Ready for Liftoff
Supreme Court launches innovation initiative

State of the Judiciary
SPECIAL EDITION

Family recovery courts
Kinship caregivers
Seeking solutions to jail overcrowding
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On January 15, 2020, Indiana Chief Justice Loretta H. Rush delivered her sixth address on the State of the Judiciary to a joint session of the Indiana General Assembly.

The Supreme Court justices and judges of the Court of Appeals were greeted by members of the House and Senate, including Representatives John Young, Greg Steuerwald, B. Patrick Bauer, and Edward DeLaney and Senators Eric Koch, Liz Brown, Karen Tallian, and Greg Taylor. A record number of judges (with over 100 from across the state), special guests, members of the media, and elected officials from all branches of government were present. Lt. Gov. Suzanne Crouch called the session to order.

Chief Justice Rush reported that the state of the Indiana judiciary remains strong, thanks to the commitment of the courts to pursuing justice for all Hoosiers with energy and innovation. She highlighted the resolve of the judiciary to fighting the addiction epidemic, pursuing pretrial and criminal justice reform, and supporting and strengthening families.

Before her address, those gathered in the House chambers saw photographs of many problem-solving court graduates. Each one is a remarkable success, a life changed, and a person rejoining a community. Last year, Indiana reached a milestone by certifying its 100th problem-solving court.

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Problem-Solving Courts

There are many types of these specialized courts: among them, veterans, drug, mental health, domestic violence, reentry, and family recovery courts. These courts work because judges get out from behind the bench, convene community partners, and truly connect with those standing before them in desperate need of a new path.

Pulaski County Judge Crystal Kocher developed a veterans treatment court last year after recognizing her rural community was being ravaged by methamphetamine and heroin, saying, “I wanted a non-adversarial approach to treating the drug and mental health epidemic. I knew we could be effective with a team approach to making our community better.”

Montgomery County Judge Peggy Lohorn says a once-lost soldier found his way back, thanks to the veterans court. In 2008, Army Specialist Jonathan Bushong was escorting a convoy of semis through Iraq when a roadside bomb exploded. While he escaped physically unharmed, he suffered from wounds that could not be seen. Once admitted to the veterans treatment court, his road to recovery was long and difficult, but he wasn’t alone.

In addition to the court team, General Wayne Black of the Indiana National Guard stepped up to serve as his mentor. Today, Jonathan is enrolled at Ivy Tech Community College, has reconnected with beloved family members, and intends to serve as a veterans court mentor.

Problem-solving courts are only possible with strong judicial leadership. And nowhere is this leadership more apparent than the role judges have in combatting the addiction epidemic.

After three years of co-chairing the National Judicial Opioid Task Force, Chief Justice Rush emphasized three truths: first, those with Opioid Use Disorder are 13 times more likely to be involved in the criminal justice system; second, the justice system is the single-largest referral source to get someone to treatment; and third, we must treat opioid and substance abuse disorders as chronic, treatable brain diseases—and not as moral failures.

This epidemic has caused our jail populations to increase. Under criminal justice and pretrial reform, lower-risk offenders should be released without having to post bail. Our courts should make use of all available information, including evidence-based risk assessments, to ensure that fairness prevails for all Hoosiers, regardless of wealth, geography, race, or gender.
Pretrial & Criminal Justice Reform

Last October, over 700 justice partners from across Indiana convened to reform our State’s pretrial release procedures. Judges, sheriffs, prosecutors, public defenders, medical professionals, elected officials, probation officers, and others joined together to work on criminal justice reform in their communities.

Representative Greg Steuerwald has been a dedicated leader in providing solutions to fulfill that promise of justice in Indiana. In Martin County, Judge Lynne Ellis formed the Martin County Justice Coalition. They’ve developed a pretrial release matrix and are building a system that fits their own county culture.

Jail Overcrowding

The Jail Overcrowding Task Force was created to study the causes of and potential solutions for this very issue. Justice Steven David chaired the group composed of all three branches of government. Representative Randy Frye called the task force, “an historic joint effort which brought an eye-opening overview of this complex issue. It illustrates that by working together we can transform the lives of incarcerated Hoosiers.”

Supporting & Strengthening Families

Strong families are the foundation of strong communities. Our courts focus on strengthening families who are under great stress and in many instances have endured unthinkable trauma.

In 2012, our Adoption Day event began with three judges and 50 children. For Adoption Day 2019, over 40 judges participated, and over 300 children celebrated in joining their forever families.

In 2013, the Legislature established the Adult Guardianship Office. Today, adult guardianship programs are found in 49 counties, serving 800 endangered adults.

In 2016, the Legislature increased CASA funding, which resulted in modernized operations, recording nearly one million hours of training and advocacy for children.

Last year, over 4,500 volunteers in a record 86 counties served over 25,000 abused and neglected children.

Families are desperate for us to better respond to those with mental health challenges. In 2019, the Supreme Court sent a team to a mental health summit to tackle the underlying behavioral health issues that bring people to our courtrooms. Justice Christopher Goff, Senator Jack Sandlin, Sheriff Brett Clark, Doug Huntsinger, Jay Chaudhary, Justin Forkner, and Mary Kay Hudson attended the summit.

