

**IC 31-31**

**ARTICLE 31. JUVENILE LAW: JUVENILE COURT  
ADMINISTRATION**

**IC 31-31-1**

Chapter 1. Funding of Juvenile Court Operations

**IC 31-31-1-1**

**Appropriations**

Sec. 1. The county fiscal body shall appropriate sufficient money for the operation of the juvenile court.

*As added by P.L.1-1997, SEC.14.*

**IC 31-31-2**

## Chapter 2. Fees and Costs

**IC 31-31-2-1****Fees**

Sec. 1. The fees in juvenile court proceedings are set under IC 33-37-4-3.

*As added by P.L.1-1997, SEC.14. Amended by P.L.98-2004, SEC.107.*

**IC 31-31-2-2****Costs**

Sec. 2. An adult who is convicted of an offense in the juvenile court is liable for costs under IC 33-37-4-1.

*As added by P.L.1-1997, SEC.14. Amended by P.L.98-2004, SEC.108.*

**IC 31-31-2-3****Other costs prohibited**

Sec. 3. Except as provided in sections 1 and 2 of this chapter, no other costs may be charged to any person in any proceeding in the juvenile court.

*As added by P.L.1-1997, SEC.14.*

### **IC 31-31-3**

Chapter 3. Juvenile Court Magistrates and Referees in Circuits  
With a Population of at Least 50,000

#### **IC 31-31-3-1**

##### **Application of chapter**

Sec. 1. This chapter applies to a judicial circuit having a population of not less than fifty thousand (50,000).

*As added by P.L.1-1997, SEC.14.*

#### **IC 31-31-3-2**

##### **Magistrates**

Sec. 2. The judge of the juvenile court may appoint one (1) or more full-time magistrates under IC 33-23-5.

*As added by P.L.1-1997, SEC.14. Amended by P.L.98-2004, SEC.109.*

#### **IC 31-31-3-3**

##### **Referees; appointment**

Sec. 3. The judge of a juvenile court may appoint one (1) or more part-time juvenile court referees.

*As added by P.L.1-1997, SEC.14. Amended by P.L.98-2004, SEC.110; P.L.201-2011, SEC.10.*

#### **IC 31-31-3-4**

##### **Referees; qualifications**

Sec. 4. A person appointed as a part-time juvenile court referee under this chapter must be admitted to the practice of law in Indiana.

*As added by P.L.1-1997, SEC.14.*

#### **IC 31-31-3-5**

##### **Referees; funding for salaries**

Sec. 5. The county shall pay the salary of a part-time juvenile court referee appointed under this chapter.

*As added by P.L.1-1997, SEC.14.*

#### **IC 31-31-3-6**

##### **Referees; duties; findings and recommendations; administration of oaths**

Sec. 6. A part-time juvenile court referee:

- (1) shall perform duties assigned by the court;
- (2) shall submit findings and recommendations in writing to the juvenile court, which shall enter such order as it considers proper; and
- (3) may administer oaths in the performance of duties assigned by the juvenile court.

*As added by P.L.1-1997, SEC.14.*

**IC 31-31-4**

Chapter 4. Juvenile Court Referees in Circuits With a Population of Less Than 50,000

**IC 31-31-4-1****Application of chapter**

Sec. 1. This chapter applies to a judicial circuit having a population of less than fifty thousand (50,000).

*As added by P.L.1-1997, SEC.14.*

**IC 31-31-4-2****Appointment**

Sec. 2. The judge of a juvenile court may appoint one (1) or more part-time juvenile court referees.

*As added by P.L.1-1997, SEC.14. Amended by P.L.98-2004, SEC.111; P.L.201-2011, SEC.11.*

**IC 31-31-4-3****Qualifications**

Sec. 3. A person appointed as a part-time juvenile court referee under this chapter must be admitted to the practice of law in Indiana.

*As added by P.L.1-1997, SEC.14.*

**IC 31-31-4-4****Funding for salaries**

Sec. 4. The salary of a part-time juvenile court referee appointed under this chapter shall be paid from juvenile probation user's fees under IC 31-40-2 upon the approval of the county fiscal body.

*As added by P.L.1-1997, SEC.14.*

**IC 31-31-4-5****Duties**

Sec. 5. A part-time juvenile court referee shall perform the duties described in IC 31-31-3-6.

*As added by P.L.1-1997, SEC.14.*

## **IC 31-31-5**

### **Chapter 5. Juvenile Court Probation Officers**

#### **IC 31-31-5-1**

##### **Appointment of probation officers and other employees**

Sec. 1. The judge of the juvenile court shall appoint a chief probation officer and may appoint other probation officers and an appropriate number of other employees to assist the probation department.

