is determined, the other agency is released from the Dual Status case. Because the Dual Status child has a complicated history and thus more significant challenges and needs, it is essential that DCS and Probation continue to collaborate and communicate, even if one agency no longer has a case.

The problematic lives of Dual Status children are not static. Thus the systems’ responsibility to them and their families must continue to be a collaborative effort.

The research demonstrates that through this collaborative effort greater opportunities are developed to prevent the child’s entry or continued movement through the juvenile justice system. Dual Status processes provide Indiana’s juvenile court judges with the means to access expertise and resources that best meet the needs of Dual Status youth and their families.

This professional collaboration results in more effective responses for children. It also increases the likelihood of steering children away from the juvenile justice system as well as linking the youth and families with the most effective services and treatment.

There is no wrong door! Children and their families need no longer be defined by their point of entry. Dual Status provides the juvenile court judge with the ability to pool the expertise of caseworkers, probation officers, mental health providers, educators, family members, legal representatives and others to help resolve those cases that tend to be the most complicated and challenging.
In the counties who have been piloting this process, between 18-20% of the cases are identified as Dual Status. The statistical breakdown of lead agency determinations reflects that the DCS is assigned as the lead in 57% of the cases and juvenile probation is deemed the lead in 43% of the cases. 14% of the cases originated with a current CHINS case, 38% originated with a delinquency case, and 36% originated with involvement in both systems. Thus, there is no evidence that one agency is “dumping” their case to the other as was once feared. Instead, there is evidence of improved communication and understanding of each system’s process.

In a survey conducted in Allen County by Department of Child Services Division Manager Gary Jones, 86% of DCS family case managers and their supervisors characterized their communication regarding children in need of services with juvenile probation prior to the Dual Status legislation as nonexistent or sporadic. Similarly, 83% of probation officers reported no or only sporadic levels of collaboration with DCS. Since the implementation of Dual Status, those numbers have changed significantly.

In 2017, little more than a year after full implementation of the new law, 54% of probation officers reported that they often and regularly communicate with DCS regarding children under their supervision. 69% reported that they regularly collaborate with DCS. Similarly, 48% of the DCS caseworkers reported often or regular communication with juvenile probation.

In Clark County, the numbers are very similar. DCS family case managers reported little or no contact with probation prior to implementation of Dual Status legislation, other than in those cases where a CHINS committed a delinquent act while in DCS placement. Probation officers had little to no contact with DCS unless they were told by the family or a family case manager of a pending CHINS case. Since implementation, a single point of contact has been established in both juvenile probation and the local DCS office. Those two individuals now speak almost daily sharing information to determine the status of possible crossover youth.

In addition, Clark County has a weekly Dual Status Assessment Team meeting. If there are no new referrals, the Team still meets to discuss the progress of any prior youth they have made recommendations on and to ensure services are being offered. Clark County established a system where the same facilitator is used in every case. There are also other regular members of the Team, including the juvenile probation officer and family case manager, juvenile prosecutor, DCS attorney, CASA, and the public defenders or defense attorneys for the child and family.

The benefits for children, families, and the juvenile justice systems as promised by the research are becoming a reality in Indiana. Yet, much work needs to be done. The process of identifying children as Dual Status is more than a change in paradigms; it is a cultural shift. Crossover youth do not present as typical cases. Their issues and needs are complicated and difficult to address. Dual Status cases require more time. Implementation of the protocol is hard work and requires local leadership from the juvenile court judge, DCS, and probation. But this work is the true calling of juvenile justice.

For more information about Dual Status in Indiana, contact Judge Vicki Carmichael at vcarmichael@co.clark.in.us or 812-285-6294; Judge Charles F. Pratt at charles.pratt@allensuperiorcourt.us or 260-449-7289; or Matt Hagenbush, Court Improvement Program Staff Attorney, at matthew.hagenbush@courts.in.gov or 317-234-5346.
To celebrate National Adoption Day in November 2018, more than 30 judicial officers allowed families and press the opportunity to photograph and videotape certain uncontested adoption proceedings. The Supreme Court first issued an order authorizing cameras in court in 2012 for National Adoption Day to increase public awareness of the value of adoption.