The Commission on Improving the Status of Children in Indiana, led by Director Julie Whitman, is in its seventh year and serves as a national model because all three branches are working together to promote the well-being of children. They address issues such as child trafficking, teen suicide, infant mortality, vaping, and school discipline.

We can do a better job of helping families with accessible legal representation through increased legal aid funding. And, Chief Justice Rush humbly requested legislative appropriations to accomplish this need.

The Coalition for Court Access continues to advance indianalegalhelp.org to provide self-help forms and connections to legal service providers. Last year Indiana lawyers contributed nearly a half million hours of volunteer legal services. And, Indiana law students recently logged 100,000 volunteer hours.

"For many nonviolent offenders, we have failed to address their underlying issues of substance abuse and mental illness. Some people need to be incarcerated. More people just need help. A strong justice system must do both."
—Chief Justice Rush

A child waves a balloon after being adopted in Morgan County / photo by Josh Hicks.
Court Modernization

E-filing is occurring in every county with nearly a half-million documents being filed electronically each month. Our statewide case management system is operating in almost 80 counties. Free, online, public access to court cases is available through mycase.in.gov with more than 27 million visits a year. Courts can now send text messages to defendants in criminal cases, reminding them of their next court hearing.

To release the potential of Indiana’s judiciary, we created the Innovation Initiative. We are already national leaders in justice reform areas such as evidence-based decision-making, pretrial release, juvenile justice, problem-solving and commercial courts, along with court technology. But opportunities must be sought to make Indiana’s system of justice more efficient, less expensive, and easier to navigate, while continuing to ensure that justice is fairly administered, and the rights of all litigants are protected.

Civic Engagement

Our judges regularly take time to provide law-related civics education to thousands of students and community members through Constitution Day, mock trials, Statehood Day, We the People, and other civic events.

Our 15-member Court of Appeals has now held oral arguments in every single one of our 92 Indiana counties through their “Appeals on Wheels” program. They have developed relationships in over 500 communities, providing students at high schools, colleges, and law schools, guests at tourist sites, and retirement home residents, an opportunity to get up close and personal with their government.

Making History

One hundred years ago, women were finally able to vote. Last year for the first time in history, a number of Indiana courts were led by women. In addition to the Supreme Court headed by Chief Justice Rush, these women judges also served: Jane Magnus-Stinson, Chief Judge of the U.S. District Court for the Southern District of Indiana; Theresa Lazar Springmann, Chief Judge of the U.S. District Court for the Northern District of Indiana; Robyn Moberly, Chief Judge of the U.S. Bankruptcy Court for the Southern District of Indiana; Martha Wentworth, Judge of the Indiana Tax Court; and Nancy Vaidik, who just completed her second term as Chief Judge of the Court of Appeals of Indiana.

Conclusion

The framers of our constitution divided the power of government among three separate and co-equal branches. But that separation does not mean we should isolate ourselves from one another. Instead it calls for us to summon the very best in ourselves to walk that tightrope of equality without isolationism. And we’re doing it, listening to one another, helping one another, working toward common goals.

Photos clockwise: Members of the General Assembly honor trial court judges and other special guests / photo by Jonathan Hawkins. Indiana trial judges walk through the State House on their way to attend the State of the Judiciary / photo by Josh Hicks. Chief Justice Rush delivers the State of the Judiciary / photo by Jonathan Hawkins. Problem-solving court graduate Christopher Thomas and his two sons stand with Allen County Judge Thomas Felts, who presided over Thomas’s court process and graduation / photo by Josh Hicks.
For the speech and more photos, visit on.in.gov/sotj20 or scan the QR code

Speech edited for length and introduction by James F. Maguire.
Substance use and addiction are frequently associated with parental neglect and abuse of children. In 2017, over 55 percent of all child removals in Indiana resulted from parental substance use, a figure well above the national average of 36 percent. Complicating matters, parents battling substance use disorder often experience physical and mental illness. According to the National Survey on Drug Use and Health, 9.2 million U.S. adults experienced both mental illness and a substance use disorder in 2018. Family Recovery Courts aim to tackle this crisis.

**The Role of FRCs**

Launched in the mid-1990s, FRCs are problem-solving courts which target cases of child abuse or neglect where the parent or primary caregiver suffers from a substance use disorder or other mental illness. These courts, of which there are over 370 nationwide, strive to provide better outcomes for children involved with the child welfare system by providing services to the child’s parent or primary caregiver. FRCs may be used in cases where a child has been removed from the family home or, when appropriate, in cases involving a child in need of services. Modeled on drug courts, which focus on treatment, FRCs apply a non-adversarial collaborative approach, relying on a multidisciplinary team of judges, Department of Child Services attorneys, public defenders, case managers, and treatment providers. To reinforce positive behavior and to hold parents and caregivers accountable during their participation in the program, FRCs utilize incentives and graduated sanctions that consider the impact on the children and family as a unit.
FRCs also provide the family a full range of services, including parenting skills training, domestic violence counseling, health care, and developmentally appropriate services. FRCs combine these services with the traditional approach to juvenile cases, taking the least restrictive action possible to keep children safe and striving for reunification when children have been removed. As a result of this approach, a recent study found that families who participate in FRC programs are twice as likely to reunify than families receiving traditional child welfare services.