*As added by P.L.1-1997, SEC.14.*

#### **IC 31-31-5-2**

##### **Compensation; travel expenses**

Sec. 2. (a) The salary of a probation officer shall be fixed by the county fiscal body in accordance with the salary schedule adopted by the county fiscal body under IC 36-2-16.5. The salary of a probation officer shall be paid by the county.

(b) Subject to the approval of the county fiscal body, the judge shall fix and the county shall pay the salaries of juvenile court employees other than probation officers.

(c) In addition to their annual salary, probation officers shall be reimbursed for any necessary travel expenses incurred in the performance of their duties in accordance with the law governing state officers and employees.

*As added by P.L.1-1997, SEC.14. Amended by P.L.277-2003, SEC.3.*

#### **IC 31-31-5-3**

##### **Duties of chief probation officer**

Sec. 3. The chief probation officer, under the direction of the juvenile court, shall supervise the work of the probation department.

*As added by P.L.1-1997, SEC.14.*

#### **IC 31-31-5-4**

##### **Duties of probation officers**

Sec. 4. A probation officer shall, for the purpose of carrying out the juvenile law:

- (1) conduct such investigations and prepare such reports and recommendations as the court directs and keep a written record of those investigations, reports, and recommendations;
- (2) receive and examine complaints and allegations concerning matters covered by the juvenile law and make preliminary inquiries and investigations;
- (3) implement informal adjustments;
- (4) prepare and submit the predisposition report required for a dispositional hearing under the juvenile law;
- (5) supervise and assist by all suitable methods a child placed on probation or in the probation officer's care by order of the court or other legal authority;
- (6) keep complete records of the probation officer's work and comply with any order of the court concerning the collection,

protection, and distribution of any money or other property coming into the probation officer's hands; and

(7) perform such other functions as are designated by the juvenile law or by the court in accordance with the juvenile law.

*As added by P.L.1-1997, SEC.14.*

#### **IC 31-31-5-5**

##### **Enforcement powers**

Sec. 5. Except for carrying a handgun as authorized under IC 11-13-1-3.5, a probation officer does not have the powers of a law enforcement officer.

*As added by P.L.1-1997, SEC.14. Amended by P.L.45-2001, SEC.4.*

**IC 31-31-6**

Chapter 6. Juvenile Court Reporter

**IC 31-31-6-1**

**Reporter; manner of reporting**

Sec. 1. (a) The reporter of the court having juvenile jurisdiction serves as the reporter for the juvenile court.

(b) The reporter of the court shall report the proceedings of the juvenile court in the same manner and under the same laws governing reporters for other courts of record.

*As added by P.L.1-1997, SEC.14.*

**IC 31-31-7**

Chapter 7. Guardian Ad Litem or Court Appointed Special Advocate Services

**IC 31-31-7-1****Joint or multiple county guardian ad litem or court appointed special advocate services**

Sec. 1. Juvenile courts situated in adjacent counties may establish joint or multiple county guardian ad litem or court appointed special advocate services to carry out IC 31-34 and IC 31-37.

*As added by P.L.1-1997, SEC.14.*

**IC 31-31-7-2****Contract to provide guardian ad litem or court appointed special advocate services**

Sec. 2. A juvenile court may contract to provide guardian ad litem or court appointed special advocate services for purposes of carrying out IC 31-34 and IC 31-37.

*As added by P.L.1-1997, SEC.14.*



## **IC 31-31-8**

### **Chapter 8. Juvenile Detention and Shelter Care Facilities**

#### **IC 31-31-8-1**

##### **Inapplicability of chapter to shelter care facilities operated by other governmental entities**

Sec. 1. This chapter does not apply to a shelter care facility operated by a governmental entity other than a juvenile court.

*As added by P.L.1-1997, SEC.14.*

#### **IC 31-31-8-2**

##### **Juvenile detention facility; criteria**

Sec. 2. A juvenile detention facility is a secure facility that:

(1) is only used for the lawful custody and treatment of juveniles and meets state standards and licensing requirements as provided in department of correction rule 210 IAC 6; or

(2) is located on the same grounds or in the same building as an adult jail or lockup and meets the following four (4) criteria:

(A) Total separation between juvenile and adult facility spatial areas so that there could be no haphazard or accidental contact among juvenile and adult residents in the respective facilities. If space is used for both juveniles and adults, time-phasing of the use is acceptable if the arrangement precludes haphazard or accidental contact among juvenile and adult residents at all times. Sleeping or other living areas may not be shared under any circumstances.