This year approximately 270 children joined their ‘forever families’ in 25 counties across Indiana. The counties participating this year included Adams, Allen, Clark, Crawford, Delaware, Elkhart, Fountain, Grant, Hamilton, Jennings, Johnson, LaPorte, Marion, Monroe, Porter, Shelby, and Tippecanoe.

Porter County Magistrate Gwenn Rinkenberger commented, “Just to see the looks on the kids’ faces, it’s really exciting. They get to dress up, receive gifts, and make a change in their lives. They are able to have some permanency: homes, parents, loved ones.”

Several counties coordinated party-planning aspects of the day through The Children’s Bureau, Court Appointed Special Advocates, or the Department of Child Services. Thanks to these partnerships, many children left the courtroom not only with a family, but also with gifts such as homemade blankets, books, balloons, and flowers to take back to their new homes.

Indiana trial courts resolve disputes in over 1.3 million cases each year, and adoptions are just one case type. Each year there are about 3,600 adoptions in the state.

View Adoption Day photos on Flickr at flic.kr/s/aHsmvSSURU.
On September 26, the Indiana Supreme Court heard an oral argument in Madison County rather than in the Supreme Court Courtroom in Indianapolis. The Court holds about 70 oral arguments at the State House in Indianapolis each year. Occasionally, it schedules arguments outside the capital to allow students, press, and public in other areas of the state an opportunity to see the work of the Court.

The Court heard argument in the criminal search and seizure case of Marcus Zanders v. State of Indiana, at Reardon Auditorium on the campus of Anderson University (AU) in Anderson. Students, faculty, and administrators from AU were among the nearly 800 guests along with area attorneys, local judges, and students from:

- Anderson Christian School
- Burris Laboratory School
- Daleville Jr-Sr High School
- The Excel Center of Anderson
- Indiana Christian Academy
- Inspire Academy: A School of Inquiry
- Lapel High School
- Liberty Christian School
- Muncie Central High School
- Tri Central Middle-High School
- Wapahani High School
- Wes-Del High School

Following the argument, the Court answered questions from the audience, providing students and community members an opportunity to develop a deeper understanding of the day-to-day operations and overall role of the Court as well as the way cases move through the judicial system.

To learn more about the Supreme Court’s Traveling Oral Arguments, visit courts.in.gov/supreme/2572.htm.

View photos from the Traveling Oral Argument on Flickr at flic.kr/s/aHsmodu7V1.
Morgan Superior Court No. 1 Judge Peter R. Foley is a 1993 graduate of Indiana University where he earned a Bachelor of Arts Degree in History/Criminal Justice and a 1997 graduate of Indiana University McKinney School of Law. Following graduation, he practiced law from 1997 to 2014 in the firm of Foley, Foley & Peden in Martinsville, where he primarily handled civil matters. He also served as Morgan County Attorney from 2001 to 2014.

He was elected as judge in 2014. Judge Foley is a member of the Indiana Judicial Conference Probate Committee and a member of the Indiana Advisory Task Force on Remote Access to and Privacy of Electronic Court Records. He previously served on the Board of Directors for the Judicial Conference from 2015 to 2016.

Judge Foley married his wife, Jill, on February 27, 1999. Jill is an occupational therapist for IU Health Morgan and provides OT therapy in the Martinsville schools. They are the proud parents of two children: Maggie age 17, senior, and Anna age 16, sophomore, both at Martinsville High School.

What was your childhood like?
I was born and raised in Martinsville. I’m the youngest of three boys and grew up playing sports and riding bikes in the neighborhood. Idyllic childhood of the 70’s and 80’s stuff. Our parents loved to travel, and we had memorable family vacations, whether it was to the beach, Washington D.C., the “Griswald” family trip out west in a station wagon, canoeing in the Boundary Waters, skiing in the Rockies, or river rafting. It was always an adventure. My father was an attorney and my mother was a school teacher. True to the small-town cliché, all the adults in town knew me as one of the “Foley boys” whether I knew them or not, which certainly presented both advantages and disadvantages depending on what we were up to.

CONTINUED ON NEXT PAGE
What prompted you to study law?
Law was the family business. My father and grandfather were attorneys in Martinsville and I had several uncles who were also attorneys. I was a History/Criminal Justice major in college and realized prior to my junior year that I wanted to go on to law school.