While other problem-solving courts generally require participation for a minimum of 18 months, Adoption and Safe Families Act requirements mandate courts to finalize permanency recommendations 12 months after a child enters foster care. Additionally, courts are required to begin termination of parental rights proceedings after a child has been removed from the home for 15 of the last 22 months. These requirements complicate an already delicate timeline which must consider the safety of the child and the lasting sobriety of the parent/caregiver. FRCs provide a mechanism by which courts may expedite the often-lengthy timeline of connecting a parent/caregiver with treatment providers and making progress toward permanency. The Grant County Family Recovery Court has demonstrated success by returning children to their home 54 days, on average, sooner than families who are not receiving services from the FRC.

A Committed Approach to FRCs in Indiana

The Indiana Supreme Court has remained committed to collaborative approaches at the local level. Over the last 18 months, the Court—in partnership with DCS, Children and Family Futures, and the Department of Justice’s Office of Juvenile Justice and Delinquency Prevention—sponsored a FRC Best Practices Training program and a Family Recovery Implementation Training program. These programs mark the efforts of multiple stakeholders and represent the innovative role of courts confronting common problems.

In December 2018, Indiana Supreme Court Justice Christopher Goff convened a meeting of stakeholders to address challenges and barriers to the expansion of FRCs in Indiana. Representatives from the Indiana Supreme Court, DCS, Indiana Division of Mental Health and Addiction, the Indiana Public Defender Council, and private treatment providers have met regularly to overcome the identified barriers. The deliberate effort to expand the availability of FRCs has resulted in the near doubling of certified FRCs to twelve with the tripling of certified FRCs on the horizon. Currently, the following counties have certified FRCs: Allen, Bartholomew, Boone, Clark, Delaware, Grant, Howard, Marion, Noble, Vanderburgh, Vigo, and Wabash. Counties in the planning stages of establishing a certified FRC include: DeKalb, Floyd, Knox, LaPorte, Pulaski, and Wayne.

Establishing an FRC in Your Community

If you are interested in joining your colleagues around the state in establishing an FRC in your county, we are here to help. We can answer any questions you might have about how you and your community can use the FRC collaborative approach to address some of the core issues driving families into the child-welfare system and to safely reunify families. We can help guide you through the process of establishing your own FRC.

Contact angie.hensley@courts.in.gov or jamie.bergacs@courts.in.gov for help establishing a Family Recovery Court.


Jail overcrowding is not a new concern, yet the degree to which multiple factors impact jail populations is very different. Many counties are actively working to address jail overcrowding while other counties that are not overcrowded are experiencing other challenges. Why are counties having such different experiences? What solutions can help counties experiencing overcrowding? For those in jail, how do we work to reduce the likelihood they return? These questions were the focus of the Jail Overcrowding Task Force study.

The thirteen-member Jail Overcrowding Task Force, established by H.E.A 1065-2019, held three regional meetings in the fall of 2019 and received twelve different presentations from criminal justice stakeholders outlining their current programs and projects, data and trends, challenges and barriers, and proposed solutions. Task Force member Hendricks County Sheriff Brett Clark said, “This work provided a great platform for getting everyone on the same page. Having so many stakeholders present along with the public input and open dialogue provided an excellent framework for moving ahead. Our hope is that the discussions will continue and that our state will be at the forefront of this effort.”

The wealth of information presented highlights the diverse inputs and processes within the criminal justice system impacting jails and recidivism reduction efforts. This led the Task Force to make seven detailed findings regarding:

- the variety of factors contributing to local jail populations
- the need for real-time, integrated jail data
- the use of multiple jail management systems limiting reliable data analysis
- the need for connectivity among various criminal justice agencies’ data systems
- the limitations of current data collection methods
- the wide variation of local resources impacting the availability and effectiveness of services
- the barriers in accessing treatment services

The Task Force concluded viable solutions to address the needs of the jail population must align with the specific needs of each county and cannot be characterized as “quick fixes.” Because of this complexity, their recommendations establish a framework to implement strategies for addressing the jail population and expanding evidence-based programs and services. “Addressing jail overcrowding will help build stronger communities,” said Doug Huntsinger, Indiana Jail Overcrowding Task Force member. “Input from across the state has helped us move toward our goal of tackling this challenge head-on and further empowering local courts and law enforcement.”

The Task Force made two initial recommendations to the General Assembly to provide a structured approach for reviewing and analyzing jail populations, developing model policies, and providing technical assistance: (1) The General Assembly should enact legislation to incorporate Evidence-Based Decision-Making Policy Team and workgroups into the Justice Reinvestment Advisory Council structure, and (2) the Jail Overcrowding Task Force should become a workgroup under JRAC.

