

CASA to see \$10,000 bump in funding for 2021

By Alan Miller

You've likely seen the advertisement in the pages of the News Herald in recent weeks. The simple message says: "109 Children Waiting For a CASA in Grant County."

Before you can respond to that plea, you need to understand two acronyms:



CITY of MARION

CHINS: It stands for Child in Need of Services, which is a child under the age of 18 who is neglected

or abused and is unlikely to receive the needed remedy without the intervention of a court. The 109 children are CHINS cases.

CASA: It stands for Court-Appointed Special Advocate, a not-for profit organization that was founded in Grant County in 1988 to recruit and train volunteers to serve as advo-

cates for CHINS cases in court proceedings.

The CASA program initially was a division of Family Service Society before it became an independent agency in 2001.

"Every CHINS case is assigned, or is waiting to be assigned, to a CASA volunteer," said Leslie Hendricks, Executive Director of the

CASA program since 2009. "Since the ad was placed in the newspaper, the waiting list has grown to 132 children. In addition, CASA volunteers currently are serving 168 children."

The waiting list has grown longer this year, in part because of the Covid-19 pandemic.

"Each volunteer is re-

quired to take 30 hours of training, plus observing CHINS hearings in court, and we simply have not been able to provide that training because of the virus," Hendricks said. "The training needs to be provided in person. It just doesn't work very well to do it virtually."

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Court

in August it was considering whether to continue funding for Marion City

Court.

(Haas is retiring as judge of Superior Court 3 at the

end of 2020, and he will be succeeded by Jason McVicker, who has been the Marion City Court judge for the past six years.)

Council President Deb Cain has emphasized that the discussion about abolishing Marion City Court is simply in the exploration stage and that a decision may be more than a year away. She has promised to establish a committee of city and county officials to study the issue.

"A city council member from Gas City told me a year ago that Gas City was considering whether to abolish its municipal court, but the Marion discussion came out of nowhere," Spitzer said.

About 10 city or town courts have closed in the past five years, in the wake of the recommendation by

the Judicial Strategic Planning Committee, which was appointed in 2008 by former Indiana Chief Justice Randall Shepard.

Not every city or town has a municipal court, but about 60 of them still operate statewide, according to Indiana Lawyer. One new city court opened this year.

Spitzer said there were a couple of primary reasons for the study committee's recommendation to close municipal courts. First, if all courts operated in the same manner, the judicial system would be easier to understand. And, second, there was concern about non-lawyer city court judges having the authority to send people to jail.

Since 2015, all newly elected city court judges are required to be lawyers, but there are still a few non-lawyer judges who were elected before the new standard was established.

While there are differing opinions on the merits of municipal courts, there is general agreement that converting city courts to county courts would be complicated and costly.

"If the county were to assume the city court caseloads, we would have

pending cases, people on probation, people who have not paid their fines, so all of those cases would still be open," Spitzer said. "Then you have people whose drivers' licenses have been suspended. And there are cases where warrants have been issued. The administrative burden of sorting through all of that in addition to the ongoing daily judicial burden could become very complicated."

About 1,800 cases were filed in 2019 in Marion City Court and 2020 filings are running ahead of last year, according to Marion City Clerk Kathi Kiley. The 2020 budget for the court is about \$190,000, with about a third of that amount offset by court-generated revenue.

Cost is a considerable concern for county officials, including Mark Bardsley, chairman of the Board of Commissioners.

"I would point out that the county court caseloads already show that we are well over the recommended workload for five county judicial officers. Adding more most likely would result in needing to request an additional judicial officer from the state," Bardsley said.

"In turn, that would re-

quire a need to locate, staff and equip another courtroom. Without an additional judicial officer, trying to absorb the workload of another entire court would result in additional delays and backlog to an already overburdened system. We cannot afford additional delays in criminal and civil proceedings," he said.

Grant County, based on the current court caseloads, could ask the Indiana Legislature to create a new court or allow the county to appoint an additional magistrate. Spitzer said the county has been reluctant to do that because of the involvement by the Legislature.

Brian McLane, a Marion attorney, is the county's only current magistrate. He serves in juvenile court.

A more likely approach to manage the city court caseload would be the appointment of a judicial referee or commissioner, which would not require legislative approval, Spitzer said. One advantage of a magistrate is that his or her salary would be paid by the state. The county would pay the salary of a referee or commissioner.

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