(B) Total separation in all juvenile and adult program activities within the facilities, including recreation, education, counseling, health care, dining, sleeping, and general living activities. Program activities may not be shared by juvenile and adult residents. However, program space, equipment, and other resources may be used by both juvenile and adult residents subject to clause (A).

(C) The administration and security functions of the juvenile detention program must be vested in separate staff who, if the staff serve both populations, are trained to serve a juvenile population. Security and other direct care staff may not be used to serve the adult jail at the same time or during the same tour of duty that security and other direct care staff serve in the juvenile detention facility. Specialized services staff, such as cooks, bookkeepers, and medical professionals who are not normally in contact with detainees or whose infrequent contact occurs under conditions of separation of juveniles and adults, can serve both juvenile and adult residents.

(D) The facility meets state standards and licensing requirements as provided in department of correction rule 210 IAC 6. The architectural and operational configuration of the juvenile facility must assure total separation.

*As added by P.L.1-1997, SEC.14.*

### **IC 31-31-8-3**

#### **Provision of juvenile detention and shelter care facilities; staff; budget; expenses**

Sec. 3. (a) The juvenile court may establish juvenile detention and shelter care facilities for children, except as provided by IC 31-31-9.

(b) The court may contract with other agencies to provide juvenile detention and shelter care facilities.

(c) If the juvenile court operates the juvenile detention and shelter care facilities, the judge shall appoint staff and determine the budgets.

(d) The county shall pay all expenses. The expenses for the juvenile detention facility shall be paid from the county general fund.  
*As added by P.L.1-1997, SEC.14. Amended by P.L.273-1999, SEC.96; P.L.146-2008, SEC.572.*

### **IC 31-31-8-4**

#### **Operation and budget of juvenile detention or juvenile shelter care facility in certain counties**

Sec. 4. (a) This section applies to a county having a population of more than one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000).

(b) Notwithstanding section 3 of this chapter, the juvenile court shall operate a juvenile detention facility or juvenile shelter care facility established in the county. However, the county legislative body shall determine the budget for the juvenile detention facility or juvenile shelter care facility. The expenses for the juvenile detention facility shall be paid from the county general fund.

*As added by P.L.1-1997, SEC.14. Amended by P.L.273-1999, SEC.97; P.L.170-2002, SEC.130; P.L.146-2008, SEC.573.*

### **IC 31-31-8-5**

#### **Rules**

Sec. 5. (a) Juvenile detention facilities shall be operated in accordance with rules adopted by the department of correction.

(b) Shelter care facilities shall be operated in accordance with rules adopted by the department of child services under IC 31-27.

*As added by P.L.1-1997, SEC.14. Amended by P.L.145-2006, SEC.276.*

### **IC 31-31-8-6**

#### **Advisory committee**

Sec. 6. The judge may appoint an advisory committee to review the operations of each facility, except as provided by IC 31-31-9.

*As added by P.L.1-1997, SEC.14.*

## **IC 31-31-9**

### **Chapter 9. Juvenile Detention Facilities in Marion County**

## **IC 31-31-9-1**

### **Application of chapter**

Sec. 1. This chapter applies to a county having a consolidated city.

*As added by P.L.1-1997, SEC.14.*

## **IC 31-31-9-1.5**

### **"Executive committee"**

Sec. 1.5. As used in this chapter, "executive committee" means the executive committee elected under IC 33-33-49-14.

*As added by P.L.142-2007, SEC.1.*

## **IC 31-31-9-2**

### **Operation and maintenance**

Sec. 2. The executive committee shall operate and maintain all juvenile detention centers located within the county.

*As added by P.L.1-1997, SEC.14. Amended by P.L.142-2007, SEC.2.*

## **IC 31-31-9-3**

### **Rules; annual inspections and reports**

Sec. 3. (a) The juvenile detention center shall be operated in accordance with rules adopted by the department of correction.

(b) The department of child services shall make an annual inspection of the center and report to the advisory board whether the center meets the requirements established by the state department of health for temporary detention centers. Any noncompliance with those requirements must be stated in writing to the advisory board.

*As added by P.L.1-1997, SEC.14. Amended by P.L.145-2006, SEC.277.*

## **IC 31-31-9-4**

### **Admission to juvenile detention center**

Sec. 4. The executive committee, after soliciting the views of the advisory board described in section 8 of this chapter, shall establish criteria for admission to the juvenile detention center. The power to order admission to the center remains with the court.

*As added by P.L.1-1997, SEC.14. Amended by P.L.142-2007, SEC.3.*

## **IC 31-31-9-5**

### **Superintendent; appointment; term of office**

Sec. 5. The executive committee shall appoint a superintendent of juvenile detention centers located in the county. The superintendent serves at the pleasure of the executive committee.