For questions regarding the Task Force, contact michelle.goodman@courts.in.gov.
In addition, the Task Force approved 20 short-term and long-term recommendations. The short-term recommendations focus on a two-year or less implementation time frame, while long-term items focus on more complex system issues and on-going strategies. These recommendations are organized into five major areas:

- data and evaluation
- behavioral health treatment, programs, and services
- case processing
- community supervision
- resources

More analysis and review of fiscal resources is necessary for full implementation. The Task Force highlighted current local and state efforts aimed at specific processes or contributing factors to help counties identify opportunities and incorporate improved practices and strategies or garner collaborative partnerships within these key areas. “The findings of the Task Force are a result of an amazing effort by all members to find the true causes of jail overcrowding in Indiana. I believe that counties dealing with jail overcrowding could benefit greatly by adopting the best practices referred to in the report. We have more work to do but we have made a great start,” said Rep. Greg Steuerwald, Indiana House District 40 and Task Force Vice-Chair. Examples of best practices from the report include work by the EBDM Pretrial Workgroup and the 11 pilot sites (the subject of a separate, detailed report) and the Division of Mental Health and Addiction’s partnership with several sheriffs to provide training and support for evidence-based treatment and services within local jails.

Achieving sustainable, positive outcomes to improve the criminal justice system will require intentional collaboration by all criminal justice stakeholders as well as coordination at both the state and local level. Reflecting on the work of the Task Force, Chairman and Supreme Court Justice Steven David noted this is just the beginning, “An incredibly talented group with varied perspectives worked very hard. We hope this effort and the report serves as a road map for consideration by the executive and legislative branches and leads to continued historic collaboration between all three branches of Indiana Government - both on the state and local level. Hopefully, this is the catalyst that will continue to spur new ideas, action, reform and best practices throughout the state. It was an honor and privilege to serve with so many experienced and caring people and experience first-hand not only the challenges that Indiana Sheriffs face but the great work that is being done.” Let’s resolve to continue this great work together.

Read the report from the Jail Overcrowding Task Force at https://on.in.gov/jotf
The Indiana Supreme Court launched a statewide innovation program in November to explore ways to make Indiana’s system of justice more efficient, less expensive, and easier to navigate while continuing to ensure that justice is fairly administered and the rights of all litigants are protected.

The Indiana Innovation Initiative brings together people with a diverse range of skills and experiences to work toward these goals. The Initiative begins with two subgroups to assist in its efforts: the Family Law Task Force and the Technology Working Group. Other subgroups may be added later. Members will make recommendations to the Indiana Supreme Court by July 1, 2021. The Initiative was established to:

- Analyze the research on justice reform
- Assess the impact of reform efforts in other states
- Launch pilot projects to test procedures and determine the scalable value of those procedures
- Identify, map, and analyze commonalities and differences in subject matter and process in criminal, civil, family, and child welfare justice systems
- Identify innovative strategies to manage different case types
- Develop specialized procedures for different types of cases involving differing levels of complexity
- Evaluate the potential and actual impacts of specialized procedures
- Collaborate with and support the Coalition for Court Access in areas where there is overlap in their objectives

Indiana courts have a proven track record of success in areas including evidence-based decision-making, pretrial release, problem-solving courts, commercial courts, and an outstanding statewide technology platform. The Initiative membership includes individuals from all three branches of state government; university professors in business and law; experts in family and child services; attorneys in government and private practice, including public defenders and elected prosecutors; leadership from the Indiana State Bar Association; judges from Indiana’s trial and appellate courts; and, technology leaders from the public and private sectors.
The Supreme Court recently adopted rules mandating the electronic filing of pleadings and documents by attorneys and parties, which allows for more efficient collection and storage by clerks and review by judges on a tablet or computer. Electronic filing enables public access to documents on mycase.in.gov used by courts through the state’s Odyssey case management system.

The Supreme Court instructed the Initiative to consider developments and technologies used in other jurisdictions, such as online dispute resolution, remote video appearance and interpretation, and wizard-driven forms. This review will help us to more timely identify opportunities of significant potential benefit to our customers. And, not all improvements are based on technology. Court rules and procedures, for example, can be adapted to facilitate specific types of cases or scenarios, as with commercial courts.

We may also learn from ideas outside of the judicial system. Innovation is all around us. The iPod reinvented personal access to music. Netflix and YouTube pioneered video on demand. Uber began as a ride-sharing alternative to taxis and has expanded its services to include shipping, food delivery, and transportation by airplane and bicycle. Self-driving cars will reinvent driving, parking, insuring, repairing, owning, and even washing a car. CNN reports that Google’s artificial intelligence system can detect the presence of breast cancer more accurately than doctors. How did those companies bring these ideas to market? Can we learn from their thought process? Increasingly, our customers and staff are at home in the world of Facebook, Netflix, and Google. Online dockets and documents are major leaps forward, but we are just getting started. Optimized justice services in 2030 will look very different from 2020.

