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September 20, 2022

To the Interim Study Committee on Courts and the Judiciary,  
Representative Jerry Torr, Chair,  
Senator Liz Brown, Vice Chair

Re: Vigo Circuit Court, Juvenile Division

Our firm has handled numerous cases in the Juvenile Division of the Vigo Circuit Court for many years, and we serve as Magistrate Pro Tempore. Over the past several years, there has been a noticable increase in CHINS, TPR and Delinquency matters. The increase has had a profound impact on the time required by the Court to address those matters and on the Court's ability to timely address the other matters assigned to the Juvenile Division.

Due to the number of DCS-related matters pending, it is now routine for parties, their attorneys, DCS staff, CASA, witnesses and others to fill the lobby of the Juvenile Center and wait hours for their cases to be called. It is common for cases scheduled even mid-morning to be heard just prior to even after noon, and it is not at all unusual for matters scheduled for the morning to commence in the afternoon. Of course, with the increase in DCS-initiated cases, there has been a corresponding increase in the number of related Juvenile Paternity and Guardianship matters, which are also heard in the Juvenile Division. The Court's regular Tuesday docket has become so crowded with non-emergency CHINS and TPR matters that the Court is regularly in session for several hours after the scheduled close of business, sometimes as late as 7:30 p.m. or later. Even on days on which a Magistrate Pro Tempore is serving, the docket is so crowded that proceedings end well after closing time. Even with extended time in court, the time allotted to each matter makes it incredibly difficult to elicit the facts necessary for the Court to properly consider the issues before it; however, to do otherwise would prevent at least some of the matters scheduled from being heard at all unless the parties, attorneys, witnesses and court staff were to work into late evening.

Given the pressing and time-sensitive nature of the circumstances leading to CHINS and Juvenile Delinquency proceedings, and the statutory requirement for timely addressing them, their share of the Court's calendar has necessarily increased significantly as well. As attorneys who represent parties in DCS-related matters and in private Juvenile Paternity, Guardianship, Protective Order and other proceedings in the Juvenile Division, it has become a regular occurrence for a hearing scheduled for months and planned for several hours to begin late due to CHINS and JD hearings taking priority, sometimes requiring recess and continuance due to the inability to conclude the scheduled proceedings, which leads to further congestion of the Court's calendar, significant delays in time-sensitive child custody and parenting time proceedings, and often additional in-court time required at the rescheduled proceedings due to the occurrence of

additional relevant events and actions in the intervening time. As a result, over the past several years, despite efforts of attorneys to resolve matters through negotiation or ADR, the number of hearings requiring greater court time has increased to the point where six (6) to seven (7) months may elapse between the filing of a custody or complex parenting time matter and the time can first be set for a full-day hearing, by which time the evidence pertinent to the issues will have increased as well, which may create the necessity of additional court time. In a recent relocation matter, the attorneys and court staff spent a considerable amount of time attempting to locate potentially available blocks of time so as not to prolong the time between the conclusion and commencement of the relocation hearing. The delays occasioned by this congestion and the extreme number of CHINS and TPR cases also makes scheduling emergency and other expedited hearings incredibly difficult, which when combined with attorneys' congested calendars can leave parties facing the prospect of waiting several weeks or even longer to address time-sensitive matters central to the parent-child relationship and/or the welfare of the children.

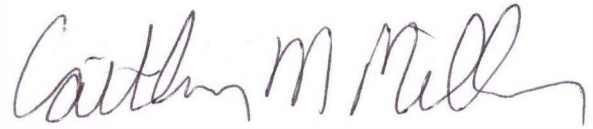
While the congestion of the Juvenile Division's calendar certainly places a burden on the parties and their attorneys, the most direct and consistent impact is on the staff. Mag. Kelly and his staff regularly work through lunch and/or late into the day and early evenings just to get through the docket. With so much time spent in court, it is difficult to understand how the court can fulfill the additional requirements – the scheduling of matters, ruling on written motions, research of legal issues, administrative tasks, etc. The only reason this has been possible has been the dedicated and consistent performance of the Court's staff for the past several years. This has taken its toll, however: one court reporter opted to retire due to the worsening conditions - the long, unpredictable hours kept getting longer and more unpredictable. Another staff member opted for alternative employment. Without relief in the short term, it would be irrational for these staff members still working there to not look for alternative employment, and the Court cannot afford to lose any more experienced staff, especially under these circumstances.

Vigo County is experiencing a great deal of social problems leading to families' and children's frequent interaction with the criminal justice and child welfare system. This isn't news to anyone familiar with this community, but any individual working in the Juvenile Division over the past few years can attest that these problems, and the necessity of the Court's intervention in the circumstances leading to DCS involvement, appear only likely to increase in the reasonably foreseeable future. Further, those same problems have led to an increase in family disputes, particularly with unrepresented parties, in which the Court must deal with much the same issues without the assistance and funding of the child welfare system, which often seems to be the next stop on the road for the families involved. All of these cases present the virtual certainty of long-term, extraordinarily high time commitments by the Court, with no presently available alternative means of addressing these issues or carrying out the necessary judicial function of resolving otherwise unresolvable disputes. Alternative dispute resolution, while valuable, will not sufficiently shift enough of the burden from the Juvenile Division to make this crisis manageable. In order for the judiciary to fulfill its adjudicatory function and meet its obligation to this community, there really is no option other than the creation of an additional Court in Vigo County to shoulder the increasing burden presently carried by the Juvenile Division of the Vigo Circuit Court.

Thank you very much for your time and attention to this matter.

Sincerely,

HASSLER KONDRAS MILLER

A handwritten signature in dark ink, appearing to read "Caitlin M. Miller". The signature is fluid and cursive, with the first name "Caitlin" written in a larger, more prominent script than the last name "Miller".

Caitlin M. Miller, Partner  
Jacob H. Miller, Partner