I still wasn’t convinced I’d return to Martinsville and join the small town/county-seat law practice until my third year of law school. After law school graduation, I started working at the family law firm and found the small town practice of law to be thoroughly fulfilling.

What is the most challenging and most rewarding aspect of being a judge?
The most challenging is constantly being “on” and making hundreds of substantive decisions each and every day, whether it’s ruling on motions, decisions from the bench, or administrative work. As the judge, you’re the final word and must make the decision. The most rewarding aspect of the job is seeing a positive impact from a decision or case in the lives of those affected by the decision.

What profession would you choose outside of the law?
I’ve always been interested in politics and history, so possibly something along those lines, maybe a teacher. If money and family weren’t considerations, a job riding a ski lift everyday would be hard to beat.

Do you have any hobbies or favorite leisure activities?
Outside of work, I enjoy running, play church softball in the summer, have a weekly tennis game, and occasionally play some golf. I really enjoy planning and taking family vacations. Until a couple of years ago, we managed to tent-camp as a family at least once a year. My kids are now almost out of high school, so the opportunities for family vacations are slipping away.

Who are the people you most admire and why?
My wife, children, and family have had the greatest influence on my life and are the people I most admire. History is full of people from seemingly normal and unremarkable backgrounds who go on to lead extraordinary and influential lives. I’m always fascinated by the manner in which people are able to be both shaped by, and influence, events.
Do you have a favorite saying or quote?
The one I currently use with my girls, who are a senior and sophomore in high school is, “Don’t try to win high school.”

Name one or more books that would make your recommended reading list.
I like non-fiction, primarily biographies or history. I try to read at least one presidential biography a year. Most recently completing a biography on Grant (by Ronald White, Jr.) and Coolidge (by Amity Shlaes). I don’t have a “best” book, but have really enjoyed the work of Stephen Ambrose, David McCullough, Ron Chernow, and Jon Meacham.

Do you have a preferred getaway spot or place where you like to relax, alone or with your family?
I love getting out West to the mountains, no matter the season or location. Our most recent family vacation was to the Southwest, driving from Phoenix to Vegas, spending time in Sedona, the Grand Canyon, and Zion National Park. Although I lost out on camping, we had a blast mountain biking, hiking, and driving through the desert.

Do you have a favorite meal/recipe/restaurant?
I’ll pretty much eat anything you put on my plate and don’t have a favorite. I do enjoy having a burger and beer at the Upland Brewpub in Bloomington.

What are you most looking forward to in the next 10 years?
I really enjoy being a judge and the challenges this role presents. I look forward to being on the bench and continuing to seek out ways to improve the judiciary both locally and at the state level.

I realize, however, if you had asked me this question 10 years ago, I would not have been able to tell you I’d be doing what I’m doing now. So I also look forward to the unknown opportunities of the future. On a personal note, hopefully Jill and I will be able to get our two girls through college and into unsubsidized adulthood.
In September 2018, Indiana Chief Justice Loretta Rush was named the 2018 Government Leader of the Year by the Indiana Chamber of Commerce. She was officially honored during the Chamber's 29th Annual Awards Dinner on November 13.

Chamber President and CEO Kevin Brinegar offered praise when announcing Rush as the award recipient. "From administrative restructuring and establishment of Indiana’s commercial courts to her focus on trying to protect young people from becoming innocent victims of the actions of others, she is a true leader for Indiana and beyond."

The Indiana Chamber pointed to Chief Justice Rush's work supervising the state judicial branch including securing funding for various initiatives, implementing e-filing, developing commercial courts, and serving as co-chair of the National Judicial Opioid Task Force.

Former Chief Justice Randall Shepard (1987-2012), who was a previous recipient of the Government Leader award, noted his successor's innovative approach to projects. “The bench and bar in our state widely agree that Loretta Rush's leadership as chief justice is key to building a better court system for Indiana’s future.”

All four of Chief Justice Rush's colleagues on the high court were at the celebration dinner, along with Supreme Court managers. Chief Justice Rush accepted the award and asked her colleagues to stand and share in the recognition.

View photos from the Awards Dinner, read the BizVoice cover story, watch a video feature, and learn more about the other leaders: indianachamber.com/2018-annual-award-winners/
Judicial appointments

**Judith Corcoran Benckart** was appointed to the Monroe County Circuit Court, succeeding Judge Kenneth G. Todd, who retired in October 2018. She previously served as deputy prosecuting attorney for Monroe County. Benckart earned her Bachelor’s degree from Ball State University and her law degree from Indiana University McKinney School of Law.