The Innovation Initiative will be a sandbox for testing new ideas. Pilot projects can be launched in specific courts to experiment with new technologies, processes, or methods. Pilots may be launched outside of courts, in collaboration with bar associations, legal services or community services organizations, executive branch agencies, the Coalition for Court Access, or other justice services partner entities.

“We must be vigilant in driving ourselves, and each other, to greater successes and dreams of what may be possible.”

—Chief Justice Loretta Rush
2020 State of the Judiciary

Have you got a pie in the sky idea?

on.in.gov/innovate
or scan the code below with the camera app on your phone

We want to hear from you, whether you’ve been to court recently or work for our courts; whether you’re a lawyer, social worker, parent, or drug court participant.

Tell us your story. Give us your feedback. No idea is too big or too small. Take our 5-minute survey by tearing out the attached mailer or going to the link at left.
As we take measure of where we are and where we are going, it’s good to see where we’ve been and how much has been accomplished. Twenty years ago, Chief Justice Randall Shepard highlighted in the State of the Judiciary areas where Indiana courts could make a difference. Helping people in need of a lawyer who can’t afford one

As Chief Justice Shepard observed: "People all too often find themselves in need of a lawyer, and the poorest of our citizens cannot afford to pay what the economics of modern lawyering requires.” So, moving beyond just encouraging lawyers to perform pro bono legal work, on January 1, 2005, the Indiana Supreme Court adopted Professional Conduct Rule 6.1: "A lawyer should render public interest legal service."

The Court followed up with Professional Conduct Rule 6.7 that requires attorneys to report pro bono legal activity when submitting their annual registration. In 2017, 8,400 attorneys contributed over 442,000 hours in civil legal aid at no or reduced costs and donated almost $2 million in cash or in-kind tangible property.

The legal profession also provides help through Interest on Lawyers Trust Accounts (IOLTA), managed by the Indiana Bar Foundation. Since its inception in 1997, this program has generated over $17 million in support of civil legal aid to the poor.

Supporting parents & children to maintain strong families

Parent/child visitation along with domestic and family violence were two of the major family issues facing the courts.

In 2000, child visitation orders were drafted from an adult perspective with all the charm and humanity of a railroad schedule, according to Shepard. To redirect the focus, the Supreme Court adopted Parenting Time Guidelines to give children frequent, meaningful, and continuing contact with each parent. They are designed to develop parenting plans that focus on the child, while adapting to a parent’s situational change and the maturity of a child.

Creating opportunities for minorities & women

The Indiana Conference for Legal Education Opportunity supports minority students who aspire to pursue a law degree and legal career in our state. Since the program’s beginnings in 1997 through the 2016 Summer Institute, 547 ICLEO participants have become certified fellows, and 394 have gone on to graduate from law school, with 269 of those graduates now admitted to the practice of law.

Women are in the majority this academic year at both Indiana University Maurer School of Law and University of Notre Dame Law School. And, of the 816 law students at IU McKinney Law School, just under half (382) are women.

On January 15, 2019, the General Term of the Marion County Superior Courts elected four women to their Executive Committee for the first time ever. Judge Heather Welch serves as the Presiding Judge; and, Judges Alicia Gooden, Amy Jones, and Christina Klineman join her as Associate Presiding Judges.

Allen County Superior Court Judge Frances Gull, serving on the first-ever majority female bench, commented: “The climate is different today. There are more women in the law.”

In the United States District Court for the Southern District of Indiana, four former Marion County trial court judges are serving: Judge Sarah Evans Barker, Judge Tanya Walton Pratt, and Chief Judge Jane Magnus-Stinson. Judge Robyn Moberly serves as the Chief Judge of the Bankruptcy Court in the Southern District.
In the Northern District, two female Judges currently serve: Judge Holly Brady and Judge Theresa Lazar Springmann, who serves as its Chief Judge.

Six female judges currently serve on the Indiana Court of Appeals, including outgoing Chief Judge Nancy Vaidik, and Judges Patricia Riley, Melissa May, Margret Robb, Elaine Brown, and Elizabeth Tavitas. Judge Martha Wentworth presides on the Indiana Tax Court.

Chief Justice Loretta Rush serves as Indiana’s first female Chief Justice and delivered her sixth State of the Judiciary in 2020.

Creating more efficient courts while solving complex legal issues

Courts no longer close their doors at the end of the day, providing court access after-hours with the ability to pay fines and file cases, among other services. Today, 87% of the state’s new caseload is in one central court case management system and is accessible online at mycase.in.gov without charge. Over a half-million documents are electronically filed each month. Courts are able to send text messages to criminal defendants reminding them of their next court hearing.

The Court streamlined administrative functions through the Office of Judicial Administration under the leadership of a Chief Administrative Officer. The Court also continues to effectively utilize judicial resources by focusing on areas of need given the surge of new filings, especially drug and child welfare cases. The Supreme Court adopted a rule that allows judges to operate across county lines to provide assistance where needed and to develop regional drug or veterans courts. These problem-solving courts require pioneering judges, supportive communities, and tremendous training resources.