*As added by P.L.1-1997, SEC.14. Amended by P.L.142-2007, SEC.4.*

## **IC 31-31-9-6**

### **Superintendent; duties**

Sec. 6. Under the direction of the executive committee, the superintendent shall do the following:

- (1) Supervise the operations of the juvenile detention centers so as to provide sound physical care in compliance with state, county, and other health requirements.
- (2) Coordinate a program of constructive activities.
- (3) Administer sound, fair, and impartial employment practices.
- (4) Supervise employees of the juvenile detention center.
- (5) Promote good public relations within the community.
- (6) Make necessary written reports to the juvenile court judge and the executive committee regarding transfers, escapes, or destruction of center property.
- (7) Make an annual inspection of the juvenile detention center and report in writing to the juvenile court judge and the executive committee any noncompliance with standards established by the commission on accreditation for corrections.
- (8) Perform all other duties assigned by the executive committee.

*As added by P.L.1-1997, SEC.14. Amended by P.L.142-2007, SEC.5.*

#### **IC 31-31-9-7**

##### **Advisory board; duties; rules**

Sec. 7. (a) The juvenile detention center advisory board shall:

- (1) review the operations of juvenile detention centers located within the county; and
- (2) advise the executive committee and the juvenile court judge on matters relating to the detention of juveniles in the county.

(b) The advisory board may adopt rules and bylaws for the management and regulation of the advisory board's affairs, and may do all things necessary and convenient to carry out this chapter.

*As added by P.L.1-1997, SEC.14. Amended by P.L.142-2007, SEC.6.*

#### **IC 31-31-9-8**

##### **Advisory board; members; appointment; qualifications**

Sec. 8. (a) The advisory board consists of the following seven (7) members:

- (1) Two (2) members, appointed by the executive committee, who are not members of the same political party.
- (2) Two (2) members, appointed by the mayor of the consolidated city, who are not members of the same political party.
- (3) Three (3) members, appointed by the council, not more than two (2) of whom may be members of the same political party.

(b) Members of the advisory board must be residents of the county who have demonstrated an interest in and knowledge of the juvenile justice system.

*As added by P.L.1-1997, SEC.14. Amended by P.L.142-2007, SEC.7.*

#### **IC 31-31-9-9**

##### **Advisory board; terms of office; vacancies; reappointment;**

**removal**

Sec. 9. (a) Terms of office for members of the advisory board are three (3) years. Terms of office begin on January 1 of the first year and end on December 31 of the third year.

(b) Vacancies in the membership of the advisory board shall be filled in the same manner as original appointments. Appointments made to fill vacancies that occur before expiration of a term are for the remainder of the unexpired term.

(c) Members of the advisory board may be reappointed for one (1) additional term.

(d) All members of the advisory board serve until their successors have been appointed.

(e) An advisory board member may be removed for good cause by the appointing authority. Good cause includes disability, inefficiency, neglect of duty, or malfeasance.

*As added by P.L.1-1997, SEC.14.*

**IC 31-31-9-10****Annual budget**

Sec. 10. The executive committee shall annually prepare the detention center budget and forward the budget to the county fiscal officer in accordance with IC 36-3-6-4.

*As added by P.L.1-1997, SEC.14. Amended by P.L.142-2007, SEC.8.*

**IC 31-31-9-11****Expenses**

Sec. 11. All expenses for the operation of the juvenile detention center shall be paid out of the county general fund.

*As added by P.L.1-1997, SEC.14.*

**IC 31-31-10**

Chapter 10. Reports on Services Provided to Delinquent Children and Children in Need of Services

**IC 31-31-10-1****Maintenance of information**

Sec. 1. The probation department for the juvenile court shall maintain information relating to delinquent children and children in need of services who receive juvenile law services.

*As added by P.L.55-1997, SEC.13.*

**IC 31-31-10-2****Report on delinquent children and children in need; filing; contents**

Sec. 2. (a) Each probation department shall, not later than October 1 of each year, file a report with the division of state court administration that includes the information the probation department is required to maintain under section 1 of this chapter.

(b) The report under subsection (a) must:

(1) cover the previous state fiscal year; and

(2) include at least the following:

(A) The number of delinquent children and children in need of services who received juvenile law services.

(B) Demographic information relating to the delinquent children and children in need of services who received juvenile law services.

(C) All financial information relating to juvenile law services provided to delinquent children and children in need of services.

*As added by P.L.55-1997, SEC.13.*