**Magistrate Jennifer L. DeGroote** was appointed to the Allen County Superior Court, succeeding Judge Stanley A. Levine, who retired at the end of 2018. She has served as a magistrate for the Allen County Superior Courts since 1999. DeGroote earned her Bachelor’s degree from the University of Michigan and her law degree from the Valparaiso University School of Law.

**Magistrate Judge Thomas P. Hallett** was appointed to the Lake Superior Court, succeeding Judge Elizabeth Tavitas, who joined the Indiana Court of Appeals in August 2018. He has served as a magistrate for the Lake Superior Court since 2009, and previously served as judge of the Lake Station City Court. Hallett earned his law degree at Indiana University Maurer School of Law.

**Matthew A. Sheehan** was appointed to the Terre Haute City Court, succeeding Chris A. Wrede, who resigned in August 2018. Sheehan is a private practitioner and previously served in the Vigo County Public Defender’s Office. He received his Bachelor’s degree from Indiana State University and his law degree from Indiana University McKinney School of Law.

**David M. Zent** was appointed to the Allen County Superior Court Criminal Division. He will succeed Judge John F. Surbeck Jr. who retired at the end of 2018. Zent previously served as senior magistrate of the Misdemeanor and Traffic Division of the Allen County Superior Court. Zent received his Bachelor’s degree from Indiana University and his law degree from the University of Dayton.

Study Commission to review Indiana Bar Examination

A 14-member Study Commission will review the Indiana Bar Examination. The Indiana Supreme Court unanimously ordered the creation of the Commission to conduct an in-depth analysis of the bar exam to determine whether changes in the format or content are needed.

Former Chief Justice Randall T. Shepard will chair the Commission. Court of Appeals Chief Judge Nancy A. Vaidik will serve as vice chair. In addition to judges and lawyers, Indiana Law School Deans serve on the Commission. The group will make a report to the Court by December 2019.

COA Judge Margret Robb named as CCJSCA President

Court of Appeals of Indiana Judge Margret Robb was recently named as President of the Council of Chief Judges of the State Courts of Appeal (CCJSCA). CCJSCA is an association of the National Center for State Courts.
In September 2018, the 84th Annual Meeting of the Indiana Judges Association (IJA) was held at the JW Marriott in downtown Indianapolis. The event was a part of the Annual Meeting of the Judicial Conference of Indiana. The IJA was established in 1934 and works to cultivate connections and mutual assistance between judges. The IJA also works with representatives of the state to improve Indiana government and to better the administration of justice.

The IJA awarded members of the judiciary, media, and legislature for their statewide work with the communities of Indiana. The awards are as follows:

**Judges and Media Award**
- Judge William Nelson (Marion County)
- Reporter Linda Jackson (Fort Wayne's NBC)

**Appreciation Award from Marion County Small Claims Court Judges**
- Chief Justice Loretta Rush (Supreme Court)
- Judge Sheryl Lynch (Marion County)
- Judge John Baker (Court of Appeals)

**Champion of Justice Award**
- Indiana Governor Eric Holcomb
- Indiana Senator Rodric Bray

Along with these awards, three individuals were honored by the Indiana Supreme Court for their exceptional work done in the technical field to modernize Indiana courts. Justice David presented on behalf of the Court to recognize the work they have undertaken for the Odyssey Case Management System and other technical advancements.

**Tech Honorees**
- Mary DePrez (Trial Court Technology)
- Judge Paul Mathias (Court of Appeals)
- Former Justice Frank Sullivan (Supreme Court)
1. Justice Steven David and Trial Court Technology Director Mary DePrez
2. Marion County Small Claims Judges with Judge Sheryl Lynch (Marion), Chief Justice Loretta Rush, and Court of Appeals Judge John Baker
3. Senator Rodric Bray and his wife, Kelly
4. Justice Steven David and Court of Appeals of Indiana Judge Paul Mathias
5. Justice Steven David and former Justice Frank Sullivan
6. Governor Eric Holcomb, his wife, Janet, and IJA President Robert Freese
MISSION

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