The Court is committed to rigorous education and training programs for judges and their staff. Indiana University Vice President for Research Fred Cate described Indiana’s judicial branch training as “one of the most robust in the nation.”

Indiana courts have a proven track record of success in areas including evidence-based decision-making, pretrial release, problem-solving courts, commercial courts, and an outstanding statewide technology platform.

The Supreme Court launched the Indiana Innovation Initiative in November to explore ways to make Indiana’s system of justice more efficient, less expensive, and easier to navigate while continuing to ensure that justice is fairly administered and the rights of all litigants are protected.

A lot has been accomplished in the past twenty years, and the future looks even brighter.
Technology in Indiana Courts 2000 to 2020

FORWARD MOMENTUM

Twenty years ago, when someone would ask how to get information in their case, there would be at least 92 different possible answers, the majority of which did not involve online access. Today, most of Indiana can search a single website for a case and get basic information, a history of events, and even some documents, at no cost.

The Indiana Supreme Court’s technology staff has spent the past two decades building a framework to support efficient case management, data sharing, and public access to court information. In many instances, their work has been in quick response to state or federal law changes, and their efforts have been recognized with various awards for innovation, fairness, and public safety.

Odyssey and e-filing
At the heart of our trial courts’ daily business is the Odyssey case management system. Courts use Odyssey to track cases: events, people, calendars, documents, exhibits. Clerks use it to manage the case records and fees collected. Attorneys and litigants can electronically file cases into Odyssey using one of 14 e-filing tools—including those used by prosecutors and public defenders—and electronically serve any documents they file to other parties.

INcite data sharing
INcite is a secure website where courts, clerks, probation, law enforcement, and other justice-related agencies can access applications, track data, and search for information necessary to their daily work. Data collected through INcite may be shared to other government agencies. For example, when a couple files for a marriage license, they provide their current addresses. These are shared with the Child Support Bureau to aid in the collection of unpaid support.

Public access
Indiana courts are committed to giving the public the ability to find case information and other data without charging additional fees for access to records or documents. They also recognize the need to maintain confidentiality, so careful consideration is given to which documents are available online, which are available only at the clerk’s office, and which are not public at all. Public access to court data and online services is available at public.courts.in.gov.
By no means an exhaustive list of projects, here are some highlights in court technology for the

2000 - 2005

By the year 2000, the Indiana Supreme Court had determined that a statewide case management system was in the best interest of our judicial branch. During the next few years, the Court began building a technology staff in service to this and related projects. Our initial contract for a case management system fell short of expectations and was cancelled, but the foundation laid during these years provided necessary support for the advancements to come.

The first INcite application launched, allowing counties to electronically submit driver violations to the Bureau of Motor Vehicles. This reduced time between conviction and notice to the BMV to meet federal standards and secure $34 million in highway funding.

EQUIPMENT
Supreme Court provided computer discounts, email, and legal research accounts to Indiana judges.

TRAINING
Court began to offer computer training around the state for judicial officers and staff.

WEBSITE
Expansion of judicial branch website, including live video of oral arguments.

2006

Indiana released one of the nation’s most comprehensive jury pools, including potential jurors pulled from state tax and driver records, instead of registered voters. The list was made available to all Indiana local, state, and federal courts and was recognized with awards from the American Judicature Society and the National Center for State Courts.

The Court launched a protection order registry, made mandatory statewide by the Indiana General Assembly.

E-TICKETS
Court provided e-ticketing service to police, allowing them to capture data more quickly and safely at traffic stops. E-tickets are electronically filed into Odyssey, and many are available for online payment.

RISK ASSESSMENT TOOLS
Tools to aid in evaluating offenders’ risk to re-offend were released in INcite for use by probation and corrections.

CHILD SUPPORT CALCULATOR
Online child support calculator developed for parents to estimate support and complete forms for use in court.
past twenty years:

2010

This application—used by courts and victim advocates—created a statewide database of protection orders, with data shared to state and federal law enforcement, making protection orders more effective when victims cross county and state borders.

The Odyssey case management system was selected after a competitive review and launched in the first Indiana courts in late 2007. By the end of 2010, Odyssey was used in the trial courts of 20 counties.

2011

The Court announced the start of a statewide e-filing project with an aggressive timeline for implementation and the goal of giving filers a variety of services to choose from.

COLLECTING UNPAID FEES
Tax intercept partnership with executive branch agencies allowed Odyssey courts to begin collecting unpaid court fees from tax refunds.

GUARDING THE VULNERABLE
Adult guardianship registry gave public access to information about protected persons and their court-appointed guardians.

BACKGROUND CHECKS
INcite application for courts to report to the state and FBI when a person has a judgment involving mental health to aid in firearm background checks.

MARRIAGE LICENSES
New tool to begin marriage license process online, saving couples time at the clerk’s office.
Our courts made huge strides in technology these past twenty years, which helps our justice system keep pace with the people’s expectations. We need to keep that momentum going, which is partly why the Supreme Court created the Innovation Initiative. This team of dedicated experts will spend the next year generating ideas for future advancement.

Flip over to page 12 to learn how you can participate and submit your ideas.
Kinship Caregivers
When grandparents stand in the gap

Madison County Judge Mark Dudley shakes the hand of a child who was adopted by his grandmother during National Adoption Month / photo by Josh Hicks.
When parents become unavailable to care for their children—whether through addiction, incarceration, or some other tragic circumstance—very often the children's grandparents or other relatives absorb the children into their households. This may happen formally through CHINS, guardianship, or custody proceedings, but it often happens informally, with no court involvement at all. Those families are, in their view, simply doing what families do—taking care of the children.

For many, though they take it on willingly, the caregiving role presents hardships. These struggles may include the financial burden of feeding, clothing, and educating one or more children, but may also include more specialized needs such as mental health care, special education, grief and loss, and the caregivers' sacrifice of their own previously contemplated pursuits. When a child shows up in need, the caregiver's own needs typically move to the back burner, and that takes a toll.

At the July 2019 meeting of the Commission on Improving the Status of Children in Indiana, Representative Vanessa Summers raised this question: what can the Children's Commission do to help these families? With the benefit of having all three branches of state government at the commission table, a plan began to take shape. The commission would call for a presentation from the Department of Child Services on its current programming for kinship caregivers, and would then determine what gaps the commission and its task force volunteers could help fill. In August 2019, the commission heard a presentation on DCS's new, federally-funded Kinship Navigator program. The program seeks to provide enhanced, hands-on support to the kinship caregivers who take placement of about half of DCS's wards, while also providing an online resource hub for the even greater number of kin caregivers who are not involved with DCS.

"The [Kinship Navigator] program seeks to provide enhanced, hands-on support to the kinship caregivers who take placement of about half of DCS's wards, while also providing an online resource hub for the even greater number of kin caregivers who are not involved with DCS."

Knowing that many families lack the resources to afford an attorney, the subcommittee first discussed pro bono legal resources available to these families. The Coalition for Court Access—a group that was created by Supreme Court order on May 17, 2016 to provide a focused and comprehensive organizational structure for Indiana’s civil legal aid programs—was alerted to the needs of kinship families. The subcommittee formally requested, and on December 18, 2019, the Children's Commission endorsed, a plan to work with the Coalition for Court Access to develop and make available guardianship forms and instructions. Once that process is complete, all parties at the commission table will then work to disseminate to kinship caregivers information about the pro bono legal services and self-help forms available at indianalegalhelp.org.

The commission's new kinship care subcommittee, led by Sharon Pierce, CEO of The Villages, includes representatives from legal services, area agencies on aging, the Department of Child Services, and other stakeholders. At its first meeting, the group quickly identified a core legal need for kinship caregivers: guardianship of the children in their care. Because so many families take in their young relatives informally, those caregivers often find themselves without the legal standing to enroll children in school or health insurance, get needed medical or mental health care, or make a myriad of other decisions impacting the child's well-being and the family's ability to function together.

For more information, please contact the author at 317-232-1945 or julie.whitman@courts.in.gov. Read more about the work of the Commission at in.gov/children
Civics Education
AND THE COURT OF
Appeals on Wheels
Why are there no witnesses? How do the judges and attorneys prepare for oral argument? What happens if you don’t all agree?

These are questions that are commonly asked when the Court of Appeals of Indiana goes on the road for oral argument with its Appeals on Wheels program. Appeals on Wheels is an exercise in civics education.

“The court believes it is important to educate the community about the judicial system and in particular what our court does. We know that it is difficult for them to come to us so we go to them,” said outgoing Chief Judge Nancy H. Vaidik.

Appeals on Wheels takes the court all over Indiana to help Hoosiers learn more about the judiciary’s indispensable role in Indiana government.

“People get to see what happens with the executive [branch] and the legislature, but really don’t get to see the judiciary,” said David Bolk, Legal Studies Instructor at Indiana State University. “[With Appeals on Wheels] people can see what the Court does and the work that it does and the importance of what it does.”

“Experiential learning is great. You can read everything in a book. You can hear someone lecture on it, but to actually see it provides a different opportunity to learn,” said Bolk.

The court has traveled to all 92 Indiana counties with Appeals on Wheels since the court’s 2001 centennial anniversary, although the program predates the centennial. This feat was accomplished on December 10, 2019, when the court traveled to Winamac Community High School.

Chief Judge Vaidik described the day as historic.

These events are typically held at high schools, colleges, law schools, and in courtrooms, but they’ve also been held at community centers, tourist sites, and even an outdoor amphitheater.

“The Appeals on Wheels program provides a unique opportunity for high school students to observe a real [argument]. No other learning experience can compare to placing students in the room while two attorneys make their arguments to a panel of judges; it’s the perfect window into this all-important component in the American adversarial justice system,” said Adam Williamson, Social Studies Department Chair at Mississinewa High School.

The court recently held a traveling oral argument at the Indiana Historical Society for the Indianapolis Scientech Club.

“Feedback from our membership has been most positive with many expressing how impressed they were with the judges and with the procedure,” said Attorney Steven Springer, Indianapolis Scientech Club member.

At the conclusion of oral arguments (which typically last 40 minutes), the judges hold a question-and-answer session with the audience. Audience members can ask questions on any topic except the case at hand, because code of conduct rules prevent judges from speaking about pending cases. The judges enjoy the opportunity to foster public trust by interacting with a broad range of citizens in a relatively informal setting.

“The most enjoyable part … is that it provides students the chance to interact with the judges and attorneys after the hearing concludes. I look forward to bringing the Appeals Court to our school each year,” said Williamson.

The court always extends an invitation to area legislators and local judges, who often attend these events. This strengthens the positive relationship between the judicial and legislative branches.

Local bar association members often also attend. Two free hours of continuing legal education credit are available to members who attend a one-hour CLE program in conjunction with an Appeals on Wheels oral argument.

In 2019, the court conducted 44 traveling oral arguments for the second year in a row.

Traveling oral arguments are recorded and archived on the court’s website for viewing by the public.
Judge Cale Bradford Elected as Chief Judge

The judges of the Indiana Court of Appeals have elected Judge Cale Bradford as its Chief Judge. He succeeds Judge Nancy Vaidik, who served in that capacity for six years. His term began on January 1. Judge Bradford also serves as Vice Chairman of the Marion County Judicial Selection Committee. He was appointed to the appellate bench by Governor Mitch Daniels in 2007 and officially started on August 1 of that year. Judge Bradford served for more than ten years as a judge of the Marion Superior Court, with seven years in the criminal division and three years in the civil division. He earned his undergraduate degree from Indiana University Bloomington and his law degree from Robert H. McKinney School of Law in Indianapolis.

Marie D. Castetter Appointed Hancock Superior Court Judge

Marie D. Castetter has been appointed as judge of the Hancock County Superior Court succeeding Judge Terry K. Snow who retired December 31. Castetter served as chief deputy prosecutor in Hancock County. She had been with that office since January 2015. She previously served in the Marion County Prosecutor’s Office and has been in private practice. Castetter earned a Bachelor of Science from Indiana University-Purdue University Indianapolis and her law degree from Indiana University McKinney School of Law.

2020 Census

The U.S. Census Bureau has emphasized the need for innovation and collaboration for the 2020 Census, calling for partnerships to increase participation. April 1, 2020, marks the official reference day for the decennial head count of everyone living in the United States. For the first time ever, the Bureau will accept responses online and by phone. Mailed responses are still accepted. Visit on.in.gov/census2020 to learn how to help raise awareness and ensure your constituents, customers, and stakeholders are represented.

Supreme Court Recognizes Long-time Staff

In their beautiful courtroom, the Indiana Supreme Court Chief Justice and Associate Justices thanked long-serving members of the staff of the Court. Each person was individually recognized and presented with a memento of appreciation. Lunch was provided to the staff and those in attendance when the ceremony concluded. Those staff members and their years of service are listed below:

10 years:
Michelle Chuta
Elizabeth Fullen
Ryan Hassebroek
Laura Hausladen
Jessica Hughes
J. Frank Kimbrough
Brad Lile
Paula Mikesell
Kimberly Nicholson
Angie Ordway
Annette Page
Teresa Payne
Robert Rath
Armindo Ruivo
Alicia Vickers
Kathy Wasson
ChiQuita Williams

15 years:
James Maguire
Teri Simmons

20 years:
Jennifer Bauer
Pamela Bush
Darla Little
Marie Schelonka

35 years:
Anne Davidson
On November 20, 2019, the National Judicial Opioid Task Force released its final report to the public. The NJOTF was formed in 2017 by resolutions of the Conference of Chief Justices and the Conference of State Court Administrators to study and deliver recommendations on relieving the pressure on state criminal justice systems from the nationwide opioid crisis. Co-chaired by Indiana Chief Justice Loretta Rush and Tennessee Administrative Office of the Courts Director Deborah Taylor Tate, the NJOTF has developed educational resources, tools, and best practices for criminal justice partners and stakeholders.

The report details findings related to the impact of the opioid crisis and the existing resources available to combat it. One critical issue is a lack of information about and access to evidence-based solutions, including medication-based treatment for Opioid Use Disorder. Children and families are feeling the most significant impacts of the crisis. The report reveals a significant rise in child neglect and maltreatment cases between 2012 and 2016. These cases put more children in foster care and increase caseloads for courts, attorneys, and social workers.

When the criminal justice system becomes involved in the opioid crisis, it is overwhelmingly at the state-level, as 96% of court cases nationwide are filed in state court systems. The report encourages states and state judiciaries to implement proactive reforms to address this crisis and prepare for potential future crises.

Considering the burden experienced by state-level criminal justice partners, the NJOTF report advocates for judicial leadership and collaboration in tackling the opioid crisis, stating, “The state courts are dedicated to building on our successes, working collaboratively to commit our resources and craft unique solutions that are required to eradicate this national epidemic.”

Read the National Judicial Opioid Task Force report at ncsc.org or on.in.gov/njotf-report